Crime and Policing Bill

[AS AMENDED IN COMMITTEE]

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[AS AMENDED IN COMMITTEE]

A

B I L L

TO

Make provision about anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order; to make provision about powers of the police, the border force and other similar persons; to make provision about confiscation; to make provision about the police; to make provision about terrorism and national security, and about international agreements relating to crime; to make provision about the criminal liability of bodies; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

ANTI-SOCIAL BEHAVIOUR

CHAPTER 1

RESPECT ORDERS, YOUTH INJUNCTIONS AND HOUSING INJUNCTIONS

1 Respect orders

(1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) Before Part 1 insert—

"PART A1

RESPECT ORDERS

Respect orders

A1 Power to make respect orders

(1) A court may make an order under this section (a "respect order") against a person aged 18 or over ("the respondent") if—

(a) the court is satisfied, on the balance of probabilities, that the respondent has engaged in or threatens to engage in anti-social behaviour, and

(b) the court considers it just and convenient to make the order for the purpose of preventing the respondent from engaging in anti-social behaviour.

(2) A respect order may for the purpose of preventing the respondent from engaging in anti-social behaviour—

(a) prohibit the respondent from doing anything described in the order;

(b) require the respondent to do anything described in the order.

(3) Prohibitions and requirements in a respect order must, so far as practicable, be such as to avoid—

(a) any interference with the times, if any, at which the respondent normally works or attends any educational establishment;

(b) any conflict with the requirements of any other court order or injunction to which the respondent is subject.

(4) A respect order must—

(a) specify the period for which it has effect, or

(b) state that it has effect until further order.

(5) A respect order may specify periods for which particular prohibitions or requirements have effect.

(6) A respect order may be made only on the application of a relevant authority.

(7) An application for a respect order may be made to the High Court or the county court.

(8) A court may treat an application for a respect order as an application under section 1A (power to grant housing injunctions) for an injunction under that section.

(9) In this Part, "anti-social behaviour" means conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.

B1 Section A1: meaning of "relevant authority"

(1) This section applies for the purposes of section A1.

(2) "Relevant authority" means—

(a) a local authority,

(b) a housing provider,

(c) the chief officer of police for a police area,

(d) the chief constable of the British Transport Police Force,

(e) Transport for London,

(f) Transport for Greater Manchester,
(g) the Environment Agency,
(h) the Natural Resources Body for Wales,
(i) the Secretary of State exercising security management functions, or a Special Health Authority exercising security management functions on the direction of the Secretary of State, or
(j) the Welsh Ministers exercising security management functions, or a person exercising security management functions on the direction of the Welsh Ministers or under arrangements made between the Welsh Ministers and that person.

(3) In subsection (2) "security management functions" means—
(a) the Secretary of State's security management functions within the meaning given by section 195(3) of the National Health Service Act 2006;
(b) the functions of the Welsh Ministers corresponding to those functions.

(4) A housing provider may make an application for a respect order only if the application concerns anti-social behaviour that directly or indirectly relates to or affects its housing management functions.

(5) For the purposes of subsection (4) the housing management functions of a housing provider include—
(a) functions conferred by or under an enactment;
(b) the powers and duties of the housing provider as the holder of an estate or interest in housing accommodation.

(6) In subsection (5), "housing accommodation" includes—
(a) flats, lodging-houses and hostels;
(b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
(c) any common areas used in connection with the accommodation.

(7) The Secretary of State may by regulations—
(a) amend this section;
(b) amend section N1 in relation to expressions used in this section.

Contents of respect orders

C1 Power to exclude person from home in cases of violence or risk of harm

(1) A respect order may have the effect of excluding the respondent from the place where the respondent normally lives ("the premises") only if two conditions are met.

(2) The first condition is that the order is made on the application of—
(a) a local authority,

(b) the chief officer of police for the police area that the premises are in, or

(c) if the premises are owned or managed by a housing provider, that housing provider.

(3) The second condition is that the court considers that—

(a) the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or

(b) there is a significant risk of harm to other persons from the respondent.

(4) For the purposes of this section a housing provider owns premises if—

(a) the housing provider is a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the premises, whether in possession or in reversion, or

(b) the housing provider is a person who holds or is entitled to the rents and profits of the premises under a lease that (when granted) was for a term of 3 years or more.

D1 Requirements included in respect orders

(1) A respect order that includes a requirement must specify the person ("the supervisor") who is to be responsible for supervising compliance with the requirement.
The supervisor may be an individual or an organisation.

(2) Before including a requirement, the court must receive evidence about its suitability and enforceability from—

(a) the individual to be specified as the supervisor, if an individual is to be specified;

(b) an individual representing the organisation to be specified as the supervisor, if an organisation is to be specified.

(3) Before including two or more requirements, the court must consider their compatibility with each other.

(4) Where a court includes in a respect order a requirement the effect of which the court considers is to require the respondent to participate in a particular activity—

(a) the court must declare the requirement to be an "activity requirement" for the purposes of this Part, and

(b) the order must specify that the court has done so.

(5) It is the duty of a person specified as the supervisor in relation to a requirement—

(a) to make any necessary arrangements in connection with the requirements for which the supervisor has responsibility (the "relevant requirements");

(b) to promote the respondent's compliance with the relevant requirements;

(c) to inform the person who applied for the order and (if different) the appropriate chief officer of police if the supervisor considers that the respondent has complied with all the relevant requirements.

(6) If the supervisor considers that the respondent has failed to comply with a relevant requirement, the supervisor must inform the person who applied for the order and (if different) the appropriate chief officer of police unless—

(a) the supervisor considers that the respondent had a reasonable excuse for the failure, or

(b) section H1 applies (duty to give warning for breach of activity requirement).

(7) A respondent subject to a requirement included in a respect order must—

(a) keep in touch with the supervisor in relation to that requirement, in accordance with any instructions given by the supervisor from time to time;

(b) notify the supervisor of any change of address.

These obligations have effect as requirements of the order.

(8) In this section, "the appropriate chief officer of police" means—

(a) the chief officer of police for the police area in which it appears to the supervisor that the respondent lives, or

(b) if it appears to the supervisor that the respondent lives in more than one police area, whichever of the relevant chief officers of police the supervisor considers it most appropriate to inform.

Procedure

E1 Applications without notice

(1) An application for a respect order may be made without notice being given to the respondent.

(2) If an application is made without notice, the court must do one of the following—

(a) adjourn the proceedings and make an interim order (see section F1);

(b) adjourn the proceedings without making an interim order;

(c) dismiss the application.

(3) Rules of court may provide that an appeal from a decision of the High Court or the county court—

(a) to dismiss an application for a respect order made without notice being given to the respondent, or

(b) to refuse to make an interim order when adjourning proceedings following such an application,

may be made without notice being given to the respondent.

F1 Interim respect orders

(1) This section applies where the court adjourns the hearing of an application (whether made with notice or without) for a respect order.

(2) The court may make a respect order lasting until the final hearing of the application or until further order (an "interim respect order") if the court considers it just to do so.

(3) An interim respect order made at a hearing of which the respondent was not given notice may not have the effect of requiring the respondent to participate in particular activities.

(4) Subject to that, the court has the same powers in relation to an interim respect order as it has in relation to a respect order made at a final hearing.

G1 Variation and discharge of respect orders

(1) The court may vary or discharge a respect order on the application of—

(a) the person who applied for the order, or

(b) the respondent.

(2) In subsection (1) "the court" means the court that made the order.

(3) The power to vary an order includes power to include an additional prohibition or requirement in the order, or to extend the period for which a prohibition or requirement has effect.

(4) If an application under this section is dismissed, the party who made the dismissed application may make no further application under this section without—

(a) the consent of the court, or

(b) the agreement of the other party.

(5) Section D1 applies to additional requirements included under subsection (3) as it applies to requirements included in a new order.

Breaches of respect orders

H1 Duty to give warning for breach of activity requirement

(1) This section applies where—

(a) the supervisor responsible for an activity requirement is of the opinion that the respondent has without reasonable excuse failed to comply with the requirement, and

(b) the respondent has not been given a warning under this section in relation to the requirement within the period of 12 months ending with the date of the failure.

(2) The supervisor must give the respondent a warning in relation to the requirement which—

(a) must be in writing,

(b) must describe the circumstances of the failure to comply, and

(c) must inform the respondent that if the respondent breaches the activity requirement again within the period of 12 months beginning with the date on which the warning is given, the respondent will be liable to prosecution under section I1.

(3) A warning under this section may be given to a person—

(a) by hand, or

(b) by sending it by first class post addressed to the person at the person's last known address.

(4) As soon as practicable after giving a warning under this section, the supervisor must record that fact.

(5) In this section, "supervisor" has the meaning given by section D1(1).

I1 Offence of breach of respect order

(1) It is an offence for a person without reasonable excuse—

(a) to do anything the person is prohibited from doing by a respect order, or

(b) to fail to do anything the person is required to do by a respect order.

(2) Subsection (1)(b) does not apply in relation to a failure to comply with an activity requirement unless, within the period of 12 months ending with the date of the failure, the person has been given a warning under section H1 in relation to that requirement.

(3) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a period not exceeding 2 years or a fine (both).

(4) Where a person is convicted of an offence under this section it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

(5) In proceedings for an offence under this section, a copy of the original order, certified by the proper officer of the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.

Supplementary

J1 Requirement to carry out risk assessment

(1) A person applying for a respect order must before doing so carry out a risk assessment in relation to the application.

(2) A risk assessment, in relation to an application for a respect order, is an assessment of—

(a) the risk of any person being caused harassment, alarm or distress by the respondent's conduct,

(b) any vulnerabilities of the respondent,

(c) any alternative means of preventing the respondent from engaging in anti-social behaviour, and

(d) such other matters as the person considers relevant.

(3) A person required to carry out a risk assessment under this section must in doing so have regard to any guidance issued by the Secretary of State under section M1.

K1 Requirements to give notice of applications

(1) A person applying for a respect order must before doing so inform any person the applicant considers appropriate of the application.

(2) Subsection (1) does not apply to a without-notice application.

(3) Where the court adjourns a without-notice application, before the date of the first on-notice hearing the applicant must inform any other person the applicant considers appropriate of the application.

(4) A person applying for variation or discharge of a respect order made on that person's application must before doing so inform any other person the applicant considers appropriate of that application.

(5) In this section—

"on-notice hearing" means a hearing of which notice has been given to the applicant and the respondent in accordance with rules of court;

"without-notice application" means an application made without notice under section E1.

L1 Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to proceedings under this Part as it applies to criminal proceedings, but with—

(a) the omission of sections 17(4) to (7), 21(4C)(e), 22A, 27(10) and 32 of that Act (which make provision appropriate only in the context of criminal proceedings), and

(b) any other necessary modifications.

(2) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to proceedings under this Part—

(a) to the extent provided by rules of court, and

(b) subject to any modifications provided by rules of court.

(3) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—

(a) to a direction under section 19 of that Act as applied by this section;

(b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

(4) This section does not affect the application of any provision of that Act to criminal proceedings relating to an offence under section I1 of this Act.

M1 Guidance

(1) The Secretary of State may issue guidance to persons entitled to apply for orders under section A1 (see section B1) about the exercise of their functions under this Part.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

N1 Interpretation etc

(1) In this Part—

"activity requirement" means a requirement which the court has declared to be an activity requirement for the purposes of this Part (see section D1(4));

"anti-social behaviour" has the meaning given by section A1(9);

"harm" includes serious ill-treatment or abuse, whether physical or not;

"housing provider" means—

(a) a housing trust (within the meaning given by section 2 of the Housing Associations Act 1985) that is a charity,

(b) a housing action trust established under section 62 of the Housing Act 1988,

(c) in relation to England, a non-profit private registered provider of social housing,

(d) in relation to Wales, a Welsh body registered as a social landlord under section 3 of the Housing Act 1996, or

(e) any body (other than a local authority or a body within paragraphs (a) to (d)) that is a landlord under a secure tenancy within the meaning given by section 79 of the Housing Act 1985;

"local authority" means—

(a) in relation to England, a district council, a county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) in relation to Wales, a county council or a county borough council;

"respect order" means an order under section A1;

"respondent" has the meaning given by section A1(1).

(2) A person's age is treated for the purposes of this Part as being that which it appears to the court to be after considering any available evidence."

(3) In section 182(2) (orders and regulations subject to affirmative resolution procedure), before paragraph (a) insert—

"(za) regulations under section B1(7),".

2 Youth injunctions, housing injunctions and consequential amendments

(1) Part 1 of Schedule 1 amends the Anti-social Behaviour, Crime and Policing Act 2014 to—

(a) confine the power to grant an injunction under section 1 of that Act to the granting of injunctions against persons aged 10 or over but under 18, and

(b) provide for the granting of injunctions against persons aged 18 or over for the purpose of preventing them from engaging in certain conduct

capable of causing nuisance or annoyance relating to the occupation or management of housing.

(2) Part 2 of Schedule 1 contains consequential amendments of other Acts.

(3) The amendments made by Schedule 1 do not apply in relation to—

(a) injunctions under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 granted before the commencement day,

(b) applications for such an injunction made before the commencement day, or

(c) injunctions granted on such an application (even if granted after the commencement day).

(4) In subsection (3) "the commencement day" means the day on which Schedule 1 comes into force.

CHAPTER 2

OTHER PROVISION ABOUT ANTI-SOCIAL BEHAVIOUR

3 Maximum period for certain directions, notices and orders

(1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) In section 35 (directions excluding a person from an area)—

(a) in subsection (4), for "48 hours" substitute "72 hours";

(b) after subsection (7) insert—

"(7A) A police officer of at least the rank of inspector must review each direction given under this section that specifies an exclusion period exceeding 48 hours as soon as reasonably practicable after the expiry of the 48 hours.";

(c) in subsection (8), for "48 hours" substitute "72 hours".

(3) In section 77 (duration of closure notices)—

(a) in subsection (1), for "24 hours" substitute "48 hours";

(b) in subsections (2) and (3), for "48 hours" substitute "72 hours".

(4) In section 81 (temporary orders), in subsection (2), for "48 hours" substitute "72 hours".

4 Fixed penalty notices

(1) In Schedule 5 to the Police Reform Act 2002 (powers exercisable by accredited persons), in paragraph 1(2), after paragraph (ac) insert—

"(ad) the power of an authorised person to issue a fixed penalty notice under section 52 of the Anti-social Behaviour, Crime and Policing Act 2014 (fixed penalty notices in respect of failure to comply with community protection notice);

(ae) the power of a constable or an authorised person to issue a fixed penalty notice under section 68 of the Anti-social Behaviour, Crime and Policing Act 2014 (fixed penalty notices in respect of offences relating to public spaces protection orders and expedited orders)."

(2) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as set out in subsections (3) and (4).

(3) In section 52 (fixed penalty notices), in subsection (7), for "£100" substitute "£500".

(4) In section 68 (fixed penalty notices), in subsection (6), for "£100" substitute "£500".

5 Closure of premises by registered social housing provider

Schedule 2 amends Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 so as to enable registered social housing providers to close premises that they own or manage which are associated with nuisance and disorder.

6 Reviews of responses to complaints about anti-social behaviour

(1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) In section 104 (review of response to complaints about anti-social behaviour), after subsection (7) insert—

"(7A) Subsection (7) is subject to section 104A(7) (requirement for recommendations to be confirmed by local policing body where LPB case review takes place)."

(3) After section 104 insert—

"104A Review by local policing body

(1) This section applies if a person has made a complaint about anti-social behaviour in a particular local government area and—

(a) a person has made an application for an ASB case review of the response to that behaviour, but the relevant bodies in that area have decided that the threshold for a review is not met, or

(b) the relevant bodies in that area have carried out an ASB case review of the response to that behaviour.

(2) The local policing body for the relevant police area must carry out a review of the response to the anti-social behaviour (an "LPB case review") if—

(a) the applicant in relation to the ASB case review, or a person acting on behalf of the applicant with their consent, makes an application for an LPB case review, and

(b) the body considers that the threshold for carrying out an ASB case review in relation to the anti-social behaviour was met.

(3) If no application has been made for an LPB case review of the response to the anti-social behaviour, the local policing body for the relevant police area may carry out an LPB case review if the body considers that—

(a) it is appropriate to carry out the LPB case review, and

(b) the threshold for carrying out an ASB case review of the response to that behaviour was met.

(4) Each local policing body must—

(a) make arrangements about the carrying out of LPB case reviews by that body ("LPB review procedures"), and

(b) ensure that the current LPB review procedures are published.

(5) 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.

(6) A local policing body which carries out an LPB case review may make recommendations to a person who exercises public functions in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.

(7) Where an LPB case review of the response to anti-social behaviour follows an ASB case review of the response to the same behaviour, a person is not required to have regard to the recommendations resulting from the ASB case review unless the recommendations are confirmed by the local policing body.

(8) A local policing body who carries out an LPB case review must inform the relevant applicant of—

(a) the outcome of the review, and

(b) any recommendations made in accordance with subsection (6) or confirmed in accordance with subsection (7).

(9) In subsection (8) "the relevant applicant" means—

(a) where the local policing body carries out an LPB case review in response to an application, the person who made the application, or

(b) in any other case, the person who applied for the ASB case review mentioned in subsection (1).

(10) As soon as practicable after the end of a reporting period, each local policing body must publish information about the following matters which relates to that period—

(a) the number of applications for LPB case reviews made to the body;

(b) the number of times that the body decided that an LPB case review should not be carried out in response to an application;

(c) the number of LPB case reviews the body has carried out in response to an application;

(d) the number of LPB case reviews the body has carried out otherwise than in response to an application;

(e) the number of LPB case reviews carried out by the body that have resulted in recommendations being made by the body;

(f) the number of LPB case reviews carried out by the body—

(i) which were reviews of the response to anti-social behaviour following an ASB case review of the response to the same behaviour, and

(ii) as a result of which the body has confirmed any of the recommendations resulting from the ASB case review;

(g) the number of LPB case reviews carried out by the body—

(i) which were reviews of the response to anti-social behaviour following an ASB case review of the response to the same behaviour, and

(ii) as a result of which the body has declined to confirm any of the recommendations resulting from the ASB case review.

(11) Schedule 4A (LPB case reviews supplementary provision) has effect."

(4) In section 105 (ASB case reviews: interpretation)—

(a) in the heading, after "ASB case reviews" insert "and LPB case reviews";

(b) in subsection (1)—

(i) for "section 104" substitute" sections 104 and 104A";

(ii) for "Schedule 4" substitute "Schedules 4 and 4A";

(c) in subsection (4)—

(i) at the appropriate places insert—

""LPB case review" has the meaning given by section 104A(2);";

""relevant police area", in relation to a local government area, means the police area which consists of, or includes all or part of, the local government area;";

(ii) for the definition of "reporting period" substitute—

""reporting period"—

(a) in relation to the publication of information by the relevant bodies in a local government area, or the provision of information by such bodies to a local policing body, means a period, not exceeding 12 months, determined by those bodies for that purpose;

(b) in relation to the publication of information by a local policing body, means a period, not exceeding 12 months, determined by that body for that purpose."

(5) In Schedule 4 (ASB case reviews: supplementary provision)—

(a) in paragraph 1—

(i) in sub-paragraph (1), at the end insert "or (as the case may be) to each of the local policing bodies for the relevant police areas";

(ii) omit sub-paragraph (2);

(b) in paragraph 4, for the words from "about" to the end of the paragraph substitute "for the relevant bodies, on the applicant's request and in such circumstances as may be specified in the procedures, to reconsider—

(a) a decision not to carry out an ASB case review,

(b) a decision not to make recommendations under section 104(7) in respect of a matter arising from an ASB case review, or

(c) a recommendation made under section 104(7) in respect of such a matter.";

(c) in paragraph 8(3)—

(i) after "section 104," insert "section 104A,";

(ii) for "or this Schedule" substitute ", this Schedule or Schedule 4A";

(iii) in paragraph (b) omit "or the relevant police area";

(d) after paragraph 9 insert—

"Duty of local policing body to promote awareness of ASB case reviews

10 A local policing body must, in such manner as it thinks appropriate, promote awareness of—

(a) opportunities in the body's police area to make applications for ASB case reviews, and

(b) the review procedures for such reviews.

Guidance

11 The relevant bodies in a local government area must have regard to guidance issued by the Secretary of State in exercising functions under section 104 or this Schedule."

(6) After Schedule 4 insert the Schedule set out in Schedule 3 to this Act.

7 Provision of information about anti-social behaviour to Secretary of State

In Part 6 of the Anti-social Behaviour, Crime and Policing Act 2014 (local involvement and accountability), at the end insert—

"Information relating to anti-social behaviour

105A Provision of information to Secretary of State

(1) The Secretary of State may by regulations make provision requiring specified relevant authorities to provide to the Secretary of State specified information relating to anti-social behaviour.

(2) The information that regulations may require a relevant authority to provide includes in particular information about—

(a) reports of anti-social behaviour made to the authority,

(b) responses of the authority to anti-social behaviour, and

(c) ASB case reviews carried out by the relevant authority.

(3) The regulations may require a relevant authority to—

(a) collect or otherwise obtain information,

(b) create information,

(c) retain information, or

(d) process information (including by collating or analysing it),

for the purpose of providing information under the regulations.

(4) The regulations may make provision—

(a) requiring information to be provided at specified intervals or on specified occasions;

(b) about the form and manner in which information must be provided.

(5) The regulations may make different provision for different purposes.

(6) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(7) In this section—

"anti-social behaviour" includes—

(a) conduct that is anti-social behaviour for the purposes of any provision of this Act,

(b) unreasonable conduct that has or is likely to have a detrimental effect, of a persistent or continuing nature, on the quality of life of those in a locality, and

(c) the use of premises that has resulted or is likely to result in nuisance to members of the public, or that has been or is likely to be associated with disorder near the premises;

"ASB case review" has the same meaning as in section 104;

"relevant authority" means—

(a) a person mentioned in section 5(1) (persons entitled to apply for injunctions under Part 1) other than the Secretary of State,

(b) an integrated care board established under section 14Z25 of the National Health Service Act 2006 for an area in England, or

(c) a Local Health Board for an area in Wales;

"specified" means specified in the regulations."

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

(1) In section 59 of the Police Reform Act 2002 (vehicles used in manner causing alarm, distress or annoyance) omit subsections (4) and (5) (powers of seizure etc exercisable only if warning given, subject to certain exceptions).

(2) The amendment made by subsection (1) does not apply in relation to the use of a motor vehicle on any occasion before the coming into force of this section.

9 Guidance on fly-tipping enforcement in England

In the Environmental Protection Act 1990, after section 34C insert—

"Contraventions of sections 33 and 34: guidance on enforcement in England

34CZA Guidance on fly-tipping enforcement in England

(1) The Secretary of State may issue guidance to English waste collection authorities about the exercise of their functions, and those of their authorised officers, in connection with the enforcement of—

(a) section 33(1)(a) (prohibition on unauthorised deposit of controlled waste);

(b) section 34(2A) (duty to secure that household waste transferred only to authorised persons).

(2) An English waste collection authority must have regard to any guidance issued under this section when exercising any functions to which the guidance relates.

(3) The Secretary of State may revise any guidance issued under this section.

(4) Before issuing or revising guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(5) The Secretary of State must lay before Parliament and publish any guidance, and any revised guidance, issued under this section.

(6) In this section, "authorised officer", in relation to an English waste collection authority, means a person who is an authorised officer in relation to that authority for the purposes of—

(a) section 33ZA (fixed penalty notices for contravention of section 33(1)(a)) (see subsection (12) of that section),

(b) section 34ZA (fixed penalty notices relating to section 34(2A)) (see subsection (12) of that section), or

(c) section 34B (power to search and seize vehicles etc) (see subsection (11) of that section)."

10 Offence of trespassing with intent to commit criminal offence

(1) A person commits an offence if the person trespasses on any premises with intent to commit an offence (whether or not on the premises).

(2) In subsection (1) "premises" means any building, part of a building or enclosed area.

(3) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 3 on the standard scale (or both).

11 Arranging or facilitating begging for gain

(1) A person commits an offence if, for gain, the person arranges or facilitates another person's begging.

(2) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

(3) In subsection (2) "the maximum term for summary offences" means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;

(b) if the offence is committed after that time, 51 weeks.

PART 2

OFFENSIVE WEAPONS

CHAPTER 1

ONLINE ADVERTISING ETC OF UNLAWFUL WEAPONS: CIVIL PENALTIES

12 "Relevant user-to-user services", "relevant search services" and "service providers"

(1) For the purposes of this Chapter—

(a) a "relevant search service" is a search service other than an exempt service;

(b) a "relevant user-to-user service" is a user-to-user service other than an exempt service.

(2) In subsection (1), "search service" and "user-to-user service" have the same meanings as in the Online Safety Act 2023 (the "2023 Act") (see, in particular, section 3 of that Act).

(3) The following are exempt services for the purposes of subsection (1)—

(a) a service of a kind that is described in any of the following paragraphs of Schedule 1 to the 2023 Act (certain services exempt from regulation under that Act)—

(i) paragraph 1 or 2 (email, SMS and MMS services);

(ii) paragraph 3 (services offering one-to-one live aural communications);

(iii) paragraph 4 (limited functionality services);

(iv) paragraph 5 (services which enable combinations of user-generated content);

(v) paragraph 7 or 8 (internal business services);

(vi) paragraph 9 (services provided by public bodies);

(vii) paragraph 10 (services provided by persons providing education or childcare), or

(b) a service of a kind that is described in Schedule 2 to the 2023 Act (services that include regulated provider pornographic content).

(4) This Chapter does not apply in relation to a part of a relevant search service, or a part of a relevant user-to-user service, if the 2023 Act does not apply to that part of the service by virtue of section 5(1) or (2) of that Act.

(5) In this Chapter, "service provider" means a provider of a relevant user-to-user service or a provider of a relevant search service.

13 Coordinating officer

(1) The Secretary of State must designate a member of a relevant police force or a National Crime Agency officer as the coordinating officer for the purposes of this Chapter.

(2) The coordinating officer may delegate any of the officer's functions under this Chapter (to such extent as the officer may determine) to another member of a relevant police force or National Crime Agency officer.

14 Notice requiring appointment of content manager

(1) The coordinating officer may give a service provider a notice (an "appointment notice") requiring the provider—

(a) either to—

(i) appoint an individual who meets the conditions in subsection (2) as the provider's content manager for the purposes of this Chapter, or

(ii) if there is no such individual, confirm that is the case to the coordinating officer, and

(b) to provide the coordinating officer with the required information.

(2) The conditions are that the individual—

(a) plays a significant role in—

(i) the making of decisions about how a whole or substantial part of the service provider's activities are to be managed or organised, or

(ii) the actual managing or organising of the whole or a substantial part of those activities, and

(b) is habitually resident in the United Kingdom.

(3) "Required information" means—

(a) the contact details of any content manager appointed;

(b) an email address, or details of another means of contacting the service provider rapidly which is readily available, that may be used for the purpose of giving the provider a notice under this Chapter;

(c) information identifying the relevant user-to-user services, or (as the case may be) the relevant search services, provided by the provider.

(4) An appointment notice must—

(a) specify the period before the end of which the service provider must comply with the notice, and

(b) explain the potential consequences of the service provider failing to do so (see section 18).

(5) The period specified under subsection (4)(a) must be at least seven days beginning with the day on which the notice is given.

15 Appointment of content manager following change of circumstances

(1) This section applies where—

(a) the coordinating officer has given a service provider an appointment notice,

(b) the provider has confirmed to the officer (in accordance with the appointment notice or under section 16(5)(b)) that there is no individual who meets the conditions in section 14(2), and

(c) at any time within the period of two years beginning with the day on which that confirmation was given, there is an individual who meets those conditions.

(2) The service provider must, before the end of the period of seven days beginning with the first day on which there is an individual who meets those conditions—

(a) appoint such an individual as the provider's content manager for the purposes of this Chapter, and

(b) provide the coordinating officer with the content manager's contact details.

16 Replacement of content manager

(1) This section applies where a service provider has appointed an individual as the provider's content manager (whether in accordance with an appointment notice or under section 15 or this section).

(2) The service provider may replace the provider's content manager by appointing another individual who meets the conditions in section 14(2) as the provider's new content manager for the purposes of this Chapter.

(3) The service provider must, before the end of the period of seven days beginning with the day on which an appointment is made under subsection (2), provide the coordinating officer with the new content manager's contact details.

(4) If the individual appointed as a service provider's content manager ceases to meet any of the conditions in section 14(2), the appointment ceases to have effect.

(5) The service provider must, before the end of the period of seven days beginning with the day on which an appointment ceases to have effect under subsection (4)—

(a) either—

(i) appoint another individual who meets the conditions in section 14(2) as the provider's content manager for the purposes of this Chapter, and

(ii) provide the coordinating officer with the new content manager's contact details, or

(b) if there is no longer such an individual, confirm that is the case to the coordinating officer.

17 Duty to notify changes in required information

(1) This section applies where a service provider has, in accordance with an appointment notice or under section 15(2)(b) or 16 provided the coordinating officer with required information.

(2) The service provider must give notice to the coordinating officer of any change in the required information.

(3) The notice must specify the date on which the change occurred.

(4) The notice must be given before the end of the period of seven days beginning with the day on which the change occurred.

18 Failure to comply with content manager requirements: civil penalty

(1) This section applies if the coordinating officer has given a service provider an appointment notice and—

(a) the period specified in the notice as mentioned in 14(4)(a) has expired without the provider having complied with the notice,

(b) the provider has failed to comply with a requirement under section 15, 16 or 17,

(c) the provider, in purported compliance with a requirement to provide, or give notice of a change in, required information (whether in accordance with an appointment notice or under section 15(2)(b), 16 or 17(2)) makes a statement that is false in a material particular, or

(d) the provider makes a statement that is false in giving the confirmation mentioned in section 14(1)(a)(ii) or 16(5)(b).

(2) The coordinating officer may give the service provider a notice (a "penalty notice") requiring the provider to pay a penalty of an amount not exceeding £60,000.

(3) In order to take account of changes in the value of money the Secretary of State may by regulations substitute another sum for the sum for the time being specified in subsection (2).

(4) Schedule 4 makes further provision in connection with penalty notices given under this Chapter.

19 Unlawful weapons content

(1) For the purposes of this Chapter, content is "unlawful weapons content" in England and Wales if it is content that constitutes—

(a) an offence under section 1(1) of the Restriction of Offensive Weapons Act 1959 (offering to sell, hire, loan or give away etc a dangerous weapon),

(b) an offence under section 1 or 2 of the Knives Act 1997 (marketing of knives as suitable for combat etc and related publications), or

(c) an offence under section 141(1) of the Criminal Justice Act 1988 under the law of England and Wales (offering to sell, hire, loan or give away etc an offensive weapon).

(2) For the purposes of this Chapter, content is "unlawful weapons content" in Scotland if it is content that constitutes—

(a) an offence within subsection (1)(a) or (b), or

(b) an offence under section 141(1) of the Criminal Justice Act 1988 under the law of Scotland.

(3) For the purposes of this Chapter, content is "unlawful weapons content" in Northern Ireland if it is content that constitutes—

(a) an offence under Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (offering to sell, hire, loan or give away etc certain knives),

(b) an offence within subsection (1)(b), or

(c) an offence under section 141(1) of the Criminal Justice Act 1988 under the law of Northern Ireland.

20 Content removal notices

(1) This section applies where an authorised officer is satisfied that content—

(a) present on a relevant user-to-user service, or

(b) which may be encountered in or via search results of a relevant search service;

is unlawful weapons content in a relevant part of the United Kingdom.

(2) The authorised officer may give a content removal notice to—

(a) the provider of the relevant user-to-user service, or

(b) the provider of the relevant search service.

(3) If the authorised officer gives a content removal notice to a service provider in a case where the coordinating officer has the contact details of the provider's content manager, the authorised officer may also give the notice to that manager.

(4) A content removal notice is a notice requiring the service provider and (if applicable) the provider's content manager (each a "recipient") to secure that—

(a) the content to which it relates is removed (see section 26(2)), and

(b) confirmation of that fact is given to the authorised officer.

(5) A content removal notice must—

(a) identify the content to which it relates;

(b) explain the authorised officer's reasons for considering that the content is unlawful weapons content in the relevant part (or parts) of the United Kingdom;

(c) explain that the notice must be complied with before the end of the period of 48 hours beginning with the time the notice is given;

(d) explain that each recipient has the right to request a review of the decision to give the notice and how a request is to be made (see section 21);

(e) set out the potential consequences of failure to comply with the notice;

(f) contain the authorised officer's contact details;

(g) be in such form, and contain such further information, as the Secretary of State may by regulations prescribe.

(6) The authorised officer may withdraw a content removal notice from a recipient by notifying the recipient to that effect (but withdrawal of a notice does not

prevent a further content removal notice from being given under this section, whether or not in relation to the same content as the withdrawn notice).

(7) In this section—

"authorised officer" means—

(a) a member of a relevant police force who is authorised for the purposes of this section by the chief officer of the force, or

(b) a National Crime Agency officer who is authorised for the purposes of this section by the Director General of the National Crime Agency;

"relevant part of the United Kingdom" means—

(a) where the authorised officer is a member of a relevant police force in England and Wales, England and Wales;

(b) where the authorised officer is a member of the Police Service of Scotland, Scotland;

(c) where the authorised officer is a member of the Police Service of Northern Ireland, Northern Ireland;

(d) where the authorised officer is a member of the Ministry of Defence Police or a National Crime Agency officer, any part of the United Kingdom.

21 Content removal notices: review

(1) A person who is given a content removal notice (a "recipient") may, before the end of the initial 48-hour period, request a review of the decision to give the notice.

(2) A request under subsection (1) is to be made by the recipient giving—

(a) a notice (a "review notice") to the authorised officer, and

(b) a copy of the review notice to the other recipient (if applicable).

(3) The grounds on which a recipient may request a review include, in particular, that—

(a) content to which the notice relates is not unlawful weapons content;

(b) content to which the notice relates is insufficiently identified for the recipient to be able to take the action required by the notice;

(c) the provider that received the notice is not, in fact, the provider of the relevant user-to-user service or relevant search service to which the notice relates;

(d) the individual who received the notice as the service provider's content manager is not, in fact, that provider's content manager;

(e) the notice was otherwise not given in accordance with this Chapter.

(4) On receipt of a review notice, a review of the decision to give the content removal notice must be carried out—

(a) if the authorised officer is a member of a relevant police force, by another member of that force who is of a higher rank;

(b) if the authorised officer is a National Crime Agency officer, by another officer who holds a more senior position in the Agency.

The individual carrying out the review is referred to in this section as "the reviewing officer".

(5) On completing the review or (in a case where two review notices are given) both reviews the reviewing officer must, in respect of each recipient, either—

(a) confirm in full the decision to give the content removal notice,

(b) confirm the decision to give the notice, but in relation to only some of the content to which it relates, or

(c) withdraw the notice.

(6) The reviewing officer must give each recipient a notice (a "decision notice")—

(a) setting out the outcome of the review or reviews, and

(b) giving reasons.

22 Decision notices requiring removal of unlawful weapons content

(1) This section applies where the reviewing officer—

(a) has carried out a review or reviews under section 21, and

(b) confirms the decision to give the content removal notice to the service provider, the provider's content manager or both of them (in each case whether as mentioned in subsection (5)(a) or (b) of that section).

(2) If the reviewing officer confirms in full the decision to give the content removal notice, the decision notice must require its recipient to secure that—

(a) the content to which the content removal notice relates is removed, and

(b) confirmation of that fact is given to the authorised officer.

(3) If the officer confirms the decision to give the content removal notice but in relation to only some of the content to which it relates, the decision notice must—

(a) identify the content to which the confirmation relates (the "confirmed content"), and

(b) require its recipient to secure that—

(i) the confirmed content is removed, and

(ii) confirmation of that fact is given to the authorised officer.

(4) A decision notice within subsection (2) or (3) must specify the period before the end of which the notice must be complied with, and that period must be whichever of the following is the longest—

(a) the period of 24 hours beginning with the time the decision notice is given;

(b) the period—

(i) beginning with the time the review notice or, if there was more than one, the first review notice, was given under section 21, and

(ii) ending with the end of the initial 48-hour period.

(5) In this section, "reviewing officer" has the same meaning as in section 21.

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

(1) Subsection (2) applies where—

(a) a content removal notice has been given to a service provider, or to both a service provider and the provider's content manager, in accordance with section 20, and

(b) the initial 48-hour period has expired without the notice having been complied with or a review notice having been given.

(2) A senior authorised officer of the issuing force may give a penalty notice—

(a) to the service provider, or

(b) if the provider's content manager also received the content removal notice, to the content manager or to both of them.

(3) Subsection (4) applies where, following a review or reviews under section 21—

(a) a decision notice has been given to the service provider or to both the provider and the provider's content manager in accordance with section 22(2) or (3) confirming the decision to give the content removal notice, and

(b) the period specified in the decision notice under subsection (4) of that section has expired without that notice having been complied with.

(4) A senior authorised officer of the issuing force may give a penalty notice—

(a) to the service provider, or

(b) if the provider's content manager also received the decision notice, to the content manager or to both of them.

(5) In this section a "penalty notice" means a notice requiring its recipient to pay a penalty—

(a) where the recipient is a service provider, of an amount not exceeding £60,000;

(b) where the recipient is a service provider's content manager, of an amount not exceeding £10,000.

(6) In order to take account of changes in the value of money the Secretary of State may by regulations substitute another sum for a sum for the time being specified in subsection (5).

(7) See Schedule 4 for further provision in connection with penalty notices given under this section.

24 Guidance

(1) The Secretary of State may issue guidance to the persons mentioned in subsection (2) about the exercise of their functions under this Chapter.

(2) The persons are—

(a) the chief officer, and any other member, of a relevant police force;

(b) the Director General of the National Crime Agency and any other officer of the Agency.

(3) The Secretary of State may revise any guidance issued under this section.

(4) The Secretary of State must publish any guidance or revisions issued under this section.

(5) A person mentioned in subsection (2) must have regard to any guidance issued under this section when exercising a function under this Chapter.

25 Notices

(1) This section applies in relation to any notice that must or may be given to a person under this Chapter.

(2) A notice may be given to a person by—

(a) delivering it by hand to the person,

(b) leaving it at the person's proper address,

(c) sending it by post to the person at that address, or

(d) sending it by email to the person's email address.

(3) A notice to a body corporate may be given to any officer of that body.

(4) A notice to a partnership may be given to any partner or to a person who has the control or management of the partnership business.

(5) A notice sent by first class post to an address in the United Kingdom, is treated as given at noon on the second working day after the day of posting, unless the contrary is proved.

(6) A notice sent by email is treated as given at the time it is sent unless the contrary is proved.

(7) In this section—

"director" includes any person occupying the position of a director, by whatever name called;

"email address", in relation to a person, means—

(a) an email address provided by that person for the purposes of this Chapter, or

(b) any email address published for the time being by that person as an address for contacting that person;

"officer", in relation to an entity, includes a director, a manager, a partner, the secretary or, where the affairs of the entity are managed by its members, a member;

"proper address" means—

(a) in the case of an entity, the address of the entity's registered office or principal office;

(b) in any other case, the person's last known address;

"working day" means any day other than—

(a) a Saturday or Sunday, or

(b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.

(8) In the case of an entity registered or carrying on business outside the United Kingdom, or with offices outside the United Kingdom, the reference in subsection (7), in the definition of "proper address", to the entity's principal office includes—

(a) its principal office in the United Kingdom, or

(b) if the entity has no office in the United Kingdom, any place in the United Kingdom at which the person giving the notice believes, on reasonable grounds, that the notice will come to the attention of any director or other officer of that entity.

26 Interpretation of Chapter

(1) In this Chapter—

"appointment notice" has the meaning given by section 14(1);

"authorised officer" in relation to a content removal notice, means the member of a relevant police force, or officer of the National Crime Agency, who gave the notice;

"chief officer"—

(a) in relation to a police force in England and Wales, means the chief officer of police of the force;

(b) in relation to any other relevant police force, means the chief constable of that force;

"contact details", in relation to an individual, means the individual's—

(a) full name;

(b) telephone number;

(c) email address;

(d) residential address, or other service address, in the United Kingdom;

"content" has the same meaning as in the Online Safety Act 2023 (see section 236(1) of that Act);

"content manager", in relation to a service provider, means the individual for the time being appointed as the content manager of the provider (whether in accordance with an appointment notice or under section 15 or 16);

"content removal notice" has the meaning given by section 20(4);

"coordinating officer" means the individual designated as such under section 13(1);

"decision notice" means a notice given under section 21(6);

"encounter", in relation to content, has the same meaning as in the Online Safety Act 2023 (see section 236(1) of that Act);

"entity" has the same meaning as in that Act (see section 236(1) of that Act);

"initial 48-hour period", in relation to a content removal notice, means the 48-hour period specified in the notice as mentioned in section 20(5)(c);

"issuing force"—

(a) in relation to a content removal notice given by a member of a relevant police force, means that force;

(b) in relation to a content removal notice given by a National Crime Agency officer, means the National Crime Agency;

"relevant police force"—

(a) in relation to England and Wales, means—

(i) a police force in England and Wales, or

(ii) the Ministry of Defence Police;

(b) in relation to Scotland, means—

(i) the Police Service of Scotland, or

(ii) the Ministry of Defence Police;

(c) in relation to Northern Ireland, means—

(i) the Police Service of Northern Ireland, or

(ii) the Ministry of Defence Police;

"relevant search service" and "relevant user-to-user service" have the meanings given by section 12;

"required information" has the meaning given by section 14(3);

"review notice" has the meaning given by section 21(2)(a);

"search content" and "search results" have the meanings given by section 57 of the Online Safety Act 2023;

"senior authorised officer", in relation to a relevant police force, means—

(a) the chief officer of the relevant police force, or

(b) a member of the relevant police force of at least the rank of inspector authorised for the purposes of this Chapter by the chief officer;

"senior authorised officer", in relation to the National Crime Agency, means—

(a) the Director General of the National Crime Agency, or

(b) an officer of the Agency who—

(i) holds a position in the Agency the seniority of which is at least equivalent to that of the rank of inspector in a relevant police force, and

(ii) is authorised for the purposes of this Chapter by the Director General;

"service address" has the same meaning as in the Companies Acts (see section 1141 of the Companies Act 2006);

"service provider" has the meaning given by section 12.

(2) For the purposes of this Chapter, a reference to "removing" content—

(a) in relation to content present on a relevant user-to-user service, is a reference to any action that results in the content being removed from the service, or being permanently hidden, so users of the service in any part of the United Kingdom in which the content is unlawful weapons content cannot encounter it;

(b) in relation to content which may be encountered in or via search results of a relevant search service, is a reference to taking measures designed to secure, so far as possible, that the content is no longer included in the search content of the service that is available in any part of the United Kingdom in which the content is unlawful weapons content;

and related expressions are to be read accordingly.

(3) The following provisions of the Online Safety Act 2023 apply for the purposes of this Chapter as they apply for the purposes of that Act—

(a) section 226 (determining who is the provider of a particular user-to-user service or search service);

(b) section 236(5) and (6) (references to content being present).

CHAPTER 2

OTHER PROVISION ABOUT OFFENSIVE WEAPONS

27 Possession of weapon with intent to use unlawful violence etc

(1) In Part 11 of the Criminal Justice Act 1988, after section 139AA insert—

"139AB Offence of possessing article with blade or point or offensive weapon with intent to use unlawful violence etc

(1) It is an offence for a person to have in their possession a relevant weapon with intent by means thereof—

(a) to use unlawful violence against another person,

(b) to cause another person to believe that unlawful violence will be used against them or anyone else,

(c) to cause serious unlawful damage to property, or

(d) to enable another person to do anything mentioned in a preceding paragraph.

(2) In this section "relevant weapon" means—

(a) an article to which section 139 applies, or

(b) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953.

(3) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 4 years or a fine (or both).

(4) For provision about the sentence for an offence under this section, see section 315 of the Sentencing Code (minimum sentence for repeat offence involving weapon, bladed article or corrosive substance)."

(2) In section 315 of the Sentencing Code (minimum sentence for repeat offence involving weapon, bladed article or corrosive substance)—

(a) in subsection (1)(a) after sub-paragraph (iii) (but before the "or" at the end of that sub-paragraph) insert—

"(iiia) section 139AB of that Act (possessing article with blade or point or offensive weapon with intent to use unlawful violence etc),";

(b) in subsection (5)(b) for "or 139AA" substitute ", 139AA or 139AB".

(3) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), for paragraph 23 (offences under the Criminal Justice Act 1988) substitute—

"23 An offence under any of the following provisions of the Criminal Justice Act 1988—

section 134 (torture)

section 139AB (possessing article with blade or point or offensive weapon with intent to use unlawful violence etc)".

28 Maximum penalty for offences relating to offensive weapons

(1) In section 141 of the Criminal Justice Act 1988 (offensive weapons)—

(a) in subsection (1) for the words from "and liable" to the end substitute "and liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(e) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both);

(f) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 4 years or a fine (or both).";

(b) in subsection (1A)—

(i) for "51 weeks" substitute "the general limit in a magistrates' court";

(ii) in paragraph (b) for "6 months, to a fine not exceeding level 5 on the standard scale" substitute "12 months, to a fine not exceeding the statutory maximum";

(iii) after paragraph (c) insert—

"(ca) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(cb) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both);";

(c) omit subsection (1B).

(2) In section 141A(1) of that Act (sale of knives etc to children), for the words from "and liable" to the end substitute "and liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both)."

(3) In section 1 of the Restriction of Offensive Weapons Act 1959—

(a) in subsection (1) omit the words from "and shall be liable" to the end;

(b) after subsection (1) insert—

"(1ZA) A person guilty of an offence under subsection (1) is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both).";

(c) in subsection (1B)—

(i) in paragraph (a) for "51 weeks" substitute "the general limit in a magistrates' court";

(ii) in paragraph (b) for "6 months, to a fine not exceeding level 4 on the standard scale" substitute "12 months, to a fine not exceeding the statutory maximum";

(iii) after paragraph (b) insert—

"(c) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both).";

(d) omit subsection (1C).

(4) The amendments made by this section do not apply in relation to an offence committed before this section comes into force.

29 Power to seize bladed articles etc

(1) A constable who—

(a) is lawfully on any premises,

(b) finds, on the premises, an article which has a blade or is sharply pointed (a "relevant article"), and

(c) has reasonable grounds for suspecting that the relevant article would be likely to be used in connection with unlawful violence (if it were not seized),

may seize the relevant article.

(2) The following provisions apply where a relevant article is seized under this section.

(3) The constable who seized the relevant article—

(a) must give a record of what was seized to a person who is on the premises, or

(b) if there is no person on the premises, must leave a record of what was seized in a prominent place on the premises.

(4) The record must—
  (a) describe the relevant article,
  (b) state that it has been seized under this section,
  (c) specify the date of seizure,
  (d) give the reason why the relevant article was seized, and
  (e) specify the name and reference number of the constable who seized the relevant article.

(5) Following seizure of the relevant article, a constable may—
  (a) retain it, or
  (b) destroy it or otherwise dispose of it.

This is subject to subsections (6) and (8).

(6) A person claiming to be the owner of the relevant article may apply to a magistrates' court for an order for the delivery of the relevant article to the person.

(7) The court may make an order under subsection (6) if it appears to the court that—
  (a) the person making the application is the owner of the relevant article, and
  (b) it would be just to make the order.

(8) The relevant article may not be destroyed or disposed of—
  (a) in the period of 6 months beginning with the day on which it is seized, or
  (b) if an application under subsection (6) is made in that period, until the application (including any appeal) has been finally determined or otherwise disposed of (and then, only if the court does not make an order under that subsection).

(9) In this section "unlawful violence" includes—
  (a) unlawful damage to property, and
  (b) a threat of unlawful violence (including of unlawful damage to property).

30 Power to seize bladed articles etc: armed forces

In the Armed Forces Act 2006, after section 93 insert—

"93ZA Power to seize bladed articles etc

(1) This section applies where—
  (a) a service policeman is lawfully on any premises which are searchable by virtue of this Part, or
  (b) a person subject to service law who is not a service policeman is lawfully on any premises in the exercise of a power of search conferred by virtue of this Part.

(2) If the service policeman or person subject to service law—

(a) finds, on the premises, an article which has a blade or is sharply pointed (a "relevant article"), and

(b) has reasonable grounds for suspecting that the relevant article would be likely to be used in connection with unlawful violence (if it were not seized),

they may seize the relevant article.

(3) The following provisions apply where a relevant article is seized under this section.

(4) The service policeman or person subject to service law who seized the relevant article—

(a) must give a record of what was seized to a person who is on the premises, or

(b) if there is no person on the premises, must leave a record of what was seized in a prominent place on the premises.

(5) The record must—

(a) describe the relevant article,

(b) state that it has been seized under this section,

(c) specify the date of seizure,

(d) give the reason why the relevant article was seized, and

(e) specify the name, rank or rate, and the unit, of the service policeman or person subject to service law who seized the relevant article.

(6) Following seizure of the relevant article, the service policeman or person subject to service law may—

(a) retain it, or

(b) destroy it or otherwise dispose of it.

This is subject to subsections (7) and (12).

(7) A person ("P") claiming to be the owner of the relevant article may apply to the commanding officer of the relevant person for a determination that the relevant article should be delivered to P.

(8) The "relevant person" is the person by virtue of whose occupation of or other connection with the premises, the premises are within subsection (1).

(9) The commanding officer may make a determination under subsection (7) if it appears to them that—

(a) P is the owner of the relevant article, and

(b) it would be just to make the determination.

(10) If the commanding officer does not make a determination under subsection (7), P may appeal to a judge advocate.

(11) The Secretary of State may by regulations make provision—

(a) with respect to the practice and procedure which is to apply in connection with applications for a determination under subsection (7) and appeals under subsection (10);

(b) conferring functions on judge advocates in relation to appeals under subsection (10).

(12) The relevant article may not be destroyed or disposed of—

(a) in the period of 6 months beginning with the day on which it is seized, or

(b) if an application under subsection (7) is made in that period, until the application (including any appeal) has been finally determined or otherwise disposed of (and then, only if no determination is made that the relevant article should be delivered to P).

(13) In this section "unlawful violence" includes—

(a) unlawful damage to property, and

(b) a threat of unlawful violence (including of unlawful damage to property)."

31 Remote sales of knives etc

(1) Section 141B of the Criminal Justice Act 1988 (remote sales of knives) is amended as follows.

(2) For subsection (4) substitute—

"(4) Condition A is that, before the sale—

(a) the seller obtained from the buyer—

(i) a copy of an identity document issued to the buyer, and

(ii) a photograph of the buyer, and

(b) on the basis of the things obtained under paragraph (a), a reasonable person would have been satisfied that the buyer was aged 18 or over.

(4A) For the purposes of subsection (4) an "identity document" means—

(a) a United Kingdom passport (within the meaning of the Immigration Act 1971);

(b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;

(c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));

(d) any other document specified in regulations made by the Secretary of State."

(3) In subsection (5)(b), for "a person aged 18 or over" substitute "the buyer".

(4) In subsection (6), for "a person aged 18 or over" substitute "the buyer".

(5) In subsection (8), omit "or a person acting on behalf of the buyer" in both places it occurs.

(6) After subsection (9) insert—

"(10) Regulations made by the Secretary of State under this section are to be made by statutory instrument.

(11) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

32 Delivery of knives etc

(1) The Offensive Weapons Act 2019 is amended as follows.

(2) After section 39 insert—

"39A Defences to offence under section 38: England and Wales

(1) It is a defence for a person charged in England and Wales with an offence under section 38(2) of delivering a bladed product to residential premises to show that the delivery conditions were met.

(2) It is a defence for a person ("the seller") charged in England and Wales with an offence under section 38(2) of arranging for the delivery of a bladed product to residential premises to show that—

(a) the arrangement required the person with whom it was made not to finally deliver the bladed product unless the delivery conditions were met, and

(b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product would not be finally delivered unless the delivery conditions were met.

(3) It is a defence for a person charged in England and Wales with an offence under section 38(3) to show that they took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(4) The delivery conditions are that—

(a) the person ("P") into whose hands the bladed product was finally delivered showed the person delivering it an identity document issued to P, and

(b) on the basis of that document a reasonable person would have been satisfied—

(i) that P was over 18, and

(ii) if the buyer was an individual, that P was the buyer.

(5) In subsection (4) "identity document" means—

(a) a United Kingdom passport (within the meaning of the Immigration Act 1971);

(b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;

(c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));

(d) any other document specified in regulations made by the Secretary of State.

(6) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(7) The Secretary of State may by regulations provide for other defences for a person charged in England and Wales with an offence under section 38."

(3) After section 40 insert—

"40A Delivery of bladed products sold by UK seller to residential premises: England and Wales

(1) This section applies if—

(a) a person ("the seller") sells a bladed product to another person ("the buyer"),

(b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time,

(c) before the sale the seller entered into an arrangement with a person ("the courier") by which the courier agreed to deliver bladed products for the seller,

(d) the courier was aware when they entered into the arrangement that it covered the delivery of bladed products, and

(e) pursuant to the arrangement, the courier finally delivers the bladed product to residential premises in England or Wales.

(2) The courier commits an offence if, when they finally deliver the bladed product to residential premises in England or Wales, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the buyer is an individual, is the buyer.

(3) A person finally delivering the bladed product to residential premises in England or Wales on behalf of the courier commits an offence if,

when they deliver it, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the buyer is an individual, is the buyer.

(4) It is a defence for a person charged with an offence under subsection (2) to show that the delivery conditions (within the meaning of section 39A(4)) were met.

(5) It is a defence for a person charged with an offence under subsection (3) to show that—

(a) the delivery conditions (within the meaning of section 39A(4)) were met, or

(b) the person did not know, and a reasonable person would not have known, that the person was delivering a bladed product.

(6) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine.

(8) Section 39(2) to (5) applies for the purposes of subsection (1)(b) and (e) as it applies for the purposes of section 39(1)(b) and (e).

(9) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

40B Offence of UK seller delivering etc bladed product to collection point: England and Wales

(1) This section applies if—

(a) a person ("the seller") sells a bladed product to another person ("the buyer"), and

(b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time.

(2) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller—

(a) delivers the bladed product to a collection point in England or Wales, or

(b) arranges for the bladed product to be delivered to a collection point in England or Wales.

(3) It is a defence for a person charged with an offence under subsection (2)(a) to show that—

(a) when the package containing the bladed product was delivered to the collection point, it was clearly marked to indicate that it contained a bladed product and should only be given into the hands of a person who—

(i) is aged 18 or over, and

(ii) if the buyer is an individual, is the buyer, and

(b) 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.

(4) It is a defence for a person charged with an offence under subsection (2)(b) to show that—

(a) when the package containing the bladed product was given to the person with whom the arrangement was made, it was clearly marked to indicate that it contained a bladed product and should only be given into the hands of a person who—

(i) is aged 18 or over, and

(ii) if the buyer is an individual, is the buyer, and

(b) the seller 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.

(5) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine.

(7) "Collection point" means a place—

(a) from which the bladed product may be collected by the buyer or a person acting on behalf of the buyer, and

(b) where on collection the bladed product is given by an individual to the buyer or a person acting on behalf of the buyer.

(8) Section 39(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 39(1)(b).

(9) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

40C Offence of courier delivering bladed product sold by UK seller to collection point: England and Wales

(1) This section applies if—

(a) a person ("the seller") sells a bladed product to another person ("the buyer"),

(b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time,

(c) before the sale the seller entered into an arrangement with a person ("the courier") by which the person agreed to deliver bladed products for the seller, and

(d) the courier was aware when they entered into the arrangement that it covered the delivery of bladed products.

(2) The courier commits an offence if, pursuant to the arrangement, they deliver a bladed product to a collection point in England or Wales.

(3) It is a defence for a person charged with an offence under this section to show that—

(a) when the package containing the bladed product was delivered to the collection point, it was clearly marked to indicate that it contained a bladed product and should only be given into the hands of a person who—

(i) is aged 18 or over, and

(ii) if the buyer is an individual, is the buyer, and

(b) 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.

(4) It is a defence for a person charged with an offence under this section to show that the person did not know, and a reasonable person would not have known, that the product was a bladed product.

(5) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine.

(7) "Collection point" has the meaning given in section 40B.

(8) Section 39(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 39(1)(b).

(9) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

40D Handing over bladed products sold by UK seller at collection point: England and Wales

(1) This section applies if—

(a) a person ("the seller") sells a bladed product to another person ("the buyer"),

(b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time,

(c) the bladed product is delivered to a collection point in England or Wales, and

(d) condition A or condition B is satisfied.

(2) Condition A is that—

(a) the delivery is pursuant to an arrangement entered into before the delivery by—

(i) the person operating the collection point ("the operator"), and

(ii) the seller or the person delivering the bladed product to the collection point, and

(b) the operator was aware when they entered into the arrangement that it covered the delivery to the collection point of bladed products.

(3) Condition B is that the seller is the operator of the collection point.

(4) The operator commits an offence if, when the bladed product is collected, it is not given into the hands of an eligible person.

(5) A person acting on behalf of the operator commits an offence if they—

(a) give it to a person collecting it, but

(b) do not give it into the hands of an eligible person.

(6) "Eligible person" means a person who—

(a) is aged 18 or over, and

(b) if the buyer is an individual, is the buyer.

(7) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the collection conditions were met.

(8) The collection conditions are that—

(a) the person ("P") who collected the bladed product showed the individual giving it to them an identity document issued to P, and

(b) on the basis of that document a reasonable person would have been satisfied—

(i) that P was over 18, and

(ii) if the buyer was an individual, that P was the buyer.

(9) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the person did not know, and a reasonable person would not have known, that the product was a bladed product.

(10) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(11) A person guilty of an offence under this section is liable on summary conviction to a fine.

(12) In this section—

"collection point" has the meaning given in section 40B;

"identity document" has the meaning given in section 39A.

(13) Section 39(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 39(1)(b).

(14) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section."

(4) After section 42 insert—

"42A Delivery of bladed articles sold by non-UK seller to premises: England and Wales

(1) This section applies if—

(a) a person ("the seller") sells a bladed article to another person ("the buyer"),

(b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is outside the United Kingdom at that time,

(c) before the sale the seller entered into an arrangement with a person ("the courier") by which the courier agreed to deliver bladed articles for the seller,

(d) the courier was aware when they entered into the arrangement that it covered the delivery of bladed articles, and

(e) pursuant to the arrangement, the courier finally delivers the bladed article to premises in England or Wales.

(2) The courier commits an offence if, when they finally deliver the bladed article, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the buyer is an individual, is the buyer.

(3) A person finally delivering the bladed article on behalf of the courier commits an offence if, when they deliver the bladed article, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the buyer is an individual, is the buyer.

(4) It is a defence for a person charged with an offence under subsection (2) to show that the delivery conditions were met.

(5) It is a defence for a person charged with an offence under subsection (3) to show that—

(a) the delivery conditions were met, or

(b) the person did not know, and a reasonable person would not have known, that the person was delivering a bladed article.

(6) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine.

(8) Section 42(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 42(1)(b).

(9) In this section—

"bladed article" means an article to which section 141A of the Criminal Justice Act 1988 applies (as that section has effect in relation to England and Wales);

"delivery conditions" has the meaning given by section 39A(4), but reading the reference in that section to a bladed product as a reference to a bladed article."

(5) In section 38(10) (offences) for "section" substitute "sections 39A and".

(6) In section 39 (delivery of bladed products to persons under 18)—

(a) in the heading, at the end insert ": Scotland and Northern Ireland";

(b) in subsection (1)(e) after "premises" insert "in Scotland or Northern Ireland";

(c) in subsection (7) omit paragraph (a).

(7) In section 40 (defences to delivery offences under sections 38 and 39)—

(a) in the heading, after "39" insert ": Scotland and Northern Ireland";

(b) in subsection (1) after "charged" insert "in Scotland or Northern Ireland";

(c) in subsection (2) after "charged" insert "in Scotland or Northern Ireland";

(d) in subsection (3) after "charged" insert "in Scotland or Northern Ireland";

(e) in subsection (4) after "charged" insert "in Scotland or Northern Ireland";

(f) in subsection (5) after "charged" insert "in Scotland or Northern Ireland";

(g) in subsection (6) after "charged" insert "in Scotland or Northern Ireland";

(h) in subsection (7), omit "England and Wales or";

(i) in subsection (14), in the definition of "appropriate national authority" omit paragraph (a).

(8) In section 41 (meaning of "bladed product" in sections 38 to 40)—

(a) in the heading, for "40" substitute "40D";

(b) in subsection (1) for "40" substitute "40D";

(c) in subsection (2) for "40" substitute "40D".

(9) In section 42 (delivery of knives etc pursuant to arrangement with seller outside UK)—

(a) in the heading, at the end insert ": Scotland and Northern Ireland";

(b) in subsection (1)(e), after "article" insert "to premises in Scotland or Northern Ireland";

(c) in subsection (5) omit "England and Wales or";

(d) omit subsection (10)(a);

(e) omit subsection (11)(a).

(10) In section 66(1)(j) (guidance on offences relating to offensive weapons etc) for "42" substitute "42A".

(11) In section 68 (regulations and orders)—

(a) in subsection (2) after "State" insert, ", except for regulations under section 39A(5)(d),";

(b) after subsection (2) insert—

"(2A) A statutory instrument containing regulations under section 39A(5)(d) is subject to annulment in pursuance of a resolution of either House of Parliament."

33 Remote sale and letting of crossbows

(1) The Crossbows Act 1987 is amended as follows.

(2) In section 1 omit "unless he believes him to be eighteen years or older and has reasonable ground for the belief".

(3) After section 1A insert—

"1B Defence to offence under section 1: England and Wales

(1) It is a defence for a person charged with an offence under section 1 to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) Subsection (3) applies if—

(a) a person ("A") is charged with an offence under section 1, and

(b) A was not in the presence of the person ("B") to whom the crossbow or part of a crossbow was sold or let on hire at the time of the sale or letting on hire.

(3) A is not to be regarded as having shown that A took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, A shows that the following conditions are met.

(4) Condition 1 is that, before the sale or letting on hire—

(a) A obtained from B—

(i) a copy of an identity document issued to B, and

(ii) a photograph of B, and

(b) on the basis of the things obtained under paragraph (a), a reasonable person would have been satisfied that B was aged 18 or over.

(5) For the purposes of subsection (4) an "identity document" means—

(a) a United Kingdom passport (within the meaning of the Immigration Act 1971);

(b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;

(c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));

(d) any other document specified in regulations made by the Secretary of State.

(6) Condition 2 is that when the package containing the crossbow or part of a crossbow was dispatched by A, it was clearly marked to indicate—

(a) that it contained a crossbow or part of a crossbow, and

(b) that, when finally delivered, it should only be delivered into the hands of B.

(7) Condition 3 is that A took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of B.

(8) Condition 4 is that A did not deliver the package, or arrange for its delivery, to a locker.

(9) Where the crossbow or part of a crossbow was dispatched by A to a place from which it was to be collected by B, references in subsections (6) and (7) to its final delivery are to be read as its supply to B from that place.

(10) In subsection (8) "locker" means a lockable container to which the package is delivered with a view to its collection by B, or a person

acting on behalf of B, in accordance with arrangements made between A and B."

34 Delivery of crossbows

In the Crossbows Act 1987, after section 1B (inserted by section 33) insert—

"1C Offence of seller etc delivering crossbows or parts of crossbows to residential premises in England or Wales

(1) This section applies if—

(a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"), and

(b) A and B are not in each other's presence at the time of the sale.

(2) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A—

(a) delivers the crossbow or part of a crossbow to residential premises in England or Wales, or

(b) arranges for its delivery to residential premises in England or Wales.

(3) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A—

(a) delivers the crossbow or part of a crossbow to a locker in England or Wales, or

(b) arranges for its delivery to a locker in England or Wales.

(4) In subsection (3) "locker" means a lockable container to which the crossbow or part of a crossbow is delivered with a view to its collection by B, or a person acting on behalf of B, in accordance with arrangements made between A and B.

(5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

(6) The "maximum term for summary offences", in relation to an offence, means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;

(b) if the offence is committed after that time, 51 weeks.

1D Defences to offences under section 1C

(1) It is a defence for a person charged with an offence under section 1C(2)(a) to show that the delivery conditions were met.

(2) It is a defence for a person charged with an offence under section 1C(2)(b) to show that—

(a) the arrangement required the person with whom it was made not to finally deliver the crossbow or part of a crossbow unless the delivery conditions were met, and

(b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the crossbow or part of a crossbow would not be finally delivered unless the delivery conditions were met.

(3) It is a defence for a person charged with an offence under section 1C(3) to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) For the purposes of this section the delivery conditions are that—

(a) the person ("P") into whose hands the crossbow or part of a crossbow was finally delivered showed the person delivering it an identity document issued to P, and

(b) on the basis of that document a reasonable person would have been satisfied—

(i) that P was aged 18 or over, and

(ii) 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.

(5) "Identity document" has the same meaning as in section 1B(5).

(6) The Secretary of State may by regulations provide for other defences for a person charged with an offence under section 1C.

1E Offence of delivery business delivering crossbows or parts of crossbows to residential premises in England or Wales on behalf of UK seller

(1) This section applies if—

(a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"),

(b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,

(c) before the sale or letting on hire A entered into an arrangement with a person ("C") by which C agreed to deliver crossbows or parts of crossbows for A,

(d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows, and

(e) pursuant to the arrangement, C finally delivers the crossbow or part of a crossbow to residential premises in England or Wales.

(2) For the purposes of subsection (1)(b) a person other than an individual is within the United Kingdom at any time if the person carries on a

business of selling articles of any kind from premises in any part of the United Kingdom at that time.

(3) C commits an offence if, when they finally deliver the crossbow or part of a crossbow to residential premises in England or Wales, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.

(4) A person finally delivering the crossbow or part of a crossbow to residential premises in England or Wales on behalf of C commits an offence if, when they deliver it, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.

(5) It is a defence for a person charged with an offence under subsection (3) to show that the delivery conditions (within the meaning of section 1D(4)) were met.

(6) It is a defence for a person charged with an offence under subsection (4) to show that—

(a) the delivery conditions (within the meaning of section 1D(4)) were met, or

(b) the person did not know, and a reasonable person would not have known, that the person was delivering a crossbow or part of a crossbow.

(7) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

(8) A person guilty of an offence under this section is liable on summary conviction to a fine.

1F Offence of UK seller etc delivering crossbows or parts of crossbows to collection point in England or Wales

(1) This section applies if—

(a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"), and

(b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time.

(2) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A—

(a) delivers the crossbow or part of a crossbow to a collection point in England or Wales, or

(b) arranges for the crossbow or part of a crossbow to be delivered to a collection point in England or Wales.

(3) It is a defence for a person charged with an offence under subsection (2)(a) to show that—

(a) when the package containing the crossbow or part of a crossbow was delivered to the collection point, it was clearly marked to indicate that it contained a crossbow or a part of a crossbow and should only be given into the hands of a person who—

(i) is aged 18 or over, and

(ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and

(b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.

(4) It is a defence for a person charged with an offence under subsection (2)(b) to show that—

(a) when the package containing the crossbow or part of a crossbow was given to the person with whom the arrangement was made, it was clearly marked to indicate that it contained a crossbow or part of a crossbow and should only be given into the hands of a person who—

(i) is aged 18 or over, and

(ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and

(b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine.

(6) "Collection point" means a place—

(a) from which the crossbow or part of a crossbow may be collected by the person to whom the crossbow or part of a crossbow was sold or let on hire or a person acting on behalf of that person, and

(b) where on collection the crossbow or part of a crossbow is given by an individual to the person to whom the crossbow or part of a crossbow was sold or let on hire, or a person acting on behalf of that person.

(7) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

1G Offence of delivery business delivering crossbows or parts of crossbows to collection point in England or Wales

(1) This section applies if—

(a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"),

(b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,

(c) before the sale or letting on hire A entered into an arrangement with a person ("C") by which C agreed to deliver crossbows or parts of crossbows for A, and

(d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows.

(2) C commits an offence if, pursuant to the arrangement, they deliver a crossbow or part of a crossbow to a collection point in England or Wales.

(3) It is a defence for a person charged with an offence under this section to show that—

(a) when the package containing the crossbow or part of a crossbow was delivered to the collection point, it was clearly marked to indicate that it contained a crossbow or part of a crossbow and should only be given into the hands of a person who—

(i) is aged 18 or over, and

(ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and

(b) they took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.

(4) It is a defence for a person charged with an offence under this section to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or part of a crossbow.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine.

(6) "Collection point" has the meaning given in section 1F.

(7) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

1H Handing over crossbows or parts of crossbows at collection point in England or Wales

(1) This section applies if—

(a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"),

(b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,

(c) the crossbow or part of a crossbow is delivered to a collection point in England or Wales, and

(d) condition A or condition B is satisfied.

(2) Condition A is that—

(a) the delivery is pursuant to an arrangement entered into before the delivery by—

(i) the person operating the collection point ("the operator"), and

(ii) A or the person delivering the crossbow or part of a crossbow to the collection point, and

(b) the operator was aware when they entered into the arrangement that it covered the delivery to the collection point of crossbows or parts of crossbows.

(3) Condition B is that A is the operator of the collection point.

(4) The operator commits an offence if, when the crossbow or part of a crossbow is collected, it is not given into the hands of an eligible person.

(5) A person acting on behalf of the operator commits an offence if they—

(a) give it to a person collecting it, but

(b) do not give it into the hands of an eligible person.

(6) "Eligible person" means a person who—

(a) is aged 18 or over, and

(b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.

(7) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the collection conditions were met.

(8) The collection conditions are that—

(a) the person ("P") who collected the crossbow or part of a crossbow showed the individual giving it to them an identity document issued to P, and

(b) on the basis of that document a reasonable person would have been satisfied—

(i) that P was aged 18 or over, and

(ii) 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.

(9) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or part of a crossbow.

(10) A person guilty of an offence under this section is liable on summary conviction to a fine.

(11) In this section—

"collection point" has the meaning given in section 1F;

"identity document" has the meaning given in section 1B(5).

(12) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

1I Offence of delivery business delivering crossbows or parts of crossbows to premises in England and Wales on behalf of non-UK seller

(1) This section applies if—

(a) a person ("A") sells or lets for hire a crossbow or part of a crossbow to another person ("B"),

(b) A and B are not in each other's presence at the time of the sale or letting on hire and A is outside the United Kingdom at that time,

(c) before the sale or letting on hire A entered into an arrangement with a person ("C") by which C agreed to deliver crossbows or parts of crossbows for A,

(d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows, and

(e) pursuant to the arrangement, C finally delivers the crossbow or part of a crossbow to premises in England or Wales.

(2) For the purposes of subsection (1)(b) a person other than an individual is outside the United Kingdom at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.

(3) C commits an offence if, when they finally deliver the crossbow or part of a crossbow to premises in England or Wales, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.

(4) Any person finally delivering the crossbow or part of a crossbow to premises in England or Wales on behalf of C commits an offence if, when they deliver it, they do not deliver it into the hands of a person who—

(a) is aged 18 or over, and

(b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine.

(6) It is a defence for a person charged with an offence under subsection (3) to show that the delivery conditions (within the meaning of section 1D(4)) were met.

(7) It is a defence for a person charged with an offence under subsection (4) to show that—

(a) the delivery conditions (within the meaning of section 1D(4)) were met, or

(b) the person did not know, and a reasonable person would not have known, that the person was delivering a crossbow or part of a crossbow."

35 Sale and delivery of crossbows: supplementary provision

(1) After section 1I of the Crossbows Act 1987 (inserted by section 34) insert—

"1J Interpretation of sections 1B to 1I

(1) This section applies for the interpretation of sections 1B to 1I.

(2) A person ("A") is not in the presence of another person ("B") at any time if—

(a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;

(b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.

(3) "Residential premises" means premises used solely for residential purposes.

(4) The circumstances where premises are not residential premises include, in particular, where a person carries on a business from the premises.

(5) A person charged with an offence is taken to have shown a matter if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt."

(2) After section 6 of the Crossbows Act 1987 insert—

"6A Regulations

(1) Regulations made by the Secretary of State under this Act are to be made by statutory instrument.

(2) The Secretary of State may not make a statutory instrument containing (alone or with other provision) regulations under section 1D(6), 1E(7), 1F(7), 1G(7) or 1H(12) unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(3) Any other statutory instrument containing regulations made by the Secretary of State under this Act is subject to annulment in pursuance of a resolution of either House of Parliament."

(3) In section 66(1) of the Offensive Weapons Act 2019 (guidance on offences relating to offensive weapons etc), after paragraph (ga) (inserted by section 36) insert—

"(gb) any of sections 1 to 3 of the Crossbows Act 1987 (sale etc of crossbows) as they have effect in relation to England and Wales,".

36 Duty to report remote sales of knives etc in bulk: England and Wales and Scotland

(1) In the Criminal Justice Act 1988, after section 141C insert—

"141D Duty to report remote sales of knives etc in bulk

(1) A person ("the seller") must, in accordance with requirements specified in regulations made by the Secretary of State by statutory instrument, report to the person specified in the regulations any reportable sales the seller makes of bladed articles.

(2) A reportable sale of bladed articles occurs where the seller, in any of the ways set out in subsection (4), sells—

(a) six or more bladed articles, none of which form a qualifying set of bladed articles;

(b) two or more qualifying sets of bladed articles;

(c) one or more qualifying sets of bladed articles and five or more bladed articles that do not form a qualifying set.

(3) "Qualifying set of bladed articles" means three or more bladed articles packaged together for sale as a single item, where each bladed article is a different size or shape from the others.

(4) The ways are—

(a) in a single remote sale where the bladed articles are to be delivered to an address in the United Kingdom, or

(b) in two or more remote sales in any period of 30 days—

(i) to one person, where the bladed articles are to be delivered to one or more addresses in the United Kingdom, or

(ii) to two or more persons, where the bladed articles are to be delivered to the same residential premises in the United Kingdom.

(5) A sale of bladed articles is "remote" if the seller is not in the presence of the person ("the buyer") to whom the bladed articles are sold at the time of the sale.

(6) For the purposes of subsection (5) the seller is not in the presence of the buyer at the time of the sale if—

(a) where the seller is an individual, the seller or a person acting on the seller's behalf is not in the presence of the buyer at that time;

(b) where the seller is not an individual, a person acting on the seller's behalf is not in the presence of the buyer at that time.

(7) A sale is not reportable if the buyer—

(a) informs the seller that the buyer is carrying on a business, and

(b) is—

(i) registered for value added tax under the Value Added Tax Act 1994, or

(ii) registered as a company under the Companies Act 2006.

(8) A person who fails to comply with subsection (1) commits an offence.

(9) It is a defence for a person charged with an offence under subsection (8) to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.

(10) A person is to be taken to have shown a matter for the purposes of this section if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(11) A person who commits an offence under subsection (8) is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;

(c) on conviction on indictment in Scotland, to a fine.

(12) In this section—

"bladed article" means an article to which section 141A applies, other than a knife which does not have a sharp point and is designed for eating food;

"residential premises" means premises used for residential purposes (whether or not also used for other purposes).

(13) Regulations made by the Secretary of State under subsection (1) may in particular include requirements about—

(a) how reports are to be made,

(b) when reports to be made, and

(c) the information reports must include.

(14) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

(15) The Secretary of State may by regulations made by statutory instrument amend—

(a) the number of bladed articles specified in subsection (2)(a);

(b) the number of qualifying sets specified in subsection (2)(b);

(c) the number of qualifying sets specified in subsection (2)(c);

(d) the number of bladed articles specified in subsection (2)(c);

(e) the period specified in subsection (4)(b).

(16) A statutory instrument containing regulations under subsection (15) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(17) The Secretary of State must consult the Scottish Ministers before making regulations under this section."

(2) In the Offensive Weapons Act 2019—

(a) in section 66(1) (guidance by Secretary of State) after paragraph (g) insert—

"(ga) section 141D of that Act (duty to report remote sales of knives etc in bulk) as it has effect in relation to England and Wales,";

(b) in section 66(2) (guidance by Scottish Ministers) after paragraph (d) insert—

"(da) section 141D of that Act as it has effect in relation to Scotland,".

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

(1) The Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) is amended as follows.

(2) After Article 54A insert—

"54B Duty to report remote sales of knives etc in bulk

(1) A person ("the seller") must, in accordance with requirements specified in an order made by the Department of Justice, report to the person specified in the order any reportable sales the seller makes of bladed articles.

(2) A reportable sale of bladed articles occurs where the seller, in any of the ways set out in paragraph (4), sells—

(a) six or more bladed articles, none of which form a qualifying set of bladed articles;

(b) two or more qualifying sets of bladed articles;

(c) one or more qualifying sets of bladed articles and five or more bladed articles that do not form a qualifying set.

(3) "Qualifying set of bladed articles" means three or more bladed articles packaged together for sale as a single item, where each bladed article is a different size or shape from the others.

(4) The ways are—

(a) in a single remote sale where the bladed articles are to be delivered to an address in the United Kingdom, or

(b) in two or more remote sales in any period of 30 days—

(i) to one person, where the bladed articles are to be delivered to one or more addresses in the United Kingdom, or

(ii) to two or more persons, where the bladed articles are to be delivered to the same residential premises in the United Kingdom.

(5) A sale of bladed articles is "remote" if the seller is not in the presence of the person ("the buyer") to whom the bladed articles are sold at the time of the sale.

(6) For the purposes of paragraph (5) the seller is not in the presence of the buyer at the time of the sale if—

(a) where the seller is an individual, the seller or a person acting on the seller's behalf is not in the presence of the buyer at that time;

(b) where the seller is not an individual, a person acting on the seller's behalf is not in the presence of the buyer at that time.

(7) A sale is not reportable if the buyer—

(a) informs the seller that the buyer is carrying on a business, and

(b) is—

(i) registered for value added tax under the Value Added Tax Act 1994, or

(ii) registered as a company under the Companies Act 2006.

(8) A person who fails to comply with paragraph (1) commits an offence.

(9) It is a defence for a person charged with an offence under paragraph (8) to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.

(10) A person is to be taken to have shown a matter for the purposes of this Article if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(11) A person who commits an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) In this section—

(a) "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;

(b) "residential premises" means premises used for residential purposes (whether or not also used for other purposes).

(13) An order made by the Department of Justice under paragraph (1) may in particular include requirements about—

(a) how reports are to be made,

(b) when reports to be made, and

(c) the information reports must include.

(14) The Department of Justice may by order amend—

(a) the number of bladed articles specified in paragraph (2)(a);

(b) the number of qualifying sets specified in paragraph (2)(b);

(c) the number of qualifying sets specified in paragraph (2)(c);

(d) the number of bladed articles specified in paragraph (2)(c);

(e) the period specified in paragraph (4)(b)."

(3) In Article 57 (rules and orders)—

(a) the existing text becomes paragraph (1);

(b) in that paragraph for "or 54(3)(c)" substitute ", 54(3)(c) or 54B(1)";

(c) after that paragraph insert—

"(2) An order may not be made under Article 54B(14) unless a draft of the order has been laid before and approved by a resolution of the Northern Ireland Assembly."

(4) In the Offensive Weapons Act 2019, in section 66(3) (guidance by Department of Justice) after paragraph (f) insert—

"(fa) Article 54B of that Order (duty to report remote sales of knives etc in bulk),".

PART 3

RETAIL CRIME

38 Assault of retail worker

(1) A person who assaults a retail worker at work commits an offence under this section.

(2) "Retail worker at work" means a person who—

(a) is working on or about retail premises, and

(b) is working there for or on behalf of the owner or occupier of those premises, or is the owner or occupier of those premises.

(3) In subsection (2)—

"retail premises" means—

(a) premises used wholly or mainly for the purposes of the sale of anything by retail, or

(b) premises used mainly for the purposes of the wholesale of anything, if the premises are also used for the purposes of the sale of anything by retail,

and here "premises" include a stall or vehicle;

"working" includes doing unpaid work.

(4) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or to a fine (or both).

(5) In subsection (4) "the maximum term for summary offences" means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, 6 months;

(b) if the offence is committed after that time, 51 weeks.

(6) In section 40(3) of the Criminal Justice Act 1988 (power to join in indictment count for common assault etc) after paragraph (ac) insert—

"(ad) an offence under section 38 of the Crime and Policing Act 2026 (assault of retail worker);".

39 Assault of retail worker: duty to make criminal behaviour order

In Chapter 1 of Part 11 of the Sentencing Code (criminal behaviour orders), after section 331 (power to make criminal behaviour order) insert—

"331A Duty to make order for offence of assaulting retail worker

(1) This section applies where—

(a) a person is convicted of an offence under section 38 of the Crime and Policing Act 2026 (assault of retail worker),

(b) the prosecution makes an application to the court for a criminal behaviour order to be made against the offender,

(c) the offender is aged 18 or over at the time the prosecution makes the application, and

(d) the court does not impose a custodial sentence or make a youth rehabilitation order, a community order, or a suspended sentence order in respect of—

(i) the offence mentioned in paragraph (a),

(ii) any other offence of which the offender is convicted by or before it, or

(iii) any other offence for which it deals with the offender.

(2) Section 331 applies as if for subsections (2) and (3) of that section there were substituted—

"(2) Subject to subsection (3), the court must, in addition to dealing with the offender for the offence, make a criminal behaviour order against the offender.

(3) Subsection (2) does not apply if—

(a) the court is of the opinion that there are exceptional circumstances which—

(i) relate to the offence or the offender, and

(ii) justify not making a criminal behaviour order, or

(b) the court makes an order for absolute discharge under section 79 in respect of the offence."

(3) Section 332 applies as if for subsection (1) of that section there were substituted—

"(1) For the purpose of forming an opinion as to whether there are exceptional circumstances as mentioned in subsection (3)(a) of section 331 (as modified by subsection (2) of section 331A), the court may consider evidence led by the prosecution and evidence led by the offender.""

40 Theft from shop triable either way irrespective of value of goods

(1) In the Magistrates' Courts Act 1980, omit section 22A (low-value shoplifting to be a summary offence).

(2) In consequence of the amendment made by subsection (1)—

(a) in the Magistrates' Courts Act 1980—

(i) in section 2(3)(a) for "22A" substitute "22";

(ii) in section 143, omit subsections (2)(aza) and (3)(aa);

(b) in the Criminal Attempts Act 1981, omit—

(i) section 1(5);

(ii) in section 4(1)(c), the words from "or is low-value" to "1980),";

(c) in section 51(2)(b) of the Crime and Disorder Act 1998, omit "22A(2)(b),";
(d) in section 84 of the Armed Forces Act 2006, omit subsection (2A);
(e) in the Anti-social Behaviour, Crime and Policing Act 2014, omit section 176;
(f) in the Criminal Justice and Courts Act 2015, omit section 52;
(g) in section 6 of the Judicial Review and Courts Act 2022, omit subsection (3).

(3) The amendments made by this section do not apply in relation to an offence committed before this section comes into force.

PART 4

CRIMINAL EXPLOITATION OF CHILDREN AND OTHERS

CHAPTER 1

CHILD CRIMINAL EXPLOITATION

Offence of child criminal exploitation

41 Child criminal exploitation

(1) A person aged 18 or over who is in a part of the United Kingdom ("the relevant part" of the United Kingdom) commits an offence if—
(a) the person engages in conduct towards or in respect of a child, with the intention of—
(i) causing the child to commit an offence,
(ii) causing the child to do anything outside the relevant part of the United Kingdom which would constitute an offence if done in that part, or
(iii) facilitating the causing of the child, in future, to commit an offence or do anything outside the relevant part of the United Kingdom which would constitute an offence if done in that part, and
(b) either—
(i) the child is under the age of 13, or
(ii) the person does not reasonably believe that the child is aged 18 or over.

(2) In subsection (1)(a) "offence" means an offence under the law of a part of the United Kingdom.

(3) In this section and section 42—
(a) "act" includes omission (and similar references, including references to doing anything, are to be construed accordingly);
(b) "child" means a person under the age of 18;

(c) a reference to a "part" of the United Kingdom is to—

(i) England and Wales,

(ii) Scotland, or

(iii) Northern Ireland.

(4) Where—

(a) a person (D1) arranges for another person (D2) to engage in conduct towards or in respect of a child, and

(b) D2 engages in that conduct,

D1 is to be treated for the purposes of this section and section 42 as also having engaged in that conduct.

(5) A person who commits an offence under this section is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), after paragraph 36C insert—

"Crime and Policing Act 2026 (c. 00)

36D An offence under any of the following provisions of the Crime and Policing Act 2026—

section 41 (child criminal exploitation)".

42 Proving an offence under section 41

(1) This section applies for the purposes of section 41.

(2) Where it is alleged that a person (D) intended to cause a child to commit an offence, it is sufficient to prove that D intended to cause the child to do an act which would amount to the commission of that offence.

(3) Where it is alleged that a person (D) intended to cause a child to do anything outside the relevant part of the United Kingdom which would constitute an offence if done in that part, it is sufficient to prove that D intended to cause the child to do an act which, if done in that part, would amount to the commission of that offence.

(4) Where it is alleged that a person (D) intended to facilitate the causing of a child, in future, to—

(a) commit an offence, or

(b) do anything outside the relevant part of the United Kingdom which would constitute an offence if done in that part,

it is sufficient to prove that D intended to facilitate the causing of the child in future to do an act which would amount to the commission of that offence, or would if done in that part of the United Kingdom amount to the commission of that offence.

(5) In proving for the purposes of this section whether an act is one which would, or which would if done in a part of the United Kingdom, amount to the commission of an offence—

(a) if the offence is one requiring proof of fault, it must be proved that—

(i) D believed that, were the act to be done, it would be done with that fault, or

(ii) D's state of mind was such that, were D to do it, it would be done with that fault;

(b) if the offence is one requiring proof of particular circumstances or consequences (or both), it must be proved that D intended or believed that, were the act to be done, it would be done in those circumstances or with those consequences.

(6) For the purposes of subsection (5)(a)(ii), D is to be assumed to be able to do the act in question.

(7) In this section—

(a) a reference to a child doing an act which would amount to the commission of an offence includes the child doing an act which would amount to the commission of the offence if the child were aged 10 or over (or, in Scotland, were aged 12 or over);

(b) a reference to a child doing an act which, if done in a part of the United Kingdom, would amount to the commission of an offence includes the child doing an act which would amount to the commission of the offence if (in addition to it being done in that part of the United Kingdom) the child were aged 10 or over (or, in Scotland, were aged 12 or over).

Child criminal exploitation prevention orders made otherwise than on conviction

43 Power to make CCE prevention order

(1) This section applies if—

(a) an application for a CCE prevention order in respect of a person is made to a magistrates' court, in accordance with section 45,

(b) a person is acquitted of any offence, by or before a court,

(c) the Crown Court allows a person's appeal against a conviction for any offence, or

(d) the court deals with a person in respect of a finding that—

(i) the person is not guilty of any offence by reason of insanity, or

(ii) the person is under a disability and has done the act charged against them in respect of any offence.

(2) The court may make an order under section 44 (a "CCE prevention order") in respect of the person ("the defendant") if they are aged 18 or over and the conditions in subsections (3) to (5) are met.

(3) The first condition is that—

(a) in any case, the court is satisfied on the balance of probabilities that the defendant has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or

(b) in a case within subsection (1)(d), the offence in question is an offence under section 41.

(4) The second condition is that the court considers that there is a risk that the defendant will engage in child criminal exploitation.

(5) The third condition is that the court considers that it is necessary to make the order to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.

(6) In subsection (3)—

(a) in paragraph (a), the reference to engaging in anything includes engaging in it before (as well as after) the time when this section comes into force;

(b) paragraph (b) applies in relation to findings made in respect of conduct occurring before (as well as after) that time.

(7) In this section and sections 44 to 53—

(a) a reference to a person "engaging in child criminal exploitation" is to the person—

(i) doing anything that constitutes an offence under section 41 (as it has effect in England and Wales), or

(ii) doing anything in Scotland or Northern Ireland that would constitute an offence under section 41 (as it has effect in England and Wales) if done in England and Wales;

(b) a reference to a person "engaging in conduct associated with child criminal exploitation" is to the person doing anything, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).

44 CCE prevention orders

(1) A CCE prevention order is an order which—

(a) prohibits the defendant from doing anything described in the order;

(b) requires the defendant to do anything described in the order.

The order may in particular require the defendant to comply with section 49 (notification).

(2) A court may include a prohibition or requirement only if it considers it necessary for the purpose of preventing the defendant from engaging, or reducing the likelihood of the defendant engaging, in child criminal exploitation.

(3) Prohibitions and requirements must, so far as practicable, be such as to avoid—

(a) any conflict with any religious beliefs of the defendant;

(b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment;

(c) any conflict with the prohibitions and requirements of any other court order or injunction to which the defendant is subject.

(4) A prohibition or requirement applies throughout the United Kingdom unless expressly limited to a particular area.

(5) A CCE prevention order must—

(a) specify the period for which it has effect, which must be at least two years, or

(b) state that it has effect until further order.

(6) A CCE prevention order may specify periods for which particular prohibitions or requirements have effect.

(7) Where a court makes a CCE prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.

Procedure

45 Applications for CCE prevention orders

(1) An application for a CCE prevention order may be made by—

(a) a relevant chief officer of police,

(b) the Chief Constable of the British Transport Police Force,

(c) the chief constable of the Ministry of Defence Police, or

(d) the Director General of the National Crime Agency.

(2) For the purposes of subsection (1)(a) a chief officer of police is a "relevant chief officer of police" in relation to an application if—

(a) the defendant lives in the chief officer's police area, or

(b) the chief officer believes that the defendant is in, or is intending to come to, the chief officer's police area.

(3) Where a person within subsection (1)(b), (c) or (d) makes an application, the person must as soon as practicable notify the chief officer of police for—

(a) the police area in which the defendant lives, or

(b) the police area which the applicant believes the defendant is in or is intending to come to,

of that application.

46 Applications without notice

(1) An application for a CCE prevention order may be made without notice to the defendant.

(2) If an application is made without notice the court must do one of the following—

(a) adjourn the proceedings and make an interim CCE prevention order (see section 47);

(b) adjourn the proceedings without making an interim order;

(c) dismiss the application.

47 Interim CCE prevention orders

(1) This section applies where the court adjourns the hearing of an application (whether made with or without notice) for a CCE prevention order.

(2) The court may, if it considers it necessary to do so, make a CCE prevention order lasting for a fixed period or until the determination of the application (an "interim CCE prevention order").
Section 44(5) does not apply in relation to an interim CCE prevention order.

(3) The only requirement that may be imposed by an interim CCE prevention order on the defendant is a requirement to comply with section 49 (notification requirements).

(4) Subject to that, the court has the same powers in relation to an interim CCE prevention order as it has in relation to an order made at a final hearing.

(5) An interim CCE prevention order made at a hearing of which the defendant was not given notice takes effect on being served on the defendant.

(6) Nothing in subsection (2) prevents the variation of the duration of an interim CCE prevention order, or the discharge of such an order, under section 50.

48 Procedural powers where no application made

(1) This section applies in the circumstances mentioned in section 43(1)(b), (c) or (d).

(2) For the purpose of deciding whether to make a CCE prevention order, the court may consider evidence led by the prosecution and evidence led by the defendant.

(3) It does not matter whether the evidence would have been admissible in the proceedings giving rise to the circumstances referred to in subsection (1).

(4) The court may adjourn any proceedings relating to the making of a CCE prevention order.

(5) If the defendant does not appear for any adjourned proceedings, the court may—

(a) further adjourn the proceedings,

(b) issue a warrant for the defendant's arrest, or

(c) hear the proceedings in the defendant's absence.

(6) The court may act under subsection (5)(b) only if satisfied that the defendant has had adequate notice of the time and place of the adjourned proceedings.

(7) The court may act under subsection (5)(c) only if satisfied that the defendant—

(a) has had adequate notice of the time and place of the adjourned proceedings, and

(b) has been informed that if the defendant does not appear for those proceedings, the court may hear the proceedings in the defendant's absence.

(8) Nothing in this section limits any other powers of the court.

Notification requirements

49 Notification requirements

(1) This section applies where a CCE prevention order requires the defendant to comply with this section.

(2) Before the end of the period of three days beginning with the day on which a CCE prevention order requiring the defendant to comply with this section is first served, the defendant must notify to the police—

(a) the defendant's name and, where the defendant uses one or more other names, each of those names, and

(b) the defendant's home address.

(3) If, while the defendant is required to comply with this section, the defendant—

(a) uses a name which has not been notified under the order, or

(b) changes home address,

the defendant must notify, to the police, the new name or the new home address.

(4) A notification under subsection (3) must be given before the end of the period of three days beginning with the day on which the defendant uses the name or changes home address.

(5) A notification under this section is made—

(a) by attending at an appropriate police station and giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station, or

(b) in a way specified in the CCE prevention order.

(6) An "appropriate police station" is a police station in the police area in which—
  (a) the defendant's home address is situated, or
  (b) the court which made the order is situated.

(7) A notification under this section must be acknowledged in writing.

(8) In this section "home address" means—
  (a) the address of the defendant's sole or main residence in the United Kingdom, or
  (b) where the defendant has no such residence, the address or location of a place in the United Kingdom where the defendant can regularly be found and, if there is more than one such place, such one of those places as the defendant may select.

(9) In determining the period of three days mentioned in subsection (2) or (4), no account is to be taken of any time when the defendant is—
  (a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or
  (b) outside the United Kingdom.

Variation, discharge and appeals

50 Variation and discharge of CCE prevention orders

(1) This section applies where a person mentioned in subsection (2) applies to a relevant court for the variation or discharge of a CCE prevention order.

(2) The persons are—
  (a) the person who applied for the CCE prevention order;
  (b) the defendant;
  (c) the chief officer of police for the police area in which the defendant lives;
  (d) a chief officer of police who believes that the defendant is in, or is intending to come to, the chief officer's police area.

(3) On the application, the court may (after hearing from the applicant and any other person mentioned in subsection (2) who wishes to be heard) make any order varying or discharging the order that the court considers appropriate. This is subject to subsection (7).

(4) The power to vary an order includes power to—
  (a) include an additional prohibition or requirement;
  (b) extend the period for which a prohibition or requirement has effect;
  (c) extend the period for which the order has effect.

(5) The court may make provision of a kind mentioned in subsection (4) only if it considers that the provision is necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.

(6) Subsections (3), (4) and (6) of section 44 apply to additional prohibitions or requirements included on a variation of an order.

(7) The court may not discharge an order before the end of the period of two years beginning with the day on which the order was made, without the consent of the defendant and—

(a) the chief officer of police for the police area in which the defendant lives, or

(b) where the application is made by a chief officer of police, that chief officer.

This subsection does not apply to an interim CCE prevention order.

(8) Where a person within section 45(1)(b), (c) or (d) makes an application under this section, the person must as soon as practicable notify the chief officer of police for—

(a) the police area in which the defendant lives, or

(b) the police area which the applicant believes the defendant is in or is intending to come to,

of that application.

(9) In this section "relevant court" means—

(a) where the Crown Court or the Court of Appeal made the order, the Crown Court;

(b) in any other case, any magistrates' court.

51 Appeals

(1) A relevant person may appeal to the relevant court against a decision made—

(a) on an application under section 45 (applications for CCE prevention orders);

(b) under section 47 (interim CCE prevention orders);

(c) on an application under section 50 (variation and discharge of CCE prevention orders).

(2) In this section—

"relevant court" means—

(a) in the case of a decision of a magistrates' court, the Crown Court;

(b) in the case of a decision of the Crown Court, the Court of Appeal;

"relevant person" means—

(a) the person who made the application to which the decision relates,

(b) the defendant,

(c) the chief officer of police for the police area in which the defendant lives, or

(d) a chief officer of police who believes that the defendant is in, or is intending to come to, the chief officer's police area.

(3) On an appeal under subsection (1) the relevant court may make—

(a) such orders as may be necessary to give effect to its determination of the appeal, and

(b) such incidental and consequential orders as appear to it to be appropriate.

(4) Where a CCE prevention order is made by virtue of paragraph (b), (c) or (d) of section 43(1), the defendant may appeal against the making of the order (so far as they could not otherwise do so) as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence.

(5) Where a CCE prevention order is made on appeal, for the purposes of this Chapter (other than this section) the order is to be treated as made by the court from which the appeal was made.

(6) Rules of court may provide that an appeal from a decision—

(a) to dismiss an application for a CCE prevention order made without notice being given to the defendant, or

(b) to refuse to make an interim CCE prevention order when adjourning proceedings following such an application,

may be made without notice being given to the defendant.

Supplementary

52 Offence of breaching CCE prevention order

(1) A person who, without reasonable excuse, fails to comply with an order mentioned in subsection (2) commits an offence.

(2) The orders are—

(a) a CCE prevention order;

(b) a CCE prevention order under Schedule 6 (CCE prevention orders in Scotland);

(c) a CCE prevention order under Schedule 7 (CCE prevention orders in Northern Ireland).

(3) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

(5) In proceedings for an offence under this section, a copy of the original order mentioned in subsection (2), certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.

(6) In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available) after paragraph (f) insert—

> "(g) section 52(4) of the Crime and Policing Act 2026 (breach of CCE prevention order);".

(7) The Secretary of State may by regulations amend subsection (2) so as to add to or remove from the list of orders any relevant UK order.

(8) "Relevant UK order" means an order under the law of Scotland or Northern Ireland which appears to the Secretary of State to be equivalent or similar to a CCE prevention order.

53 Offences relating to notifications

(1) This section applies where a CCE prevention order requires a person to comply with section 49 (notification requirements).

(2) The person commits an offence if—

(a) without reasonable excuse, they fail to comply with that section, or

(b) in purported compliance with that section, they notify to the police any information which they know to be false.

(3) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) A person commits an offence under subsection (2)(a) on the day on which they first fail, without reasonable excuse, to comply with section 49.

(5) The person continues to commit the offence throughout any period during which the failure continues.

(6) But the person may not be prosecuted more than once in respect of the same failure.

(7) Section 52(5) applies for the purposes of this section.

54 Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Chapter as it applies to criminal proceedings, but with—

(a) the omission of sections 17(4) to (7), 21(4C)(e), 22A, 27(10) and 32 of that Act (which make provision appropriate only in the context of criminal proceedings), and

(b) any other necessary modifications.

(2) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to relevant proceedings under this Chapter—

(a) to the extent provided by rules of court, and

(b) subject to any modifications provided by rules of court.

(3) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—

(a) to a direction under section 19 of that Act as applied by this section;

(b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

(4) In this section "relevant proceedings under this Chapter" means any proceedings under this Chapter except proceedings relating to an offence under section 41, 52 or 53.

55 Interpretation and supplementary provision

(1) In sections 43 to 53—

"CCE prevention order", except in paragraphs (b) and (c) of section 52(2), means an order under section 44 (and accordingly includes an interim order made by virtue of section 47);

"defendant" has the same meaning as in section 43;

"engaging in child criminal exploitation" has the meaning given by section 43 (and related expressions are to be construed accordingly).

(2) An application under this Chapter is to be made—

(a) by complaint, where the application is made to a magistrates' court;

(b) in accordance with rules of court, in any other case.

(3) Section 127 of the Magistrates' Courts Act 1980 (time limit for complaints etc) does not apply to a complaint under this Chapter.

(4) On the hearing of an application under this Chapter, section 97 of the Magistrates' Courts Act 1980 (summons to witness and warrant for arrest) does not apply in relation to any person for whose protection the order is sought, except where the person has given oral or written evidence at the hearing.

CCE prevention orders on conviction

56 Orders made on conviction

Schedule 5 amends Part 11 of the Sentencing Code (behaviour orders) so as to enable courts dealing with offenders in respect of offences to make CCE prevention orders.

CCE prevention orders: Scotland and Northern Ireland

57 Child criminal exploitation prevention orders: Scotland and Northern Ireland

(1) Schedule 6 makes provision about child criminal exploitation prevention orders for Scotland.

(2) Schedule 7 makes provision about child criminal exploitation prevention orders for Northern Ireland.

CHAPTER 2

CUCKOOING

58 Controlling another's home for criminal purposes

(1) A person (A) commits an offence if—

(a) A exercises control over the dwelling of another person (B), and

(b) A does so for the purpose of enabling the dwelling to be used in connection with the commission (by any person) of one or more relevant offences, and

(c) B does not consent to A exercising that control for that purpose.

(2) In this section "relevant offence" means—

(a) where the dwelling is in England or Wales, an offence under the law of England and Wales that is listed in Part 1 of Schedule 8;

(b) where the dwelling is in Scotland, an offence under the law of Scotland that is listed in Part 2 of Schedule 8;

(c) where the dwelling is in Northern Ireland, an offence under the law of Northern Ireland that is listed in Part 3 of Schedule 8.

(3) Section 59 contains provision about the interpretation of this section.

(4) A person who commits an offence under this section is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

59 Section 58: interpretation

(1) This section applies for the purposes of section 58.

(2) A reference to the dwelling of a person is to any structure or part of a structure occupied by the person as their home or other living accommodation (whether the occupation is separate or shared with others), together with any yard, garden, grounds, garage or outhouse belonging to it or used with it.

(3) In subsection (2) "structure" includes a tent, caravan, vehicle, vessel or other temporary or movable structure.

(4) The circumstances in which A exercises control over B's dwelling include circumstances where A exercises control (whether temporarily or permanently) over any of the following—

(a) who is able to enter, leave, occupy or otherwise use the dwelling or part of the dwelling;

(b) the delivery of things to, or the collection of things from, the dwelling;

(c) the way in which, or the purposes for which, the dwelling or part of the dwelling is used;

(d) the ability of B to use the dwelling or part of the dwelling for B's own purposes.

(5) The circumstances in which A exercises control over B's dwelling include circumstances where—

(a) A arranges for another person (C) to exercise control over B's dwelling (including by exercising control over any of the matters mentioned in subsection (4)), and

(b) C does exercise that control.

(6) For the purposes of section 58(1)(c), B consents to A exercising control for the purpose mentioned in section 58(1)(b) only if—

(a) B is aged 18 or over,

(b) B has capacity to give consent to the exercise of control for that purpose,

(c) B is given sufficient information to enable B to make an informed decision about whether to consent,

(d) B gives consent freely, and

(e) the consent is not withdrawn.

60 Power to amend definition of "relevant offence"

(1) The Secretary of State may by regulations amend Schedule 8, except so far as the amendment could be made by regulations under subsection (2) or (3).

(2) The Scottish Ministers may by regulations amend Part 2 of Schedule 8, where provision about the offence to which the amendment relates would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(3) The Department of Justice in Northern Ireland may by regulations amend Part 3 of Schedule 8, where provision about the offence to which the amendment relates—

(a) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

(b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

CHAPTER 3

INTERNAL CONCEALMENT

61 Causing internal concealment of item for criminal purpose

(1) A person ("A") commits an offence if—

(a) A intentionally causes a person other than A who is a child ("C") to conceal a specified item inside C's body, and

(b) the condition in subsection (3) is met.

(2) It does not matter whether the specified item gets inside C's body by an act of A or C or another person.

(3) The condition is that A—

(a) knows or reasonably suspects that the specified item has been used in connection with criminal conduct, or

(b) intends the specified item to be, or knows or reasonably suspects that the specified item may be, used in connection with criminal conduct.

(4) A person ("A") commits an offence if—

(a) any of the following occurs, where B is a person other than A who is not a child—

(i) A compels B to conceal a specified item inside B's body,

(ii) A coerces or deceives B into concealing a specified item inside B's body, or

(iii) A engages in controlling or manipulative behaviour towards B, as a result of which B conceals a specified item inside B's body, and

(b) the condition in subsection (3) is met.

(5) It does not matter whether the specified item gets inside B's body by an act of A or B or another person.

(6) A is to be treated as acting in a way mentioned in subsection (4)(a) where A intentionally causes another person to act in that way (as well as where A acts in that way themselves).

(7) In considering whether a person's behaviour towards B is controlling or manipulative, regard may be had to the nature of the relationship between the person and B and to any of B's personal circumstances which may make B more vulnerable than other persons.

(8) For the purposes of this section the following are specified items—

(a) controlled drugs within the meaning of the Misuse of Drugs Act 1971;

(b) psychoactive substances within the meaning of the Psychoactive Substances Act 2016;

(c) a mobile telephone;

(d) a SIM card;

(e) an electronic device;

(f) cash;

(g) a payment card;

(h) jewellery;

(i) any article made or adapted for use for causing injury to persons, or capable of causing serious injury to persons;

(j) any weapon to which section 141 of the Criminal Justice Act 1988 (offensive weapons) applies, as that section applies in England and Wales.

(9) The Secretary of State may by regulations amend this section for the purpose of changing the items which are specified items.

(10) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

(11) In this section—

"child" means a person under the age of 18;

"criminal conduct" means—

(a) a criminal offence, or

(b) anything done outside England and Wales which would constitute a criminal offence if done in England or Wales;

"electronic device" means any device on which information is capable of being stored electronically and includes any component of such a device;

"payment card" means a credit card, a charge card, a prepaid card or a debit card;

"SIM card" means a removable physical subscriber identity module.

(12) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (inserted by section 41), after the entry for section 41 insert—

"section 61 (causing internal concealment of item for criminal purpose)".

CHAPTER 4

SUPPLEMENTARY PROVISION

62 Secretary of State guidance

(1) The Secretary of State may issue guidance to relevant officers about the exercise of their functions in connection with—

(a) the prevention, detection and investigation of offences under section 41;

(b) CCE prevention orders under section 44;

(c) CCE prevention orders within the meaning of Chapter 2A of Part 11 of the Sentencing Code (orders made on conviction);

(d) the prevention, detection and investigation of offences under section 58;

(e) the prevention, detection and investigation of offences under section 61.

(2) A relevant officer must have regard to any guidance issued under this section.

(3) "Relevant officer" means—

(a) a chief officer of police, within the meaning of section 101(1) of the Police Act 1996,

(b) the chief constable of the Ministry of Defence Police,

(c) the Chief Constable of the British Transport Police Force, and

(d) the Director General of the National Crime Agency.

(4) But subsections (1) and (2) do not apply to the exercise of functions in connection with the matters in subsection (1)(a) or (d) by—

(a) the Chief Constable of the British Transport Police Force, or

(b) the Director General of the National Crime Agency,

in relation to Scotland.

(5) The Secretary of State may revise any guidance issued under this section.

(6) Before issuing any guidance or revisions under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(7) Subsection (6) does not apply to revisions if the Secretary of State considers that they are not substantial.

(8) The Secretary of State must publish any guidance or revisions issued under this section.

63 Department of Justice guidance

(1) The Department of Justice in Northern Ireland ("the Department") may issue guidance to the Chief Constable of the Police Service of Northern Ireland about the exercise of the Chief Constable's functions in connection with—

(a) the prevention, detection and investigation of offences under section 41;

(b) the prevention, detection and investigation of offences under section 58;

(c) CCE prevention orders under Schedule 7.

(2) The Chief Constable of the Police Service of Northern Ireland must have regard to any guidance issued under this section.

(3) The Department may revise any guidance issued under this section.

(4) Before issuing any guidance or revisions under this section, the Department must consult such persons as it considers appropriate.

(5) Subsection (4) does not apply to revisions if the Department considers that they are not substantial.

(6) The Department must publish any guidance or revisions issued under this section.

64 Protections for witnesses, and lifestyle offences

(1) In Part 2 of the Youth Justice and Criminal Evidence Act 1999—

(a) in section 17(4A) after paragraph (b) insert—

"(ba) an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation);

(bb) an offence under section 58 of that Act (controlling another's home for criminal purposes);

(bc) an offence under section 61 of that Act (causing internal concealment of item for criminal purpose);"

(b) in section 33(6) after paragraph (d) insert—

"(e) an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation);

(f) an offence under section 58 of that Act (controlling another's home for criminal purposes);

(g) an offence under section 61 of that Act (causing internal concealment of item for criminal purpose);"

(c) in section 35(3) after paragraph (a) insert—

"(aa) an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation);

(ab) an offence under section 58 of that Act (controlling another's home for criminal purposes);

(ac) an offence under section 61 of that Act (causing internal concealment of item for criminal purpose);".

(2) In Part 2 of the Criminal Evidence (Northern Ireland) Order 1999 (special measures directions for vulnerable witnesses etc)—

(a) in Article 5(5) after sub-paragraph (d) insert—

"(e) an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation);

(f) an offence under section 58 of that Act (controlling another's home for criminal purposes).";

(b) in Article 21(5) for "a slavery or human trafficking offence," substitute "—

"(a) a slavery or human trafficking offence,

(b) an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation), or

(c) an offence under section 58 of that Act (controlling another's home for criminal purposes),".

(3) In Article 23 of that Order—

(a) in paragraph (3) after sub-paragraph (ce) insert—

"(cf) an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation);

(cg) an offence under section 58 of that Act (controlling another's home for criminal purposes);";

(b) in paragraph (4)(a) for the words from the beginning to "(ce)" substitute "except in a case mentioned in sub-paragraph (b)".

(4) In the Proceeds of Crime Act 2002—

(a) in Schedule 2 (lifestyle offences: England and Wales), after paragraph 3A insert—

"Exploitation of vulnerable persons

3B (1) An offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation).

(2) An offence under section 58 of that Act (controlling another's home for criminal purposes).

(3) An offence under section 61 of that Act (causing internal concealment of item for criminal purpose).";

(b) in Schedule 5 (lifestyle offences: Northern Ireland), after paragraph 3A insert—

"Exploitation of vulnerable persons

3B (1) An offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation).

(2) An offence under section 58 of that Act (controlling another's home for criminal purposes)."

PART 5

SEXUAL OFFENCES AND OFFENDERS

CHAPTER 1

CHILD SEXUAL ABUSE

65 Child sexual abuse image-generators

(1) In the Sexual Offences Act 2003, after section 46 insert—

"Creation of CSA material

46A Child sexual abuse image-generators

(1) It is an offence for a person to make, adapt, possess, supply or offer to supply a CSA image-generator.

(2) It is a defence for a person charged with an offence under this section of possessing a CSA image-generator to prove that the person—

(a) was sent the CSA image-generator without any request having been made for it (by or on behalf of the person), and

(b) did not keep it for an unreasonable time.

(3) It is a defence for a person charged with an offence under this section of possessing, supplying or offering to supply a CSA image-generator to prove that the person did not know, and did not have cause to suspect, that the thing possessed, supplied or offered to be supplied was a CSA image-generator.

(4) For further defences, see section 46B.

(5) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(6) In this section—

(a) "CSA image-generator" means anything (including any program and any information in electronic form) which is made or adapted for use for creating, or facilitating the creation of, CSA images;

(b) "CSA image" means—

(i) an indecent photograph or pseudo-photograph of a child, within the meaning of the Protection of Children Act 1978, or

(ii) a prohibited image of a child, within the meaning of section 62 of the Coroners and Justice Act 2009, that is not an excluded image within the meaning of section 63 of that Act;

(c) a reference to making a CSA image-generator includes adapting anything that is not a CSA image-generator in such a way that it becomes a CSA image-generator.

46B Section 46A: supplementary

(1) It is a defence for a person charged with an offence under section 46A—

(a) to prove that the person made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world,

(b) to prove that the person was a member of the Security Service, the Secret Intelligence Service or GCHQ (a "security body") and made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the exercise of any function of the security body, or

(c) to prove that the person—

(i) was a member of OFCOM, was employed or engaged by OFCOM, or assisted OFCOM in the exercise of any of its online safety functions, and

(ii) made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of OFCOM's exercise of any of its online safety functions.

(2) An internet service provider does not commit an offence under section 46A by—

(a) providing access to a communication network, or

(b) transmitting, in a communication network, information provided by a user, if the provider does not—

(i) initiate the transmission,

(ii) select the recipient of the transmission, or

(iii) select or modify the information contained in the transmission.

(3) The references in subsection (2) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—

(a) is automatic, intermediate and transient,

(b) is solely for the purpose of carrying out the transmission in the network, and

(c) is for no longer than is reasonably necessary for the transmission.

(4) An internet service provider does not commit an offence under section 46A by storing information provided by a user for transmission in a communication network if—

(a) the storage of the information—

(i) is automatic, intermediate and temporary, and

(ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and

(b) the internet service provider—

(i) does not modify the information,

(ii) complies with any conditions attached to having access to the information, and

(iii) on obtaining actual knowledge of a matter within subsection (5), promptly removes the information or disables access to it.

(5) The matters within this subsection are that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

(6) An internet service provider does not commit an offence under section 46A by storing information provided by a user who is not acting under the authority or control of the provider if—

(a) the provider had no actual knowledge when the information was provided that it was, or contained, a CSA image-generator, and

(b) on obtaining actual knowledge that the information was, or contained, a CSA image-generator, the provider promptly removed the information or disabled access to it.

(7) Section 72(1) applies in relation to an act which, if done in England and Wales, would constitute an offence under section 46A as if references to a United Kingdom national included—

(a) a body incorporated under the law of any part of the United Kingdom, or

(b) an unincorporated association formed under the law of any part of the United Kingdom.

(8) Section 46A(6) applies for the purposes of this section.

(9) In this section—

(a) "GCHQ" has the meaning given by section 3 of the Intelligence Services Act 1994;

(b) "OFCOM" means the Office of Communications;

(c) a reference to OFCOM's "online safety functions" has the meaning given by section 235 of the Online Safety Act 2023;

(d) "internet service provider" means a provider of—

(i) a service that is made available by means of the internet, or

(ii) a service that provides access to the internet;

(e) "user", in relation to an internet service provider, means a user of a service provided by the internet service provider.

46C Liability for offence under section 46A committed by a body

(1) This section applies where an offence under section 46A is committed by a body.

(2) If the offence is committed with the consent or connivance of—

(a) a relevant person in relation to the body, or

(b) a person purporting to act in the capacity of a relevant person in relation to the body,

the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.

(3) In this section—

"body" means a body corporate, a partnership or an unincorporated association other than a partnership;

"relevant person", in relation to a body, means—

(a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;

(b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;

(c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);

(d) in the case of any other partnership, a partner;

(e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it."

(2) In Schedule 2 to that Act (sexual offences for purposes of section 72 of that Act), in paragraph 1(a) for "47" substitute "46A".

(3) In Schedule 3 to that Act (sexual offences for purposes of Part 2 of that Act) after paragraph 28 insert—

"28A An offence under section 46A of this Act (child sexual abuse image-generators), if the offender is sentenced in respect of the offence to imprisonment for a term of at least 12 months."

(4) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under the Sexual Offences Act 2003), after the entry for section 41 insert—

"section 46A (child sexual abuse image-generators)".

66 Child sexual abuse image-generators: Northern Ireland

(1) In the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), after Article 42 insert—

"Creation of CSA material

42A Child sexual abuse image-generators

(1) It is an offence for a person to make, adapt, possess, supply or offer to supply a CSA image-generator.

(2) It is a defence for a person charged with an offence under this Article of possessing a CSA image-generator to prove that the person—

(a) was sent the CSA image-generator without any request having been made for it (by or on behalf of the person), and

(b) did not keep it for an unreasonable time.

(3) It is a defence for a person charged with an offence under this Article of possessing, supplying or offering to supply a CSA image-generator to prove that the person did not know, and did not have cause to suspect, that the thing possessed, supplied or offered to be supplied was a CSA image-generator.

(4) For further defences, see Article 42B.

(5) A person who commits an offence under this Article is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(6) In this Article—

(a) "CSA image-generator" means anything (including any program and any information in electronic form) which is made or

adapted for use for creating, or facilitating the creation of, CSA images;

(b) "CSA image" means—

(i) an indecent photograph or pseudo-photograph of a child, within the meaning of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17));

(ii) a prohibited image of a child, within the meaning of section 62 of the Coroners and Justice Act 2009, that is not an excluded image within the meaning of section 63 of that Act;

(c) a reference to making a CSA image-generator includes adapting anything that is not a CSA image-generator in such a way that it becomes a CSA image-generator.

42B Article 42A: supplementary

(1) It is a defence for a person charged with an offence under Article 42A—

(a) to prove that the person made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world,

(b) to prove that the person was a member of the Security Service, the Secret Intelligence Service or GCHQ (a "security body") and made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the exercise of any function of the security body, or

(c) to prove that the person—

(i) was a member of OFCOM, was employed or engaged by OFCOM, or assisted OFCOM in the exercise of any of its online safety functions, and

(ii) made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of OFCOM's exercise of any of its online safety functions.

(2) An internet service provider does not commit an offence under Article 42A by—

(a) providing access to a communication network, or

(b) transmitting, in a communication network, information provided by a user, if the provider does not—

(i) initiate the transmission,

(ii) select the recipient of the transmission, or

(iii) select or modify the information contained in the transmission.

(3) The references in paragraph (2) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—

(a) is automatic, intermediate and transient,

(b) is solely for the purpose of carrying out the transmission in the network, and

(c) is for no longer than is reasonably necessary for the transmission.

(4) An internet service provider does not commit an offence under Article 42A by storing information provided by a user for transmission in a communication network if—

(a) the storage of the information—

(i) is automatic, intermediate and temporary, and

(ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and

(b) the internet service provider—

(i) does not modify the information,

(ii) complies with any conditions attached to having access to the information, and

(iii) on obtaining actual knowledge of a matter within paragraph (5), promptly removes the information or disables access to it.

(5) The matters within this paragraph are that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

(6) An internet service provider does not commit an offence under Article 42A by storing information provided by a user who is not acting under the authority or control of the provider if—

(a) the provider had no actual knowledge when the information was provided that it was, or contained, a CSA image-generator, and

(b) on obtaining actual knowledge that the information was, or contained, a CSA image-generator, the provider promptly removed the information or disabled access to it.

(7) Article 76(1) applies in relation to an act which, if done in Northern Ireland, would constitute an offence under Article 42A as if references to a United Kingdom national included—

(a) a body incorporated under the law of any part of the United Kingdom, or

(b) an unincorporated association formed under the law of any part of the United Kingdom.

(8) Article 42A(6) applies for the purposes of this Article.

(9) In this Article—

(a) "GCHQ" has the meaning given by section 3 of the Intelligence Services Act 1994;

(b) "OFCOM" means the Office of Communications;

(c) a reference to OFCOM's "online safety functions" has the meaning given by section 235 of the Online Safety Act 2023;

(d) "internet service provider" means a provider of—

(i) a service that is made available by means of the internet, or

(ii) a service that provides access to the internet;

(e) "user", in relation to an internet service provider, means a user of a service provided by the internet service provider.

42C Liability for an offence under Article 42A committed by a body

(1) This Article applies where an offence under Article 42A is committed by a body.

(2) If the offence is committed with the consent or connivance of—

(a) a relevant person in relation to the body, or

(b) a person purporting to act in the capacity of a relevant person in relation to the body,

the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.

(3) In this Article—

"body" means a body corporate, a partnership or an unincorporated association other than a partnership;

"relevant person", in relation to a body, means—

(a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;

(b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;

(c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);

(d) in the case of any other partnership, a partner;

(e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it."

(2) In Schedule 3 to the Sexual Offences Act 2003 (offences for purposes of Part 2 of that Act) after paragraph 92O insert—

"92OA An offence under Article 42A of that Order (child sexual abuse image-generators) if the offender is sentenced in respect of the offence to imprisonment for a term of at least 6 months."

67 Child sexual abuse image-generators: Scotland

(1) In the Civic Government (Scotland) Act 1982, after section 52C insert—

"52D Child sexual abuse image generators

(1) It is an offence for a person to make, adapt, possess, supply or offer to supply a CSA image-generator.

(2) It is a defence for a person charged with an offence under this section of possessing a CSA image-generator to prove that the person—

(a) was sent the CSA image-generator without any request having been made for it (by or on behalf of the person), and

(b) did not keep it for an unreasonable time.

(3) It is a defence for a person charged with an offence under this section of possessing, supplying or offering to supply a CSA image-generator to prove that the person did not know, and did not have cause to suspect, that the thing possessed, supplied or offered to be supplied was a CSA image-generator.

(4) For further defences, see section 52E.

(5) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(6) In this section—

(a) "CSA image-generator" means anything (including any program and any information in electronic form) which is made or adapted for use for creating, or facilitating the creation of, CSA images;

(b) "CSA image" means an indecent photograph or pseudo-photograph of a child, within the meaning of section 52;

(c) a reference to making a CSA image-generator includes adapting anything that is not a CSA image-generator in such a way that it becomes a CSA image-generator.

52E Section 52D: supplementary

(1) It is a defence for a person charged with an offence under section 52D—

(a) to prove that the person made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world,

(b) to prove that the person was a member of the Security Service, the Secret Intelligence Service or GCHQ (a "security body") and made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the exercise of any function of the security body, or

(c) to prove that the person—

(i) was a member of OFCOM, was employed or engaged by OFCOM, or assisted OFCOM in the exercise of any of its online safety functions, and

(ii) made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of OFCOM's exercise of any of its online safety functions.

(2) An internet service provider does not commit an offence under section 52D by—

(a) providing access to a communication network, or

(b) transmitting, in a communication network, information provided by a user, if the provider does not—

(i) initiate the transmission,

(ii) select the recipient of the transmission, or

(iii) select or modify the information contained in the transmission.

(3) The references in subsection (2) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—

(a) is automatic, intermediate and transient,

(b) is solely for the purpose of carrying out the transmission in the network, and

(c) is for no longer than is reasonably necessary for the transmission.

(4) An internet service provider does not commit an offence under section 52D by storing information provided by a user for transmission in a communication network if—

(a) the storage of the information—

(i) is automatic, intermediate and temporary, and

(ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and

(b) the internet service provider—

(i) does not modify the information,

(ii) complies with any conditions attached to having access to the information, and

(iii) on obtaining actual knowledge of a matter within subsection (5), promptly removes the information or disables access to it.

(5) The matters within this subsection are that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

(6) An internet service provider does not commit an offence under section 52D by storing information provided by a user who is not acting under the authority or control of the provider if—

(a) the provider had no actual knowledge when the information was provided that it was, or contained, a CSA image-generator, and

(b) on obtaining actual knowledge that the information was, or contained, a CSA image-generator, the provider promptly removed the information or disabled access to it.

(7) Section 52D(6) applies for the purposes of this section.

(8) In this section—

(a) "GCHQ" has the meaning given by section 3 of the Intelligence Services Act 1994;

(b) "OFCOM" means the Office of Communications;

(c) a reference to OFCOM's "online safety functions" has the meaning given by section 235 of the Online Safety Act 2023;

(d) "internet service provider" means a provider of—

(i) a service that is made available by means of the internet, or

(ii) a service that provides access to the internet;

(e) "user", in relation to an internet service provider, means a user of a service provided by the internet service provider."

(2) In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of Part 2 of that Act) after paragraph 46 insert—

"46A An offence under section 52D of that Act (child sexual abuse image-generators), if the offender is sentenced in respect of the offence to imprisonment for a term of at least 12 months."

(3) In the Sexual Offences (Scotland) Act 2009—

(a) in section 55 (offences committed outside the UK) after subsection (7) insert—

"(7A) Subsection (1) applies to an act which, if done in Scotland, would constitute an offence under section 52D of the Civic Government (Scotland) Act 1982, as if references to a United Kingdom national included—

(a) a body incorporated under the law of any part of the United Kingdom, or

(b) an unincorporated association formed under the law of any part of the United Kingdom.";

(b) in Schedule 4 (sexual offences for purposes of section 55 of that Act), after paragraph 12 insert—

"12A An offence under section 52D of that Act (child sexual abuse image-generators)."

68 Possession of advice or guidance about creating etc CSA images

(1) Section 69 of the Serious Crime Act 2015 (possession of paedophile manual) is amended as follows.

(2) In subsections (1) and (2)(b)(ii) after "sexually" insert "or creating CSA images".

(3) After subsection (2) insert—

"(2A) In this section "abusing children sexually or creating CSA images" means—

(a) in England and Wales, doing anything that constitutes—

(i) an offence under section 1 of the Protection of Children Act 1978,

(ii) an offence under Part 1 of the Sexual Offences Act 2003 against a person under the age of 16, or

(iii) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) against a person under the age of 16 that is committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation),

or doing anything outside England and Wales that would constitute such an offence if done in England and Wales;

(b) in Northern Ireland, doing anything that constitutes—

(i) an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)),

(ii) an offence under Part 2, 3 or 4 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) against a person under the age of 16, or

(iii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for

Victims) Act (Northern Ireland) 2015 against a person under the age of 16 that is committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation),

or doing anything outside Northern Ireland that would constitute such an offence if done in Northern Ireland;

or creating (anywhere) a prohibited image of a child within the meaning of section 62 of the Coroners and Justice Act 2009."

(4) In subsection (8) omit the definition of "abusing children sexually".

(5) In Schedule 3 to the Sexual Offences Act 2003, in paragraph 93A(1) (service offences) for "35B" substitute "35C".

(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), for paragraph 35A (offences under the Serious Crime Act 2015) substitute—

"35A An offence under any of the following provisions of the Serious Crime Act 2015—

section 69 (possession of paedophile manual)

section 75A (strangulation or suffocation)."

69 Possession of advice or guidance about child sexual abuse or CSA images: Scotland

(1) In Part 4 of the Sexual Offences (Scotland) Act 2009 after section 41 insert—

"41A Possession of advice or guidance about abusing children sexually or creating CSA images

(1) It is an offence to be in possession of any item that contains advice or guidance about abusing children sexually or creating CSA images.

(2) "Abusing children sexually or creating CSA images" means doing anything that constitutes—

(a) an offence under section 52 or 52D of the Civic Government (Scotland) Act 1982;

(b) an offence under section 1, 2 or 7 of the Criminal Law Consolidation (Scotland) Act 1995 against a person under the age of 18;

(c) an offence under section 10 of that Act;

(d) an offence under section 1, or any of sections 9 to 12, of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;

(e) an offence under Part 1 or section 46 of the Sexual Offences (Scotland) Act 2009 against a person under the age of 18;

(f) an offence under Part 4 or section 42 of that Act;

(g) an offence under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 against a person under the

age of 18 that is committed with a view to exploitation that consists of or includes behaviour within section 3(3), (4) or (5) of that Act (prostitution and sexual exploitation),

or doing anything outside Scotland that would constitute such an offence if done in Scotland.

(3) It is a defence for a person (D) charged with an offence under this section—

(a) to prove that D had a legitimate reason for being in possession of the item;

(b) to prove that—

(i) D had not read, viewed or (as appropriate) listened to the item, and

(ii) D did not know, and had no reason to suspect, that it contained advice or guidance about abusing children sexually or creating CSA images; or

(c) to prove that—

(i) the item was sent to D without any request made by D or on D's behalf, and

(ii) D did not keep it for an unreasonable time.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine, or to both.

(5) In this section "item" includes anything in which information of any description is recorded.

41B Section 41A: supplementary provision

(1) A service provider does not commit an offence under section 41A by—

(a) providing access to a communication network, or

(b) transmitting, in a communication network, information provided by a user, if the provider does not—

(i) initiate the transmission,

(ii) select the recipient of the transmission, or

(iii) select or modify the information contained in the transmission.

(2) The references in subsection (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—

(a) is automatic, intermediate and transient,

(b) is solely for the purpose of carrying out the transmission in the network, and

(c) is for no longer than is reasonably necessary for the transmission.

(3) A service provider does not commit an offence under section 41A by storing information provided by a user for transmission in a communication network if—

(a) the storage of the information—

(i) is automatic, intermediate and temporary, and

(ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and

(b) the service provider—

(i) does not modify the information,

(ii) complies with any conditions attached to having access to the information, and

(iii) on obtaining actual knowledge of a matter within subsection (4), promptly removes the information or disables access to it.

(4) The matters within this subsection are that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

(5) A service provider does not commit an offence under section 41A by storing information provided by a user who is not acting under the authority or control of the provider if—

(a) the provider had no actual knowledge when the information was provided that it was, or contained, advice or guidance about abusing children sexually or creating CSA images, and

(b) on obtaining actual knowledge that the information was, or contained, advice or guidance about abusing children sexually or creating CSA images, the provider promptly removed the information or disabled access to it.

(6) In this section—

(a) "service provider" means a person providing an information society service;

(b) "information society service" means a service normally provided—

(i) for remuneration,

(ii) at a distance,

(iii) by electronic means, and

(iv) at the individual request of a user of the service;

(c) "user", in relation to a service provider, means a user of a service provided by the service provider.

(7) In subsection (6)(b)—

(a) "at a distance" means that the service is provided without the parties being simultaneously present;

(b) "by electronic means" means that the service is—

(i) sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and

(ii) entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;

(c) "at the individual request of a user of the service" means that the service is provided through the transmission of data on individual request."

(2) In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of Part 2 of that Act) after paragraph 59ZJ insert—

"59ZJA An offence under section 41A of that Act (possession of paedophile manual) if the offender—

(a) was 18 or over, and

(b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months."

70 Online facilitation of child sexual exploitation and abuse

(1) A person commits an offence if they carry out a relevant internet activity with the intention of facilitating child sexual exploitation and abuse.

(2) Each of the following is a "relevant internet activity" for the purposes of this section—

(a) providing an internet service;

(b) maintaining or helping to maintain an internet service (or part of such a service) provided by another person;

(c) administering, moderating or otherwise controlling access to content on an internet service;

(d) facilitating the sharing of content on an internet service.

(3) For the purposes of this section, a person carries out the relevant internet activity of providing an internet service if they are the provider of the service within the meaning of section 226 of the Online Safety Act 2023.

(4) A person who commits an offence under this section is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

(5) In this section—

"child sexual exploitation and abuse" means—

(a) conduct that would constitute an offence specified in Schedule 9, or

(b) conduct outside the United Kingdom that would constitute such an offence if it took place in the United Kingdom;

"content", in relation to an internet service, has the meaning given by section 236(1) of the Online Safety Act 2023;

"internet service" has the meaning given by section 228 of that Act (and section 204(1) of that Act applies).

(6) The Secretary of State may by regulations amend Schedule 9.

(7) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (6) which amend Part 2 of Schedule 9.

(8) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under subsection (6) which amend Part 3 of Schedule 9.

71 Offence under section 70 outside the United Kingdom

(1) A person commits an offence under section 70 by virtue of conduct outside the United Kingdom only if subsection (2), (3) or (4) applies.

(2) This subsection applies if—

(a) the person is a UK national or a UK body, and

(b) the conduct, if it took place in any part of the United Kingdom, would constitute an offence under section 70.

(3) This subsection applies if—

(a) the person is a UK resident,

(b) the conduct constitutes an offence under the law in force in the country in which it took place, and

(c) if the conduct took place in any part of the United Kingdom it would constitute an offence under section 70.

(4) This subsection applies if—

(a) at the time the conduct took place the person was not a UK national, a UK body or a UK resident,

(b) the conduct constituted an offence under the law in force in the country in which it took place,

(c) if the conduct took place in any part of the United Kingdom it would constitute an offence under section 70, and

(d) the person meets the residence or nationality condition at the relevant time.

(5) For the purposes of subsection (4)(d), the person meets the residence or nationality condition at the relevant time if the person is a UK national, a UK body or a UK resident when proceedings for the offence are taken in the United Kingdom (see subsection (11)).

(6) An act punishable under the law in force in any country constitutes an offence under that law for the purposes of subsections (3) and (4) however it is described in that law.

(7) The condition in subsection (3)(b) or (4)(b) is to be taken to be met unless, not later than rules of court may provide, the defendant serves on the prosecution a notice—

(a) stating that, on the facts as alleged with respect to the conduct in question, the condition is not in the defendant's opinion met,

(b) showing the grounds for that opinion, and

(c) requiring the prosecution to prove that it is met.

(8) But the court, if it thinks fit, may permit the defendant to require the prosecution to prove that the condition in subsection (3)(b) or (4)(b) is met without service of a notice under subsection (7).

(9) In the application of subsections (7) and (8) to Scotland, references to the defendant are to be read as references to the accused.

(10) In the Crown Court, the High Court of Justiciary or the sheriff court, the question whether the condition in subsection (3)(b) or (4)(b) is met is to be decided by the judge or sheriff (as the case may be) alone.

(11) Where an offence under section 70 is committed outside the United Kingdom—

(a) proceedings for the offence may be taken at any place in the United Kingdom, and

(b) the offence may for all incidental purposes be treated as having been committed at any such place.

(12) In the application of subsection (11) to Scotland, any such proceedings against a person may be taken—

(a) in any sheriff court district in which the person is apprehended or is in custody, or

(b) in such sheriff court district as the Lord Advocate may determine.

(13) In subsection (12) "sheriff court district" is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).

(14) In this section—

"country" includes territory;

"UK body" means—

(a) a body incorporated under the law of any part of the United Kingdom, or

(b) an unincorporated association formed under the law of any part of the United Kingdom;

"UK national" means an individual who is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

(b) a person who under the British Nationality Act 1981 is a British subject, or

(c) a British protected person within the meaning of that Act;

"UK resident" means an individual who is habitually resident in the United Kingdom.

72 Liability for offence under section 70 committed by a body

(1) This section applies where an offence under section 70 is committed by a body.

(2) If the offence is committed with the consent or connivance of—

(a) a relevant person in relation to the body, or

(b) a person purporting to act in the capacity of a relevant person in relation to the body,

the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.

(3) In this section—

"body" means a body corporate, a partnership or an unincorporated association other than a partnership;

"relevant person", in relation to a body, means—

(a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;

(b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;

(c) in case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);

(d) in the case of any other partnership, a partner;

(e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it.

73 Section 70: supplementary provision

(1) Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of Part 2 of that Act) is amended as follows.

(2) After paragraph 35C insert—

"35D An offence under section 70 of the Crime and Policing Act 2026 (online facilitation of child sexual exploitation and abuse), if the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months."

(3) After paragraph 59ZL insert—

"59ZM An offence under section 70 of the Crime and Policing Act 2026 (online facilitation of child sexual exploitation and abuse), if the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months."

(4) After paragraph 92Y insert—

"92Z An offence under section 70 of the Crime and Policing Act 2026 (online facilitation of child sexual exploitation and abuse), if the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months."

(5) In paragraph 93A (service offences), in sub-paragraph (1), for "35C" (inserted by section 68) substitute "35D".

(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (inserted by section 41), after the entry for section 61 (inserted by section 61) insert—

"section 70 (online facilitation of child sexual exploitation and abuse)".

74 Sexual activity in presence of child etc

(1) The Sexual Offences Act 2003 is amended as follows.

(2) In section 11(1) (engaging in sexual activity in presence of child), in paragraph (c) for the words from "he engages" to the end (not including the "and" at the end of the paragraph) substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".

(3) In section 18(1) (abuse of position of trust: sexual activity in presence of child), in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".

(4) In section 32(1) (engaging in sexual activity in presence of person with mental disorder impeding choice), in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".

(5) In section 36(1) (engaging in sexual activity in presence, procured by inducement, threat or deception, of person with mental disorder)—

(a) in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,";

(b) in paragraph (d) for "paragraph (c)(i)" substitute "paragraph (c)".

(6) In section 40(1) (care workers: sexual activity in presence of person with mental disorder), in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".

(7) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under the Sexual Offences Act 2003), after the entry for section 10 insert—

"section 11 (engaging in sexual activity in presence of child)".

75 Child sex offences: grooming aggravating factor

(1) In the Sentencing Code after section 70 insert—

"70A Sexual grooming of child

(1) This section applies where—

(a) a court is considering the seriousness of a specified child sex offence,

(b) the offence is aggravated by grooming, and

(c) the offender was aged 18 or over when the offence was committed.

(2) The court—

(a) must treat the fact that the offence is aggravated by grooming as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) An offence is "aggravated by grooming" if—

(a) the offence was facilitated by, or involved, the offender grooming a person under the age of 18, or

(b) the offence was facilitated by, or involved, a person other than the offender grooming a person under the age of 18 and the offender knew, or could reasonably be expected to have known, about the grooming when the offence was committed.

The person groomed need not have been a victim of the offence.

(4) In this section "specified child sex offence" means—

(a) an offence within any of subsections (5) to (7), or
(b) an inchoate offence in relation to any such offence.

(5) An offence is within this subsection if it is—
(a) an offence under section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child),
(b) an offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child),
(c) an offence under any of sections 5 to 8 of the Sexual Offences Act 2003 (rape and other offences against children under 13),
(d) an offence under any of sections 9 to 12 of that Act (other child sex offences),
(e) an offence under section 14 of that Act (arranging or facilitating commission of child sex offence),
(f) an offence under any of sections 16 to 19 of that Act (abuse of position of trust),
(g) an offence under section 25 or 26 of that Act (familial child sex offences), or
(h) an offence under any of sections 47 to 50 of that Act (sexual exploitation of children).

(6) An offence is within this subsection if it is—
(a) an offence under any of sections 1 to 4 of the Sexual Offences Act 2003 (rape, assault and causing sexual activity without consent),
(b) an offence under any of sections 30 to 41 of that Act (sexual offences relating to persons with mental disorder),
(c) an offence under any of sections 61 to 63 of that Act (preparatory offences), or
(d) an offence under any of sections 66 to 67A of that Act (exposure and voyeurism),

and the victim or intended victim was under the age of 18.

(7) An offence is within this subsection if it is an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory) and a person involved in the activity in question was under the age of 18.

(8) Nothing in this section prevents a court from treating any other grooming of a person as an aggravating factor.

(9) This section applies in relation to a person convicted of an offence on or after the day on which section 75 of the Crime and Policing Act 2026 comes into force."

(2) In section 238 of the Armed Forces Act 2006 (deciding the seriousness of an offence), after subsection (7) insert—

"(8) In section 70A of the Sentencing Code (sexual grooming of child as aggravating factor)—

(a) the references in that section to a court are to be read as including a court dealing with an offender for a service offence, and

(b) the reference in subsection (1) to a specified child sex offence is to be read as including a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is a specified child sex offence."

76 Power to scan for child sexual abuse images at the border

After section 164A of the Customs and Excise Management Act 1979 (powers to search for cash) insert—

"164B Power to scan for child sexual abuse images

(1) This section applies if there are reasonable grounds to suspect that a person to whom section 164 applies is carrying an electronic device storing child sexual abuse images.

(2) If this section applies, an officer may—

(a) scan the information stored on the device using technology approved by the Secretary of State for the purpose of ascertaining whether information stored on an electronic device includes child sexual abuse images,

(b) require the person to permit the scan, and

(c) require the person to take such steps as appear necessary to allow the scan to be performed.

(3) In this section—

"child sexual abuse image" means—

(a) in relation to England and Wales and Northern Ireland, an indecent photograph or pseudo-photograph of a child or a prohibited image of a child;

(b) in relation to Scotland, an indecent photograph or pseudo-photograph of a child;

"electronic device" means any article on which information is capable of being stored in electronic form, and includes any component of such an article;

"indecent photograph or pseudo-photograph of a child" has—

(a) in relation to England and Wales, the same meaning as in the Protection of Children Act 1978;

(b) in relation to Scotland, the same meaning as in section 52 of the Civic Government (Scotland) Act 1982;

(c) in relation to Northern Ireland, the same meaning as in the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17));

"prohibited image of a child" has the same meaning as in Chapter 2 of Part 2 of the Coroners and Justice Act 2009."

CHAPTER 2

DUTY TO REPORT CHILD SEXUAL ABUSE

77 Duty to report suspected child sex offences

(1) A person aged 18 or over must make a notification under this section if, in the course of engaging in a relevant activity in England, they are given reason to suspect that a child sex offence may have been committed (at any time).

(2) A notification—

(a) must be made to a relevant police force or a relevant local authority (but may be made to both);

(b) must identify each person believed to have been involved in the suspected offence (so far as known) and explain why the notification is made;

(c) must be made as soon as practicable (subject to subsections (5) and (6));

(d) may be made orally or in writing.

(3) If the person making the notification believes that no relevant child resides in England and Wales, subsection (2)(a) applies as if it referred to a relevant police force only.

(4) The Secretary of State may by regulations make provision about the way in which an oral or written notification is to be made.
The regulations may in particular provide that a notification to a police force or local authority is to be made in accordance with any requirements published from time to time by the police force or local authority.

(5) The duty under subsection (1) does not apply to a person in the initial 7-day period if (and for so long as) they reasonably believe that making such a notification would give rise to a risk to the life or safety of a relevant child.

(6) The duty under subsection (1) does not apply to a person in the initial 7-day period if (and for so long as) they reasonably believe that another person will make a notification under this section in connection with the suspected offence in that period.

(7) The duty under subsection (1) does not apply to a person (P) if—

(a) another person informs P that they have made a notification under this section in connection with the suspected offence, and

(b) P reasonably believes that the notification has been made.

(8) In subsections (6) and (7), references to another person making, or having made, a notification include that person making or having made it on behalf of the person mentioned in subsection (1).

(9) The duty under subsection (1) is also subject to—

(a) section 80 (exception for certain consensual activities between children);

(b) section 81 (exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances);

(c) section 82 (exception in respect of certain disclosures by children);

(d) section 83 (exception for persons providing specified services).

(10) A disclosure made in a notification under this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information.

(11) In this section—

(a) "the initial 7-day period" means the period of 7 days beginning when the person mentioned in subsection (1) is given reason to suspect that a child sex offence may have been committed;

(b) a reference to a person involved in a suspected offence includes, where the suspected offence is under—

(i) section 1(1)(b), (c) or (d) of the Protection of Children Act 1978 (taking etc indecent photograph of child), or

(ii) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child),

any person shown in the photograph or pseudo-photograph concerned (other than an imaginary person);

(c) "relevant local authority" and "relevant police force" have the meaning given by section 78.

(12) In this Chapter—

"child" means a person aged under 18 (and related expressions are to be construed accordingly);

"child sex offence" means an offence specified in Part 1 of Schedule 10;

"relevant activity" means—

(a) a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006, or

(b) an activity specified in Part 2 of Schedule 10;

"relevant child" means a child involved in the suspected offence other than any child who is the suspected offender.

(13) This Chapter applies to persons in the service of the Crown.

78 Section 77: meaning of "relevant local authority" and "relevant police force"

(1) This section applies for the purposes of section 77.

(2) "Relevant local authority" means—

(a) if a relevant child resides in England or Wales, the local authority in whose area the child is believed to reside, or

(b) if the person making the notification does not know the local authority area in which any relevant child resides, such local authority as the person making the notification considers appropriate.

(3) "Relevant police force" means—

(a) if a person believed to be involved in the suspected offence resides in England and Wales, the police force for the area in which the person is believed to reside, or

(b) if the person making the notification—

(i) does not know the police area in which any person believed to be involved in the suspected offence resides, or

(ii) believes that each person believed to be involved in the suspected offence resides outside England and Wales,

such police force in England and Wales as the person making the notification considers appropriate.

(4) In this section "local authority" has the same meaning as in the Children Act 2004 (see section 65).

(5) Section 77(11)(b) (references to "involved in the suspected offence") applies for the purposes of this section.

79 Section 77: reasons to suspect child sex offence may have been committed

(1) For the purposes of section 77, a person (P) is given reason to suspect that a child sex offence may have been committed in each of the following cases (and no others).

(2) The first case is where P witnesses conduct constituting a child sex offence.

(3) The second case is where a child communicates to P something which would cause a reasonable person who engages in the same relevant activity as P to suspect that a child sex offence may have been committed.

(4) The third case is where a person (A) communicates to P something which would cause a reasonable person who engages in the same relevant activity as P to suspect that A may have committed a child sex offence.

(5) The fourth case is where—

(a) P sees an image or hears an audio recording, and

(b) a reasonable person who engages in the same relevant activity as P would suspect that the image shows, or the audio recording is of, conduct constituting a child sex offence.

(6) The fifth case is where P sees an image, and a reasonable person who engages in the same relevant activity as P would suspect that possession of the image may constitute a child sex offence.

(7) In this section "image" means a still or moving image, produced by any means.

80 Exception for certain consensual sexual activities between children

(1) The duty under section 77 does not apply to a person if the following four conditions are met.

(2) The first condition is that the child sex offence that the person is given reason to suspect may have been committed ("the suspected offence") is—

(a) an offence under section 13 of the Sexual Offences Act 2003 (child sex offences committed by children or young persons), or

(b) an offence under section 1(1)(a), (b) or (c) of the Protection of Children Act 1978 or section 160 of the Criminal Justice Act 1988, relating to an indecent photograph of a child.

(3) The second condition is that the person reasonably believes that—

(a) each person involved in the suspected offence was a child aged 13 or over, and

(b) where the suspected offence is under a provision mentioned in subsection (2)(b), the child shown in the indecent photograph concerned is aged 13 or over.

(4) The third condition is that the person is satisfied that—

(a) each person involved in the suspected offence (other than the suspected offender) consented to the conduct constituting the suspected offence, and

(b) where the suspected offence is under section 1(1)(b) or (c) of the Protection of Children Act 1978 or section 160 of the Criminal Justice Act 1988, the person shown in the indecent photograph concerned consented to—

(i) the taking of the photograph, and

(ii) the conduct constituting the suspected offence.

(5) The fourth condition is that the person is satisfied that it would not be appropriate in the circumstances to make a notification under section 77, having regard (among other things) to the risk of harm to each person mentioned in subsection (3)(a) and (if relevant) (b).

(6) For the purposes of the third condition, a person consents if the person agrees by choice, and has the freedom and capacity to make that choice.

(7) In this section "indecent photograph" has the same meaning as in the Protection of Children Act 1978 (see section 7 of that Act).

81 Exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances

(1) The duty under section 77 does not apply to a person if the following four conditions are met.

(2) The first condition is that the child sex offence that the person is given reason to suspect may have been committed ("the suspected offence") is an offence under section 14 of the Sexual Offences Act 2003 (arranging or facilitating child sex offence).

(3) The second condition is that the person reasonably believes that—

(a) each person involved in the suspected offence was a child aged 13 or over, and

(b) each person whom (as regards the suspected offence) the suspected offender intended to be, or believed would be, involved in the offence mentioned in section 14(1)(b) of the Sexual Offences Act 2003 ("the arranged or facilitated offence") was a child aged 13 or over.

(4) The third condition is that the person is satisfied that—

(a) each person (if any) involved in the suspected offence (other than the suspected offender) consented to the conduct constituting it, and

(b) the suspected offender reasonably believed that each person whom the suspected offender intended to be, or believed would be, involved in the arranged or facilitated offence would consent to the conduct constituting it.

(5) The fourth condition is that the person is satisfied that it would not be appropriate in the circumstances to make a notification under section 77, having regard (among other things) to the risk of harm to each person—

(a) involved in the suspected offence, or

(b) whom the suspected offender intended to be, or believed would be, involved in the arranged or facilitated offence.

(6) For the purposes of the third condition, a child consents if the child agrees by choice, and has the freedom and capacity to make that choice.

82 Exception in respect of certain disclosures by children

(1) The duty under section 77 does not apply to a person (P) if—

(a) P is given reason to suspect that another person (A) may have committed a child sex offence by a communication by A that is within section 79(4), and

(b) P reasonably believes that—

(i) A is a child, and

(ii) each other person involved in the suspected offence is a child aged 13 or over.

(2) Section 77(11)(b) (references to "involved in the suspected offence") applies for the purposes of this section.

83 Exception for persons providing specified services

(1) The Secretary of State may by regulations provide that the duty under section 77 does not apply in relation to a person providing a specified service or a specified description of service.
"Specified" here means specified in the regulations.

(2) A service or description of service may be specified only if the Secretary of State is satisfied that—
  (a) the service relates to the safety or well-being of children, and
  (b) it is in the interests of children for the service to be provided on a confidential basis.

84 Preventing or deterring a person from complying with duty to report suspected child sex offence

(1) A person commits an offence if they—
  (a) know that a person is under a duty under section 77, and
  (b) engage in any conduct with the intention of preventing or deterring that person from complying with that duty.

(2) It is a defence for a person charged with an offence under this section to show that the conduct alleged to constitute the offence consisted only of making representations about the timing of a notification under section 77 in light of the best interests of any person whom they reasonably believe to be a relevant child.

(3) A person is taken to show the fact mentioned in subsection (2) if—
  (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
  (b) the contrary is not proved beyond reasonable doubt.

(4) A person who commits an offence under this section is liable—
  (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
  (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).

85 Modification of Chapter for constables

(1) A constable who is under a duty under section 77 is to be treated as having complied with the duty if the constable records, in accordance with applicable policy and procedure, the matters that gave the constable reason to suspect that a child sex offence may have been committed (for the purposes of section 77).

(2) In the application of sections 77(7), 80(5) and 81(5) in respect of a constable, the references in those provisions to the making of a notification under section 77 include references to the making of a record under subsection (1) of this section.

(3) In this section—

"applicable policy and procedure" means the policy and procedure relating to the recording of criminal offences of the police force of which the constable mentioned in subsection (1) is a member;

"police force" includes—

(a) the British Transport Police Force, and

(b) the Ministry of Defence police.

86 Powers to amend this Chapter, and consequential amendments

(1) The Secretary of State may by regulations amend—

(a) section 77 so as to change the person or persons to whom a notification under that section is to be made;

(b) this Chapter so as to add or change an exception to the duty under section 77;

(c) Schedule 10 (child sex offences, and further relevant activities).

The regulations may make consequential amendments of this Chapter.

(2) In Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (barred lists), in paragraph 4(1) (relevant conduct for purposes of paragraph 3) after paragraph (e) insert—

"(f) failing to comply with the duty under section 77 of the Crime and Policing Act 2026 (duty to report suspected child sex offence)."

(3) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (offences under the Crime and Policing Act 2026) (inserted by section 41), after the entry for section 70 (inserted by section 73), insert—

"section 84 (preventing or deterring a person from complying with duty to report suspected child sex offence)".

CHAPTER 3

REMOVAL OF LIMITATION PERIOD FOR CHILD SEXUAL ABUSE

87 Removal of limitation period in child sexual abuse cases

(1) The Limitation Act 1980 is amended as follows.

(2) After section 11 insert—

"11ZA Actions in respect of personal injuries attributable to child sexual abuse

(1) None of the time limits given in the preceding provisions of this Act apply to an action to which this section applies.

(2) This section applies to any action for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) which meets conditions 1 to 3.

(3) Condition 1 is that the damages claimed by the claimant consist of or include damages in respect of personal injuries to the claimant.

(4) Condition 2 is that the claimant was under 18 on the date on which the cause of action accrued.

(5) Condition 3 is that the act or omission to which the claimant's personal injuries were attributable constituted sexual abuse.

(6) This section applies in relation to actions brought, and causes of action accrued, before (as well as after) this section comes into force.

(7) But it does not apply in relation to a claim which, before this section comes into force, was settled by agreement between the parties or determined by a court (whether or not the determination is subject to appeal).

(8) This section does not apply to any action brought for damages under section 3 of the Protection from Harassment Act 1997.

(9) This section does not apply to a cause of action surviving for the benefit of a person's estate by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934, except where an action was brought by the person before the person's death.

11ZB Dismissal of actions in respect of personal injuries attributable to child sexual abuse

(1) This section applies where an action to which section 11ZA applies is brought after the expiration of the time limit that would apply but for that section (disregarding the possibility of the time limit being disapplied under section 33).

(2) The court must dismiss the action if the defendant satisfies the court that it is not possible for a fair hearing to take place.

(3) The court must also dismiss the action if—

(a) the action was begun, or the cause of action accrued, before section 11ZA came into force,

(b) the defendant satisfies the court that, because of the application of section 11ZA, there would be substantial prejudice to the defendant if the action were to proceed, and

(c) having regard to that prejudice, and the prejudice to the claimant if the action is dismissed, the court is satisfied that it would not be equitable to allow the action to proceed.

(4) In this section "the court" means the court in which the action has been brought."

(3) In section 12 (special time limit for actions under Fatal Accidents legislation) after subsection (1) insert—

"(1A) An action under the Fatal Accidents Act 1976 may not be brought if—

(a) section 11ZA would have applied to an action by the person injured to recover damages in respect of the injury, and

(b) the death occurred after the expiration of the time limit that would have applied but for that section (disregarding the possibility of that time limit being overridden under section 33)."

(4) In section 14B(1) (overriding time limit for negligence actions) after "section 11" insert "or 11ZA".

CHAPTER 4

OTHER PROVISION ABOUT SEXUAL OFFENCES

88 Guidance about disclosure of information by police for purpose of preventing sex offending

(1) The Secretary of State may from time to time—

(a) issue guidance to chief officers about the disclosure of police information for the purpose of preventing the commission of relevant sexual offences;

(b) revise any guidance issued under this section.

(2) A chief officer must have regard to any guidance issued under this section.

(3) Subsections (1) and (2) do not apply in relation to functions of the Chief Constable of the British Transport Police in relation to Scotland.

(4) Before issuing or revising guidance under this section, the Secretary of State must consult—

(a) the National Police Chiefs' Council, and

(b) such other persons as the Secretary of State considers appropriate.

(5) Subsection (4) does not apply to revisions if the Secretary of State considers that they are not substantial.

(6) The Secretary of State must publish any guidance or revisions issued under this section.

(7) In this section—

"chief officer" means—

(a) the chief officer of police of a police force maintained by a local policing body,

(b) the Chief Constable of the British Transport Police Force, or

(c) the chief constable of the Ministry of Defence Police;

"police information" means, in relation to a chief officer, information held by the police force in question;

"relevant sexual offence" means an offence listed in Schedule 3 to the Sexual Offences Act 2003.

(8) In construing the reference in subsection (7) to an offence listed in Schedule 3 to the Sexual Offences Act 2003, disregard any condition subject to which an offence is so listed that relates to—

(a) the way in which the defendant is dealt with in respect of the offence or a relevant finding (as defined by section 132(9) of that Act), or

(b) the age of any person.

89 Offences relating to intimate photographs or films and voyeurism

Schedule 11 makes provision in connection with offences relating to intimate photographs or films and voyeurism.

90 Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland

(1) After section 67 of the Criminal Justice and Immigration Act 2008 insert—

"67A Possession or publication of pornographic images of strangulation or suffocation

(1) It is an offence for a person to be in possession of an image if—

(a) the image is pornographic, within the meaning of section 63,

(b) the image portrays, in an explicit and realistic way, a person strangling or suffocating another person, and

(c) a reasonable person looking at the image would think that the persons were real.

(2) It is an offence for a person to publish an image of the kind mentioned in subsection (1).

(3) Publishing an image includes giving or making it available to another person by any means.

(4) Subsections (1) and (2) do not apply to excluded images, within the meaning of section 64.

(5) In this section "image" has the same meaning as in section 63.

(6) Proceedings for an offence under this section may not be instituted—

(a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;

(b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

67B Defences to offences under section 67A

(1) Where a person is charged with an offence under section 67A(1), it is a defence for the person to prove any of the matters mentioned in subsection (2).

(2) The matters are—

(a) that the person had a legitimate reason for being in possession of the image concerned;

(b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an image of the kind mentioned in section 67A(1);

(c) that the person—

(i) was sent the image concerned without any prior request having been made by or on behalf of the person, and

(ii) did not keep it for an unreasonable time;

(d) that the person directly participated in the act portrayed and the act did not involve the infliction of any non-consensual harm on any person.

(3) Where a person is charged with an offence under section 67A(2), it is a defence for the person to prove any of the matters mentioned in subsection (4).

(4) The matters are—

(a) that the person had a legitimate reason for publishing the image concerned to the persons to whom they published it;

(b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an image of the kind mentioned in section 67A(1);

(c) that the person directly participated in the act portrayed, the act did not involve the infliction of any non-consensual harm on any person, and the person only published the image to other persons who directly participated.

(5) In this section "non-consensual harm" has the same meaning as in section 66.

67C Penalties for offences under section 67A

(1) A person who commits an offence under section 67A(1) is liable—

(a) 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);

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine (or both);

(c) 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).

(2) A person who commits an offence under section 67A(2) is liable—

(a) 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);

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine (or both);

(c) 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).

67D Possession of extreme pornographic images: alternative verdict in magistrates' court

If on the trial of a person charged with an offence under section 63 a magistrates' court finds the person not guilty of the offence charged, the magistrates' court may find the person guilty of an offence under section 67A(1)."

(2) In section 68 of that Act (special rules relating to providers of information society services) for "section 63" substitute "sections 63 and 67A".

(3) In Schedule 14 to that Act (special rules relating to providers of information society services)—

(a) in paragraphs 3(1), 4(2) and 5(1) after "63" insert "or 67A";

(b) in paragraph 5(2)—

(i) after "possession" insert "or publication";

(ii) for "an offence under section 63" substitute "the offence in question".

(4) In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for purposes of section 327A), after paragraph 13 insert—

"13ZA An offence under section 67A of that Act (possession or publication of pornographic images of strangulation or suffocation) in relation to an image showing a person under 18."

(5) In Schedule 7 to the Online Safety Act 2023 (priority offences), in paragraph 29—

(a) for "section 63" substitute "any of the following provisions";

(b) for the words in brackets substitute "—

(a) section 63 (possession of extreme pornographic images);

(b) section 67A (possession or publication of pornographic images of strangulation or suffocation)."

91 Pornographic images of strangulation or suffocation: Scotland

(1) After section 51C of the Civic Government (Scotland) Act 1982 insert—

"51D Pornographic images of strangulation or suffocation

(1) It is an offence for a person to be in possession of an image if—

(a) the image is pornographic, within the meaning of section 51A,

(b) the image depicts, in an explicit and realistic way, a person strangling or suffocating another person, and

(c) a reasonable person looking at the image would think that the persons were real.

(2) It is an offence for a person to publish an image of the kind mentioned in subsection (1).

(3) Publishing an image includes giving or making it available to another person by any means.

(4) Subsections (1) and (2) do not apply to excluded images, within the meaning of section 51B.

(5) In this section "image" is to be construed in accordance with section 51A.

51E Defences to offences under section 51D

(1) Where a person is charged with an offence under section 51D(1), it is a defence for the person to prove any of the matters mentioned in subsection (2).

(2) The matters are—

(a) that the person had a legitimate reason for being in possession of the image concerned;

(b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an image of the kind mentioned in section 51D(1);

(c) that the person—

(i) was sent the image concerned without any prior request having been made by or on behalf of the person, and

(ii) did not keep it for an unreasonable time;

(d) that the person directly participated in the act depicted and the act did not actually involve strangulation or suffocation of any person.

(3) Where a person is charged with an offence under section 51D(2), it is a defence for the person to prove any of the matters mentioned in subsection (4).

(4) The matters are—

(a) that the person had a legitimate reason for publishing the image concerned to the persons to whom they published it;

(b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an image of the kind mentioned in section 51D(1);

(c) that the person directly participated in the act depicted, the act did not actually involve strangulation or suffocation of any person, and the person only published the image to other persons who directly participated.

51F Penalties for offences under section 51D

(1) A person who commits an offence under section 51D(1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

(2) A person who commits an offence under section 51D(2) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

51G Possession of extreme pornographic images: alternative verdict

If on the trial of a person charged with an offence under section 51A a court finds the person not guilty of the offence charged, the court may find the person guilty of an offence under section 51D(1)."

(2) In the Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011 (S.S.I. 2011/137)—

(a) in regulation 2(1), in the definition of "relevant offence"—

(i) after "51A" insert "(extreme pornography) or 51D (pornographic images of strangulation or suffocation)";

(ii) after "Act" omit "(extreme pornography)";

(b) in regulation 3(1) and (3) for "a relevant offence" substitute "an offence under section 51A of the 1982 Act";

(c) in regulation 6(2)—

(i) after "possession" insert "or publication";

(ii) for "a relevant offence" substitute "the relevant offence in question".

92 Obscenity etc offences: technology testing defence

(1) The Secretary of State may by regulations provide defences to relevant offences for persons who are authorised by the Secretary of State to carry out technology testing activities.

(2) "Technology testing activities" means activities which are carried out in the course of, or in connection with, testing technology for the purposes of—

(a) investigating whether it may have been made or adapted for use for creating, or facilitating the creation of, prohibited material, or

(b) testing whether it may be used to create, or facilitate the creation of, prohibited material.

(3) "Prohibited material" means anything in relation to which a relevant offence may be committed.

(4) The regulations may make provision about authorisations by the Secretary of State to carry out technology testing activities, including provision—

(a) for authorisations to be subject to conditions (which may be specified in the regulations or determined by the Secretary of State);

(b) for the variation, suspension, or withdrawal of authorisations and conditions;

(c) for the enforcement of any breaches of conditions (which may include provision creating criminal offences punishable with a fine);

(d) for fees to be payable to the Secretary of State, as a means of recovering costs incurred by the Secretary of State in exercising functions under the regulations.

(5) The Secretary of State must consult the Scottish Ministers before making regulations under this section containing provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(6) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under this section containing provision that—

(a) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

(b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

93 Technology testing defence: meaning of "relevant offence"

(1) For the purposes of section 92 "relevant offence" means—

(a) an offence listed in subsection (2),

(b) an offence listed in subsection (3) (Scotland), and

(c) an offence listed in subsection (4) (Northern Ireland).

(2) The offences referred to in subsection (1)(a) are offences under any of the following provisions—

Act	*Provision*
Obscene Publications Act 1959	Section 2 (publication of obscene article)
Protection of Children Act 1978	Section 1(1)(a), (b) or (c) (indecent photographs of children)
Criminal Justice Act 1988	Section 160(1) (indecent photographs of children)
Communications Act 2003	Section 127(1) (sending indecent messages via public electronic communications network)
Sexual Offences Act 2003	Section 46A (child sexual abuse image generators) Section 66B(1) (sharing intimate photograph or film) Section 66E(1) (creating purported intimate image of adult) Section 66F(1) or (2) (requesting creation of purported intimate image of adult)
Criminal Justice and Immigration Act 2008	Section 63 (possession of extreme pornographic images), as it has effect under the law of England and Wales Section 67A (possession or publication of pornographic images of strangulation or suffocation), as it has effect under the law of England and Wales
Coroners and Justice Act 2009	Section 62 (possession of prohibited images of children), as it has effect under the law of England and Wales
Serious Crime Act 2015	Section 69 (possession of paedophile manual), as it has effect under the law of England and Wales

(3) The offences referred to in subsection (1)(b) are offences under any of the following provisions—

Act	*Provision*
Civic Government (Scotland) Act 1982	Section 51 (obscene material) Section 51A (extreme pornography) Section 51D (pornographic images of strangulation or suffocation) Section 52(1)(a), (b) or (c) (indecent photographs of children)

Act	*Provision*
	Section 52A (indecent photographs of children) Section 52D (child sexual abuse image generators)
Sexual Offences (Scotland) Act 2009	Section 41A (possession of advice or guidance about abusing children sexually or creating CSA images)
Abusive Behaviour and Sexual Harm (Scotland) Act 2016	Section 2 (disclosing or threatening to disclose intimate photograph or film)

(4) The offences referred to in subsection (1)(c) are—

(a) an offence under the common law of Northern Ireland of publishing an indecent or obscene article;

(b) offences under any of the following provisions—

Act / Order	*Provision*
Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I.17)	Article 3(1)(a), (b) or (c) (indecent photographs of children)
Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))	Article 15(1) (indecent photographs of children)
Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))	Article 42A (child sexual abuse image generators)
Criminal Justice and Immigration Act 2008	Section 63 (possession of extreme pornographic images), as it has effect under the law of Northern Ireland Section 67A (possession or publication of pornographic images of strangulation or suffocation), as it has effect under the law of Northern Ireland
Coroners and Justice Act 2009	Section 62 (possession of prohibited images of children), as it has effect under the law of Northern Ireland
Serious Crime Act 2015	Section 69 (possession of paedophile manual), as it has effect under the law of Northern Ireland

(5) The Secretary of State may by regulations amend this section so as to change the meaning of "relevant offence".

(6) The Secretary of State must consult the Scottish Ministers before making regulations under this section containing provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(7) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under this section containing provision that—

(a) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

(b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

94 Exposure

In the Sexual Offences Act 2003, in section 66 (exposure), for subsection (1) substitute—

"(1) A person (A) who intentionally exposes A's genitals commits an offence if—

(a) A intends that someone will see the genitals and be caused alarm, distress or humiliation, or

(b) A exposes the genitals for the purpose of obtaining sexual gratification and does so—

(i) with the intention that someone will see them, and

(ii) being reckless as to whether someone who sees them will be caused alarm, distress or humiliation.

(1A) But where A intends only that a particular person, or particular persons, will see A's genitals, A does not commit an offence by virtue of paragraph (b) of subsection (1) unless A is reckless as to whether that person, or at least one of those persons, will be caused alarm, distress or humiliation."

95 Sexual activity with a corpse

(1) In the Sexual Offences Act 2003 for section 70 substitute—

"70 Sexual activity with a corpse

(1) A person commits an offence if—

(a) the person intentionally performs an act of touching (with a part of their body or anything else),

(b) what is touched is a part of the body of a dead person,

(c) the person knows that, or is reckless as to whether, that is what is touched, and

(d) the touching is sexual.

(2) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding—

(i) if the touching involved penetration of a part of the body mentioned in subsection (1)(b), 7 years;

(ii) otherwise, 5 years."

(2) In consequence of the amendment made by subsection (1), in the following provisions for "sexual penetration of" substitute "sexual activity with"—

paragraph 152 of Schedule 15 to the Criminal Justice Act 2003;

paragraph 35 of Schedule 3 to the Sexual Offences Act 2003;

paragraph 33 of Schedule 4 to the Modern Slavery Act 2015;

paragraph 38(ba) of Schedule 18 to the Sentencing Code.

96 Disregarding convictions and cautions for loitering or soliciting when under 18

(1) Part 5 of the Protection of Freedoms Act 2012 is amended as follows.

(2) In the heading of Chapter 4, omit "for buggery etc."

(3) For the italic heading before section 92, substitute "Sexual activity between persons of the same sex".

(4) After section 94 insert—

"Loitering or soliciting: under 18s

94A Automatic disregard of convictions or cautions for loitering or soliciting when under 18

(1) A conviction or caution is a disregarded conviction or caution if—

(a) it was for an offence under section 1 of the Street Offences Act 1959 (loitering or soliciting for the purpose of prostitution), and

(b) the offender was aged under 18 at the time of the offence.

(2) Sections 95 to 98 explain the effect of a conviction or caution being a disregarded conviction or caution."

(5) In section 95 (effect of disregard on police and other records)—

(a) before subsection (1) insert—

"(A1) Subsections (1) to (4) apply in respect of a conviction or caution disregarded under section 92.";

(b) after subsection (4) insert—

"(4A) A relevant data controller must delete from relevant official records, as soon as reasonably practicable, any details of which

they are aware of a conviction or caution disregarded under section 94A."

(6) In section 99 (appeal against refusal to disregard convictions or cautions)—

(a) in the heading, at the end insert "for sexual activity between persons of the same sex";

(b) in paragraph (a), after "application" insert "made under section 92".

(7) In section 100 (advisers)—

(a) in the heading, at the end insert "on applications under section 92";

(b) in subsection (1), after "case" insert "under section 92".

(8) In section 101 (interpretation)—

(a) in the definition of "disregarded caution", after "which" insert "is or";

(b) in the definition of "disregarded conviction", after "which" insert "is or".

97 Pardons for convictions and cautions for loitering or soliciting when under 18

(1) The Policing and Crime Act 2017 is amended as follows.

(2) After section 165 insert—

"165A Pardons for convictions etc for loitering or soliciting when under 18: England and Wales

(1) Subsection (2) applies in respect of a person (whether living or deceased) who—

(a) was convicted of, or cautioned for, an offence under section 1 of the Street Offences Act 1959 (loitering or soliciting for the purpose of prostitution), and

(b) was aged under 18 at the time of the offence.

(2) The person is pardoned for the offence.

(3) Expressions used in this section or section 167(1) (so far as relating to this section) and in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in this section or (as the case may be) section 167(1) as in that Chapter (see section 101 of that Act)."

(3) In section 167 (sections 164 to 166: supplementary)—

(a) in subsection (1) for "or 165" substitute ", 165 or 165A";

(b) in subsection (2) for "or 165" substitute ", 165 or 165A".

CHAPTER 5

MANAGEMENT OF SEX OFFENDERS

98 Notification of name change

After section 83 of the Sexual Offences Act 2003 insert—

"83A Notification requirements: name changes

(1) A relevant offender must notify a new name to the police—
  (a) no less than 7 days before using it, or
  (b) if that is not reasonably practicable, but it is reasonably practicable for the offender to notify the name to the police before using it, as far in advance of their using it as is reasonably practicable.

(2) Where it is not reasonably practicable for the offender to notify a new name to the police before using it, the offender must notify the name to the police—
  (a) as soon as reasonably practicable after using the name, and
  (b) in any event within the period of 3 days beginning with their using it.

(3) A notification under subsection (1) must specify the date on which the offender expects to use the name.

(4) Subsection (5) applies where—
  (a) a notification is given under subsection (1), and
  (b) the name to which it relates is used more than 2 days before the date specified in the notification.

(5) Where this subsection applies the relevant offender must notify the name to the police—
  (a) as soon as reasonably practicable after using the name, and
  (b) in any event within the period of 3 days beginning with their using it.

(6) Subsection (7) applies where—
  (a) a notification is given under subsection (1), and
  (b) the name to which it relates has not been used by the end of the period of 3 days beginning with the date specified in the notification.

(7) Where this subsection applies—
  (a) subsections (1) and (2) apply as if the notification had not been given, and
  (b) the relevant offender must, within the period of 6 days beginning with the date specified, notify to the police that the

name was not used by the end of the period mentioned in subsection (6)(b).

(8) Section 83(6) applies to the determination of the period of 3 days mentioned in subsections (2) and (5) and the period of 6 days mentioned in subsection (7), as it applies to the determination of the period in section 83(1).

(9) A notification under subsection (1), (2) or (5) must include the information set out in section 83(5).

(10) In this section, a name is "new" unless it has been notified to the police under section 83(1), this section, section 84, or section 2 of the Sex Offenders Act 1997."

99 Notification of absence from sole or main residence

(1) After section 85 of the Sexual Offences Act 2003 insert—

"85ZA Notification requirements: absence from notified residence (England, Wales and Scotland)

(1) This section applies to a relevant offender at any time if the last home address notified by the offender under section 83(1), 83A, 84(1) or 85(1) was an address in England, Wales or Scotland such as is mentioned in section 83(7)(a) (sole or main residence).

(2) If the relevant offender intends to be absent from that home address for a period of more than 5 days ("the relevant period"), the relevant offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).

(3) The information is—

(a) the date on which the relevant offender will leave that home address;

(b) such details as the relevant offender holds about—

(i) their travel arrangements during the relevant period;

(ii) their accommodation arrangements during that period;

(iii) their date of return to that home address.

(4) In this section—

"accommodation arrangements" include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation;

"travel arrangements" include, in particular, details of the means of transport to be used and the dates of travel.

(5) Where—

(a) a relevant offender has given a notification under subsection (2), and

(b) at any time not less than 12 hours before the offender leaves their home address, the information notified becomes inaccurate or incomplete,

the relevant offender must give a further notification under subsection (2).

(6) Where a relevant offender—

(a) has notified a date of return to their home address, but

(b) returns to their home address on a date other than that notified,

the relevant offender must notify the date of their actual return to the police within 3 days of their actual return.

(7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 86.

(8) The appropriate authority may by regulations amend subsection (2) so as to change the duration of the relevant period, provided that the relevant period is at least 5 days.

(9) In subsection (8) the "appropriate authority" means—

(a) in relation to a relevant offender whose last home address notified under section 83(1), 83A, 84(1) or 85(1) was an address in England or Wales such as is mentioned in section 83(7)(a), the Secretary of State;

(b) in relation to a relevant offender whose last home address notified under section 83(1), 83A, 84(1) or 85(1) was an address in Scotland such as is mentioned in section 83(7)(a), the Scottish Ministers."

(2) In section 85A of the Sexual Offences Act 2003 (notification requirements: absence from notified residence (Northern Ireland)), after subsection (7) insert—

"(7A) The Department of Justice in Northern Ireland may by regulations amend subsection (2) so as to change the duration of the relevant period, provided that the relevant period is at least 3 days."

100 Child sex offenders: requirement to notify if entering premises where children present

After section 86 of the Sexual Offences Act 2003 insert—

"86A Notification requirements: persons required to notify if entering premises at which children present

(1) A relevant offender is subject to the requirements in section 86B if—

(a) the offender is a child sex offender, or

(b) a chief officer of police has given the offender a notice stating that the offender is subject to the requirements in section 86B, and the notice has not been cancelled.

(2) A chief officer of police may give a relevant offender a notice under subsection (1)(b) if, when the notice is given, the chief officer—

(a) is the chief officer of police for the offender's relevant police area, and

(b) is satisfied that it is necessary to give the notice for the purpose of protecting children generally, or particular children, from sexual harm from the offender.

(3) A notice under subsection (1)(b) must indicate that an appeal may be made under section 86D against the decision to give the notice.

(4) "Child sex offender" means a person who—

(a) has been convicted of a child sex offence (see subsections (5) and (6)),

(b) has been found not guilty of such an offence by reason of insanity,

(c) has been found to be under a disability and to have done the act charged against the person in respect of such an offence, or

(d) in England or Wales or Northern Ireland, has been cautioned in respect of such an offence.

(5) An offence is a child sex offence if it is within any of the following paragraphs of Schedule 3—

(a) paragraphs 2 to 6, 9 to 16, 19 (where the offence is under section 5 or 6 of this Act), 20 to 26, 28A to 29C, or 35B to 35E (England and Wales);

(b) paragraphs 38B, 39B, 41A, 42, 44 (where it applies by virtue of paragraph 44(a)), 45, 46, 46A, 49 to 55, 57, 59A to 59C, 59O to 59ZK or 59ZM (Scotland);

(c) paragraphs 64, 65, 69 to 72, 75 to 79, 82 to 85, 87 to 89C, 92D (where the offence is under Article 12 or 13 of the Sexual Offences (Northern Ireland) Order 2008), 92E to 92OA, or 92X to 92Z (Northern Ireland);

(d) paragraph 93 or 93A (service offences), where the corresponding offence is within paragraph (a).

(6) An offence is a child sex offence if—

(a) it is within paragraph 35A, 44A or 92A of Schedule 3 and the extreme pornographic image to which the offence related was an image of a person under 18,

(b) it is within paragraph 93 or 93A of Schedule 3 (service offences) and the corresponding offence is within paragraph (a), or

(c) it is within any paragraph of Schedule 3 not within subsection (5) or paragraph (a) or (b) of this subsection, and the victim or (as the case may be) other party was a person under 18.

(7) References in this section to an offence being within a paragraph of Schedule 3 are to be read with paragraphs 94 to 98 of that Schedule.

(8) For the purposes of sections 86B to 86D—

"section 86A notice" means a notice given to a relevant offender under subsection (1)(b);

"section 86B relevant offender" means a relevant offender who is subject to the requirements in that section.

86B Notification requirements: entering premises at which children are present

(1) A section 86B relevant offender must notify the required information to the police no less than 12 hours before entering qualifying premises at which children are present.

(2) "The required information" means—

(a) the address of the premises,

(b) the date on which the offender is to enter the premises, and

(c) such other information as the appropriate authority may specify in regulations.

(3) "Qualifying premises" means premises of a kind specified in regulations made by the appropriate authority.

(4) The appropriate authority may by regulations provide for circumstances in which an offender who has given a notification under subsection (1) is not required to give a further notification in relation to the same premises or children.

(5) Subsection (6) applies where—

(a) a notification is given under subsection (1), and

(b) the offender has not entered the premises by the end of the date specified in the notification.

(6) Where this subsection applies—

(a) subsection (1) applies as if the notification had not been given, and

(b) the relevant offender must, within the period of 6 days beginning with the date specified in the notification, notify to the police that the offender did not enter the premises on that date.

(7) Section 83(6) applies to the period of 6 days mentioned in subsection (6)(b) as it applies to the determination of the period mentioned in section 83(1).

(8) In this section the "appropriate authority" means—

(a) in relation to an offender whose relevant police area is a police area in England and Wales, the Secretary of State;

(b) in relation to an offender whose relevant police area is Scotland, the Scottish Ministers;

(c) in relation to an offender whose relevant police area is Northern Ireland, the Department of Justice in Northern Ireland.

86C Periodic reviews of section 86A notices

(1) This section applies to a section 86B relevant offender who has been given a section 86A notice which has not been cancelled.

(2) In this section the "review date" means—

(a) the end of the period of 12 months beginning with the day on which the notice was given to the offender, and

(b) the end of each successive period of 12 months.

(3) The offender may, within the period of one month ending with each review date, make representations to the appropriate chief officer about the notice.

(4) The appropriate chief officer must, before the start of the period mentioned in subsection (3), notify the offender of their right to make representations under that subsection.

(5) As soon as reasonably practicable after each review date, the appropriate chief officer must—

(a) consider any representations made under subsection (3) about the notice,

(b) decide whether to cancel the notice, and

(c) give notice of the decision (a "decision notice") to the offender.

(6) The appropriate chief officer may cancel the section 86A notice only if not satisfied as mentioned in section 86A(2)(b).

(7) If the appropriate chief officer decides that the section 86A notice should not be cancelled, the decision notice must contain a statement of reasons for the decision and indicate that an appeal may be made against the decision under section 86D.

(8) In this section the "appropriate chief officer", in relation to an offender at any time, means the chief officer of police for the offender's relevant police area at that time.

86D Appeals in relation to section 86A notices

(1) A section 86B relevant offender may appeal to the appropriate court against a decision—

(a) to give the offender a section 86A notice;

(b) not to cancel a section 86A notice which has been given to the offender (see section 86C).

(2) An appeal under this section may be made by complaint (or, in Scotland, by application) to the appropriate court within the period of 21 days beginning with—

(a) in the case of an appeal under subsection (1)(a), the day on which the section 86A notice is given to the offender;

(b) in the case of an appeal under subsection (1)(b), the day on which notice of the decision is given to the offender.

(3) On an appeal under subsection (1)(a) the appropriate court may confirm or cancel the notice which is subject of the appeal.

(4) On an appeal under subsection (1)(b) the appropriate court may—

(a) confirm the decision, or

(b) remit the decision for reconsideration by the person who made it with such directions (if any) as the court considers appropriate.

(5) In this section the "appropriate court" means—

(a) in relation to an appeal against a decision of a chief officer of police for a police area in England or Wales, any magistrates' court in a local justice area which includes any part of the officer's police area;

(b) in relation to an appeal against a decision of the chief constable of the Police Service of Scotland, a sheriff court;

(c) in relation to an appeal against a decision of the Chief Constable of the Police Service of Northern Ireland, a court of summary jurisdiction."

101 Police stations at which notifications may be given (Scotland and Northern Ireland)

(1) Section 87 of the Sexual Offences Act 2003 (method of notification and related matters) is amended as follows.

(2) In subsection (1), for paragraph (a) substitute—

"(a) attending at the police station in the person's relevant police area that is for the time being specified in a document published for that relevant police area under this section, or if there is more than one such police station, at any one of them, and".

(3) After subsection (2) insert—

"(2A) The chief officer of police for each police area must publish, in such manner as the chief officer thinks fit, a document containing the name and address of each police station in that area at which a person may give a notification of the kind mentioned in subsection (1).

(2B) A chief officer of police must keep under review a document published by the chief officer under this section and may from time to time

publish a revised version of the document in such manner as the chief officer thinks fit."

102 Alternative method of notification

After section 87 of the Sexual Offences Act 2003 insert—

"87A Alternative method of notification

(1) A person ("P") may give a notification under section 83A, 84, 85(1), 85ZA, 85A(2) or (6) or 86B virtually if—

(a) conditions 1 to 3 are met, and

(b) any further conditions specified by the appropriate authority in regulations are met.

(2) Condition 1 is that—

(a) a senior police officer has given P a notice authorising P to give notifications of the kind mentioned in subsection (1) virtually, and

(b) the notice has not been cancelled.

(3) A senior police officer may give P a notice under subsection (2)(a) 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, for P to give those notifications in accordance with section 87.

(4) A senior police officer—

(a) may, by giving P a further notice, cancel the notice under subsection (2)(a), and

(b) must do so if not satisfied as mentioned in subsection (3).

(5) "Senior police officer" means a constable of at least the rank of inspector who is authorised to give notices under this section by the chief officer of police for P's relevant police area at the time the notice is given.

(6) Condition 2 is that the notification does not relate to a matter specified by the appropriate authority in regulations.

(7) Condition 3 is that the notification is given to a person who is authorised to receive virtual notifications by the chief officer of police for P's relevant police area at the time the notification is given.

(8) A notification is given virtually if it is given by a means which enables P and the person receiving the notification to see and hear each other without being together in the same place.

(9) The conditions which may be specified in regulations under subsection (1)(b) include further conditions about the means of giving the notification.

(10) A notification given in accordance with this section must be acknowledged in writing, in such form as the appropriate authority may direct.

(11) Nothing in this section prevents P giving a notification in accordance with section 87(1).

(12) In this section the "appropriate authority" means—

(a) in relation to a person whose relevant police area is a police area in England or Wales, the Secretary of State;

(b) in relation to a person whose relevant police area is Scotland, the Scottish Ministers;

(c) in relation to a person whose relevant police area is Northern Ireland, the Department of Justice in Northern Ireland.

87B Alternative method of notification: further requirements

(1) Where a person ("P") gives a notification in accordance with section 87A P must, if requested to do so by the person to whom it is given—

(a) attend at a relevant police station, and

(b) comply with the requirements in subsections (2) and (3).

(2) Where the police station at which P attends is in England, Wales or Northern Ireland, the requirements are that P must allow a relevant person to—

(a) take P's fingerprints,

(b) photograph any part of P, or

(c) do both of those things.

(3) Where the police station at which P attends is in Scotland, the requirements are that P must—

(a) do one or more of the things mentioned in section 87(5A)(a) to (d),

(b) give each passport P has to a relevant person for inspection by that person, or

(c) do both of those things.

(4) In this section—

(a) "relevant police station" means a police station at which P may give a notification in accordance with section 87(1);

(b) "relevant person" means a person at that police station to whom P may give such a notification."

103 Review of indefinite notification requirements (England and Wales)

(1) The Sexual Offences Act 2003 is amended as follows.

(2) In section 91A (review of indefinite notification requirements: qualifying relevant offender) after subsection (1) insert—

"(1A) The relevant chief officer of police may, without an application for review having been made, consider whether a qualifying relevant offender should remain subject to the indefinite notification requirements (referred to in sections 91A to 91F as an "own motion review")."

(3) After section 91E insert—

"91EA Review of indefinite notification requirements: own motion review

(1) The relevant chief officer of police may begin an own motion review on, or at any time after, the qualifying date.

(2) The "qualifying date" has the same meaning in this section as in section 91B.

(3) The relevant chief officer of police begins an own motion review by notifying the qualifying relevant offender that the relevant chief officer of police is considering whether the qualifying relevant offender should remain subject to the indefinite notification requirements.

(4) The notification must inform the qualifying relevant offender of their right to make representations under subsection (5).

(5) The qualifying relevant offender may make representations to the relevant chief officer of police within 35 days of receipt of the notification.

(6) The relevant chief officer of police may within 7 days of beginning an own motion review notify a responsible body that they are beginning an own motion review.

(7) If the responsible body holds information which it considers to be relevant to the review, it must give the information to the relevant chief officer of police within 28 days of receipt of the notification.

91EB Review of indefinite notification requirements: determination of own motion review

(1) On an own motion review the relevant chief officer of police must, within 6 weeks of the date mentioned in subsection (2)—

(a) determine whether the qualifying relevant offender should remain subject to the indefinite notification requirements, and

(b) give notice of the determination to the qualifying relevant offender.

(2) The date is the latest date on which the qualifying relevant offender may make representations under section 91EA(5).

(3) The relevant chief officer of police may determine that the qualifying relevant offender should not remain subject to the indefinite notification requirements 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, for the qualifying relevant offender to remain subject to the indefinite notification requirements.

(4) If the relevant chief officer of police determines that the qualifying relevant offender should not remain subject to the indefinite notification requirements, the qualifying relevant offender ceases to be subject to the indefinite notification requirements on the date of receipt of the notice of determination.

(5) If the relevant chief officer of police determines that the qualifying relevant offender should remain subject to the indefinite notification requirements, the notice of determination must—

(a) contain a statement of reasons for the determination, and

(b) inform the qualifying relevant offender that they may appeal the determination in accordance with section 91ED.

(6) The Secretary of State may by regulations amend the period in subsection (1).

91EC Review of indefinite notification requirements: factors applying to determination under section 91EB

In determining an own motion review under section 91EB, the relevant chief officer of police must—

(a) have regard to the representations (if any) made by the qualifying relevant offender,

(b) have regard to the information (if any) received from a responsible body,

(c) consider the risk of sexual harm posed by the qualifying relevant offender and the effect of a continuation of the indefinite notification requirements on the offender, and

(d) take into account the matters listed in section 91D(2).

91ED Review of indefinite notification requirements: appeals against determinations under section 91EB

(1) A qualifying relevant offender may appeal against a determination of the relevant chief officer of police under section 91EB(5).

(2) An appeal under this section may be made by complaint to a magistrates' court within the period of 21 days beginning with the day of receipt of the notice of determination.

(3) A qualifying relevant offender may appeal under this section to any magistrates' court in a local justice area which includes any part of

the police area for which the chief officer is the relevant chief officer of police.

(4) If the court makes an order that a qualifying relevant offender should not remain subject to the indefinite notification requirements, the qualifying relevant offender ceases to be subject to the indefinite notification requirements on the date of the order."

(4) After section 91F insert—

"91G Discharge from indefinite notification requirements in Scotland or Northern Ireland

A relevant offender who is discharged from the notification requirements of this Part under—

(a) sections 88A to 88H (discharge from indefinite notification requirements in Scotland), or

(b) Schedule 3A (discharge from indefinite notification requirements in Northern Ireland),

is, by virtue of the discharge, also discharged from the notification requirements of this Part as they apply in England and Wales."

104 Review of indefinite notification requirements (Northern Ireland)

In Schedule 3A to the Sexual Offences Act 2003 (discharge from indefinite notification requirements in Northern Ireland) after paragraph 6 insert—

"Own motion review: powers of Chief Constable

6A (1) The Chief Constable may, without an application having been made by the offender, consider whether to discharge the offender from the notification requirements (referred to in this Schedule as an "own motion review").

(2) The Chief Constable may begin an own motion review at any time after the end of the initial review period (within the meaning of paragraph 2).

(3) Sub-paragraph (1) does not apply at any time when—

(a) the offender is also subject to a sexual offences prevention order or an interim sexual offences prevention order, or

(b) the offender is also subject to the notification requirements for a fixed period which has not expired.

(4) The Chief Constable begins an own motion review by serving notice on the offender that the Chief Constable is considering whether to discharge the offender from the notification requirements.

(5) The notice must inform the offender of their right to make representations under sub-paragraph (6).

(6) The offender may make representations to the Chief Constable within 35 days of the date of service of the notice.

(7) The Chief Constable may, before determining an own motion review, request information from any body or person which the Chief Constable considers appropriate.

Own motion review: determination

6B (1) On an own motion review the Chief Constable must discharge the notification requirements unless the Chief Constable is satisfied—

(a) that the offender poses a risk of sexual harm, and

(b) that the risk is such as to justify the notification requirements continuing in the interests of the prevention or investigation of crime or the protection of the public.

(2) In deciding whether that is the case, the Chief Constable must—

(a) have regard to the representations (if any) made by the offender,

(b) have regard to the information (if any) received under paragraph 6A(7), and

(c) take into account the matters listed in paragraph 3(2).

(3) The functions of the Chief Constable under this paragraph may not be delegated by the Chief Constable except to a police officer not below the rank of superintendent.

Own motion review: notice of decision

6C (1) The Chief Constable must, within 12 weeks of the date mentioned in sub-paragraph (2), comply with this paragraph.

(2) The date is the latest date on which the offender may make representations under paragraph 6A(6).

(3) If the Chief Constable discharges the notification requirements—

(a) the Chief Constable must serve notice of that fact on the offender, and

(b) the offender ceases to be subject to the notification requirements on the date of service of the notice.

(4) If the Chief Constable decides not to discharge the notification requirements—

(a) the Chief Constable must serve notice of that decision on the offender, and

(b) the notice must—

(i) state the reasons for the decision, and

(ii) state the effect of paragraphs 6D and 6.

(5) The Department of Justice may by regulations amend the period in sub-paragraph (1).

Own motion review: application to Crown Court

6D (1) Where—

(a) the Chief Constable fails to comply with paragraph 6C within the period specified in paragraph 6C(1), or

(b) the Chief Constable serves a notice under paragraph 6C(4),

the offender may apply to the Crown Court for an order discharging the offender from the notification requirements.

(2) An application under this paragraph must be made within the period of 21 days beginning—

(a) in the case of an application under sub-paragraph (1)(a), on the expiry of the period specified in paragraph 6C(1);

(b) in the case of an application under sub-paragraph (1)(b), with the date of service of the notice under paragraph 6C(4).

(3) Paragraph 6B applies in relation to an application under this paragraph as it applies to an own motion review, but as if references to the Chief Constable were references to the Crown Court.

(4) The Chief Constable and the offender may appear or be represented at any hearing in respect of an application under this paragraph.

(5) If on an application under this paragraph the Crown Court makes an order discharging the offender from the notification requirements, the appropriate officer of the Crown Court must send a copy of the order to the offender and the Chief Constable.

(6) If on an application under this paragraph the Crown Court refuses to make an order discharging the offender, the appropriate officer of the Crown Court must send notice of that refusal to the offender and the Chief Constable."

105 Restriction on applying for replacement identity documents in new name

(1) After section 93 of the Sexual Offences Act 2003 insert—

"Applications for replacement identity documents in new name

93A Offenders requiring authorisation before applying for certain identity documents in new name

(1) A relevant offender is subject to the restriction in section 93B(1) if a chief officer of police has given the offender a notice stating that the offender is subject to that restriction, and the notice has not been cancelled.

(2) A chief officer of police may give an offender a notice under subsection (1) only if, when the notice is given, the chief officer—

(a) is the chief officer of police for the offender's relevant police area, and

(b) is satisfied that it is necessary to give the notice for the purpose of—

(i) protecting the public or any particular members of the public from sexual harm from the offender, or

(ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

(3) A notice under subsection (1) must indicate that an appeal may be made under section 93G against the decision to give the notice.

(4) For the purposes of sections 93B to 93G—

the "appropriate authority"means—

(a) in relation to an offender whose relevant police area is in England and Wales, the Secretary of State;

(b) in relation to an offender whose relevant police area is Scotland, the Scottish Ministers;

(c) in relation to an offender whose relevant police area is Northern Ireland, the Department of Justice in Northern Ireland;

the "appropriate chief officer", in relation to an offender at any time, means the chief officer of police for the offender's relevant police area at that time;

"section 93A notice" means a notice given to a relevant offender under subsection (1);

"section 93B relevant offender" means a relevant offender who is subject to the restriction in section 93B(1).

93B Requirement for authorisation before applying for replacement identity documents in new name

(1) A section 93B relevant offender who holds, or has held, an identity document of a particular type must not apply for an identity document of that type to be issued to the offender in a new name unless authorised to do so under section 93C.

(2) For the purposes of subsection (1) an offender's name is "new", in relation to an identity document of a particular type, if the identity document of that type most recently issued to the offender was not in that name.

(3) A person who fails, without reasonable excuse, to comply with subsection (1) commits an offence.

(4) A person who commits an offence under subsection (3) is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(5) For the purposes of this section and section 93C—

(a) "identity document" means a document falling within subsection (6);

(b) an identity document is of the same type as another identity document if both documents fall within the same paragraph of subsection (6) (or, in the case of an identity document within subsection (6)(d), if the document is a document of the same kind as a kind of document specified in regulations).

(6) A document falls within this subsection if it is—

(a) an immigration document (within the meaning given by section 7(2) of the Identity Documents Act 2010);

(b) a United Kingdom passport (within the meaning of the Immigration Act 1971);

(c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));

(d) a document of a kind specified in regulations made by the appropriate authority for the purposes of this section.

(7) Before making regulations under subsection (6)(d), an appropriate authority must consult each other appropriate authority.

93C Authorisation to apply for replacement identity documents in new name

(1) A section 93B relevant offender who holds, or has held, an identity document of a particular type may apply to the appropriate chief officer for authorisation to apply for an identity document of that type to be issued to the offender in a new name.

(2) The application must—

(a) be in writing,

(b) specify the type of identity document that is being applied for and the name in which it is to be issued, and

(c) include such other information, or be accompanied by such documents, as the appropriate authority may specify in regulations.

(3) The appropriate chief officer must, within four weeks of receiving the application—

(a) decide whether to grant or refuse authorisation, and

(b) give notice of the decision (a "decision notice") to the applicant.

(4) In deciding whether to grant or refuse authorisation, the officer must have regard to any guidance issued under section 93H.

(5) The officer may grant authorisation only if conditions 1 and 2 are met.

(6) Condition 1 is that the officer is satisfied that—

(a) the offender is using the new name for reasons connected with—

(i) the offender's marriage to, or civil partnership with, another person, or

(ii) the offender's religion or belief,

(b) any conditions specified in regulations made by the appropriate authority for the purposes of this section are met, or

(c) there are exceptional circumstances that justify granting authorisation.

(7) Condition 2 is that the officer does not consider it necessary to refuse authorisation for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

(8) If the officer refuses authorisation—

(a) the decision notice must contain a statement of reasons for the decision and indicate that an appeal may be made under section 93G against the decision, and

(b) a further application under subsection (1) may not be made in relation to an identity document of the same type before the end of the period of one year beginning with the date on which the decision notice is given.

(9) Before making regulations under this section, an appropriate authority must consult each other appropriate authority.

(10) In subsection (6)—

(a) "religion" means any religion;

(b) a reference to religion includes a reference to a lack of religion;

(c) "belief" means any religious or philosophical belief;

(d) a reference to belief includes a reference to a lack of belief.

93D Authorisations granted under section 93C

(1) Where a section 93B relevant offender is granted authorisation under section 93C, the authorisation has effect for the period of one year beginning with the day on which notice of the decision to grant the authorisation is given to the offender.

(2) But the appropriate chief officer may cancel the authorisation before the end of that period by giving notice to the offender.

(3) The officer may cancel the authorisation only if the officer considers that either or both of the conditions mentioned in section 93C(5) are not met.

(4) A notice under subsection (2) must indicate that an appeal may be made under section 93G against the decision to cancel the authorisation.

93E Young offenders: parental notices

(1) Where a section 93B relevant offender is under 18, the appropriate chief officer may give written notice (a "parental notice") to a person with parental responsibility for (or, in Scotland, parental responsibilities in relation to) the offender.

(2) If a parental notice has been given to a person by a chief officer of police and it has not expired, sections 93B(1) and 93C(1) have effect as if after "particular type" (in both places) there were inserted ", or a person with parental responsibility for (or, in Scotland, parental responsibilities in relation to) such an offender who has been given a notice under section 93E,".

(3) A parental notice expires when the offender reaches the age of 18.

(4) Where a parental notice is given by the chief constable of the Police Service of Scotland, the references in subsections (1) and (3) to 18 are to be read as references to 16.

93F Periodic reviews of section 93A notices

(1) As soon as reasonably practicable after each review date, the appropriate chief officer must review a section 93A notice with a view to determining whether it should be cancelled.

(2) The "review date", in relation to a section 93A notice, is—

(a) the end of the period of 12 months beginning with the date on which the notice is given, and

(b) the end of each successive period of 12 months.

(3) In carrying out their review, the appropriate chief officer must consider any representations made during the consultation period by the offender to whom the notice was given.

(4) Before the start of the consultation period, the appropriate chief officer must notify the offender of their right to make representations during that period.

(5) In subsections (3) and (4) the "consultation period" means the period of one month ending with the review date.

(6) After completing their review, the appropriate chief officer must—
  (a) decide whether to cancel the section 93A notice, and
  (b) give notice of the decision (a "decision notice") to the offender.

(7) The appropriate chief officer may cancel the section 93A notice only if not satisfied as mentioned in section 93A(2)(b).

(8) If the appropriate chief officer decides that the section 93A notice should not be cancelled, the decision notice must contain a statement of reasons for the decision and indicate that an appeal may be made under section 93G against the decision.

93G Appeals

(1) A person ("P") may appeal to the appropriate court against a decision—
  (a) to give P a section 93A notice;
  (b) to refuse P authorisation under section 93C;
  (c) to cancel an authorisation granted to P under section 93C (see section 93D);
  (d) to give P a notice under section 93E;
  (e) not to cancel a section 93A notice which has been given to P (see section 93F).

(2) An appeal under this section may be made by complaint (or, in Scotland, by application) to the appropriate court within the period of 21 days beginning with—
  (a) in the case of an appeal under subsection (1)(a) or (d), the day on which the notice is given to P;
  (b) in the case of an appeal under subsection (1)(b), (c) or (e), the day on which notice of the decision is given to P.

(3) On an appeal under subsection (1)(a) or (d), the court may confirm or cancel the notice which is the subject of the appeal.

(4) On an appeal under subsection (1)(b), (c) or (e), the court may—
  (a) confirm the decision, or
  (b) remit the decision for reconsideration by the person who made it with such directions (if any) as the court considers appropriate.

(5) In this section the "appropriate court" means—
  (a) in relation to an appeal against a decision of a chief officer of police for a police area in England or Wales, any magistrates'

court in a local justice area which includes any part of the officer's police area;

(b) in relation to an appeal against a decision of the chief constable of the Police Service of Scotland, a sheriff court;

(c) in relation to an appeal against a decision of the Chief Constable of the Police Service of Northern Ireland, a court of summary jurisdiction.

93H Guidance

(1) The Secretary of State must issue guidance to chief officers of police for police areas in England and Wales in relation to the determination by them of applications under section 93C.

(2) The Department of Justice in Northern Ireland must issue guidance to the Chief Constable of the Police Service of Northern Ireland in relation to the Chief Constable's determination of applications under section 93C.

(3) Before issuing guidance under this section—

(a) the Secretary of State must consult the Department of Justice in Northern Ireland;

(b) the Department of Justice in Northern Ireland must consult the Secretary of State.

(4) The Secretary of State and the Department of Justice may, from time to time, revise any guidance issued by them under this section.

(5) The Secretary of State and the Department of Justice must arrange for any guidance issued or revised by them under this section to be published."

(2) After section 93H of the Sexual Offences Act 2003 (inserted by subsection (1)) insert—

"93I Restriction on granting replacement driving licences in new name (England, Wales and Scotland)

(1) The Secretary of State may by regulations make provision to prevent a person from being granted a licence to drive a motor vehicle under Part 3 of the Road Traffic Act 1988 (a "replacement licence") if—

(a) the person holds, or has held, a driving licence,

(b) the name to be specified in the replacement licence ("the new name") is different from the name specified in the driving licence most recently granted to the person, and

(c) it appears to the Secretary of State, on the basis of information provided by a chief officer of police, that the person is a section 93B relevant offender who was not authorised to apply for a driving licence in the new name.

(2) The regulations may, in particular, include provision for authorising or requiring—

(a) a chief officer of police to disclose specified information to the Secretary of State, and

(b) the Secretary of State to disclose specified information to a chief officer of police,

where the disclosure falls within subsection (3).

(3) A disclosure falls within this subsection if it is made—

(a) for the purposes of enabling the Secretary of State or a chief officer of police to carry out their functions under or by virtue of the regulations, or

(b) in connection with the detection or investigation of an offence under section 93B(3).

(4) The regulations may, in particular, make provision about how a chief officer of police or the Secretary of State may or must use information disclosed to them by virtue of subsection (2).

(5) The regulations may include provision amending Part 3 of the Road Traffic Act 1988.

(6) In this section—

"driving licence" means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));

"section 93B relevant offender" means a relevant offender who is subject to the restriction in section 93B(1);

"specified" means specified in regulations under this section."

(3) After section 93I of the Sexual Offences Act 2003 (inserted by subsection (2)) insert—

"93J Restriction on granting replacement driving licences in new name (Northern Ireland)

(1) The Department for Infrastructure in Northern Ireland ("the Department") may by regulations make provision to prevent a person from being granted a licence to drive a motor vehicle under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (a "replacement licence") if—

(a) the person holds, or has held, a driving licence,

(b) the name to be specified in the replacement licence ("the new name") is different from the name specified in the driving licence most recently granted to the person, and

(c) it appears to the Department, on the basis of information provided by the Chief Constable of the Police Service of Northern Ireland ("the Chief Constable"), that the person is a

section 93B relevant offender who was not authorised to apply for a driving licence in the new name.

(2) The regulations may, in particular, include provision for authorising or requiring—

(a) the Chief Constable to disclose specified information to the Department, and

(b) the Department to disclose specified information to the Chief Constable,

where the disclosure falls within subsection (3).

(3) A disclosure falls within this subsection if it is made—

(a) for the purposes of enabling the Department or the Chief Constable to carry out their functions under or by virtue of the regulations, or

(b) in connection with the detection or investigation of an offence under section 93B(3).

(4) The regulations may, in particular, make provision about how the Department or the Chief Constable may or must use information disclosed to them by virtue of subsection (2).

(5) The regulations may include provision amending Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).

(6) In this section—

"driving licence" means a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) or under Part 3 of the Road Traffic Act 1988;

"section 93B relevant offender" means a relevant offender who is subject to the restriction in section 93B(1);

"specified" means specified in regulations under this section."

106 Power of entry and search

(1) The Sexual Offences Act 2003 is amended as follows.

(2) In the section 96A inserted by section 80 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (police powers of entry to and examination of relevant offender's home address)—

(a) in subsection (1), for "a senior" substitute "an appropriate";

(b) in subsection (11), after "section—" insert—

""appropriate police officer", in relation to an application for a warrant under subsection (1), means a constable of the Police Service of Scotland authorised to make the application by a constable of the Police Service of Scotland who is of the rank of inspector or above;";

(c) omit the definition of "senior police officer".

(3) In section 96B (power of entry and search of relevant offender's home address)—

(a) in subsection (1), for "a senior" substitute "an appropriate";

(b) in subsection (10)—

(i) before the definition of "the relevant force" insert—

""appropriate police officer", in relation to an application for a warrant under subsection (1), means a constable authorised to make the application by a constable of the rank of inspector or above;";

(ii) omit the definition of "senior police officer".

107 Minor and consequential amendments

Schedule 12 contains minor and consequential amendments relating to this Chapter.

PART 6

STALKING

108 Stalking protection orders on acquittal etc

(1) The Stalking Protection Act 2019 is amended as follows.

(2) Before section 1 (but after the italic heading before that section) insert—

"A1 Meaning of "stalking protection order"

(1) In this Act "stalking protection order" means an order under this Act which, for the purpose of preventing a person from carrying out acts associated with stalking—

(a) prohibits the person from doing anything described in the order;

(b) requires the person to do anything described in the order.

(2) See section 2A of the Protection from Harassment Act 1997 for examples of acts associated with stalking.

(3) This Act provides for the making of a stalking protection order—

(a) on an application under section 1(1) (see section 2), or

(b) where a person is acquitted of an offence, successfully appeals against a conviction for an offence or is dealt with in respect of certain findings (see section 2A).

(4) See also Chapter 3A of Part 11 of the Sentencing Code (stalking protection orders on conviction)."

(3) In section 1 (applications for orders)—

(a) in subsection (1), in the words before paragraph (a), for "an order (a "stalking protection order")" substitute "a stalking protection order";

(b) omit subsection (2);
(c) omit subsection (6).

(4) In section 2 (power to make orders), in the heading, at the end insert "on application".

(5) After section 2 insert—

"2A Power to make orders on acquittal etc

(1) This section applies where—
(a) a defendant is acquitted of any offence by or before a court,
(b) a court allows a defendant's appeal against a conviction for any offence, or
(c) a court deals with a defendant in respect of a finding that—
(i) the defendant is not guilty of any offence by reason of insanity, or
(ii) the defendant is under a disability and has done the act charged against the defendant in respect of any offence.

(2) The court may make a stalking protection order under this section in respect of the defendant if satisfied of the matters mentioned in paragraphs (a) to (c) of section 2(1).

(3) Section 1(4) applies for the purposes of this section.

(4) Section 2(2) to (7) apply for the purposes of this section (references to a magistrates' court being read as references to the court)."

(6) In section 4 (variations, renewals and discharges)—
(a) in subsection (1), for "a magistrates'" substitute "an appropriate";
(b) in subsection (4), in paragraph (b), for sub-paragraphs (i) and (ii) substitute—

"(i) where the application was made by a chief officer of police, that chief officer;
(ii) where the application was made by the defendant and relates to a stalking protection order made under section 2, the chief officer of police who applied for the order and (if different) the chief officer of police for the area in which the defendant resides, if that area is in England or Wales;
(iii) where the application was made by the defendant and relates to a stalking protection order made under section 2A, the chief officer of police for the area in which the defendant resides, if that area is in England or Wales.";

(c) after that subsection insert—

"(5) In subsection (1) "appropriate court" means—

(a) where the stalking protection order was made by a court other than a youth court—

(i) the court that made the order, or

(ii) if the order was made by a magistrates' court, any other magistrates' court acting in the local justice area in which that court acts;

(b) where the stalking protection order was made by a youth court—

(i) if the defendant is under the age of 18 at the time the application is made, the youth court that made the order, or any other youth court acting in the local justice area in which that court acts;

(ii) if the defendant is aged 18 or over at the time the application is made, any magistrates' court acting in the local justice area in which the youth court that made the order acts.

(6) For the purposes of this section, a stalking protection order made in the circumstances mentioned in section 2A(1)(b) is to be treated as an order made by the court by or before which the defendant was convicted."

(7) In section 7 (appeals)—

(a) in subsection (1)(a) after "order" insert "by a magistrates' court, a youth court or the Crown Court";

(b) in subsections (1), (2) and (3) omit "to the Crown Court";

(c) after subsection (3) insert—

"(3A) An appeal under subsection (1), (2) or (3) is to be made—

(a) where the appeal is against a decision of the Crown Court, to the Court of Appeal;

(b) in any other case, to the Crown Court.

(3B) An appeal under subsection (1), (2) or (3) to the Court of Appeal may be made only with the permission of that court.";

(d) in subsection (4) for "the Crown Court" substitute "the court";

(e) after that subsection insert—

"(5) For the purposes of section 4 (variations, renewals and discharges)—

(a) a stalking protection order that has been confirmed, varied or renewed on an appeal under this section remains an order of the court that first made it;

(b) a stalking protection order made by a court on an appeal under this section is to be treated as an order

made by the court whose decision was appealed against."

(8) In section 10 (method of notification and related matters), in subsection (2)(a) omit "magistrates'".

(9) In section 13 (procedure) after subsection (2) insert—

"(3) An application to the Crown Court under any provision of this Act is to be made in accordance with rules of court."

(10) In section 14 (interpretation)—

(a) for the definition of "defendant" substitute—

""defendant"—

(a) in relation to a stalking protection order under section 2, has the meaning given by section 1(1);

(b) in relation to a stalking protection order under section 2A, has the same meaning as in that section;";

(b) in the definition of "local police area", in paragraph (c), omit "magistrates'";

(c) in the definition of "stalking protection order", for "section 1(1)" substitute "section A1(1)".

109 Stalking protection orders on conviction

(1) In Part 11 of the Sentencing Code (behaviour orders), after Chapter 3 insert—

"CHAPTER 3A

STALKING PROTECTION ORDERS

364A Stalking protection order

(1) In this Chapter "stalking protection order" means an order under section 364B which, for the purpose of preventing the person from carrying out acts associated with stalking—

(a) prohibits the person from doing anything described in the order;

(b) requires the person to do anything described in the order.

(2) See section 2A of the Protection from Harassment Act 1997 for examples of acts associated with stalking.

(3) A stalking protection order has effect—

(a) for a fixed period specified in the order, or

(b) until further order.

(4) Where a fixed period is specified it must be a period of at least two years beginning with the day on which the order is made.

(5) A stalking protection order may specify periods for which particular prohibitions or requirements have effect.

(6) In this Chapter, "acts" includes omissions.

364B Power to make stalking protection order

(1) This section applies where a court is dealing with an offender for an offence.

(2) The court may make a stalking protection order in respect of the offender if satisfied that—

(a) the offender has carried out acts associated with stalking,

(b) the offender poses a risk associated with stalking to any person (whether or not that person was the victim of the acts mentioned in paragraph (a)), and

(c) the proposed order is necessary to protect that person from such a risk.

(3) A court may include a prohibition or requirement in a stalking protection order only if satisfied that the prohibition or requirement is necessary to protect a person mentioned in subsection (2)(b) from a risk associated with stalking.

(4) It does not matter—

(a) whether the acts mentioned in subsection (2)(a) were carried out in the United Kingdom or elsewhere, or

(b) whether they were carried out before or after the commencement of this section.

(5) A risk associated with stalking—

(a) may be in respect of physical or psychological harm to the person concerned;

(b) may arise from acts which the offender knows or ought to know are unwelcome to the person concerned even if, in other circumstances, the acts would appear harmless in themselves.

364C Prohibitions and requirements included in orders

(1) Prohibitions or requirements included in a stalking protection order must, so far as practicable, be such as to avoid—

(a) any conflict with any religious beliefs of the offender, and

(b) any interference with any times at which the offender normally works or attends an educational establishment.

(2) A prohibition or requirement applies in all parts of the United Kingdom unless expressly limited to a particular locality.

(3) Subsection (4) applies where a court makes a stalking protection order in relation to an offender who is already subject to such an order (whether made by that court or another).

(4) The court may not include any prohibition or requirement in the new stalking protection order which is incompatible with a prohibition or requirement in the earlier stalking protection order.

364D Variations, renewal or discharges of stalking protection order

(1) The offender or a relevant chief officer of police may apply to an appropriate court for an order varying, renewing or discharging a stalking protection order.

(2) Before making a decision on an application under subsection (1), the court must hear—

(a) the offender, and

(b) any relevant chief officer of police who wants to be heard.

(3) On an application under subsection (1) the court may make any order varying, renewing or discharging the stalking protection order that the court considers appropriate.

(4) But the court may not—

(a) in renewing or varying an order, impose an additional prohibition or requirement unless satisfied that it is necessary to do so in order to protect a person from a risk associated with stalking;

(b) discharge an order before the end of two years beginning with the day on which the order was made without the consent of the offender and—

(i) where the application was made by a chief officer of police, that chief officer;

(ii) in any other case, the chief officer of police for the area in which the offender resides, if that area is in England or Wales.

(5) In this section—

"appropriate court", in relation to an application to vary, renew or discharge a stalking protection order, means—

(a) where the order was made by a magistrates' court, any other magistrates' court acting in the local justice area in which that court acts;

(b) where the order was made by a youth court—

(i) if the defendant is under the age of 18 at the time the application is made, the youth court that made the order, or any other youth court acting in the local justice area in which that court acts;

(ii) if the defendant is aged 18 or over at the time the application is made, any magistrates' court acting in the local justice area in which the youth court that made the order acts;

(c) where the order was made by any other court, the Crown Court;

"relevant chief officer of police" means—

(a) the chief officer of police for the area in which the offender resides, or

(b) any chief officer of police who believes that the offender is in, or is intending to come to, that chief officer's police area;

"risk associated with stalking" is to be read in accordance with section 364B(5).

364E Content of orders

A stalking protection order must specify—

(a) the date on which the order is made;

(b) whether it has effect for a fixed period and, if it does, the length of that period;

(c) each prohibition or requirement that applies to the offender;

(d) whether any prohibition or requirement is expressly limited to a particular locality and, if it is, what the locality is;

(e) whether any prohibition or requirement is subject to a fixed period which differs from the period for which the order has effect and, if it is, what that period is.

364F Appeals

(1) An appeal against the making of a stalking protection order may be brought by the offender as if the order were a sentence passed on the offender for an offence.

(2) Where an application is made under section 364D for an order varying, renewing or discharging a stalking protection order—

(a) the person who made the application may appeal against a refusal to make an order under that section;

(b) the offender may appeal against the making of an order under section 364D on an application by a chief officer of police;

(c) a relevant chief officer of police may appeal against the making of an order under section 364D on an application by the offender.

(3) An appeal under subsection (2) is to be made—

(a) to the Court of Appeal if the application under section 364D was made to the Crown Court;

(b) to the Crown Court in any other case.

(4) An appeal under subsection (2) to the Court of Appeal may be made only with the permission of that court.

(5) On an appeal under this section, the court may make—

(a) such orders as may be necessary to give effect to its determination of the appeal, and

(b) such incidental or consequential orders as appear to it to be appropriate.

(6) A stalking protection order that has been confirmed, varied or renewed on an appeal remains an order of the court that first made it.

(7) In this section, "relevant chief officer of police" has the same meaning as in section 364D.

364G Offence of breaching stalking protection order

(1) A person who, without reasonable excuse, breaches a stalking protection order commits an offence.

(2) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both, or

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(3) If a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order under section 80 (conditional discharge).

(4) In proceedings for an offence under this section, a copy of the original stalking protection order, certified by the designated officer for the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.

364H Notification requirements

For provision imposing notification requirements on a person subject to a stalking protection order, see the following provisions of the Stalking Protection Act 2019—

(a) section 9 (notification requirements);

(b) section 10 (method of notification and related matters);

(c) section 11 (offences relating to notification)."

(2) In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available)—

(a) after paragraph (ca) (inserted by paragraph 28 of Schedule 1) insert—

"(cb) section 8(4) of the Stalking Protection Act 2019 (breach of stalking protection order);";

(b) after paragraph (ea) (inserted by paragraph 2 of Schedule 5) insert—

"(eb) section 364G(3) (breach of stalking protection order);".

(3) In the Stalking Protection Act 2019—

(a) in section 9 (notification requirements), at the end insert—

"(8) In this section, references to a stalking protection order include an order under section 364B of the Sentencing Code (power to make stalking protection orders on conviction).";

(b) in section 10 (method of notification and related matters), after subsection (3) insert—

"(3A) In subsection (2), the reference to a stalking protection order includes an order under section 364B of the Sentencing Code (power to make stalking protection orders on conviction)."

110 Stalking protection orders: Northern Ireland

(1) The Protection from Stalking Act (Northern Ireland) 2022 (c. 17 (N.I.)) is amended as follows.

(2) In section 6 (meaning of act associated with stalking and risk associated with stalking), in subsection (1) for "7" substitute "6A".

(3) After section 6 insert—

"Meaning of "stalking protection order"

6A.—(1) In this Act "stalking protection order" means an order under this Act which, for the purpose of preventing a person from carrying out acts associated with stalking—

(a) prohibits the person from doing anything described in the order, or

(b) requires the person to do anything described in the order.

(2) This Act provides for the making of a stalking protection order—

(a) on an application under section 7, or

(b) where a person is acquitted of an offence, successfully appeals against a conviction for an offence, is dealt with in respect of certain findings or is convicted of an offence (see section 8(1)).".

(4) In section 7 (applications for orders) omit subsection (1).

(5) In section 8 (power to make orders)—

(a) for subsection (1) substitute—

"(1) This section applies in respect of a person ("D") where—

(a) the Chief Constable has applied under section 7 to a court of summary jurisdiction for a stalking protection order against D,

(b) D is acquitted of an offence by or before a court,

(c) a court allows D's appeal against a conviction for an offence,

(d) a court deals with D in respect of a finding that—

(i) D is not guilty of an offence by reason of insanity, or

(ii) D is under a disability and has done the act charged against D in respect of an offence, or

(e) D has been convicted of an offence and a court deals with D for the offence.";

(b) in subsection (2), in the words before paragraph (a), for "the order" substitute "a stalking protection order".

(6) In section 10 (variations, renewals and discharges)—

(a) in subsection (1), for "a court of summary jurisdiction" substitute "an appropriate court";

(b) after subsection (3) insert—

"(4) In subsection (1) "appropriate court" means—

(a) where the stalking protection order was made by a court of summary jurisdiction other than a youth court, a court of summary jurisdiction which is not a youth court;

(b) where the stalking protection order was made by a youth court—

(i) if the defendant is under the age of 18 when the application for variation, renewal or discharge is made, a youth court;

(ii) if the defendant is aged 18 or over at the time the application for variation, renewal or discharge is made, a court of summary jurisdiction which is not a youth court;

(c) where the stalking protection order was made by any other court, the Crown Court.

(5) For the purposes of subsection (4)—

(a) a stalking protection order made by a court on an appeal is to be treated as made by the court whose decision was appealed against;

(b) a stalking protection order that is confirmed, varied or renewed on an appeal remains an order of the court that first made it (or, if it was made on an appeal, the court that is treated as having made it under paragraph (a)).")

(7) In section 11 (interim stalking protection orders), in subsection (2), after "application" in the first place it occurs insert "under section 7".

(8) In section 12 (procedure)—

(a) after subsection (3) insert—

"(3A) An application to the Crown Court under section 10 is to be made in accordance with Crown Court rules.";

(b) in subsection (5) omit "10 or".

(9) After section 12 insert—

"Appeals

12A.—(1) Where a stalking protection order is made in the circumstances mentioned in section 8(1)(b), (c) or (d), D may appeal against the making of the order as if—

(a) D had been convicted of the offence and,

(b) the order were a sentence passed on D for the offence by the court which made the order,

(if an appeal would lie against such a sentence).

(2) Where a stalking protection order is made in the circumstances mentioned in section 8(1)(e), D may appeal against the making of the order as if the order were a sentence passed on D for the offence by the court which made the order (if an appeal would lie against such a sentence).

(3) The following may appeal against a decision under section 10 made by the Crown Court—

(a) the person against whom the stalking protection order in question was made;

(b) the Chief Constable.

(4) An appeal under subsection (3) is to be made to the Court of Appeal, and may be made only with the permission of that court.

(5) On an appeal under this section, the court may make—

(a) such orders as may be necessary to give effect to its determination of the appeal, and

(b) such incidental or consequential orders as appear to it to be appropriate.

(6) For appeals against decisions of a court of summary jurisdiction on an application under section 7, 10 or 11, see Article 143 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26) (appeal to county court against proceedings on complaint)."

(10) In section 21 (interpretation)—

(a) in the definition of "stalking protection order", for "section 7(1)" substitute "section 6A(1)";

(b) at the end insert—

""youth court" has the meaning given by section 12."

(11) In section 20(3) (report on the operation of Act)—

(a) in paragraph (b) omit "and the number of orders made under section 8";

(b) after paragraph (b) insert—

"(ba) the number of stalking protection orders made under each paragraph of section 8(1);".

111 Guidance about stalking

In the Protection from Harassment Act 1997, after section 7 insert—

"7A Guidance about stalking

(1) The Secretary of State may issue guidance to such public authorities in England and Wales as the Secretary of State considers appropriate about—

(a) the effect of any of sections 2A, 2B, 4A, 4B and 7,

(b) the effect of any provision of the Stalking Protection Act 2019,

(c) the effect of any provision of Chapter 3A of Part 11 of the Sentencing Code (stalking protection orders), or

(d) other matters relating to stalking.

(2) The Secretary of State may revise any guidance issued under this section.

(3) Before issuing any guidance or revisions under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
This does not apply to revisions the Secretary of State considers are not substantial.

(4) The Secretary of State must publish any guidance or revisions issued under this section.

(5) A public authority to whom guidance is given under this section must have regard to it in the exercise of the authority's public functions.

(6) In this section, "public authority" means any person exercising public functions, other than a court or tribunal."

112 Guidance about the disclosure of information by police forces

In the Stalking Protection Act 2019—

(a) in section 12, in the heading, at the end insert "about police functions under this Act";

(b) after section 12, insert—

"12A Guidance about the disclosure of information by police forces

(1) The Secretary of State may—

(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;

(b) revise any guidance issued under this section.

(2) A chief officer of police must have regard to any guidance issued under this section.

(3) Before issuing any guidance or revisions under this section, the Secretary of State must consult—

(a) the National Police Chiefs' Council, and

(b) such other persons as the Secretary of State considers appropriate.

This does not apply to revisions the Secretary of State considers are not substantial.

(4) The Secretary of State must publish any guidance or revisions issued under this section.

(5) "Police information" means any information held by a police force."

113 Guidance about disclosure of information by police: Northern Ireland

In the Protection from Stalking Act (Northern Ireland) 2022 (c. 17 (N.I.)), in section 17—

(a) in subsection (2) for "this section" substitute "subsection (1)";

(b) after subsection (2) insert—

"(2A) The Department must issue guidance to the Chief Constable about the disclosure of police information for the purpose of protecting persons from risks associated with stalking.

(2B) The Chief Constable must have regard to guidance issued under subsection (2A).";

(c) in subsection (3) for "subsection (1)" substitute "this section".

PART 7

OTHER PROVISION FOR THE PROTECTION OF PERSONS

114 Administering etc harmful substances (including by spiking)

(1) In the Offences Against the Person Act 1861—

(a) omit section 22 (using chloroform etc) and section 23 (maliciously administering poison etc);

(b) for section 24 substitute –

"24 Administering etc harmful substances (including by spiking)

(1) A person commits an offence if –

(a) unlawfully, the person administers a harmful substance to, or causes a harmful substance to be administered to or taken by, another person, and

(b) the person does so with intent to injure, aggrieve or annoy the other person.

(2) In this section "harmful substance" means any poison or other destructive or noxious thing.

(3) A person who commits an offence under this section is liable –

(a) 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);

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(c) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).";

(c) omit section 25 (alternative verdicts).

(2) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 7 (offences under the Offences against the Person Act 1861) –

(a) omit the entry for section 22;

(b) omit the entry for section 23;

(c) before the entry for section 27, insert –

"section 24 (administering etc harmful substances (including by spiking))".

115 Encouraging or assisting serious self-harm

(1) A person (D) commits an offence if –

(a) D does an act capable of encouraging or assisting the serious self-harm of another person, and

(b) the act is intended to encourage or assist the serious self-harm of another person.

(2) The other person mentioned in subsection (1)(a) or (b) need not be a specific person (or class of persons) known to or identified by D.

(3) An offence under this section may be committed whether or not serious self-harm of a person occurs.

(4) For the purposes of this section –

"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);

"encouraging": a reference to encouraging the serious self-harm of a person includes doing so by putting pressure on a person to seriously 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 the Offences Against the Person Act 1861).

(5) A person who commits an offence under this section is liable—

(a) 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);

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

116 Encouraging or assisting serious self-harm: supplementary

(1) Where—

(a) a person (D1) arranges for another person (D2) to do an act that is capable of encouraging or assisting the serious self-harm of another person, and

(b) D2 does that act,

D1 is to be treated for the purposes of section 115 as also having done it.

(2) Where an act done by a person (D) is not capable of encouraging or assisting the serious self-harm of another person, it is to be treated for the purposes of section 115 and this section as being so capable if the act would have been so capable—

(a) had the facts been as D believed them to be at the time of the act, or

(b) had subsequent events happened in the manner D believed they would happen,

(or both).

(3) The provider of an internet service is not to be regarded as doing an act within section 115(1) by reason only of providing the internet service by which a communication is sent, transmitted or published.

(4) Section 115(4) applies for the purposes of this section.

(5) In consequence of the provision made by section 115 and this section, section 184 of the Online Safety Act 2023 (including the italic heading before that section) is repealed.

(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (inserted by section 41), after the entry for section 84 (inserted by section 86), insert—

"section 115 (encouraging or assisting serious self-harm)."

117 Child abduction

(1) The Child Abduction Act 1984 is amended as set out in subsections (2) to (4).

(2) In section 1 (offence of abduction of child by parent etc)—

(a) after subsection (1) insert—

"(1A) Subject to subsections (5) and (8), a person connected with a child under the age of sixteen commits an offence if—

(a) the child is taken or sent out of the United Kingdom with the appropriate consent, and

(b) at any time after the child is taken or sent, the person detains the child outside the United Kingdom without the appropriate consent.";

(b) in subsection (4)—

(i) in the words before paragraph (a), after "United Kingdom" insert ", or by detaining a child outside the United Kingdom,";

(ii) in each of paragraphs (a) and (b), after "United Kingdom" insert ", or detains the child outside the United Kingdom,";

(c) in subsection (4A), after "United Kingdom" insert ", or detaining the child outside the United Kingdom,";

(d) in subsection (5A), in paragraph (b) after "out of the United Kingdom" insert ", or detaining the child outside the United Kingdom,".

(3) In section 11 (consequential amendments and repeals), in subsection (3) for "section 1 above" substitute "section 1(1) above".

(4) In the Schedule (modifications of section 1 for children in certain cases), in each of the following provisions after "subsection (1)" insert "or (1A)"—

(a) paragraph 1(2)(a);

(b) paragraph 2(2)(a);

(c) paragraph 3(2)(a).

(5) The amendments made by this section apply only in cases where the taking or sending of the child out of the United Kingdom takes place on or after the date on which this section comes into force.

118 Child abduction: Northern Ireland

(1) The Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17)) is amended as set out in subsections (2) and (3).

(2) In Article 3 (offence of abduction of child by parent etc)—

(a) after paragraph (1) insert—

"(1A) Subject to paragraphs (2A) to (3A) and (7), a person connected with a child under the age of 16 commits an offence if—

(a) the child is taken or sent out of the United Kingdom with the appropriate consent, and

(b) at any time after the child is taken or sent, the person detains the child outside the United Kingdom without the appropriate consent.";

(b) in paragraph (2A)—

(i) in the words before sub-paragraph (a), after "United Kingdom" insert ", or by detaining a child outside the United Kingdom,";

(ii) in sub-paragraph (b) (before its substitution by paragraph 4(3) of Schedule 3 to the 2022 Act), after "United Kingdom" insert ", or detains the child outside the United Kingdom,";

(iii) in each of sub-paragraphs (a) and (b) (as substituted by paragraph 4(3) of Schedule 3 to the 2022 Act), after "United Kingdom" insert ", or detains the child outside the United Kingdom,";

(c) in paragraph (2B), after "United Kingdom" insert ", or detaining the child outside the United Kingdom,";

(d) in paragraph (3A), in paragraph (b) after "out of the United Kingdom" insert ", or detaining the child outside the United Kingdom,".

(3) In the Schedule (modifications of Article 3 for children in certain cases), in each of the following provisions after "paragraph (1)" insert "or (1A)"—

(a) paragraph 1(2)(a);

(b) paragraph 3(2)(a) (before its substitution by paragraph 5(2) of Schedule 3 to the 2022 Act);

(c) paragraph 3(2)(a) (as substituted by paragraph 5(2) of Schedule 3 to the 2022 Act);

(d) paragraph 4(2)(a).

(4) The amendments made by this section apply only in cases where the taking or sending of the child out of the United Kingdom takes place on or after the date on which this section comes into force.

(5) In this section "the 2022 Act" means the Adoption and Children Act (Northern Ireland) 2022 (c. 18 (N.I.)).

119 Safeguarding vulnerable groups: regulated activity

(1) Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (regulated activity) is amended as follows.

(2) In paragraph 1 omit—

(a) in sub-paragraph (2A)(b), the words "(disregarding paragraph 2(3A) and (3B)(b))";

(b) in sub-paragraph (2B)—
(i) in paragraph (a)(ii), the words "(disregarding paragraph 2(3A) and (3B)(b))";
(ii) paragraph (b) and the "or" immediately before it;
(c) sub-paragraph (2C);
(d) sub-paragraph (15).

(3) In paragraph 2 omit—
(a) sub-paragraph (3A);
(b) in sub-paragraph (3B), paragraph (b) and the "and" immediately before it;
(c) sub-paragraph (3C).

(4) Omit paragraph 5A and the italic heading before it.

120 Safeguarding vulnerable groups: regulated activity (Northern Ireland)

(1) Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) (regulated activity) is amended as follows.

(2) In paragraph 1 omit—
(a) in sub-paragraph (2A)(b), the words "(disregarding paragraph 2(3A) and (3B)(b))";
(b) in sub-paragraph (2B)—
(i) in paragraph (a)(ii), the words "(disregarding paragraph 2(3A) and (3B)(b))";
(ii) paragraph (b) and the "or" immediately before it;
(c) sub-paragraph (2C);
(d) sub-paragraph (13).

(3) In paragraph 2 omit—
(a) sub-paragraph (3A);
(b) in sub-paragraph (3B), paragraph (b) and the "and" immediately before it;
(c) sub-paragraph (3C).

(4) Omit paragraph 5A and the italic heading before it.

121 Dangerous, careless or inconsiderate cycling

(1) The Road Traffic Act 1988 is amended as set out in subsections (2) to (6).

(2) Before section 28 (dangerous cycling) insert—

"27A Causing death by dangerous cycling

A person who causes the death of another person by riding a cycle dangerously on a road or other public place is guilty of an offence.

27B Causing serious injury by dangerous cycling

(1) A person who causes serious injury to another person by riding a cycle dangerously on a road or other public place is guilty of an offence.

(2) In this section "serious injury" means—
(a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
(b) in Scotland, severe physical injury."

(3) In section 28—
(a) in subsection (1) for "on a road dangerously" substitute "dangerously on a road or other public place";
(b) omit subsections (2) and (3).

(4) After section 28 insert—

"28A Meaning of "dangerous cycling"

(1) This section applies for the purposes of sections 27A, 27B and 28.

(2) A person is to be regarded as riding dangerously if (and only if) the condition in subsection (3) or (4) is met.

(3) The condition in this subsection is met if—
(a) the way that the person rides falls far below what would be expected of a competent and careful cyclist, and
(b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.

(4) The condition in this subsection is met if it would be obvious to a competent and careful cyclist that riding the cycle in its current state would be dangerous.

(5) In determining the state of a cycle for the purposes of subsection (4), regard may be had (among other things) to—
(a) whether the cycle is equipped and maintained in accordance with regulations under section 81 (regulation of brakes, bells etc, on pedal cycles);
(b) anything attached to or carried on the cycle and the manner in which it is attached or carried.

(6) In determining what would be expected of, or obvious to, a competent and careful cyclist in a particular case, regard is to be had both to—
(a) the circumstances of which the person could be expected to be aware (taking account of, if relevant to the case, the age of the accused), and
(b) the circumstances shown to have been within the knowledge of the accused.

(7) References in this section to something being "dangerous" are references to it resulting in danger of—

(a) injury to any person, or

(b) serious damage to property.

28B Causing death by careless, or inconsiderate, cycling

A person who causes 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, is guilty of an offence.

28C Causing serious injury by careless, or inconsiderate, cycling

(1) A person who causes 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, is guilty of an offence.

(2) In this section "serious injury" means—

(a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and

(b) in Scotland, severe physical injury."

(5) In section 29 (careless, and inconsiderate, cycling)—

(a) after "a road" insert "or other public place";

(b) after "the road" insert "or place".

(6) After section 29 insert—

"29A Meaning of careless, or inconsiderate, cycling

(1) This section applies for the purposes of sections 28B, 28C and 29.

(2) A person is to be regarded as cycling without due care and attention if (and only if) the way the person cycles falls below what would be expected of a competent and careful cyclist.

(3) In determining what would be expected of a competent and careful cyclist in a particular case, regard is to be had both to—

(a) the circumstances of which the person could be expected to be aware (taking account of, if relevant to the case, the age of the accused), and

(b) the circumstances shown to have been within the knowledge of the accused.

(4) A person (A) is to be regarded as cycling without reasonable consideration for other persons only if those persons are inconvenienced by A's cycling."

(7) The Road Traffic Offenders Act 1988 is amended as set out in subsections (8) to (12).

(8) In section 23 (alternative verdicts in Scotland)—

(a) in subsection (1), after "vehicle" insert ", or the riding of a cycle,";

(b) in subsection (1A) omit "and" after paragraph (b) and after paragraph (c) insert—

"(d) an offence under section 27A of that Act (causing death by dangerous cycling), and

(e) an offence under section 27B of that Act (causing serious injury by dangerous cycling)."

(9) In section 24 (alternative verdicts: general)—

(a) in subsection (A1)(a) after "vehicle" insert ", or the riding of a cycle,";

(b) in subsection (A2) omit "and" after paragraph (c) and after that paragraph insert—

"(ca) an offence under section 27A of that Act (causing death by dangerous cycling),

(cb) an offence under section 27B of that Act (causing serious injury by dangerous cycling), and";

(c) in subsection (1), in the Table, after the entry relating to section 5A(1)(a) and (2) of the Road Traffic Act 1988 insert—

"Section 27A (causing death by dangerous cycling)	Section 28 (dangerous cycling) Section 28B (causing death by careless, or inconsiderate, cycling) Section 29 (careless, and inconsiderate, cycling)
Section 27B (causing serious injury by dangerous cycling)	Section 28 (dangerous cycling) Section 28C (causing serious injury by careless, or inconsiderate, cycling) Section 29 (careless, and inconsiderate, cycling)";

(d) in subsection (1), in the Table, after the entry relating to section 28 of the Road Traffic Act 1988 insert—

"Section 28B (causing death by careless, or inconsiderate, cycling)	Section 29 (careless, and inconsiderate, cycling)
Section 28C (causing serious injury by careless, or inconsiderate, cycling)	Section 29 (careless, and inconsiderate, cycling)".

(10) The table in Part 1 of Schedule 2 (prosecution and punishment of offences) is amended as follows.

(11) After the entry relating to "RTA section 27" insert in columns 1 to 4—

"RTA section 27A	Causing death by dangerous cycling.	On indictment.	Imprisonment for life.
RTA section 27B	Causing serious injury by dangerous cycling.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: the general limit in a magistrates' court or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both. (b) 5 years or a fine or both."

(12) After the entry relating to "RTA section 28" insert in columns 1 to 4—

"RTA section 28B	Causing death by careless or inconsiderate cycling.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: the general limit in a magistrates' court or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both. (b) 5 years or a fine or both.
RTA section 28C	Causing serious injury by careless or inconsiderate cycling	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: the general limit in a magistrates' court or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both. (b) 2 years or a fine or both."

(13) The following provisions are amended as follows—

(a) in Schedule 15 to the Criminal Justice Act 2003 (specified offences for purposes of sections 244ZA and 325), in Part 1 (specified violent offences), after paragraph 49 insert—

"49A An offence under section 27A of that Act (causing death by dangerous cycling).";

(b) in Schedule 18B to the Criminal Justice Act 2003 (offences relevant to public protection decisions), in Part 2 (statutory offences), in paragraph 34 after paragraph (c) insert—

"(d) section 27A (causing death by dangerous cycling).";

(c) in Schedule 18 to the Sentencing Code (specified offences for purposes of section 306), in Part 1 (specified violent offences), in paragraph 18 after paragraph (c) insert—

"(d) section 27A (causing death by dangerous cycling)."

122 Threatening, abusive or insulting behaviour towards emergency workers

(1) A person ("D") commits an offence if conditions 1 to 4 are met.

(2) Condition 1 is that D—

(a) uses towards an emergency worker ("E") threatening, abusive or insulting words or behaviour, or

(b) displays or gives to E any writing, sign or other visible representation which is threatening, abusive or insulting.

(3) In this section "D's relevant conduct" means the conduct of D that meets condition 1.

(4) Condition 2 is that D—

(a) intends the words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or

(b) is aware that they may be threatening, abusive or insulting.

(5) Condition 3 is that D's relevant conduct is racially or religiously hostile towards E.

(6) Condition 4 is that D's relevant conduct—

(a) is engaged in by D with intent to make E believe, or is likely to make E believe, that immediate unlawful violence will be used against E by D,

(b) is engaged in by D with intent to provoke, or is likely to provoke, the immediate use of unlawful violence against E by another person, or

(c) is engaged in by D with intent to cause E harassment, alarm or distress, and causes E harassment, alarm or distress.

(7) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in the magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

123 Threatening or abusive behaviour likely to harass, alarm or distress emergency workers

(1) A person ("D") commits an offence if conditions 1 to 3 are met.

(2) Condition 1 is that D—

(a) uses threatening or abusive words or behaviour, or

(b) displays any writing, sign or other visible representation which is threatening or abusive,

within the hearing or sight of an emergency worker ("E") likely to be caused harassment, alarm or distress by D's conduct.

(3) In this section "D's relevant conduct" means the conduct of D that meets condition 1.

(4) Condition 2 is that D—

(a) intends the words or behaviour, or the writing, sign or other visible representation, to be threatening or abusive, or

(b) is aware that they may be threatening or abusive.

(5) Condition 3 is that D's relevant conduct is racially or religiously hostile towards E.

(6) It is a defence for D to show that—

(a) D had no reason to believe that there was an emergency worker within hearing or sight who was likely to be caused harassment, alarm or distress, or

(b) D's conduct was reasonable.

(7) D is to be taken to have shown a matter if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

124 Interpretation of sections 122 and 123

(1) This section applies for the interpretation of sections 122 and 123.

(2) "Emergency worker" means an emergency worker, within the meaning of section 3 of the Assaults on Emergency Workers (Offences) Act 2018, acting in their capacity as such.

(3) The conduct of a person ("D") is racially or religiously hostile to another person ("E") if—

(a) at the time of that conduct, or immediately before or after that time, D demonstrates towards E hostility based on E's membership (or presumed membership) of a racial or religious group, or

(b) D's conduct is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

(4) It is immaterial whether D's hostility is also based, to any extent, on any other factor not mentioned in subsection (3).

(5) In subsection (3)—

"membership", in relation to a racial or religious group, includes association with members of that group;

"presumed" means presumed by D;

"racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;

"religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

(6) A person whose awareness is impaired by intoxication is to be treated as aware of anything they would be aware of if not intoxicated, unless they show that their intoxication—

(a) was not self-induced or
(b) was caused solely by the taking or administration of a substance in the course of medical treatment.

(7) In subsection (6) "intoxication" means any intoxication, whether caused by drink, drugs or other means, or by a combination of means.

PART 8

PREVENTION OF THEFT AND FRAUD

Electronic devices for use in vehicle offences

125 Electronic devices for use in vehicle offences

(1) It is an offence to possess an electronic device in circumstances which give rise to a reasonable suspicion that the device will be used in connection with a relevant offence.

(2) It is an offence to import, make, adapt, supply or offer to supply an electronic device in circumstances which give rise to a reasonable suspicion that the device will be used in connection with a relevant offence.

(3) It is a defence for a person charged with an offence under this section to show that the person did not intend or suspect that the device would be used in connection with a relevant offence.

(4) In proceedings for an offence under this section, if it is proved that an electronic device—
(a) was on any premises at the same time as the accused, or
(b) was on premises of which the accused was the occupier or which the accused habitually used otherwise than as a member of the public,

the court may assume that the accused possessed the electronic device, unless the accused shows that they did not know of its presence on the premises or that they had no control over it.

(5) In this section "relevant offence" means—
(a) in England and Wales—
(i) an offence under section 1 of the Theft Act 1968 of theft of a conveyance (as defined by section 12 of that Act) or anything in a conveyance, or
(ii) an offence under section 12 of that Act (taking vehicle or other conveyance without authority);
(b) in Scotland—
(i) theft of a vehicle, vessel or aircraft constructed or adapted for use for transporting one or more persons or of anything in such a vehicle, vessel or aircraft, or
(ii) an offence under section 178 of the Road Traffic Act 1988 (taking motor vehicle without authority);

(c) in Northern Ireland—

(i) an offence under section 1 of the Theft Act (Northern Ireland) 1969 of theft of a conveyance (as defined by section 12 of that Act) or anything in a conveyance, or

(ii) an offence under section 12 of that Act (taking vehicle or other conveyance without authority).

(6) A person who commits an offence under this section is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

126 Section 125: evidential burdens and lifestyle offences

(1) Subsection (2) applies where—

(a) in accordance with section 125(3), it is a defence for a person charged with an offence to show a particular matter, or

(b) in accordance with section 125(4), a court may make an assumption in relation to a person charged with an offence unless the person shows a particular matter.

(2) A person is regarded as having shown the matter if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(3) In the Proceeds of Crime Act 2002—

(a) in Schedule 2 (lifestyle offences: England and Wales), in paragraph 9B (inserted by the Border Security, Asylum and Immigration Act 2025)—

(i) in the heading, at the end insert "or vehicle offences";

(ii) the existing provision becomes sub-paragraph (1) of that paragraph;

(iii) after that sub-paragraph insert—

"(2) An offence under section 125 of the Crime and Policing Act 2026 (electronic devices for use in vehicle offences).";

(b) in Schedule 4 (lifestyle offences: Scotland), in paragraph 9G (inserted by the Border Security, Asylum and Immigration Act 2025)—

(i) in the heading, at the end insert "or vehicle offences";
(ii) the existing provision becomes sub-paragraph (1) of that paragraph;
(iii) after that sub-paragraph insert—

"(2) An offence under section 125 of the Crime and Policing Act 2026 (electronic devices for use in vehicle offences).";

(c) in Schedule 5 (lifestyle offences: Northern Ireland), in paragraph 9B (inserted by the Border Security, Asylum and Immigration Act 2025)—
(i) in the heading, at the end insert "or vehicle offences";
(ii) the existing provision becomes sub-paragraph (1) of that paragraph;
(iii) after that sub-paragraph insert—

"(2) An offence under section 125 of the Crime and Policing Act 2026 (electronic devices for use in vehicle offences)."

SIM farms

127 Possession of a SIM farm

(1) A person who possesses a SIM farm commits an offence.
For the meaning of "SIM farm", see section 129.

(2) It is a defence for a person charged with an offence under this section to prove that the person had a good reason or lawful authority for possessing the SIM farm.

(3) In subsection (2) the reference to a good reason for possessing a SIM farm includes in particular possessing it for a purpose connected with—
(a) providing broadcasting services,
(b) operating or maintaining a public transport service,
(c) operating or maintaining an electronic communications network (as defined by section 32 of the Communications Act 2003), or
(d) tracking freight or monitoring it in any other way.

This subsection does not limit subsection (2).

(4) For the purposes of subsection (2), where a person possesses a SIM farm in order to supply it to another, the person has a good reason for possessing it only if any supply would be in accordance with section 128(2)(a) to (c).

(5) A person who commits an offence under this section is liable—
(a) on summary conviction in England and Wales, to a fine;
(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

128 Supply of a SIM farm

(1) A person who supplies a SIM farm to another person commits an offence.

(2) It is a defence for a person charged with an offence under this section ("the supplier") to prove—

(a) that—

(i) the supply was made in the course of a business carried on by the supplier, or

(ii) the supplier had a good reason or lawful authority for possessing the SIM farm (before the supply was made),

(b) that, before the supply was made, the supplier took reasonable steps to satisfy themselves that the person to whom the SIM farm was to be supplied would have a good reason or lawful authority for possessing it, and

(c) that, before the supply was made, the supplier made a record of the specified information relating to the supply.

(3) In subsection (2)(a)(ii) the reference to a good reason or lawful authority for possessing the SIM farm does not include possessing it for the purpose of supplying it to another.

(4) In subsection (2)(c) "the specified information" relating to the supply of a SIM farm to a person ("the recipient") means—

(a) the date of the supply;

(b) a description of the SIM farm;

(c) the name of the recipient and, where the recipient is not an individual, any company number or other registered number;

(d) the address of the recipient and, where the recipient is not an individual, the address of any registered office;

(e) a description of the steps taken by the supplier to satisfy themselves that the recipient would have a good reason or lawful authority for possessing the SIM farm.

(5) A person who commits an offence under this section is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

129 Sections 127 and 128: meaning of "SIM farm" etc

(1) In sections 127 and 128, "SIM farm" means a device which is capable of using five or more SIM cards simultaneously or interchangeably, for the purpose of—

(a) making telephone calls to persons at telephone numbers allocated in accordance with national or international numbering plans, or

(b) sending messages to, or receiving messages from, such telephone numbers.

(2) "SIM card" means a removable physical subscriber identity module.

(3) A SIM card is "used" for the purpose of making a telephone call, or sending or receiving a message, if the SIM card enables the service by which the call or message is conveyed to be accessed.

(4) The Secretary of State may by regulations amend this section (other than this subsection).

(5) Schedule 13 confers powers of entry etc in relation to offences under sections 127 and 128 and related inchoate offences.

Other devices or software

130 Possession of specified article

(1) A person who possesses a specified article commits an offence.
"Specified article" means an article specified in regulations under section 132.

(2) It is a defence for a person charged with an offence under this section to prove that the person had a good reason or lawful authority for possessing the specified article.

(3) For the purposes of subsection (2), where a person possesses a specified article in order to supply it to another, the person has a good reason for possessing it only if any supply would be in accordance with section 131(2)(a) to (c).

(4) A person who commits an offence under this section is liable—
(a) on summary conviction in England and Wales, to a fine;
(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

131 Supply of specified article

(1) A person who supplies a specified article to another person commits an offence.
"Specified article" means an article specified in regulations under section 132.

(2) It is a defence for a person charged with an offence under this section ("the supplier") to prove—
(a) that—
(i) the supply was made in the course of a business carried on by the supplier, or
(ii) the supplier had a good reason or lawful authority for possessing the specified article (before the supply was made),
(b) that, before the supply was made, the supplier took reasonable steps to satisfy themselves that the person to whom the specified article was to be supplied would have a good reason or lawful authority for possessing it, and

(c) that, before the supply was made, the supplier made a record of the specified information relating to the supply.

(3) In subsection (2)(a)(ii) the reference to a good reason or lawful authority for possessing the specified article does not include possessing it for the purpose of supplying it to another.

(4) In subsection (2)(c) "the specified information" relating to the supply of a specified article to a person ("the recipient") means—

(a) the date of the supply;

(b) a description of the specified article;

(c) the name of the recipient and, where the recipient is not an individual, any company number or other registered number;

(d) the address of the recipient and, where the recipient is not an individual, the address of any registered office;

(e) a description of the steps taken by the supplier to satisfy themselves that the recipient would have a good reason or lawful authority for possessing the specified article.

(5) A person who commits an offence under this section is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

132 Sections 130 and 131: specified articles and supplementary provision

(1) The Secretary of State may by regulations specify articles for the purposes of sections 130 and 131.

(2) An article may be specified only if the Secretary of State considers that there is a significant risk of specified articles being used in connection with fraud that is perpetrated by means of—

(a) an electronic communications network, or

(b) an electronic communications service.

(3) 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.

(4) Schedule 13 confers powers of entry etc in relation to offences under sections 130 and 131 and related inchoate offences.

(5) In this section—

"article" includes information in electronic form;

"electronic communications network" and "electronic communications service" have the meaning given by section 32 of the Communications Act 2003.

PART 9

PUBLIC ORDER

CHAPTER 1

NEW OFFENCES RELATING TO PROTESTS AND ASSEMBLIES

133 Offence of concealing identity at protests

(1) A person commits an offence if the person is—
  (a) in a public place that is in a locality designated under section 134, and
  (b) wearing or otherwise using an item that conceals their identity or another person's identity.

(2) It is a defence for a person charged with an offence under this section to prove that they wore or otherwise used the item for—
  (a) a purpose relating to the health of the person or others,
  (b) the purposes of religious observance, or
  (c) a purpose relating to the person's work.

(3) Where the conduct described in subsection (1) takes place during the initial period specified under section 134(1), a person commits the offence under this section only if section 134(2) has been complied with in relation to the designation.

(4) Where the conduct described in subsection (1) takes place during a further period directed under section 134(3), a person commits the offence under this section only if section 134(4) has been complied with in relation to the designation.

(5) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 3 on the standard scale (or both).

134 Concealing identity at protests: designating localities and giving notice

(1) A constable whose rank is at least that of inspector may designate a locality in England or Wales that is in their police area for a specified period not exceeding 24 hours if they reasonably believe that—
  (a) a public assembly, or public procession, which constitutes a protest may take place or is taking place in the locality,
  (b) the protest is likely to involve or has involved the commission of offences, and
  (c) it is expedient, in order to prevent or limit the commission of offences, to designate the locality under this section.

(2) A constable who designates a locality under this section must ensure that all reasonable steps are taken (by the constable or another person) to notify the public of—

(a) the fact that the designation has been made,
(b) the nature of the offence created by section 133,
(c) the locality to which the designation applies, and
(d) the period during which the designation will be in force.

(3) A constable whose rank is at least that of superintendent may direct that a designation under this section is to continue in force for a further 24 hours if it appears expedient to do so, having regard to offences which—
(a) have been committed in connection with the protest in respect of which the designation was made, or
(b) are reasonably suspected to have been so committed.

(4) A constable who directs that a designation under this section is to continue in force must ensure that all reasonable steps are taken (by the constable or another person) to notify the public of—
(a) the fact that the designation will continue in force, and
(b) the matters set out in paragraphs (b), (c) and (d) of subsection (2).

(5) The reference to a "police area" in subsection (1), so far as it relates to a designation of a locality by—
(a) a member of the British Transport Police Force, has effect as if that reference were a reference to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;
(b) a member of the Ministry of Defence Police, has effect as if that reference were a reference to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.

(6) This section does not limit any other power of a constable; and, in particular, it does not affect when an authorisation under section 60AA of the Criminal Justice and Public Order Act 1994 (powers to require removal of disguises) may be given.

135 Concealing identity at protests: procedure for designations etc

(1) A constable—
(a) whose rank is that of inspector, and
(b) who designates a locality under section 134,
must ensure that a constable whose rank is at least that of superintendent is informed (by the inspector or another person) of the designation as soon as reasonably practicable.

(2) A designation under section 134—
(a) must be in writing and signed by the constable who made it, and
(b) must specify—
(i) the grounds on which it is made,
(ii) the locality to which it applies, and
(iii) the period during which it will be in force.

(3) Where it is not reasonably practicable for a designation under section 134 to be made in writing, an oral designation may be made instead provided—

(a) the constable making it states the matters which would otherwise have to be specified under subsection (2), and

(b) the designation is recorded in writing as soon as reasonably practicable.

(4) A direction under section 134(3) must be given in writing or, where that is not reasonably practicable, recorded in writing as soon as reasonably practicable.

136 Possession of pyrotechnic articles at protests

(1) It is an offence for a person to have a pyrotechnic article in their possession at any time when they are taking part in—

(a) a public procession which constitutes a protest,

(b) a public assembly which constitutes a protest, or

(c) a one-person protest.

(2) But no offence is committed if the person is taking part in a cultural or religious event of a kind at which pyrotechnic articles are customarily used.

(3) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for having the pyrotechnic article in their possession at the material time.

(4) In particular, it is a defence for a person charged with an offence under this section to show that they had the pyrotechnic article in their possession at the material time for use in connection with work.

(5) A person is taken to have shown the fact mentioned in subsection (3) or (4) if—

(a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(6) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In this section "pyrotechnic article" means an article that contains explosive substances, or an explosive mixture of substances, designed to produce heat, light, sound, gas or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions, other than—

(a) a match, or

(b) an article specified, or of a description specified, in regulations made by the Secretary of State.

137 Climbing on memorials

(1) A person who climbs on a specified memorial commits an offence.

(2) It is a defence for a person charged with an offence under this section to prove that they—

(a) had a good reason for climbing on the specified memorial,

(b) were the owner or occupier of the specified memorial, or

(c) had the consent of the owner or occupier of the specified memorial, or other lawful authority, to climb on it.

(3) In this section "specified memorial" means—

(a) a war memorial specified in Part 1 of Schedule 14,

(b) a part of a war memorial specified in Part 2 of Schedule 14, or

(c) a memorial or a part of a memorial specified in Part 3 of Schedule 14.

(4) The Secretary of State may by regulations amend Schedule 14.

(5) The Secretary of State may make regulations adding a memorial, or a part of a memorial, to Schedule 14 only if the Secretary of State considers that there is a significant public interest in it being a specified memorial for the purposes of this section.

(6) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 3 on the standard scale (or both).

(7) In this section "memorial" means a building or other structure, or any other thing, erected or installed on land (or in or on any building or other structure on land) which has a commemorative purpose.

(8) Something has a commemorative purpose if at least one of its purposes is to commemorate—

(a) one or more individuals or animals, or a description of individuals or animals (whether living or dead and whether or not capable of being identified), or

(b) an event or series of events (such as an armed conflict).

(9) In subsection (7) references to a building or structure include part of a building or structure.

138 Interpretation of Chapter

In this Chapter—

"one-person protest" has the meaning given by section 14ZA(4) of the Public Order Act 1986;

"public assembly" has the meaning given by section 16 of that Act;

"public place" has the meaning given by that section;

"public procession" has the meaning given by that section.

CHAPTER 2

POLICE POWERS RELATING TO PROTESTS AND ASSEMBLIES

139 Places of worship: restriction on protests

(1) The Public Order Act 1986 is amended as follows.

(2) In section 12(1) (imposing conditions on public processions)—

(a) at the end of paragraph (ab) omit "or";

(b) at the end of paragraph (b) insert "or

(c) in the case of a procession in England and Wales, the procession is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from—

(i) accessing that place of worship for the purpose of carrying out religious activities, or

(ii) carrying out religious activities at that place of worship,".

(3) In section 14(1) (imposing conditions on public assemblies)—

(a) at the end of paragraph (ab) omit "or";

(b) at the end of paragraph (b) insert "or

(c) in the case of an assembly in England and Wales, the assembly is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from—

(i) accessing that place of worship for the purpose of carrying out religious activities, or

(ii) carrying out religious activities at that place of worship."

(4) In section 14ZA(1) (imposing conditions on one-person protests)—

(a) at the end of paragraph (a) omit "or";

(b) at the end of paragraph (b) insert "or

(c) the protest is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from—

(i) accessing that place of worship for the purpose of carrying out religious activities, or

(ii) carrying out religious activities at that place of worship."

140 Public processions and assemblies: duty to take account of cumulative disruption

(1) The Public Order Act 1986 is amended as follows.

(2) In section 12 (power to impose conditions on public processions), after subsection (2B) insert—

"(2BA) In considering for the purposes of subsection (1)(a) whether a public procession in England and Wales may result in serious disruption to the life of the community, a senior police officer must take into account any relevant cumulative disruption.

(2BB) In subsection (2BA) "relevant cumulative disruption" means the cumulative disruption to the life of the community resulting from—

(a) the procession,

(b) any other public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1) in relation to that other procession), and

(c) any public assembly in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 14(1A) in relation to that assembly),

and it does not matter whether or not the procession mentioned in paragraph (a) and any procession or assembly within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time.

(2BC) In subsection (2BB) "area", in relation to a public procession or public 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 the procession or assembly."

(3) In section 14 (power to impose conditions on public assemblies) after subsection (2B) insert—

"(2BA) In considering for the purposes of subsection (1)(a) whether a public assembly in England and Wales may result in serious disruption to the life of the community, a senior police officer must take into account any relevant cumulative disruption.

(2BB) In subsection (2BA) "relevant cumulative disruption" means the cumulative disruption to the life of the community resulting from—

(a) the assembly,

(b) any other public assembly in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1A) in relation to that other assembly), and

(c) any public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 12(1) in relation to that procession),

and it does not matter whether or not the assembly mentioned in paragraph (a) and any assembly or procession within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time.

(2BC) In subsection (2BB) "area", in relation to a public assembly or public procession, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the assembly or procession."

141 Powers of senior officers to impose conditions on protests

(1) The Public Order Act 1986 is amended as follows.

(2) In section 12 (imposing conditions on public processions)—

(a) in subsection (1), for "the", in the first place it occurs, substitute "a";

(b) in subsection (2)—

(i) in the words before paragraph (a) omit "the";

(ii) in paragraph (a) for the words from ", the most" to the end substitute "—

(i) the most senior in rank of the police officers present at the scene, or

(ii) in the case of a procession in England and Wales, a police officer authorised by a chief officer of police for the purposes of this subsection, and".

(3) In section 14 (imposing conditions on public assemblies)—

(a) in subsection (1), for "the", in the first place it occurs, substitute "a";

(b) in subsection (2)—

(i) in the words before paragraph (a) omit "the";

(ii) in paragraph (a) for the words from ", the most" to the end substitute "—

(i) the most senior in rank of the police officers present at the scene, or

(ii) in the case of an assembly in England and Wales, a police officer authorised by a chief officer of police for the purposes of this subsection, and";

(c) in subsection (2ZB), for "reference in subsection (2)(b) to a chief officer of police includes", substitute "references in subsection (2) to a chief officer of police include".

142 Amendments relating to British Transport Police and Ministry of Defence Police

(1) The Public Order Act 1986 is amended in accordance with subsections (2) and (3).

(2) In section 14A(9) (prohibiting trespassory assemblies), in the definition of "land", after ""land"" insert ", except in subsections (4A) to (4C) of this section,".

(3) In section 16 (interpretation), in the definition of "public assembly", for the words from "wholly" to the end substitute "—

(a) wholly or partly open to the air, or

(b) within any of paragraphs (a) to (f) of section 31(1) of the Railways and Transport Safety Act 2003;".

(4) The Criminal Justice and Public Order Act 1994 is amended in accordance with subsections (5) and (6).

(5) In section 60 (powers to stop and search in anticipation of or after violence), after subsection (9A) insert—

"(9B) So far as they relate to an authorisation by a member of the Ministry of Defence Police—

(a) subsections (1) and (9) have effect as if the references to a locality in a police area were references to a place in England and Wales among those specified in section 2(2) of the Ministry of Defence Police Act 1987, and

(b) subsection (1)(aa)(i) has effect as if the reference to a police area were a reference to the places in England and Wales specified in section 2(2) of the Ministry of Defence Police Act 1987."

(6) In section 60AA (powers to require removal of disguises)—

(a) for subsection (8) substitute—

"(8) So far as subsections (1), (3) and (6) relate to an authorisation by a member of the British Transport Police Force, those subsections have effect as if the references to a locality or a locality in a police area were references to a place in England and Wales among those specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.

(8A) So far as subsections (1), (3) and (6) relate to an authorisation by a member of the Ministry of Defence Police, those subsections have effect as if the references to a locality or a locality in a police area were references to a place in England and Wales among those specified in section 2(2) of the Ministry of Defence Police Act 1987.";

(b) in subsection (9) omit "and "policed premises" each".

PART 10

POWERS OF POLICE ETC

Power to suspend IP addresses etc

143 Suspension of internet protocol addresses and internet domain names

Schedule 15 makes provision about IP address suspension orders and domain name suspension orders.

Powers in respect of stolen goods

144 Electronically tracked stolen goods: search without warrant

(1) In the Theft Act 1968, in the heading of section 26 after "goods" insert "with warrant".

(2) In the Theft Act 1968, after section 26 insert—

"26A Electronically tracked stolen goods: search without warrant

(1) A constable whose rank is at least that of inspector (a "senior officer") may authorise a constable to—

(a) enter specified premises, and

(b) search the specified premises for specified items.

(2) A senior officer may give an authorisation under subsection (1) only if satisfied that—

(a) there are reasonable grounds to believe that—

(i) the specified items are stolen goods,

(ii) the specified items are on the specified premises, and

(iii) it is not reasonably practicable to obtain a warrant for the entry and search (under section 26 or another enactment) without frustrating or seriously prejudicing its purpose, and

(b) there is electronic tracking data indicating that the specified items (or any of them) are, or have at some time since they are believed to have been stolen been, on the specified premises.

(3) An authorisation may be given orally or in writing.

(4) As soon as reasonably practicable after giving the authorisation, the senior officer must record in writing—

(a) if the authorisation was given orally, the authorisation, and

(b) in any case, the officer's reasons for being satisfied as mentioned in subsection (2).

(5) The powers conferred by an authorisation under subsection (1) may be exercised only—

(a) by a constable in uniform,
(b) before the end of the 24 hour period beginning with the time the authorisation is given, and
(c) at a reasonable hour (unless it appears to the constable that exercising them at a reasonable hour may frustrate or seriously prejudice the purpose of exercising them).

(6) The power of search conferred by an authorisation under subsection (1) is exercisable only to the extent that is reasonably required for the purpose of searching the specified premises for the specified items.

(7) Where the occupier of the specified premises is present at the time the constable seeks to enter and search them, the constable must—
(a) identify themselves to the occupier, and
(b) state the purpose for which they are entering and searching the premises.

(8) In this section "electronic tracking data" means information as to the location, determined by electronic means, of an item.

26B Seizure on search under section 26A

(1) Where a constable is lawfully on premises in exercise of the powers conferred by an authorisation under section 26A(1), this section applies instead of section 19 of the Police and Criminal Evidence Act 1984 (general power of seizure).

(2) The constable may seize anything which is on the specified premises (whether or not it is a specified item) if the constable has reasonable grounds to believe—
(a) that it is stolen goods, and
(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) The constable may seize anything which is on the specified premises (whether or not it is a specified item) if the constable has reasonable grounds to believe—
(a) that it is evidence in relation to an offence of theft which the constable is investigating or any other offence of theft, and
(b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, damaged, altered or destroyed.

(4) As soon as reasonably practicable after exercising a power of seizure conferred by this section, the constable must record in writing—
(a) the grounds on which the power was exercised, and
(b) the items seized.

26C Sections 26A and 26B: supplementary

(1) The powers conferred by virtue of sections 26A and 26B do not include powers to search for or seize—

(a) items subject to legal privilege,

(b) excluded material, or

(c) special procedure material.

(2) A constable may use reasonable force, if necessary, in the exercise of a power conferred by virtue of section 26A or 26B.

(3) In sections 26A and 26B "specified" means specified in an authorisation under section 26A(1).

(4) Sections 26A and 26B are to be construed in accordance with section 24.

(5) In sections 26A to 26C the following expressions have the same meaning as in the Police and Criminal Evidence Act 1984—

"excluded material" (see section 11 of that Act);

"items subject to legal privilege" (see section 10 of that Act);

"premises" (see section 23 of that Act);

"special procedure material" (see section 14 of that Act)."

(3) In Schedule 1 to the Criminal Justice and Police Act 2001 (seizure powers to which certain provisions apply), in each of paragraphs 10 and 92—

(a) for "power" substitute "powers";

(b) for "section 26(3)" substitute "sections 26(3) and 26B".

145 Electronically tracked stolen goods: search without warrant (armed forces)

In the Armed Forces Act 2006, after section 93 insert—

"93ZA Electronically tracked stolen goods: search without warrant

(1) A service policeman of at least the rank of naval lieutenant, military or marine captain or flight lieutenant may authorise a service policeman to—

(a) enter specified premises which are relevant residential premises, and

(b) search the specified premises for specified items.

(2) An officer may give an authorisation under subsection (1) only if satisfied that—

(a) there are reasonable grounds to believe that—

(i) the specified items are stolen goods,

(ii) the specified items are on the specified premises, and

(iii) it is likely that the purpose of the search would be frustrated or seriously prejudiced if no search could be

carried out before the time mentioned in subsection (3), and

(b) there is electronic tracking data indicating that the specified items (or any of them) are, or have at some time since they are believed to have been stolen been, on the specified premises.

(3) The time referred to in subsection (2)(a)(iii) is the earliest time by which it would be practicable—

(a) for a service policeman to obtain and execute a warrant under section 83 authorising the entry and search of the premises, or

(b) in a case where a member of a UK police force could obtain a warrant under section 8 of PACE or any other enactment authorising the entry and search of the premises, for a member of such a force to obtain and execute such a warrant.

(4) An officer may give an authorisation under subsection (1) orally or in writing.

(5) As soon as reasonably practicable after giving the authorisation the officer must record in writing—

(a) if the authorisation is given orally, the authorisation, and

(b) in any case, the officer's reasons for being satisfied as mentioned in subsection (2).

(6) The powers conferred by an authorisation under subsection (1) may be exercised only—

(a) by a service policeman in uniform,

(b) before the end of the 24 hour period beginning with the time the authorisation is given, and

(c) at a reasonable hour (unless it appears to the service policeman that exercising them at a reasonable hour may frustrate or seriously prejudice the purpose of exercising them).

(7) The power of search conferred by an authorisation under subsection (1) is exercisable only to the extent that is reasonably required for the purpose of searching the specified premises for the specified items.

(8) Where the occupier of the specified premises is present at the time the service policeman seeks to enter and search them, the service policeman must—

(a) identify themselves to the occupier, and

(b) state the purpose for which they are entering and searching the premises.

(9) In this section "electronic tracking data" means information as to the location, determined by electronic means, of an item.

93ZB Seizure on search under section 93ZA

(1) This section applies where a service policeman is lawfully on relevant residential premises in exercise of the powers conferred by an authorisation under section 93ZA(1).

(2) The service policeman may seize anything which is on the specified premises (whether or not it is a specified item) if the service policeman has reasonable grounds to believe—

(a) that it is stolen goods, and

(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) The service policeman may seize anything which is on the specified premises (whether or not it is a specified item) if the service policeman has reasonable grounds to believe—

(a) that it is evidence in relation to—

(i) an offence under section 42 which the service policeman is investigating, or

(ii) any other offence under section 42,

as respects which the corresponding offence under the law of England and Wales is theft, and

(b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, damaged, altered or destroyed.

(4) The powers of seizure in subsections (2) and (3) include power to require information which is stored in an electronic form and is accessible from the premises to be produced in a form—

(a) in which it can be taken away and which it is visible and legible, or

(b) from which it can readily be produced in a visible and legible form.

(5) As soon as reasonably practicable after exercising a power of seizure conferred by this section, the service policeman must record in writing—

(a) the grounds on which the power was exercised, and

(b) the items seized.

93ZC Sections 93ZA and 93ZB: supplementary

(1) The powers conferred by sections 93ZA and 93ZB do not include powers to search for or seize—

(a) items subject to legal privilege,

(b) excluded material, or

(c) special procedure material.

(2) In sections 93ZA and 93ZB "specified" means specified in an authorisation under section 93ZA(1).

(3) Sections 93ZA and 93ZB are to be construed in accordance with section 24 of the Theft Act 1968, reading references in that section to blackmail and fraud as including an offence under section 42 as respects which the corresponding offence under the law of England and Wales is blackmail or fraud.

(4) In sections 93ZA and 93ZB the following expressions have the meanings given by section 84—

"excluded material"

"items subject to legal privilege"

"relevant residential premises"

"special procedure material"."

Extraction of online information etc

146 Extraction of online information following seizure of electronic devices

(1) Where an electronic device has been lawfully seized, a senior officer may authorise an enforcement officer to extract information accessible by means of one or more online accounts which were accessed by means of the device before it was seized.

(2) A senior officer may give an authorisation under subsection (1) only if satisfied that there are reasonable grounds to believe that—

(a) the information mentioned in subsection (1) includes information that is relevant to a reasonable line of enquiry which is being, or is to be pursued, by an enforcement officer for one or more relevant purposes, and

(b) it is not reasonably practicable to obtain that information by other means.

(3) The power conferred by virtue of subsection (1) may be exercised only to extract information—

(a) which was accessible by means of the online accounts at the time the device was seized, and

(b) which the person exercising the power considers necessary and proportionate to extract for the purpose of obtaining information which is relevant as mentioned in subsection (2)(a).

(4) An authorisation under subsection (1) also confers powers to—

(a) access an online account of the kind mentioned in that subsection, and

(b) examine any information accessible by means of such an account.

(5) The power conferred by virtue of subsection (4)(b) may be exercised only to the extent that the person exercising the power considers necessary and proportionate for the purpose of determining whether information may be extracted under the authorisation.

(6) A person who is given an authorisation under subsection (1) may arrange for a person to exercise the powers conferred by the authorisation on their behalf.

(7) For the purposes of this section, each of the following are "relevant purposes"—

(a) in every case, the purpose of preventing, detecting, investigating or prosecuting crime;

(b) in a case where the device mentioned in subsection (1) was seized under section 43E of the Terrorism Act 2000, the purpose of protecting the public from the risk of terrorism;

(c) in a case where the device was seized under Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011, a purpose connected with—

(i) protecting members of the public from a risk of terrorism, or

(ii) preventing or restricting an individual's involvement in terrorism-related activity;

(d) in a case where the device was seized under Schedule 11 to the National Security Act 2023, a purpose connected with—

(i) protecting the United Kingdom from the risk of acts or threats within section 33(3) of that Act, or

(ii) preventing or restricting an individual's involvement in foreign power threat activity.

(8) In this Act, "online account" means an account by means of which information held on a service provided by means of the internet is made accessible.

(9) References in this Act to the extraction of information include its reproduction in any form.

147 Section 146: supplementary

(1) An authorisation under section 146 may be given—

(a) orally or in writing;

(b) subject to specified conditions.

(2) An authorisation under section 146 must specify each of the online accounts in respect of which it is given.

(3) As soon as reasonably practicable after giving an authorisation under section 146, a senior officer must record in writing—

(a) if the authorisation was given orally, the authorisation (including any conditions to which it is subject), and

(b) in any case, the senior officer's reasons for being satisfied as mentioned in section 146(2).

(4) Any information which has been extracted under an authorisation under section 146 may be retained for so long as is necessary in all the circumstances; but this is subject to section 149.

(5) Section 146 does not limit any other power relating to the extraction of information or otherwise.

148 Section 146: interpretation

(1) In section 146 –

(a) "enforcement officer" means a person listed in the first column of the following table, and

(b) "senior officer", in respect of an enforcement officer, means a person listed in the corresponding entry in the second column of the table.

Enforcement officer	*Senior officer*
a constable of a police force in England and Wales	a constable of at least the rank of inspector
a constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) (see section 99 of that Act)	a constable of at least the rank of inspector
a police officer within the meaning of the Police (Northern Ireland) Act 2000 (see section 77(1) of that Act)	a police officer of at least the rank of inspector
an officer appointed by the Police Ombudsman for Northern Ireland under section 56(1) or (1A) of the Police (Northern Ireland) Act 1998	an officer of at least the rank of inspector
a member of a civilian police staff	a constable of at least the rank of inspector
a constable of the British Transport Police Force	a constable of at least the rank of inspector
a constable of the Ministry of Defence police	a constable of at least the rank of inspector
a member of the Royal Navy Police or any other person who is under the direction and control of the Provost Marshal of the Royal Naval Police	a member of the Royal Navy Police of at least the rank of lieutenant
a member of the Royal Military Police or any other person who is under the direction and control of the Provost Marshal of the Royal Military Police	a member of the Royal Military Police of at least the rank of captain
a member of the Royal Air Force Police or any other person who is under the direction and control of	a member of the Royal Air Force Police of at least the rank of flight lieutenant

Enforcement officer	*Senior officer*
the Provost Marshal of the Royal Air Force Police	
a member of the tri-service serious crime unit described in section 375(1A) of the Armed Forces Act 2006 or any other person who is under the direction and control of the Provost Marshal for serious crime	a member of the Royal Navy Police, Royal Military Police or Royal Air Force Police of at least the rank of lieutenant, captain or flight lieutenant
a National Crime Agency officer	a National Crime Agency officer of grade 3 or above
an officer of Revenue and Customs	an officer of Revenue and Customs of at least the grade of higher officer
a member of the Serious Fraud Office	a member of the Serious Fraud Office of grade 7 or above
a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971	an immigration officer of at least the rank of chief immigration officer
an officer of the department of the Secretary of State for Business and Trade, so far as relating to the Insolvency Service	an officer of the department of the Secretary of State for Business and Trade, so far as relating to the Insolvency Service, of grade 7 or above
an officer of the department of the Secretary of State for Health and Social Care authorised to conduct investigations on behalf of the Secretary of State	an officer of the department of the Secretary of State for Health and Social Care authorised to conduct investigations on behalf of the Secretary of State of grade 7 or above
an officer of the NHS Counter Fraud Authority	an officer of the NHS Counter Fraud Authority of at least pay band 8b

(2) The Secretary of State may by regulations amend the table in subsection (1)—

(a) so as to add a reference to a person,

(b) so as to remove a reference to a person, or

(c) so as to modify a description of a person mentioned in that table.

(3) In section 146—

"crime" means—

(a) conduct which constitutes one or more criminal offences in any part of the United Kingdom, or

(b) conduct which, if it took place in any part of the United Kingdom, would constitute one or more criminal offences;

"criminal offence" includes—

(a) a service offence within the meaning of the Armed Forces Act 2006, and

(b) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);

"involvement in foreign power threat activity" has the same meaning as in Part 2 of the National Security Act 2023 (see section 62(1) of that Act);

"involvement in terrorism-related activity" has the same meaning as in Terrorism Prevention and Investigation Measures Act 2011 (see section 4 of that Act);

"terrorism" has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).

(4) References in section 146 to an electronic device which has been lawfully seized include—

(a) a device possession of which has been taken under—

(i) section 448(3) of the Companies Act 1985;

(ii) section 2(5) of the Criminal Justice Act 1987;

(b) a device which has been produced in compliance with—

(i) a notice under section 2(3) of the Criminal Justice Act 1987;

(ii) a notice under section 197 of the National Health Service Act 2006.

149 Section 146: confidential information

(1) This section applies where—

(a) information has been extracted under the power conferred by virtue of section 146(1), and

(b) it appears to any person accessing the information as a result of the exercise of that power that the information is, or contains, confidential information.

(2) Subject to subsections (3) and (7), as soon as reasonably practicable after accessing the confidential information, the person must ensure that—

(a) the information is made inaccessible, or

(b) where the extraction involved a copy being made of the confidential information, the copy is destroyed.

(3) The duty in subsection (2) does not apply if—

(a) the confidential information is comprised in other information which is not confidential information, and

(b) it is not reasonably practicable for the confidential information to be separated from that other information without prejudicing its use in relation to a reasonable line of enquiry of the kind mentioned in section 146(2)(a).

(4) Where the duty in subsection (2) is so disapplied, the person accessing the confidential information must ensure that it is not—

(a) examined or copied, or

(b) put to any use other than as mentioned in subsection (3)(b).

(5) In this section "confidential information" means information which constitutes or may constitute—

(a) confidential journalistic material within the meaning of the Investigatory Powers Act 2016 (see section 264(6) and (7) of that Act), or

(b) protected material.

(6) In this section "protected material" means—

(a) so far as this section applies to England and Wales—

(i) items subject to legal privilege, within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);

(ii) excluded material within the meaning of that Act (see section 11 of that Act);

(iii) special procedure material within the meaning of that Act (see section 14 of that Act);

(b) so far as this section applies to Scotland—

(i) items in respect of which a claim to confidentiality of communications could be maintained in legal proceedings;

(ii) other material of a kind mentioned in paragraph (a)(ii) or (iii) of this subsection;

(c) so far as this section applies to Northern Ireland—

(i) items subject to legal privilege within the meaning of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (see Article 12 of that Order);

(ii) excluded material within the meaning of that Order (see Article 13 of that Order);

(iii) special procedure material within the meaning of that Order (see Article 16 of that Order).

(7) The Secretary of State may by regulations provide for circumstances in which the duty in subsection (2) does not apply in relation to protected material of the kind mentioned in subsection (6)(a)(ii) and (iii), (b)(ii), and (c)(ii) and (iii).

150 Section 146: code of practice

(1) The Secretary of State must prepare a code of practice about—

(a) the exercise of the power to give an authorisation under section 146(1), and

(b) the exercise of the powers conferred by such an authorisation.

(2) The code may make different provision for different purposes or areas.

(3) In preparing the code, the Secretary of State must consult—
(a) the Information Commissioner,
(b) the Investigatory Powers Commissioner,
(c) the Scottish Ministers,
(d) the Department of Justice in Northern Ireland, and
(e) such other persons as the Secretary of State considers appropriate.

(4) After preparing the code, the Secretary of State must lay it before Parliament and publish it.

(5) After the Secretary of State has complied with subsection (4), the Secretary of State may bring the code into force by regulations.

(6) After the code has come into force the Secretary of State may from time to time revise it.

(7) A person must have regard to the code of practice for the time being in force under this section in exercising, or deciding whether to exercise, the powers mentioned in subsection (1).

(8) A failure on the part of a person to act in accordance with the code does not of itself render the person liable to any criminal or civil proceedings.

(9) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with it in determining a question in the proceedings.

(10) References in subsections (2) to (9) to the code include a revised code, subject to subsection (11).

(11) The duty to consult in subsection (3) does not apply in relation to the preparation of a revised code if the Secretary of State considers that the proposed revisions are insubstantial.

151 Extraction of online information: ports and border security

(1) In Schedule 7 to the Terrorism Act 2000 (port and border controls), after paragraph 11A insert—

"Extraction of online information

11B (1) This paragraph applies where an electronic device is detained under paragraph 11 after having been—
(a) searched or found on a search under paragraph 8, or
(b) examined under paragraph 9.

(2) A relevant senior officer may authorise a constable to extract information accessible by means of one or more online accounts

which were accessed by means of the device before the search or examination began.

(3) The power conferred by virtue of sub-paragraph (2) may be exercised only to extract information which was accessible by means of the online accounts at the time the search or examination began.

(4) An authorisation under sub-paragraph (2) also confers powers to—

(a) access an online account of the kind mentioned in that sub-paragraph, and

(b) examine any information accessible by means of such an account.

(5) The power conferred by virtue of sub-paragraph (4)(b) may be exercised only for the purpose of determining whether information may be extracted under the authorisation.

(6) The powers conferred by virtue of this paragraph are exercisable only for so long as the electronic device continues to be detained under paragraph 11.

(7) A constable who is given an authorisation under sub-paragraph (2) may arrange for another person to exercise the powers conferred by the authorisation on their behalf.

(8) In this paragraph—

"online account" means an account by means of which information held on a service provided by means of the internet is made accessible;

"relevant senior officer", in relation to a constable who is given an authorisation under sub-paragraph (2), means another constable who—

(a) is of a higher rank than the constable who is given the authorisation, and

(b) has not been directly involved in the exercise of any power under this Part of this Schedule to take the electronic device or to question a person from whom the device was taken.

(9) References in this paragraph and paragraph 11C to the extraction of information include its reproduction in any form.

11C Any information which has been extracted by virtue of paragraph 11B may be retained by a constable—

(a) for so long as is necessary for the purpose of determining whether a person falls within section 40(1)(b),

(b) while the constable believes that it may be needed for use as evidence in criminal proceedings, or

(c) while the constable believes that it may be needed in connection with a decision by the Secretary of State whether

to make a deportation order under the Immigration Act 1971."

(2) In Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security), after paragraph 22 insert—

"Extraction of online information

22A(1) This paragraph applies where an electronic device is retained under paragraph 11 after having been—

(a) searched or found on a search under paragraph 8, or

(b) examined under paragraph 9.

(2) A relevant senior officer may authorise a constable to extract information accessible by means of one or more online accounts which were accessed by means of the device before the search or examination began.

(3) The power conferred by virtue of sub-paragraph (2) may be exercised only to extract information which was accessible by means of the online accounts at the time the search or examination began.

(4) An authorisation under sub-paragraph (2) also confers powers to—

(a) access an online account of the kind mentioned in that sub-paragraph, and

(b) examine any information accessible by means of such an account.

(5) The power conferred by virtue of sub-paragraph (4)(b) may be exercised only for the purpose of determining whether information may be extracted under the authorisation.

(6) The powers conferred by virtue of this paragraph are exercisable only for so long as the electronic device continues to be retained under paragraph 11.

(7) A constable who is given an authorisation under sub-paragraph (2) may arrange for another person to exercise the powers conferred by the authorisation on their behalf.

(8) Where a constable makes such an arrangement, the person exercising those powers on their behalf is to be treated as an examining officer for the purposes of Part 4 of this Schedule.

(9) In this paragraph—

"online account" means an account by means of which information held on a service provided by means of the internet is made accessible;

"relevant senior officer", in relation to a constable who is given an authorisation under sub-paragraph (2), means another constable who—

(a) is of a higher rank than the constable who is given the authorisation, and

(b) has not been directly involved in the exercise of any power under this Part of this Schedule to take the electronic device or to question a person from whom the device was taken.

(10) References in this paragraph and paragraph 22B to the extraction of information include its reproduction in any form.

22B Any information which has been extracted by virtue of paragraph 22A may be retained by a constable—

(a) for so long as it is necessary for the purpose of determining whether a person is or has been engaged in hostile activity,

(b) while the constable believes that it may be needed for use as evidence in criminal proceedings,

(c) while the constable believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the Immigration Act 1971,

(d) while the constable believes it necessary to retain the information—

(i) in the interests of national security,

(ii) in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security, or

(iii) for the purpose of preventing or detecting an act of serious crime, or

(e) while the constable believes it necessary to retain the information to prevent death or significant injury.

22C(1) Paragraphs 18 to 22 apply to information consisting of or including confidential material that is retained by virtue of paragraph 22B(d) or (e) as they apply to a copy consisting of or including confidential material that is retained by virtue of paragraph 17(3)(d) or (e), but with the following modifications.

(2) Paragraph 18(7) is to be read as if the reference to paragraph 17(3)(b) or (c) were a reference to paragraph 22B(b) or (c).

(3) Paragraph 19 is to be read as if—

(a) the references in sub-paragraph (3)(c) and (6) to the person from whom the article was taken from which the copy was made, and

(b) the reference in sub-paragraph (7) to the person from whom an article was taken from which a copy was made,

were references to the person from whom the device mentioned in paragraph 22A(1) was taken.

(4) Paragraph 20(4) is to be read as if the reference to a person from whom the article was taken from which the copy was made were a reference to the person from whom the device mentioned in paragraph 22A(1) was taken.

(5) Paragraph 21(7) is to be read as if the reference to the person from whom an article was taken from which the copy was made were a reference to the person from whom the device mentioned in paragraph 22A(1) was taken.

(6) Paragraph 22 is to be read as if—

(a) the reference in sub-paragraph (7) to paragraph 17(3)(b) or (c) were a reference to paragraph 22B(b) or (c);

(b) the reference in sub-paragraph (9) to the person from whom the article was taken from which the copy was made were a reference to the person from whom the device mentioned in paragraph 22A(1) was taken."

152 Extraction of online information following agreement etc

Schedule 16 amends Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices) in relation to the extraction of information accessible by means of online accounts.

153 Lawful interception of communications

(1) The Investigatory Powers Act 2016 is amended as follows.

(2) After section 48 insert—

"48A Interception for accessing online accounts

(1) The interception of a relevant communication transmitted by means of a telecommunications system is authorised by this subsection if—

(a) the interception is carried out by or on behalf of a person who—

(i) has been authorised under a relevant power to access one or more online accounts, or

(ii) is entitled by virtue of a relevant requirement to access one or more online accounts, and

(b) the interception is carried out for the purpose of enabling the person to access those online accounts.

(2) A "relevant communication" means a communication transmitted as part of a process used to—

(a) establish or verify the identity of a person, or

(b) establish or verify that a person is a natural person.

(3) A "relevant power" means a power conferred by—

(a) paragraph 11B of Schedule 7 to the Terrorism Act 2000;

(b) paragraph 22A of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;

(c) section 37(1A) of the Police, Crime, Sentencing and Courts Act 2022 by virtue of section 40 of that Act;

(d) section 41(1A) of that Act;
(e) section 146 of the Crime and Policing Act 2026.

(4) A "relevant requirement" means a requirement imposed under—
(a) paragraph 7(1) of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011;
(b) paragraph 8(1) of Schedule 7 to the National Security Act 2023;
(c) section 185(2)(c) of the Crime and Policing Act 2026.

(5) The interception of a communication transmitted by means of a telecommunications system is authorised by this section if it is incidental to, or is reasonably carried out in connection with, conduct that is authorised by virtue of subsection (1).

(6) In this section "online account" means an account by means of which information held on a service provided by means of the internet is made accessible."

(3) In section 229 (main oversight functions), in subsection (4)(e)(i), after "47" insert ", 48A".

Access to driver licensing information

154 Access to driver licensing information

In the Criminal Justice and Court Services Act 2000, for section 71 substitute—

"71 Access to driver licensing information

(1) The Secretary of State may in accordance with this section make driver licensing information available for use by authorised persons for purposes relating to policing or law enforcement.

(2) The Secretary of State must in regulations made for the purposes of this section ("driver information regulations") make provision about the making available of driver licensing information under this section.

(3) Driver information regulations must specify the circumstances in which information may be made available under this section.

(4) Driver information regulations may in particular make provision—
(a) specifying conditions that must be met for a person to be (or remain) authorised to receive information under this section;
(b) specifying conditions that must be met before information may be made available under this section;
(c) imposing requirements relating to the receipt and use of information made available under this section;
(d) restricting the kind of information that may be made available to, or the purposes for which information may be used by, specified descriptions of authorised persons;

(e) about the purposes for which, and the circumstances in which, information made available under this section may be further disclosed (including provision about the persons to whom it may be disclosed).

(5) Before making driver information regulations, the Secretary of State must consult—

(a) the Scottish Ministers,

(b) the Department of Justice in Northern Ireland,

(c) the National Police Chiefs' Council,

(d) such persons as appear to the Secretary of State to represent the views of police and crime commissioners, and

(e) such other persons as the Secretary of State considers appropriate.

(6) The Secretary of State may not make driver information regulations in relation to Northern Ireland authorised persons without the consent of the Department of Justice in Northern Ireland.

(7) "Northern Ireland authorised persons" means authorised persons who—

(a) are under the direction and control of—

(i) the Chief Constable of the Police Service of Northern Ireland,

(ii) the Belfast Harbour Commissioners, or

(iii) Belfast International Airport Limited, or

(b) are officers of the Police Ombudsman for Northern Ireland.

(8) In this section—

"authorised person" has the meaning given in section 71A;

"driver licensing information" means any information held, in any form, by the Secretary of State for the purposes of Part 3 of the Road Traffic Act 1988.

71A Section 71: meaning of "authorised person"

(1) In section 71 "authorised person" means a person specified in the first column of the following table who is authorised by the person specified in the corresponding entry in the second column of the table to receive information under that section.

Person	*Authorising officer*
a constable	the person whose direction and control the constable is under
a member of civilian police staff	the person whose direction and control the member of civilian police staff is under

Person	*Authorising officer*
a police volunteer designated under section 38 of the Police Reform Act 2002	the chief officer of police whose direction and control the police volunteer is under
a National Crime Agency officer	the Director General of the National Crime Agency
a member, or a member of the staff, of the Independent Office of Police Conduct	the Director General of the Independent Office of Police Conduct
a member of the staff of the Police Investigations and Review Commissioner	the Police Investigations and Review Commissioner
an officer of the Police Ombudsman for Northern Ireland	the Police Ombudsman for Northern Ireland
a member of a service police force, or any other person who is under the direction and control of a Provost Marshal	the relevant Provost Marshal
a person appointed as an investigating officer by, or a member of the staff of, the Service Police Complaints Commissioner	the Service Police Complaints Commissioner
Isle of Man	
a member of the Isle of Man Constabulary, or an employee of the Isle of Man Public Services Commission	the Chief Constable of the Isle of Man Constabulary
an officer of customs and excise, or an immigration officer, of the Isle of Man	the Treasury Minister of the Isle of Man
a member of staff of the Financial Intelligence Unit of the Isle of Man	the Director of the Financial Intelligence Unit of the Isle of Man
Jersey	
a member of the States of Jersey Police Force	the Chief Officer of the States of Jersey Police Force
a deputy Agent of the Impôts, or an officer of the Impôts, of the Bailiwick of Jersey	the Agent of the Impôts of the Bailiwick of Jersey
a member or employee of the Jersey Financial Intelligence Unit	the Director of the Jersey Financial Intelligence Unit

Person	*Authorising officer*
an employee of the Law Officers' Department	His Majesty's Attorney General for Jersey
Guernsey	
a member of the salaried police force of the Island of Guernsey, or an employee of the States of Guernsey	the Chief Officer of the salaried police force of the Island of Guernsey
an officer of customs and excise, or an immigration officer, of the Bailiwick of Guernsey	the Chief Officer of Customs and Excise of the Bailiwick of Guernsey
a person authorised to exercise a function of the Director of the Economic and Financial Crime Bureau of the Bailiwick of Guernsey	the Director of the Economic and Financial Crime Bureau of the Bailiwick of Guernsey
a member of staff of the Financial Intelligence Unit of the Bailiwick of Guernsey	the Head of the Financial Intelligence Unit of the Bailiwick of Guernsey
Gibraltar	
a member of the Royal Gibraltar Police	the Commissioner of the Royal Gibraltar Police
a member of the Gibraltar Defence Police	the Chief Officer of the Gibraltar Defence Police
a member of civilian staff in the Gibraltar Defence Police	the person whose direction and control the member of civilian staff is under

(2) In the table—

"member of civilian police staff" means a person who is not a constable but who—

(a) is—

(i) employed, or engaged to provide services, for the purposes of a body of constables and,

(ii) under the direction and control of a person who has the direction and control of a body of constables, or

(b) is under the direction and control of the chief constable of the Ministry of Defence Police;

"officer", in relation to the Police Ombudsman for Northern Ireland, means an officer of the Ombudsman within the meaning of Part 7 of the Police (Northern Ireland) Act 1998 (see section 50 of that Act);

"relevant Provost Marshal" means—

(a) in relation to a member of a service police force—

(i) the Provost Marshal of that service police force, or

(ii) in the case of a member of the tri-service serious crime unit described in section 375(1A) of the Armed Forces Act 2006, the Provost Marshal for serious crime;

(b) in relation to any other person who is under the direction and control of a Provost Marshal, that Provost Marshall;

"service police force" has the same meaning as in the Armed Forces Act 2006 (see section 375(1) of that Act).

71B Code of practice about access to driver licensing information

(1) The Secretary of State may issue a code of practice about the receipt and use of information made available under section 71.

(2) The code may make different provision for different purposes or different areas.

(3) In preparing a code of practice, the Secretary of State must consult—

(a) the Scottish Ministers,

(b) the Department of Justice in Northern Ireland, and

(c) such other persons as the Secretary of State considers appropriate.

(4) The Secretary of State may revise a code of practice issued under this section; and subsection (3) applies in relation to revising a code as it applies in relation to preparing a code.

(5) The Secretary of State must lay before Parliament and publish any code of practice issued or revised under this section.

(6) Any person to whom information is made available under section 71 must have regard to any code of practice issued under this section.

71C Driver licensing information: annual report

(1) The Secretary of State must in relation to each calendar year prepare a report about the use of information made available under section 71.
This is subject to subsection (3) (period to which first report relates).

(2) The Secretary of State must publish each report before 1 July in the year following the year to which the report relates.

(3) The first report is to relate to the period beginning with the commencement day and ending at the end of the year in which that day falls.

(4) In subsection (3), "the commencement day" means the day on which section 154 of the Crime and Policing Act 2026 first comes into force for any purpose, other than the purposes of making regulations."

Drug testing in police detention

155 Testing of persons in police detention for presence of controlled drugs

(1) The Police and Criminal Evidence Act 1984 is amended as set out in subsections (2) to (4).

(2) In section 63B (testing for presence of Class A drugs), for "Class A" (in each place it appears, including the heading) substitute "controlled".

(3) In section 63C (testing for presence of Class A drugs: supplementary)—

(a) in the heading, for "Class A" substitute "controlled";

(b) for subsection (6) substitute—

"(6) In section 63B—

(a) "misuse" has the same meaning as in the Misuse of Drugs Act 1971;

(b) "specified controlled drug" means a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations made by the Secretary of State by statutory instrument;

(c) "trigger offence" means an offence specified in Schedule 2B.

(7) In Schedule 2B, "specified controlled drug" has the same meaning as in section 63B.

(8) The Secretary of State may by regulations made by statutory instrument amend Schedule 2B.

(9) Regulations under this section—

(a) may make different provision for different purposes or different areas, and

(b) may make transitional, transitory or saving provision.

(10) A statutory instrument containing regulations under subsection (8) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(11) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

(4) After Schedule 2A insert the Schedule set out in Schedule 17 to this Act.

(5) In Schedule 1 to the Bail Act 1976 (persons entitled to bail: supplementary provisions), in Part 1 (defendants accused or convicted of imprisonable offences), in paragraph 6B(1)(b)(i), for "Class A" substitute "controlled".

(6) In the Criminal Justice and Court Services Act 2000 –

(a) in section 70 (interpretation, etc) –

(i) in subsection (1), omit the definition of "trigger offence";

(ii) omit subsections (2) and (4);

(b) in section 76 (subordinate legislation), in subsection (5)(a), for ", 57(5) or 70(2)" substitute "or 57(5)";

(c) omit Schedule 6 (trigger offences).

156 Assessment of misuse of controlled drugs

(1) The Drugs Act 2005 is amended as follows.

(2) In section 9 (initial assessment following testing for presence of Class A drugs), for "Class A" (in each place it appears, including the heading) substitute "controlled".

(3) In section 10 (follow-up assessment), in subsection (4), for "Class A" substitute "controlled".

(4) In section 16 (samples submitted for further analysis), in subsection (1)(b), for "Class A" substitute "controlled".

(5) In section 17 (relationship with the Bail Act 1976 etc) –

(a) for subsection (1) substitute –

"(1) Subsection (1A) applies if a requirement is imposed on a person by virtue of section 9(2) or 10(2) and at any time before the person has fully complied with the requirement –

(a) the person is charged with the related offence, and

(b) a court imposes on the person a condition of bail under section 3(6D) of the Bail Act 1976 (duty to impose condition to undergo relevant Class A drug assessment etc).

(1A) For the purposes of the requirement –

(a) section 9(3)(a) or 10(4) applies as if for "specified controlled drug" there were substituted "specified controlled drug that is not a Class A drug", and

(b) accordingly, the required initial or follow-up assessment (and any care plan within the meaning of section 10(4)) is in respect of the person's dependency upon or propensity to misuse any specified controlled drug that is not a Class A drug only.";

(b) in subsection (5) –

(i) after "subsection (1)" insert "and (1A)";

(ii) for "ceases to have effect" (in each place it appears) substitute "is modified by subsection (1A)".

(6) In section 19 (interpretation)—

(a) in subsection (2), after "drug"" insert ", "controlled drug"";

(b) for subsection (3) substitute—

"(3) "Specified controlled drug" means a controlled drug specified in regulations under section 63C(6)(b) of PACE."

157 Power to take additional sample

(1) Section 63B of the Police and Criminal Evidence Act 1984 (testing for presence of drugs) is amended as follows.

(2) In subsection (1), at the end insert—

"(d) either a sample has not been taken from the person under this section during the period of the person's detention or the additional sample condition is met."

(3) In subsections (1A)(b) and (2)(b), for "sample to be taken" substitute "taking of samples in accordance with this section".

(4) Before subsection (5) insert—

"(4C) The additional sample condition is that one sample (only) has been taken from the person under this section during the period of the person's detention but—

(a) it was not suitable for the same means of analysis, or

(b) it proved insufficient."

(5) In subsection (5)—

(a) in the words before paragraph (a), after "must" insert ", if no sample has been taken from the person under this section during the period of the person's detention";

(b) in paragraph (a), for "to do so" substitute "to give any sample which may be taken under this section".

(6) In subsection (5B)—

(a) in the words before paragraph (a), omit the words from "no" to "but";

(b) in paragraph (a), for "that period" substitute "the same continuous period of detention".

158 Removal of power to continue detention

(1) The Police and Criminal Evidence Act 1984 is amended as follows.

(2) In section 37 (duties of custody officer before charge) omit subsections (8A) and (8B).

(3) In section 38 (duties of custody officer after charge)—

(a) in subsection (1)—

(i) in paragraph (a), omit sub-paragraph (iiia);

(ii) in paragraph (b), in sub-paragraph (i) omit the words from "(but" to "age)";

(b) in subsection (2) omit the words from "but" to the end;

(c) in subsection (6A), omit the definition of "minimum age".

159 Removal of notification conditions

(1) In section 63B of the Police and Criminal Evidence Act 1984 (testing for presence of drugs)—

(a) in subsection (1) omit paragraph (c);

(b) omit subsections (4A) and (4B);

(c) in subsection (10), omit the definition of "relevant chief officer".

(2) In section 7 of the Drugs Act 2005 (testing for presence of Class A drugs), omit subsections (7), (13) and (14).

(3) In section 9 of that Act (initial assessment)—

(a) in subsection (1)—

(i) at the end of paragraph (b) insert "and";

(ii) after paragraph (c), for ", and" substitute ".";

(iii) omit paragraph (d);

(b) omit subsections (5) to (7).

(4) In section 10 of that Act (follow-up assessment)—

(a) in subsection (1)—

(i) at the end of paragraph (a) insert "and";

(ii) after paragraph (b), for ", and" substitute ".";

(iii) omit paragraph (c);

(b) omit subsections (6) to (8).

Conditional cautions

160 Cautions given to persons having limited leave to enter or remain in UK

(1) In section 22(3G) of the Criminal Justice Act 2003 (conditional cautions: meaning of "relevant foreign offender") before paragraph (a) insert—

"(za) an offender who has limited leave to enter or remain in the United Kingdom (within the meaning of the Immigration Act 1971),".

(2) In section 103(4) of the Police, Crime, Sentencing and Courts Act 2022 (diversionary cautions: meaning of "relevant foreign offender") before paragraph (a) insert—

"(za) an offender who has limited leave to enter or remain in the United Kingdom (within the meaning of the Immigration Act 1971),".

PART 11

PROCEEDS OF CRIME AND OTHER PROPERTY CONNECTED WITH CRIMINAL BEHAVIOUR

161 Confiscation

(1) Schedule 18 makes provision about confiscation orders in England and Wales.

(2) Schedule 19 makes provision about confiscation orders in Northern Ireland.

(3) Schedule 20 makes provision about confiscation orders in Scotland.

162 Proceedings for civil recovery: costs and expenses

(1) After section 288 of the Proceeds of Crime Act 2002 insert—

"Proceedings for civil recovery: costs and expenses

288A Costs orders and expenses orders

(1) The court may not make an order that any costs or, in Scotland, expenses of proceedings under this Chapter are payable by the enforcement authority, unless—

(a) the authority acted unreasonably in taking the proceedings, making or opposing the application to which the proceedings relate, or supporting or opposing the making of the order to which the proceedings relate,

(b) the authority acted dishonestly or improperly in the course of the proceedings, or

(c) it would be just and reasonable to make such an order, and for this purpose it is not to be assumed that it is generally just and reasonable for the unsuccessful party to pay.

(2) A reference in subsection (1) to proceedings under this Chapter includes any appeal arising out of proceedings under this Chapter."

(2) The amendment made by subsection (1) does not apply in relation to costs or, in Scotland, expenses—

(a) of proceedings for a recovery order that are started before the day on which this section comes into force ("the commencement day"), or

(b) that are incurred in respect of a pre-commencement interim application.

(3) A "pre-commencement interim application" means an application, made by the enforcement authority before the commencement day, for a property freezing order, an interim receiving order, a prohibitory property order or an interim administration order (including such an application made in relation to proceedings for a recovery order that are started on or after the commencement day).

(4) Terms used in this section and in Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 have the same meaning in this section as they have in that Chapter (see section 316 of that Act).

PART 12

MANAGEMENT OF OFFENDERS

163 Extension of polygraph condition to certain offenders

(1) Section 28 of the Offender Management Act 2007 (application of polygraph condition) is amended as follows.

(2) In subsection (1), after "applies" insert "(see subsections (2), (2A) and (2B))".

(3) After subsection (2) insert—

"(2A) This section also applies to a person serving a relevant custodial sentence in respect of an offence of murder who—

(a) the Secretary of State considers poses a risk of committing a relevant sexual offence on release,

(b) is released on licence by the Secretary of State under any enactment, and

(c) is aged 18 or over on the day the person is released.

(2B) This section also applies to a person serving a relevant custodial sentence in respect of an offence who—

(a) at any earlier time during that sentence was concurrently serving a relevant custodial sentence in respect of a relevant sexual offence,

(b) is released on licence by the Secretary of State under any enactment, and

(c) is aged 18 or over on the day the person is released."

(4) In subsection (4A)—

(a) omit the "or" before paragraph (c);

(b) at the end of that paragraph insert ", or

(d) an offence within any of subsections (4BA) to (4BC) which the Secretary of State is satisfied—

(i) was, or took place in the course of, an act of terrorism, or

(ii) was committed for the purposes of terrorism."

(5) In subsection (4B), after paragraph (b) insert—

"(c) in paragraph (d) "terrorism" has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act)."

(6) After subsection (4B) insert—

"(4BA) An offence is within this subsection if—

(a) it was committed before 18 June 2009,

(b) it was punishable with imprisonment for more than 2 years, and

(c) it is not specified in Schedule A1 to the Sentencing Code (and, in the case of a service offence, the corresponding offence is not so specified).

(4BB) An offence is within this subsection if—

(a) it was committed on or after 18 June 2009 but before 29 June 2021,

(b) it was punishable with imprisonment for more than 2 years,

(c) it is not specified in Schedule A1 to the Sentencing Code,

(d) it was not an offence in relation to which section 30 or 31 of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code applied (and was not an offence in relation to which section 31 of the Counter-Terrorism Act 2008 would have applied if paragraph (b) of subsection (1) of that section were omitted), and

(e) it is not a service offence.

(4BC) An offence is within this subsection if—

(a) it is a service offence,

(b) it was committed on or after 18 June 2009 but before any day specified for the coming into force of section 1 of the Counter-Terrorism and Sentencing Act 2021 for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006,

(c) it was punishable with imprisonment for more than 2 years,

(d) it was not an offence in relation to which section 32 of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code applied, and

(e) the corresponding offence is not specified in Schedule A1 to the Sentencing Code."

(7) In subsection (4C) after "section" insert "(except subsections (4BA) to (4BC))".

(8) In subsection (4D) for "subsection (4C)" substitute "subsections (4BA) to (4C)".

164 Duty of offender to notify details

(1) The Sentencing Code is amended as follows.

(2) After section 97 insert—

"97A Duty of offender to notify details to panel

(1) This section applies where—

(a) a referral order has been made in relation to an offender and has not been revoked or discharged, and

(b) a youth offender contract has taken effect between the offender and a youth offender panel.

(2) The offender must notify the relevant member of the panel of—

(a) each name which the offender uses but which was not mentioned in the referral order, and

(b) each of the offender's telephone numbers and email addresses (if any).

(3) The offender must comply with subsection (2) in relation to a name, telephone number or email address as soon as reasonably practicable after the contract takes effect or the person first uses that name or obtains that telephone number or email address.

(4) An obligation under subsection (2) takes effect as if it were a term of the youth offender contract.

(5) The "relevant member" of the panel is the member of the panel who, in accordance with arrangements made by the panel, is for the time being responsible for receiving notifications under this section.

(6) The relevant member of the panel must be someone who is also a member of the specified youth offending team.

(7) The panel must give the offender written notification of the name and contact details of the relevant member of the panel.

(8) This section applies in relation to referral orders made before (as well as those made after) this section comes into force."

(3) In section 193 (youth rehabilitation orders: duty of offender to keep in touch with responsible officer etc)—

(a) in subsection (2), for paragraph (b) substitute—

"(b) must notify the responsible officer of—

(i) any name which the offender uses but which is not mentioned in the youth rehabilitation order,

(ii) each of the offender's telephone numbers and email addresses (if any), and

(iii) any change of address.";

(b) after subsection (2) insert—

"(2A) The offender must comply with subsection (2)(b)(i) and (ii) in relation to a name, telephone number or email address as soon as reasonably practicable after the order is made or the person

first uses that name or obtains that telephone number or email address.";

(c) in subsection (3), for "This obligation" substitute "An obligation under subsection (2)";

(d) after that subsection insert—

"(4) This section applies in relation to youth rehabilitation orders made before (as well as those made after) section 164 of the Crime and Policing Act 2026 comes into force."

(4) In section 215 (community orders: duty of offender to keep in touch with responsible officer)—

(a) in the heading, at the end insert "etc";

(b) for subsection (2) substitute—

"(2) In the case of any community order (whenever the offender was convicted), the offender—

(a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and

(b) must notify the responsible officer of—

(i) any name which the offender uses but which is not mentioned in the community order, and

(ii) each of the offender's telephone numbers and email addresses (if any).

(2ZA) The offender must comply with subsection (2)(b) in relation to a name, telephone number or email address as soon as reasonably practicable after the order is made or the person first uses that name or obtains that telephone number or email address.";

(c) in subsection (3) for "This obligation" substitute "An obligation under this section";

(d) after that subsection insert—

"(4) The obligations under subsection (2) apply in relation to community orders made before (as well as those made after) section 164 of the Crime and Policing Act 2026 comes into force."

(5) In section 301 (suspended sentence orders: duty of offender to keep in touch with responsible officer)—

(a) in the heading at the end insert "etc";

(b) for subsection (2) substitute—

"(2) In the case of any suspended sentence order (whenever the offender was convicted) the offender—

(a) must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time, and

(b) must notify the responsible officer of—

(i) any name which the offender uses but which is not mentioned in the suspended sentence order,

(ii) each of the offender's telephone numbers and email addresses (if any).

(2ZA) The offender must comply with subsection (2)(b) in relation to a name, telephone number or email address as soon as reasonably practicable after the order is made or the person first uses that name or obtains that telephone number or email address.";

(c) in subsection (3) for "That obligation" substitute "An obligation under this section";

(d) after that subsection insert—

"(4) The obligations under subsection (2) apply in relation to suspended sentence orders made before (as well as those made after) section 164 of the Crime and Policing Act 2026 comes into force."

(6) In consequence of the amendments made by this section, in section 149 of the Police, Crime, Sentencing and Courts Act 2022 omit subsections (2)(d) and (3)(d).

PART 13

THE POLICE

Handling of complaints and conduct matters

165 Accelerated investigation procedure in respect of criminal conduct

(1) In paragraph 20 of Schedule 3 to the Police Reform Act 2002 (restrictions on proceedings pending the conclusion of an investigation), in sub-paragraph (1), before paragraph (a) insert—

"(za) a determination under paragraph 20ZA has been made in respect of the investigation,".

(2) After paragraph 20 of that Schedule, insert—

"Accelerated procedure in special cases: criminal conduct

20ZA(1) At any time before the completion of an investigation of a complaint or recordable conduct matter by the appropriate authority on its own behalf, the appropriate authority may make a determination that the conditions set out in sub-paragraphs (3) and (4) are satisfied in respect of the investigation.

(2) At any time before the completion of an investigation of a complaint or recordable conduct matter by—

(a) the appropriate authority under the direction of the Director General, or

(b) the Director General,

the Director General may make a determination that the conditions set out in sub-paragraphs (3) and (4) are satisfied in respect of the investigation.

(3) The first condition is that the investigation indicates that there is sufficient evidence to provide a realistic prospect of conviction for a criminal offence against a person (if any) to whose conduct the investigation relates.

(4) The second condition is that—

(a) the circumstances are such that, in the opinion of the appropriate authority (if sub-paragraph (1) applies) or the Director General (if sub-paragraph (2) applies), it is appropriate for the matters which are the subject of the investigation to be considered by the Director of Public Prosecutions, or

(b) any matters dealt with by the investigation fall within a prescribed category of matters.

(5) For the purposes of sub-paragraph (4)(a), the circumstances where the appropriate authority or the Director General may form the opinion that it is not appropriate for the matters which are the subject of the investigation to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the appropriate authority or (as the case may be) Director General, it is not in the public interest for the matters which are the subject of the investigation to be considered by the Director of Public Prosecutions.

(6) In determining whether the conditions in sub-paragraphs (3) and (4) are satisfied in respect of an investigation, the appropriate authority or the Director General must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the appropriate authority or, as the case may be, Director General considers it relevant).

(7) If the appropriate authority or the Director General makes a determination under sub-paragraph (1) or (2) that the conditions in sub-paragraphs (3) and (4) are satisfied in respect of an investigation, they must give notice of their determination to—

(a) the person to whose conduct the investigation relates,

(b) where the investigation is of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21,

(c) where the investigation is of a recordable conduct matter, every person entitled to be kept properly informed in relation that matter under section 21, and

(d) where the determination is made by the Director General, the appropriate authority."

(3) For the italic heading before paragraph 20A of that Schedule substitute—

"Accelerated procedure in special cases: gross misconduct"

(4) The amendments made by this section do not apply in respect of an investigation relating to a matter if, before the day on which this section comes into force—

(a) a complaint was made in respect of the matter, or

(b) the matter came to the attention of the appropriate authority or the Director General.

Here, "the appropriate authority" and "the Director General" have the meaning given by section 29 of the Police Reform Act 2002.

166 Conditions for notification of Director of Public Prosecutions of investigation report

(1) In paragraph 23 of Schedule 3 to the Police Reform Act 2002 (action by the Director General of the IOPC in response to an investigation report under paragraph 22 of that Schedule)—

(a) for sub-paragraph (2A) substitute—

"(2A) The first condition is that the report indicates that there is sufficient evidence to provide a realistic prospect of conviction for a criminal offence against a person (if any) to whose conduct the investigation related.";

(b) after paragraph (2B) insert—

"(2C) For the purpose of sub-paragraph (2B)(a), the circumstances where the Director General may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the Director General, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(2D) In determining whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report, the Director General must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the Director General considers it to be relevant)."

(2) In paragraph 24 of that Schedule (action by appropriate authority in response to an investigation report under paragraph 22 of that Schedule)—

(a) for sub-paragraph (2A) substitute—

"(2A) The first condition is that the report indicates that there is sufficient evidence to provide a realistic prospect of conviction for a criminal offence against a person (if any) to whose conduct the investigation related."

(b) after sub-paragraph (2B) insert—

"(2C) For the purpose of sub-paragraph (2B)(a), the circumstances where the appropriate authority may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the appropriate authority, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(2D) In determining whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report, the appropriate authority must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the appropriate authority considers it to be relevant)."

(3) In paragraph 25 of that Schedule (reviews with respect to an investigation)—

(a) in sub-paragraph (4F), for "a criminal offence may have been committed by" substitute "there is sufficient evidence to provide a realistic prospect of conviction for a criminal offence against";

(b) after sub-paragraph (4F) insert—

"(4FA) For the purposes of sub-paragraph (4F)(a), the circumstances where the relevant review body may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the relevant review body, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(4FB) In making a determination under sub-paragraph (4F), the relevant review body must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the relevant review body considers it to be relevant)."

(4) The amendments made by this section do not apply in respect of an investigation relating to a matter (or a report on, or a review relating to, such an investigation) if, before the day on which this section comes into force—

(a) a complaint was made in respect of the matter, or

(b) the matter came to the attention of the appropriate authority or the Director General.

Here, "the appropriate authority" and "the Director General" have the meaning given by section 29 of the Police Reform Act 2002.

167 Duty of IOPC Director General to give victims right to request review

After paragraph 23 of Schedule 3 to the Police Reform Act 2002 insert—

"23A (1) This paragraph applies where—

(a) the Director General proposes to make a determination under paragraph 23(2)(b) that one or both of the conditions set out in paragraph 23(2A) and (2B) are not satisfied in respect of a report, and

(b) during the course of the investigation to which the report relates, a person (if any) to whose conduct the report relates was informed that the investigation was being treated as concerning conduct in respect of which the person may be prosecuted for a criminal offence.

(2) The Director General must—

(a) take such steps as the Director General considers reasonable to give to every relevant victim (or a person acting on such a victim's behalf) the opportunity to request, within the relevant period, that the Director General reviews their proposed determination, and

(b) if such a request is made within the relevant period, so review their proposed determination before making a determination under paragraph 23(2)(b).

(3) In this paragraph—

"the relevant period" means the period that the Director General considers to give a relevant victim a reasonable opportunity to request that the Director General reviews their proposed determination;

"relevant victim" means a person—

(a) whom the Director General treats as a victim in relation to an alleged criminal offence constituted by conduct—

(i) of the person mentioned in sub-paragraph (1)(b), and

(ii) to which the report relates, and

(b) to whom the Director General considers it appropriate to give the opportunity mentioned in sub-paragraph (2)(a)."

Anonymity for authorised firearms officers

168 Anonymity for authorised firearms officers charged with qualifying offences

(1) This section applies where in criminal proceedings in a court in England and Wales, or in proceedings (anywhere) before a service court, a person ("D") is charged with a qualifying offence.

(2) An offence is a "qualifying offence" if—

(a) it is alleged to have been committed by D acting in the exercise of functions as an authorised firearms officer,

(b) the conduct alleged to constitute the offence involved the use by D of a lethal barrelled weapon to discharge a conventional round, and

(c) D was, at the time of the alleged offence, authorised by the relevant authority to use that weapon with that round.

(3) The court must—

(a) cause the following information to be withheld from the public in proceedings before the court, in each case unless satisfied that it would be contrary to the interests of justice to do so—

(i) D's name;

(ii) D's address;

(iii) D's date of birth;

(b) give a reporting direction (see section 170) in respect of D (if one does not already have effect), unless satisfied that it would be contrary to the interests of justice to do so.

(4) The court may, if satisfied that it is necessary in the interests of justice to do so, make an anonymity order (see section 171) in respect of D.

(5) If D is convicted of the offence—

(a) subsections (3) and (4) cease to apply in respect of D, and

(b) any restriction put in place under subsection (3)(a) and any reporting direction given, or anonymity order made, under this section in respect of D cease to have effect at the time D is sentenced for the offence.

(6) In subsection (1), "authorised firearms officer" means—

(a) a member of a relevant police force who is authorised by the relevant chief officer to use a lethal barrelled weapon with a conventional round in the exercise of functions as a constable,

(b) a National Crime Agency officer who is authorised by the Director General of the National Crime Agency to use a lethal barrelled weapon with a conventional round in the exercise of functions as a National Crime Agency officer,

(c) a member of the Police Service of Scotland or the Police Service of Northern Ireland who—

(i) is provided under section 98 of the Police Act 1996 for the assistance of a police force in England and Wales, and

(ii) is authorised by the relevant authority to use a lethal barrelled weapon with a conventional round in the exercise of functions as a constable, or

(d) a member of the armed forces who—

(i) is deployed in support of a relevant police force or the National Crime Agency, and

(ii) is authorised by the Secretary of State to use a lethal barrelled weapon with a conventional round for the purposes of that deployment.

(7) In this section—

"conventional round" means any shot, bullet or other missile other than one designed to be used without its use giving rise to a substantial risk of causing death or serious injury;

"lethal barrelled weapon" has the meaning given by section 57(1B) of the Firearms Act 1968;

"member of the armed forces" means a person who is subject to service law (see section 367 of the Armed Forces Act 2006);

"relevant authority" means—

(a) in relation to a member of a relevant police force, the relevant chief officer;

(b) in relation to a National Crime Agency officer, the Director General of the National Crime Agency;

(c) in relation to a member of the Police Service of Scotland, the Chief Constable of the Police Service of Scotland;

(d) in relation to a member of the Police Service of Northern Ireland, the Chief Constable of the Police Service of Northern Ireland;

(e) in relation to a member of the armed forces, the Secretary of State;

"relevant chief officer" means—

(a) in relation to a police force in England and Wales, the chief officer of police of that police force;

(b) in relation to the British Transport Police Force, the Chief Constable of the British Transport Police Force;

(c) in relation to the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;

(d) in relation to the Civil Nuclear Constabulary, the Chief Constable of the Civil Nuclear Constabulary;

"relevant police force" means—

(a) a police force in England and Wales,

(b) the British Transport Police Force,

(c) the Ministry of Defence Police, or

(d) the Civil Nuclear Constabulary;

"service court" means—

(a) the Court Martial, or
(b) the Court Martial Appeal Court.

(8) This section does not apply in relation to proceedings begun before the coming into force of this section.

169 Anonymity for authorised firearms officers appealing convictions for qualifying offences

(1) This section applies where a person ("D") is convicted of a qualifying offence in proceedings in a court in England and Wales, or proceedings (anywhere) before a service court.

(2) The court by or before which D is convicted may, if satisfied that it is necessary in the interests of justice to do so—
(a) cause any or all of the information mentioned in section 168(3)(a)(i) to (iii) to be withheld from the public in proceedings before the court;
(b) give a reporting direction in respect of D (see section 170);
(c) make an anonymity order in respect of D (see section 171).

(3) Any reporting direction given, or anonymity order made, under subsection (2) ceases to have effect at the end of the appeal period unless, before the end of that period, D brings an appeal against the conviction.

(4) Where, before the end of the appeal period, D brings an appeal against the conviction, the court dealing with the appeal may, if satisfied that it is necessary in the interests of justice to do so—
(a) cause any or all of the information mentioned in section 168(3)(a)(i) to (iii) to be withheld from the public in proceedings before the court;
(b) give a reporting direction in respect of D;
(c) make an anonymity order in respect of D.

(5) The court dealing with the appeal must at the earliest opportunity determine the issue of whether to exercise any or all of the powers under subsection (4).

(6) Any reporting direction given, or anonymity order made, under subsection (2) ceases to have effect upon the making of the determination mentioned in subsection (5) (whether or not the court dealing with the appeal gives a direction or makes an order).

(7) Any reporting direction given, or anonymity order made, under subsection (4) ceases to have effect if the appeal against conviction is abandoned or dismissed.

(8) In this section—
"appeal period" in relation to a person convicted of a qualifying offence, means the period allowed for bringing an appeal against that conviction, disregarding the possibility of an appeal out of time with permission;

"qualifying offence" has the meaning given by section 168(2).

(9) This section does not apply where the proceedings in which D was convicted were begun before the coming into force of section 168.

170 Authorised firearms officers: reporting directions

(1) A reporting direction, in relation to a person ("D") charged with (or convicted of) a qualifying offence, is a direction that no matter relating to D may be included in any publication if it is likely to lead members of the public to identify D as a person who is, or was, alleged to have committed (or who has been convicted of) the offence.

(2) The matters relating to D in relation to which the restrictions imposed by a reporting direction apply (if their inclusion in any publication is likely to have the result mentioned in subsection (1)) include in particular—

(a) D's name,

(b) D's address,

(c) the identity of any place at which D works, and

(d) any still or moving image of D.

(3) A relevant court may by direction ("an excepting direction") dispense, to any extent specified in the excepting direction, with the restrictions imposed by a reporting direction if satisfied that it is necessary in the interests of justice to do so.

(4) An excepting direction—

(a) may be given at the time the reporting direction is given or subsequently;

(b) may be varied or revoked by a relevant court.

(5) A reporting direction has effect—

(a) for a fixed period specified in the direction, or

(b) indefinitely,

but this is subject to subsection (5)(b) of section 168 and subsections (3), (6) and (7) of section 169.

(6) A reporting direction may be revoked if a relevant court is satisfied that it is necessary in the interests of justice to do so.

(7) In this section—

"publication" has the same meaning as in Part 2 of the Youth Justice and Criminal Evidence Act 1999 (see section 63 of that Act);

"qualifying offence" has the meaning given by section 168(2);

"relevant court", in relation to a reporting direction, means—

(a) the court that gave the direction,

(b) the court (if different) that is currently dealing, or that last dealt, with the proceedings in which the direction was given, or

(c) any court dealing with an appeal (including an appeal by way of case stated) arising out of the proceedings in which the direction was given or with any further appeal.

171 Authorised firearms officers: anonymity orders

(1) An anonymity order, in relation to a person ("D") charged with (or convicted of) a qualifying offence, is an order made by a court that requires specified measures to be taken in relation to D to ensure that the identity of D is withheld from the public in proceedings before the court.

(2) For the purposes of subsection (1), the kinds of measures that may be required to be taken in relation to D include measures for securing one or more of the following—

(a) that identifying details relating to D be withheld from the public in proceedings before the court;

(b) that D is screened to any specified extent;

(c) that D's voice is subjected to modulation to any specified extent.

(3) An anonymity order may not require—

(a) D to be screened to such an extent that D cannot be seen by—

(i) the judge or other members of the court (if any), or

(ii) the jury (if there is one);

(b) D's voice to be modulated to such an extent that D's natural voice cannot be heard by any persons within paragraph (a)(i) or (ii).

(4) The court that made an anonymity order may vary or discharge the order if satisfied that it is necessary in the interests of justice to do so.

(5) In this section—

"qualifying offence" has the meaning given by section 168(2);

"specified" means specified in the anonymity order concerned.

Appeals to police appeals tribunals

172 Appeals to police appeals tribunals

(1) Part 4 of the Police Act 1996 (complaints, disciplinary proceedings etc) is amended as set out in subsections (2) to (8).

(2) In section 85 (appeals against dismissal etc)—

(a) in the heading, for "dismissal etc." substitute "decisions made in disciplinary and other proceedings";

(b) after subsection (1) insert—

"(1A) The Secretary of State may by rules make provision enabling a chief officer of police for a police area to appeal to a police appeals tribunal against a decision made in proceedings relating to—

(a) a member or former member of the police force maintained for that area, or

(b) a special constable or former special constable appointed for that area.

(1B) The Secretary of State may by rules make provision enabling a local policing body to appeal to a police appeals tribunal against a decision made in proceedings relating to—

(a) the chief officer of police of the police force for which the body is responsible, or

(b) any former chief officer of police of that police force.

(1C) The Secretary of State may by rules make provision enabling the Director General of the Independent Office for Police Conduct to appeal to a police appeals tribunal against a decision made in proceedings at which the Director General presented the case.";

(c) in subsection (2), for "appellant" substitute "person to whom the appeal relates".

(3) Schedule 6 (appeals to police appeals tribunals) is amended as set out in subsections (4) to (8).

(4) In paragraph 1(1) (constitution of police appeals tribunals: senior officers), for "by", in the first place it occurs, substitute "relating to".

(5) In paragraph 2(1) (constitution of police appeals tribunals: persons other than senior officers), for "by", in the first place it occurs, substitute "relating to".

(6) In paragraph 7 (orders of police appeals tribunals)—

(a) in sub-paragraph (1) at the end insert—

"But this is subject to sub-paragraph (4).";

(b) in sub-paragraphs (2) and (3), for "appellant" substitute "person to whom the appeal relates";

(c) at the end insert—

"(4) In a case where—

(a) on the determination of an appeal the tribunal makes an order the effect of which is to dismiss the person to whom the appeal relates, and

(b) the decision that is the subject of the appeal had not been a decision to dismiss the person,

the order takes effect on the date on which it is made."

(7) For paragraph 9 (including the italic heading before it) substitute—

"Parties' costs: appeals by officer concerned

9 (1) This paragraph applies in the case of an appeal by and relating to—

(a) a member or former member of a police force, or

(b) a special constable or former special constable.

(2) The appellant's costs are to be paid by the appellant unless the police appeals tribunal directs that the whole or any part of those costs are to be paid by the respondent.

(3) The respondent's costs are to be paid by the respondent.

Parties' costs: appeals by chief officer of police or local policing body

9A (1) This paragraph applies in the case of an appeal by—

(a) a chief officer of police (except where the chief officer of police is the person to whom the appeal relates), or

(b) a local policing body.

(2) The appellant's costs are to be paid by the appellant.

(3) The respondent's costs are to be paid by the respondent unless the police appeals tribunal directs that the whole or any part of those costs are to be paid by the appellant.

Parties' costs: appeals by IOPC

9B (1) This paragraph applies in the case of an appeal by the Director General of the Independent Office for Police Conduct ("the Director General").

(2) The Director General's costs are to be paid by the Director General unless—

(a) the police appeals tribunal directs that the whole or any part of those costs are to be paid by the appropriate authority, or

(b) sub-paragraph (3) applies.

(3) The Director General's costs are to be paid by the appropriate authority where the decision appealed against was made in proceedings—

(a) which the Director General directed the appropriate authority to bring, and

(b) at which the appropriate authority and the Director General agreed that the Director General should present the case.

(4) The respondent's costs are to be paid by the respondent unless the police appeals tribunal directs that the whole or any part of those costs are to be paid by the Director General.

(5) In this paragraph "appropriate authority" means—

(a) where the person to whom the appeal relates is or was a chief officer of police, the local policing body which brought the proceedings in which the decision appealed against was made;

(b) in any other case, the chief officer of police who brought the proceedings in which the decision appealed against was made.

Other costs of appeals

9C (1) The costs and expenses of an appeal under or by virtue of section 85, other than the appellant's costs or the respondent's costs, are to be met out of the police fund of the relevant local policing body.

(2) In sub-paragraph (1), the reference to the costs and expenses of an appeal includes any remuneration or expenses paid by virtue of paragraph 8."

(8) In paragraph 10, in paragraphs (b) and (ba), for "appellant", in each place it occurs, substitute "person to whom the appeal relates".

(9) In the Ministry of Defence Police Act 1987, in section 4A (appeals against dismissal etc)—

(a) in subsection (1), after paragraph (a) insert—

"(aa) make provision enabling the chief constable of the Ministry of Defence Police to appeal to a police appeals tribunal against a decision relating to—

(i) a member of the Ministry of Defence Police other than a senior officer, or

(ii) a former member of the Ministry of Defence Police who immediately before ceasing to be such a member was not a senior officer;

(ab) make provision enabling the Secretary of State to appeal to a police appeals tribunal against a decision relating to—

(i) a senior officer of the Ministry of Defence Police, or

(ii) a former member of the Ministry of Defence Police who immediately before ceasing to be such a member was a senior officer;

(ac) make provision enabling the Director General of the Independent Office for Police Conduct to appeal to a police appeals tribunal against a decision made in proceedings at which the Director General presented the case;

(ad) make provision enabling the Police Ombudsman for Northern Ireland to appeal to a police appeals tribunal against a decision made in proceedings at which the Ombudsman presented the case;";

(b) in subsection (2), for "appellant" substitute "person to whom the appeal relates";

(c) after subsection (4) insert—

"(4A) Regulations under this section may provide for decisions relating to appeals which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead by—

(a) a person appointed in accordance with the regulations; or

(b) the Ministry of Defence Police Committee."

(d) in subsection (7), at the end insert—

""senior officer" has the same meaning as in section 4."

Barred and advisory lists

173 Law enforcement employers may not employ etc barred persons

(1) Before employing or appointing any person, a law enforcement employer must check each barred list to ascertain whether the proposed employee or proposed appointee is a barred person.

(2) A law enforcement employer may not employ a barred person or otherwise appoint a barred person to any position.

(3) For the purposes of this section a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.

(4) Before designating a person as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002, a chief officer of police, and the Chief Constable of the British Transport Police Force, must check each barred list to ascertain whether the person is a barred person.

(5) A chief officer of police, and the Chief Constable of the British Transport Police Force, may not designate a barred person as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002.

(6) A law enforcement employer may not enter 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.

(7) A local policing body may not enter into a contract for the provision of services to a chief officer of police if the terms of the contract would permit a barred person to be involved in the exercise of law enforcement functions.

(8) In this section "barred list" means—

(a) the police barred list maintained under Part 4A of the Police Act 1996;

(b) the British Transport Police barred list;

(c) the Civil Nuclear Constabulary barred list;

(d) the Ministry of Defence Police barred list;

(e) the National Crime Agency barred list;
(f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(9) In this section "barred person" means a person who is included in a barred list.

174 Meaning of "law enforcement employer"

(1) In section 173 "law enforcement employer" means—
(a) a chief officer of police;
(b) the Director General of the National Crime Agency;
(c) the Chief Constable of the British Transport Police Force;
(d) the British Transport Police Authority;
(e) the Civil Nuclear Police Authority;
(f) a local policing body;
(g) the chief inspector of constabulary appointed under section 54 of the Police Act 1996;
(h) the Independent Office for Police Conduct;
(i) the Secretary of State, when exercising functions relating to the Ministry of Defence Police;
(j) the College of Policing;
(k) a person specified in regulations made by the Secretary of State.

(2) A person may be specified in regulations under subsection (1)(k) only if the person has law enforcement functions.

(3) If a person has both law enforcement functions and other functions, the person may be specified only—
(a) in relation to the exercise of the person's law enforcement functions, or
(b) in relation to the exercise of such of those law enforcement functions as are of a description specified in the regulations.

(4) Subsection (1)(i) does not preclude the Secretary of State being specified in relation to the exercise of law enforcement functions of a description not within that subsection.

(5) In this section "law enforcement functions" means functions of a public nature that relate to policing or law enforcement.

(6) Regulations under this section may not contain provision which would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament.

(7) Regulations under this section may not contain provision which—
(a) would be within the legislative competence of the Northern Ireland Assembly, if it were contained in an Act of that Assembly, and

(b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

175 Application of section 173 to Secretary of State

(1) The duties in section 173(1) and (2) apply in relation to the Secretary of State only to the extent that the proposed employee or proposed appointee will be involved in the exercise of the functions of the Ministry of Defence Police.

(2) The additional duties in subsections (3) and (4) apply where the Secretary of State is proposing to arrange for an existing employee or existing appointee to become involved in the exercise of the functions of the Ministry of Defence Police (not having previously been so involved).

(3) Before making the arrangement, the Secretary of State must check each barred list to ascertain whether the existing employee or existing appointee is a barred person.

(4) The Secretary of State may not arrange for an existing employee or existing appointee who is a barred person to become involved in the exercise of the functions of the Ministry of Defence Police.

(5) For the purposes of this section, a person who is seconded to work for the Secretary of State is to be regarded as an existing appointee of the Secretary of State (if not an existing employee).

(6) In this section references to the Secretary of State are to be read in accordance with section 174(1)(i).

176 Application of section 173 to specified law enforcement employer

(1) The duties in section 173(1) and (2) apply in relation to a specified law enforcement employer only to the extent that the proposed employee or proposed appointee will be involved in the exercise of specified law enforcement functions.

(2) The additional duties in subsections (3) and (4) apply where a specified law enforcement employer is proposing to arrange for an existing employee or existing appointee to become involved in the exercise of specified law enforcement functions (not having previously been so involved).

(3) Before making the arrangement, the specified law enforcement employer must check each barred list to ascertain whether the existing employee or existing appointee is a barred person.

(4) The specified law enforcement employer may not arrange for an existing employee or existing appointee who is a barred person to become involved in the exercise of specified law enforcement functions.

(5) For the purposes of this section, a person who is seconded to work for a specified law enforcement employer is to be regarded as an existing appointee of that person (if not an existing employee).

(6) In relation to a specified law enforcement employer, section 173(6) applies as if the references to law enforcement functions were to specified law enforcement functions.

(7) In this section—

"specified law enforcement employer" means a person who is specified as a law enforcement employer in regulations under section 174(1)(k);

"specified law enforcement functions" means the law enforcement functions in relation to the exercise of which the person is specified.

177 Duty of law enforcement employers to check advisory lists

(1) Before employing or appointing any person, a law enforcement employer must check each advisory list to ascertain whether the proposed employee or proposed appointee is included in an advisory list.

(2) For the purposes of this section a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.

(3) Before designating a person as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002, a chief officer of police, and the Chief Constable of the British Transport Police Force, must check each advisory list to ascertain whether the person is included in a advisory list.

(4) The duty in subsection (1) applies to the Secretary of State only to the extent that the proposed employee or proposed appointee will be involved in the exercise of the functions of the Ministry of Defence Police.

(5) In subsection (4) the reference to the Secretary of State is to be read in accordance with section 174(1)(i).

(6) In this section "advisory list" means—

(a) the police advisory list maintained under Part 4A of the Police Act 1996;

(b) the British Transport Police advisory list;

(c) the Civil Nuclear Constabulary advisory list;

(d) the Ministry of Defence Police advisory list;

(e) the National Crime Agency advisory list;

(f) the Scottish police advisory list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

178 Application of section 177 to specified law enforcement employer

(1) The duty in section 177(1) applies to a specified law enforcement employer only to the extent that the proposed employee or proposed appointee will be involved in the exercise of specified law enforcement functions.

(2) The additional duty in subsection (3) applies where a specified law enforcement employer is proposing to arrange for an existing employee or existing appointee to become involved in the exercise of specified law enforcement functions (not having previously been so involved).

(3) Before making the arrangement, the specified law enforcement employer must check each advisory list to ascertain whether the existing employee or existing appointee is included in an advisory list.

(4) For the purposes of this section a person who is seconded to work for a specified person is to be regarded as an existing appointee of that person (if not an existing employee of that person).

(5) In this section—

"specified law enforcement employer" means a person who is specified as a law enforcement employer in regulations under section 174(1)(k);

"specified law enforcement functions" means the law enforcement functions in relation to the exercise of which the person is specified.

179 Interpretation of sections 173 to 178

In sections 173 to 178—

"advisory list" has the meaning given by section 177(6);

"barred list" has the meaning given by section 173(8);

"barred person" has the meaning given by section 173(9);

"British Transport Police advisory list" means the advisory list maintained by the British Transport Police Authority under Part 2 of Schedule 21;

"British Transport Police barred list" means the barred persons list maintained by the British Transport Police Authority under Part 1 of Schedule 21;

"chief officer of police" has the same meaning as in the Police Act 1996 (see section 101(1) of that Act);

"Civil Nuclear Constabulary advisory list" means the advisory list maintained by the Civil Nuclear Police Authority under Part 2 of Schedule 21;

"Civil Nuclear Constabulary barred list" means the barred persons list maintained by the Civil Nuclear Police Authority under Part 1 of Schedule 21;

"law enforcement functions" has the meaning given by section 174(5);

"Ministry of Defence Police advisory list" means the advisory list maintained by the Secretary of State under Part 2 of Schedule 21;

"Ministry of Defence Police barred list" means the barred persons list maintained by the Secretary of State under Part 1 of Schedule 21;

"National Crime Agency advisory list" means the advisory list maintained by the Director General of the National Crime Agency under Part 2 of Schedule 21;

"National Crime Agency barred list" means the barred persons list maintained by the Director General of the National Crime Agency under Part 1 of Schedule 21.

180 Special police forces: barred persons lists and advisory lists

Schedule 21 makes provision for barred persons lists and advisory lists to be maintained by—

(a) the British Transport Police Authority,

(b) the Civil Nuclear Police Authority,

(c) the Director General of the National Crime Agency, and

(d) the Secretary of State.

181 Consequential amendments

(1) In the Police Act 1996 omit—

(a) sections 88C to 88E (effect of inclusion in police barred list);

(b) section 88K (effect of inclusion in police advisory list).

(2) The Police Reform and Social Responsibility Act 2011 is amended as follows.

(3) In section 42(3AA) (person on police barred list not eligible for appointment as Commissioner of Police of the Metropolis)—

(a) the words from "the police" to the end become paragraph (a);

(b) after that paragraph insert—

"(b) the British Transport Police barred list (within the meaning of section 179 of the Crime and Policing Act 2026;

(c) the Civil Nuclear Constabulary barred list (within the meaning of that section);

(d) the Ministry of Defence Police barred list (within the meaning of that section);

(e) the National Crime Agency barred list (within the meaning of that section);

(f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8)."

(4) In section 43(3B) (person on police barred list not eligible for appointment as Deputy Commissioner of Police of the Metropolis)—

(a) the words from "the police" to the end become paragraph (a);

(b) after that paragraph insert—

"(b) the British Transport Police barred list (within the meaning of section 179 of the Crime and Policing Act 2026;

(c) the Civil Nuclear Constabulary barred list (within the meaning of that section);

(d) the Ministry of Defence Police barred list (within the meaning of that section);

(e) the National Crime Agency barred list (within the meaning of that section);

(f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8)."

Critical police undertakings

182 Power to give directions to critical police undertakings

In the Police Act 1996, after section 40C insert—

"40D Power to give directions to critical police undertakings

(1) The Secretary of State may give a notice under this section to a critical police undertaking.

(2) An undertaking is a "critical police undertaking" if—

(a) it provides facilities or services to two or more police forces,

(b) the provision of facilities or services to police forces is its principal business activity,

(c) it is wholly or partly funded by grants from the Secretary of State, and

(d) 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.

(3) A critical police undertaking to which a notice is given under this section must comply with any directions given to it under this section by the Secretary of State.

(4) A direction under this section is a direction requiring the critical police undertaking to which it is given to take, or not to take, action specified in the direction.

(5) The action that a direction may require a critical police undertaking to take includes (for example)—

(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.

(6) The Secretary of State may give a notice or direction under this section only if the Secretary of State considers that giving the notice or direction is calculated to promote the efficiency and effectiveness of the police.

(7) Before giving a notice or direction under this section the Secretary of State must consult the critical police undertaking to which the notice or direction is to be given.

(8) A notice or direction under this section must be given in writing.

(9) The Secretary of State must lay before Parliament, and publish, a notice or direction given under this section.

(10) The Secretary of State may vary or revoke a notice or direction given under this section by giving a further notice or direction under this section.

(11) In this section "undertaking" has the meaning given by section 1161(1) of the Companies Act 2006."

PART 14

TERRORISM AND NATIONAL SECURITY

CHAPTER 1

YOUTH DIVERSION ORDERS

Power to make orders

183 Power to make youth diversion orders

(1) A chief officer of police may apply to an appropriate court for an order under this section (a "youth diversion order") in respect of a person ("the respondent") who—

(a) in England or Wales or Northern Ireland, is aged 10 or over but under the age of 22;

(b) in Scotland, is aged 12 or over but under the age of 22.

(2) On an application the court may make a youth diversion order in respect of the respondent if—

(a) the court is satisfied on the balance of probabilities that—

(i) the respondent has committed a terrorism offence,

(ii) the respondent has committed a relevant offence with a terrorist connection, or

(iii) the respondent has engaged in conduct likely to facilitate the commission (by the respondent or anyone else) of a terrorism offence, and

(b) the court considers it necessary to make the order for the purpose of protecting members of the public from a risk of terrorism or other serious harm (see section 184).

(3) In this section—

"appropriate court" means—

(a) in England and Wales or Northern Ireland—

(i) a youth court, if the respondent is under the age of 18 when the application is made;

(ii) a magistrates' court in any other case;

(b) in Scotland, a sheriff court;

"relevant offence" means an offence which—

(a) was committed on or after 29 June 2021,

(b) is punishable on indictment with imprisonment for more than 2 years, and

(c) is not specified in—

(i) Schedule 1A to the Counter-Terrorism Act 2008, or

(ii) Schedule A1 to the Sentencing Code;

"terrorism offence" means—

(a) an offence listed in section 41(1) of the Counter-Terrorism Act 2008,

(b) an attempt or conspiracy to commit an offence within paragraph (a),

(c) an offence under Part 2 of the Serious Crime Act 2007 (England and Wales and Northern Ireland: encouraging or assisting crime) in relation to an offence within paragraph (a),

(d) an offence under the law of Scotland of inciting the commission of an offence within paragraph (a), or

(e) aiding, abetting, counselling or procuring the commission of an offence within paragraph (a).

(4) For the purposes of subsection (2)(a)(ii), a relevant offence has a terrorist connection if the offence—

(a) is, or takes place in the course of, an act of terrorism, or

(b) is committed for the purposes of terrorism.

(5) In this Chapter—

"chief officer of police" means—

(a) in England and Wales, the chief officer of police of a police force in England and Wales;

(b) in Scotland, the chief constable of the Police Service of Scotland;

(c) in Northern Ireland, the chief constable of the Police Service of Northern Ireland;

"police area" means—

(a) in relation to England and Wales, a police area as defined by section 101(1) of the Police Act 1996,

(b) Scotland, or

(c) Northern Ireland;

"the public" means the public in any part of the world;

"the respondent" has the same meaning as in subsection (1);

"terrorism" has the meaning given by section 1 of the Terrorism Act 2000;

"youth diversion order" has the same meaning as in subsection (1).

184 Meaning of "serious harm"

(1) In this Chapter "serious harm" means harm from—

(a) conduct that—

(i) involves serious violence against a person,

(ii) endangers a person's life, other than that of the person engaging in the conduct, or

(iii) creates a serious risk to the health or safety of the public or a section of the public, or

(b) the threat of such conduct.

(2) For this purpose, a reference to conduct or a person is to conduct or a person in any part of the world.

(3) See also section 183(5) (which provides that "the public" means the public in any part of the world).

Content of orders

185 Content of youth diversion orders

(1) A youth diversion order may—

(a) prohibit the respondent from doing anything described in the order;

(b) require the respondent to do anything described in the order.

The order may in particular contain provision of a kind mentioned in subsections (2) to (4).

(2) An order may contain prohibitions or requirements relating to any of the following—

(a) the persons with whom the respondent associates or communicates;

(b) the way in which the person communicates or associates with others;

(c) the respondent's possession or use of electronic communication devices, including in particular a requirement that a device may only be possessed or used subject to specified conditions;

(d) the respondent's presence in, or access to, a specified area or place or an area or place of a specified description;

(e) the respondent's travel (whether within the United Kingdom, between the United Kingdom and other places or otherwise).

(3) An order may—

(a) require the respondent to attend appointments or participate in activities;

(b) require the respondent to answer questions, provide information or produce documents;

(c) contain curfew requirements;

(d) require the respondent to comply with section 186 (notification requirements).

(4) An order may contain any prohibition that is of a kind that could be imposed by the Secretary of State in relation to an individual by virtue of paragraph 6A of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (weapons and explosives measures).

(5) The conditions specified under subsection (2)(c) may, in particular include conditions in relation to—

(a) the manner in which a device is used;

(b) the monitoring of such use;

(c) the granting to a constable of access to premises for the purpose of the inspection or modification of a device;

(d) the surrendering to a constable of a device on a temporary basis for the purpose of its inspection or modification at another place;

(e) the inspection of any online account accessed by means of a device;

(f) the disclosure to a constable of such details as may be specified of any device possessed or used by the respondent or any other person with whom the respondent lives.

(6) The "inspection" of a device, or an online account accessed by means of a device, includes—

(a) accessing the device or the online account,

(b) examining information held on the device or accessed by means of the online account, and

(c) extracting such information.

(7) A court may include a prohibition or requirement only if it considers it necessary for the purpose of protecting members of the public from a risk of terrorism or other serious harm.

(8) Prohibitions and requirements must, so far as practicable, be such as to avoid—

(a) any conflict with any religious beliefs of the respondent;

(b) any interference with any times at which the respondent normally attends any educational establishment or works;

(c) any conflict with the requirements of any other court order or injunction to which the respondent is subject.

(9) A youth diversion order must specify the period for which it has effect (which must not exceed 12 months).

(10) A youth diversion order may specify periods for which particular prohibitions or requirements have effect.

(11) In this section—

"curfew requirement" means a requirement that the respondent must remain at a particular place for particular periods;

"document" means anything in which information of any description is recorded (whether or not in legible form);

"electronic communication device" has the meaning given by paragraph 7(5) of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011;

"online account" means an account by means of which information held on a service provided by means of the internet is made accessible;

"specified" means specified in the youth diversion order.

(12) The reference in this section to "extracting" information includes reproducing it in any form.

186 Notification requirements

(1) This section applies where a youth diversion order requires the respondent to comply with this section.

(2) Before the end of the period of three days beginning with the day on which a youth diversion order requiring the respondent to comply with this section is first served, the respondent must notify to the police—

(a) the respondent's name and, where the respondent uses one or more other names, each of those names,

(b) the respondent's home address, and

(c) the name and address of any educational establishment the respondent normally attends.

(3) If, while the respondent is required to comply with this section, the respondent—

(a) uses a name which has not been notified under the order,

(b) changes home address, or

(c) begins to attend an educational establishment the name and address of which have not been notified under the order,

the respondent must notify, to the police, the new name, the new home address or the name and address of the new educational establishment.

(4) A notification under subsection (3) must be given before the end of the period of three days beginning with the day on which the respondent uses the name, changes home address or first attends the educational establishment.

(5) A notification under this section is given by—

(a) attending at a police station in the police area in which the home address, or the court which made the order, is situated, and

(b) giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station.

(6) A notification under this section must be acknowledged in writing.

(7) In this section "home address" means—

(a) the address of the respondent's sole or main residence in the United Kingdom, or

(b) where the respondent has no such residence, the address or location of a place in the United Kingdom where the respondent can regularly be found and, if there is more than one such place, such one of those places as the respondent may select.

(8) In determining the period of three days mentioned in subsection (2) or (4), no account is to be taken of—

(a) any time when the respondent is, within the United Kingdom, lawfully detained or otherwise lawfully deprived of their liberty, or

(b) any time when the respondent is outside the United Kingdom.

187 Electronic monitoring of compliance with order: England and Wales

(1) A youth diversion order made by a court in England and Wales may impose on the respondent a requirement (an "electronic monitoring requirement") to submit to electronic monitoring of the respondent's compliance with prohibitions or requirements imposed by the order.
This is subject to section 188.

(2) A youth diversion order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.

(3) The person specified under subsection (2) ("the responsible person") must be of a description specified in regulations made by the Secretary of State by statutory instrument.

(4) Where a youth diversion order imposes an electronic monitoring requirement, the respondent must (among other things)—

(a) submit, as required from time to time by the responsible person, to—

(i) being fitted with, or the installation of, any necessary apparatus, and

(ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring;

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring;

(c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

These obligations have effect as requirements of the order.

188 Conditions for imposing electronic monitoring requirement: England and Wales

(1) This section applies for the purpose of determining whether a court in England and Wales may impose an electronic monitoring requirement under section 187.

(2) An electronic monitoring requirement may not be imposed in the respondent's absence.

(3) If there is a person (other than the respondent) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person's consent.

(4) A court may impose the requirement in relation to a relevant police area only if—

(a) the Secretary of State has given notification that electronic monitoring arrangements are available in the area, and

(b) it is satisfied that the necessary provision can be made under the arrangements currently available.

(5) For this purpose "relevant police area" means—

(a) in any case, the police area in England and Wales in which it appears to the court that the respondent resides or will reside, or

(b) in a case where it is proposed to include in the order—

(i) a requirement that the respondent remains, for specified periods, at a specified place in England and Wales, or

(ii) provision prohibiting the respondent from entering a specified place or area in England and Wales,

the police area in which the place or area proposed to be specified is situated.

(6) In subsection (5) "specified" means specified in the youth diversion order.

189 Data from electronic monitoring in England and Wales: code of practice

The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of persons under electronic monitoring requirements (within the meaning of section 187) imposed by youth diversion orders in England and Wales.

Procedure

190 Duty to consult

(1) Before making an application for a youth diversion order or the variation or discharge of such an order, a chief officer of police must, if the respondent will be under the age of 18 when the application is made, consult—

(a) in England and Wales, the local youth offending team;

(b) in Northern Ireland, the Youth Justice Agency.

(2) Before making an application for a youth diversion order or the variation or discharge of such an order in Scotland, the chief constable of the Police Service of Scotland must consult—

(a) the Lord Advocate,

(b) the relevant local authority, and

(c) if the respondent will be under the age of 18 when the application is made, the Principal Reporter.

(3) In this section—

"local youth offending team" means—

(a) the youth offending team in whose area it appears to the chief officer that the respondent lives, or

(b) if it appears to the chief officer that the respondent lives in more than one such area, whichever one or more of the relevant youth offending teams that the chief officer considers it appropriate to consult;

"relevant local authority" means—

(a) the Scottish local authority in whose area it appears to the chief constable that the respondent lives, or

(b) if it appears to the chief constable that the respondent lives in more than one such area, whichever one or more of the relevant Scottish local authorities that the chief constable considers it appropriate to consult;

"Scottish local authority" means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;

"youth offending team" means a team established under section 39 of the Crime and Disorder Act 1998.

191 Applications without notice

(1) An application for a youth diversion order may be made without notice to the respondent.

(2) Subsections (1) and (2)(b) and (c) of section 190 do not apply to an application made without notice.

(3) If an application is made without notice, the court must do one of the following—

(a) adjourn the proceedings and make an interim youth diversion order (see section 192);

(b) adjourn the proceedings without making an interim order;

(c) dismiss the application.

(4) Except where the court dismisses the application, the applicant must comply with subsection (1) or (2)(b) and (c) of section 190 (as the case may be) before the first full hearing.

(5) In this section "full hearing" means a hearing of which notice has been given to the applicant and the respondent in accordance with rules of court.

192 Interim youth diversion orders

(1) This section applies where the court adjourns the hearing of an application (whether made with notice or without) for a youth diversion order.

(2) The court may, if it considers it necessary to do so, make a youth diversion order lasting (subject to section 193) until the determination of the application (an "interim youth diversion order").
Section 185(9) does not apply in relation to an interim youth diversion order.

(3) The only requirements that may be imposed by an interim youth diversion order on the respondent are—
- (a) a requirement of the kind mentioned in section 185(3)(b) (requirements to provide information etc);
- (b) a requirement to comply with section 186 (notification requirements).

(4) Subject to that, the court has the same powers in relation to an interim youth diversion order as it has in relation to an order made at a final hearing.

(5) An interim youth diversion order made at a hearing of which the respondent was not given notice takes effect on being served on the respondent.

Variation, discharge and appeals

193 Variation and discharge of youth diversion orders

(1) A relevant person may apply for an order varying or discharging a youth diversion order.

(2) An application under this section is to be made—
- (a) in England and Wales or Northern Ireland—
  - (i) to a youth court, if a youth court made the youth diversion order;
  - (ii) to a magistrates' court, if a magistrates' court made the youth diversion order;
- (b) in Scotland, to a sheriff court.

(3) On the application, the court may (after hearing from the applicant and the other relevant person, if they wish to be heard) make any order varying or discharging the order that the court considers appropriate.

(4) The power to vary an order includes power to—
- (a) include an additional prohibition or requirement;
- (b) extend the period for which a prohibition or requirement has effect;
- (c) extend the period for which the order has effect by six months.

The period for which an order has effect may be extended under paragraph (c) on at most two occasions.

(5) The court may make provision of a kind mentioned in subsection (4) only if it considers that the provision is necessary for the purpose of protecting members of the public from a risk of terrorism or other serious harm.

(6) Subsections (8) and (10) of section 185 apply to additional prohibitions or requirements included on a variation of an order.

(7) If an application under this section is dismissed, the applicant may not make a further application under this section without—

(a) the consent of the court, or

(b) the agreement of the other relevant person.

(8) In this section "relevant person" means—

(a) the person who applied for the youth diversion order, or

(b) the respondent.

194 Appeal against youth diversion order etc

(1) A relevant person (as defined by section 193) may appeal against a decision made—

(a) on an application under section 183 (application for youth diversion order);

(b) under section 192 (interim youth diversion orders);

(c) on an application under section 193 (application for variation or discharge of order).

(2) An appeal under subsection (1) is to be made—

(a) in England and Wales, to the Crown Court;

(b) in Scotland, to the Sheriff Appeal Court;

(c) in Northern Ireland, to the county court.

(3) Where in England and Wales the Crown Court makes a decision on an appeal under subsection (1), any person who was a party to the appeal may appeal against that decision to the Court of Appeal.

(4) An appeal under subsection (3) may be made only with the permission of the Court of Appeal.

(5) On an appeal under this section, the court may make—

(a) such orders as may be necessary to give effect to its determination of the appeal, and

(b) such incidental and consequential orders as appear to it to be appropriate.

(6) A youth diversion order made on an appeal under this section is to be treated for the purposes of this Chapter (other than this section) as having been made by the court that first made the decision appealed against.

(7) Rules of court may provide that an appeal from a decision—

(a) to dismiss an application for a youth diversion order made without notice being given to the respondent, or

(b) to refuse to make an interim youth diversion order when adjourning proceedings following such an application,

may be made without notice being given to the respondent.

Supplementary

195 Offence of breaching youth diversion order

(1) A person who, without reasonable excuse, fails to comply with a youth diversion order commits an offence.

(2) Where a youth diversion order requires a person to provide information or produce a document, it is an offence for the person, in purported compliance with that requirement, to provide any information or produce any document which the person knows to be false.

(3) Where a youth diversion order requires a person to comply with section 186, it is an offence for the person—

(a) to fail, without reasonable excuse, to comply with that section, or

(b) in purported compliance with that section, to notify to the police any information which the person knows to be false.

(4) A person who commits an offence under this section is liable—

(a) 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);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

(5) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

(6) A person commits an offence under subsection (3)(a) on the day on which the person first fails, without reasonable excuse, to comply with section 186.

(7) The person continues to commit the offence throughout any period during which the failure continues.

(8) But the person may not be prosecuted more than once in respect of the same failure.

(9) In proceedings for an offence under this section, a copy of the original youth diversion order, certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.

(10) In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available), after paragraph (g) (inserted by section 52(6) of this Act) insert—

"(h) section 195(5) of that Act (breach of youth diversion order)."

196 Guidance

(1) The Secretary of State may—

(a) issue guidance to chief officers of police about the exercise of their functions in respect of youth diversion orders, and

(b) revise any guidance under this section.

(2) A chief officer of police must have regard to any guidance under this section when exercising a function to which the guidance relates.

(3) Before issuing or revising any guidance, the Secretary of State must consult—

(a) the Youth Justice Board for England and Wales;

(b) the Scottish Ministers;

(c) the Youth Justice Agency in Northern Ireland;

(d) the National Police Chiefs' Council;

(e) the chief constable of the Police Service of Scotland;

(f) the chief constable of the Police Service of Northern Ireland;

(g) the Director of Public Prosecutions;

(h) the Lord Advocate;

(i) the Director of Public Prosecutions for Northern Ireland;

(j) the person appointed under section 36 of the Terrorism Act 2006;

(k) such other persons as the Secretary of State considers appropriate.

(4) The Secretary of State must lay before Parliament any guidance or revisions issued under this section.

(5) Any guidance or revisions come into force on a day specified in regulations made by the Secretary of State.

(6) Subsections (3) to (5) do not apply to revisions that the Secretary of State considers are not substantial.

(7) The Secretary of State must publish any guidance or revisions issued under this section.

197 Rules of court about anonymity for respondents

(1) Rules of court relating to YDO proceedings may make provision for—

(a) the making by chief officers of police or the respondent of an application to a court for an order requiring anonymity for the respondent, and

(b) the making by the court, on such an application, of an order requiring such anonymity.

(2) In this section references to an order requiring anonymity for the respondent are to an order by a court which imposes such prohibitions or restrictions as it considers appropriate on the disclosure (by persons generally, or by such persons as the court specifies or describes) of—

(a) the identity of the respondent, or

(b) any information that would tend to identify the respondent.

(3) In this section "YDO proceedings" means—

(a) proceedings under or by virtue of this Chapter, or

(b) proceedings on an appeal against a decision made in any such proceedings.

198 Applications

(1) An application under this Chapter is to be made—

(a) by complaint, where the application is made to a youth court or other magistrates' court;

(b) in accordance with rules of court, in any other case.

(2) The following do not apply to a complaint under this Chapter—

(a) section 127 of the Magistrates' Courts Act 1980 (time limit for complaints etc);

(b) Article 78(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (time limit for complaints).

(3) In Schedule 1 to the Courts Reform (Scotland) Act 2014 (asp 17) (civil proceedings etc in which summary sheriff has competence), after paragraph 12 insert—

"Youth diversion orders

13 Proceedings for or in relation to a youth diversion order under section 183 of the Crime and Policing Act 2026."

199 Reviews of operation of this Chapter

In the Counter-Terrorism and Security Act 2015, in section 44(2) (provisions the operation of which the person appointed under section 36(1) of the Terrorism Act 2006 is also responsible for reviewing), after paragraph (e) insert—

"(f) Chapter 1 of Part 14 of the Crime and Policing Act 2026."

CHAPTER 2

OTHER PROVISIONS ABOUT TERRORISM AND NATIONAL SECURITY

200 Prevention of terrorism and state threats: weapons etc

(1) In Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011, in paragraph 6A (weapons and explosives measure)—

(a) in sub-paragraph (1)—

(i) before paragraph (a) insert—

"(za) a prohibition on possessing things of a specified description;

(zb) a prohibition on possessing things of a specified description without the permission of the Secretary of State;";

(ii) in paragraph (a) omit "offensive weapons,";

(b) after sub-paragraph (1) insert—

"(1A) The descriptions of things which may be specified under sub-paragraph (1)(za) or (zb) are—

(a) any description of corrosive substances (as defined by section 6 of the Offensive Weapons Act 2019);

(b) any description of motor vehicles;

(c) any description of things made or adapted for use for causing injury to the person;

(d) any other description of things which the Secretary of State reasonably considers could be used for causing injury to the person.";

(c) in sub-paragraph (2) omit the definition of "offensive weapon".

(2) In Schedule 7 to the National Security Act 2023 (prevention and investigation measures), in paragraph 7 (weapons and explosives measure)—

(a) in sub-paragraph (1)—

(i) before paragraph (a) insert—

"(za) a prohibition on possessing things of a specified description;

(zb) a prohibition on possessing things of a specified description without the permission of the Secretary of State;";

(ii) in paragraph (a) omit "offensive weapons,";

(b) after sub-paragraph (1) insert—

"(1A) The descriptions of things which may be specified under sub-paragraph (1)(za) or (zb) are—

(a) any description of corrosive substances (as defined by section 6 of the Offensive Weapons Act 2019);

(b) any description of motor vehicles;

(c) any description of things made or adapted for use for causing injury to the person;

(d) any other description of things which the Secretary of State reasonably considers could be used for causing injury to the person.";

(c) in sub-paragraph (2) omit the definition of "offensive weapon".

(3) The amendments made by this section apply in relation to notices served before (as well as those served after) this section comes into force.

201 Offence of wearing or displaying articles in support of proscribed organisation

(1) Section 13 of the Terrorism Act 2000 (offence of wearing or displaying articles in support of proscribed organisation) is amended as follows.

(2) After subsection (1) insert—

"(1ZA) A person commits an offence if, on relevant premises, the person—

(a) wears an item of clothing, or

(b) wears, carries or displays an article,

in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation."

(3) In subsection (4)—

(a) in paragraph (a) after "(1)" insert "or (1ZA)";

(b) in paragraph (b)—

(i) the words from "the evidence" to the end become sub-paragraph (i);

(ii) after that sub-paragraph insert ", or

(ii) the item or article continuing to be displayed."

(4) After subsection (6) insert—

"(7) An item of clothing or other article seized by a constable under subsection (4) may be destroyed.

(8) In subsection (1ZA) "relevant premises" means any land and buildings used for the purposes of, or in connection with—

(a) a prison within the meaning of the Prison Act 1952;

(b) a young offender institution within the meaning of section 43(1) of that Act;

(c) a secure training centre within the meaning of section 43(1) of that Act;

(d) approved premises within the meaning of section 13 of the Offender Management Act 2007;

(e) a prison within the meaning of the Prisons (Scotland) Act 1989;

(f) a young offenders institution within the meaning of section 19(1) of that Act;

(g) a prison within the meaning of the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.));

(h) a young offenders centre within the meaning of section 2 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.));

(i) a juvenile justice centre within the meaning of Article 51 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9));

(j) service custody premises within the meaning of section 300 of the Armed Forces Act 2006;

(k) a removal centre within the meaning of section 147 of the Immigration and Asylum Act 1999."

(5) In the Armed Forces Act 2006, after section 93ZC (inserted by section 145) insert—

"93ZD Powers of seizure equivalent to powers under section 13 of the Terrorism Act 2000

(1) This section applies in relation to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence under section 13(1ZA) of the Terrorism Act 2000 (wearing or displaying articles in support of proscribed organisation).

(2) Section 13(4) to (7) of the Terrorism Act 2000 (powers of seizure) applies in relation to the offence under section 42 as it applies to an offence under section 13(1ZA) of the Terrorism Act 2000, but reading references to a constable as references to a service policeman."

202 Management of terrorist offenders

(1) Schedule 22 amends Part 4 of the Counter-Terrorism Act 2008 (notification requirements) so as to enable courts to make notification orders in respect of persons who have committed certain domestic offences or service offences.

(2) In section 43B of the Terrorism Act 2000 (terrorist offenders released on licence: arrest without warrant pending recall decision) in subsection (4) after paragraph (d) insert—

"(e) a person in respect of whom—

(i) a domestic offence notification order (within the meaning of Schedule 4A to the Counter-Terrorism Act 2008), or

(ii) a service offence notification order (within the meaning of Schedule 6A to that Act),

has been made and who is serving a sentence for the offence by virtue of which the order was made."

203 Sentences for offence of breaching foreign travel restriction order

Schedule 23 contains amendments about sentences for an offence under paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 (breach of foreign travel restriction order).

204 Length of terrorism sentence with fixed licence period: Northern Ireland

(1) In Article 7 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) –

(a) in paragraph (2) omit "Articles 13A, 14 and 15A and";

(b) in paragraph (3) before sub-paragraph (a) insert –

"(za) Articles 13A and 14 of this Order;".

(2) The amendments made by this section apply in relation to convictions occurring on or after the day on which this section comes into force.

205 Terrorism offences excepted from defence for slavery or trafficking victims

(1) Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply) is amended as follows.

(2) In paragraph 29 (offences under the Terrorism Act 2000) –

(a) before the entry for section 54 insert –

"section 11 (membership of a proscribed organisation)
section 12 (support of a proscribed organisation)
section 15 (fund-raising for terrorism)
section 16 (use and possession of property for terrorism)
section 17 (funding arrangements)
section 17A (insurance against payments made in response to terrorist demands)
section 18 (money laundering)
section 19 (disclosure of information: duty)
section 21A (failure to disclose: regulated sector)
section 38B (information about acts of terrorism)
section 39 (disclosure of information prejudicial to investigation)";

(b) after the entry for section 57 insert –

"section 58 (collection of information)
section 58A (eliciting, publishing or communicating information about members of armed forces etc)
section 58B (entering or remaining in a designated area)".

(3) In paragraph 31 (offences under the Anti-terrorism, Crime and Security Act 2001), after the entry for section 50 insert—

"section 67 (security of pathogens and toxins)
section 79 (disclosures relating to nuclear security)".

(4) In paragraph 35 (offences under the Terrorism Act 2006)—

(a) before the entry for section 5 insert—

"section 1 (encouragement of terrorism)
section 2 (dissemination of terrorist publications)";

(b) after the entry for section 6 insert—

"section 8 (attendance at a place used for terrorist training)".

(5) After paragraph 35 insert—

"Counter-Terrorism Act 2008 (c.28)

35ZA An offence under section 54 of the Counter-Terrorism Act 2008 (offences relating to notification).

Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

35ZB An offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (contravention of terrorism prevention and investigation measures notice).

Counter-Terrorism and Security Act 2015 (c. 6)

35ZC An offence under section 10 of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order or notice)."

(6) The amendments made by this section do not apply in relation to an offence committed before this section comes into force.

206 Ports and border security: retention and copying of articles

(1) Schedule 7 to the Terrorism Act 2000 (port and border controls) is amended as follows.

(2) In paragraph 11—

(a) in sub-paragraph (2)(a), for "a period not exceeding" substitute "the period of";

(b) after sub-paragraph (2) insert—

"(3) Where an article is detained by virtue of paragraph (a) of sub-paragraph (2), a senior officer may extend the period mentioned in that paragraph by up to 7 days.

(4) A senior officer may only exercise the power conferred by sub-paragraph (3) if the senior officer has not been directly involved in the exercise of any power under this Part of this

Schedule to take the article or to question a person from whom the article was taken.

(5) In sub-paragraphs (3) and (4) "senior officer" means—

(a) where the examining officer who detained the article is a constable, a constable of a higher rank than the examining officer,

(b) where the examining officer who detained the article is an immigration officer, an immigration officer of a higher grade than the examining officer, and

(c) where the examining officer who detained the article is a customs officer, a customs officer of a higher grade than the examining officer."

(3) In paragraph 11A, after sub-paragraph (3) insert—

"(4) An examining officer may authorise another person to exercise the power conferred by sub-paragraph (2) on their behalf."

(4) Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security) is amended as follows.

(5) In paragraph 11—

(a) in sub-paragraph (2)(a), for "a period not exceeding" substitute "the period of";

(b) after sub-paragraph (2) insert—

"(3) Where an article is retained by virtue of paragraph (a) of sub-paragraph (2), a senior officer may extend the period mentioned in that paragraph by up to 7 days.

(4) A senior officer may exercise the power conferred by sub-paragraph (3) only if the senior officer has not been directly involved in the exercise of any power under this Part of this Schedule to take the article or to question a person from whom the article was taken.

(5) In sub-paragraphs (3) and (4) "senior officer" means—

(a) where the examining officer who retained the article is a constable, a constable of a higher rank than the examining officer,

(b) where the examining officer who retained the article is an immigration officer, an immigration officer of a higher grade than the examining officer, and

(c) where the examining officer who retained the article is a customs officer, a customs officer of a higher grade than the examining officer."

(6) In paragraph 12(6), for "the person from whom it was taken" substitute "—

(a) the person from whom it was taken, or

(b) where the Commissioner considers that there is another person to whom it would be more appropriate to return the article, that person."

(7) In paragraph 16(6)(b), for "the person from whom it was taken," substitute "—

(i) the person from whom it was taken, or

(ii) where the Commissioner considers that there is another person to whom it would be more appropriate to return the article, that person,".

(8) In paragraph 17, after sub-paragraph (3) insert—

"(4) An examining officer may authorise another person to exercise the power conferred by sub-paragraph (2) on their behalf.

(5) A person authorised under sub-paragraph (4) is to be treated as an examining officer for the purposes of Part 4 of this Schedule."

(9) In paragraph 19(3)(a), omit "where the examining officer is a constable,".

(10) In paragraph 20(8), in the definition of "senior officer"—

(a) in paragraph (a), omit "where the examining officer is a constable,";

(b) omit paragraphs (b) and (c).

207 Prevention and investigation measures: online information

(1) Paragraph 7 of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (terrorism prevention and investigation measures: electronic communication devices) is amended as follows.

(2) In sub-paragraph (4), after paragraph (e) insert—

"(ea) the inspection of any online account accessed by means of a device;".

(3) After sub-paragraph (4) insert—

"(4A) The "inspection" of a device, or an online account accessed by means of a device, includes—

(a) accessing the device or the online account,

(b) examining information held on the device or accessed by means of the online account, and

(c) extracting such information."

(4) After sub-paragraph (6) insert—

"(7) An "online account" means an account by means of which information held on a service provided by means of the internet is made accessible.

(8) The reference in this paragraph to "extracting" information includes reproducing it in any form."

(5) Paragraph 8 of Schedule 7 to the National Security Act 2023 (prevention and investigation measures: electronic communication devices) is amended as follows.

(6) In sub-paragraph (4), after paragraph (e) insert—

"(ea) the inspection of any online account accessed by means of a device;".

(7) After sub-paragraph (4) insert—

"(4A) The "inspection" of a device, or an online account accessed by means of a device, includes—

(a) accessing the device or the online account,

(b) examining information held on the device or accessed by means of the online account, and

(c) extracting such information."

(8) After sub-paragraph (6)—

"(7) An "online account" means an account by means of which information held on a service provided by means of the internet is made accessible.

(8) The reference in this paragraph to "extracting" information includes reproducing it in any form."

PART 15

ABORTION

208 Removal of women from the criminal law related to abortion

For the purposes of the law related to abortion, including sections 58 and 59 of the Offences Against the Person Act 1861 and the Infant Life (Preservation) Act 1929, no offence is committed by a woman acting in relation to her own pregnancy.

PART 16

MISCELLANEOUS AND GENERAL

International law enforcement data-sharing agreements

209 Implementation of international law enforcement information-sharing agreements

(1) The appropriate national authority may by regulations make such provision as the authority considers appropriate for the purpose of, or in connection with, implementing an international agreement so far as relating to the sharing

of information for law enforcement purposes, as it has effect from time to time.

(2) Subject to subsection (3), regulations under this section may provide that sharing of information in accordance with the regulations does not breach any restriction on the sharing of information (however imposed).

(3) Regulations under this section may not require or authorise the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(4) In this section—

"appropriate national authority" has the meaning given in section 210;

"law enforcement purposes" means the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against, and the prevention of, threats to public security.

210 Meaning of "appropriate national authority"

(1) In section 209, "appropriate national authority" means the Secretary of State, subject as follows.

(2) The Scottish Ministers are also an appropriate national authority in relation to regulations under section 209 which contain only provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

(3) The Department of Justice in Northern Ireland is also an appropriate national authority in relation to regulations under section 209 which contain only provision which—

(a) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly, and

(b) would not, if contained in a Bill for such an Act, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

(4) The Welsh Ministers are also an appropriate national authority in relation to regulations under section 209 which contain only provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown).

(5) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers in regulations under section 209 so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.

(6) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru), in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—

(a) omit the "or" at the end of sub-paragraph (xii), and
(b) after sub-paragraph (xiii) insert "; or

(xiv) section 209 of the Crime and Policing Act 2026."

(7) In this section, "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975.

211 Consultation with devolved authorities about regulations under section 209

(1) Before making regulations under section 209, the Secretary of State must consult—
(a) the Scottish Ministers about any provision in the regulations which could be made by those Ministers by virtue of section 210(2);
(b) the Department of Justice in Northern Ireland about any provision in the regulations which could be made by that Department by virtue of section 210(3);
(c) the Welsh Ministers about any provision in the regulations which could be made by those Ministers by virtue of section 210(4) (ignoring any requirement for the consent of a Minister of the Crown under section 210(5)).

Extradition

212 Extradition: cases where a person has been convicted

(1) The Extradition Act 2003 is amended as follows.

(2) In section 20 (case where person has been convicted: category 1 territories)—
(a) in subsection (5), for the words from "the person" to the end substitute "any of the following applies—

(a) the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial;
(b) the person would be so entitled unless a court in the territory concerned were to decide that they deliberately absented themselves from their trial;
(c) the person was entitled as mentioned in paragraph (a) or (b) but expressly waived that entitlement;
(d) having been informed that they were entitled as mentioned in paragraph (a) or (b), the person failed to exercise that entitlement before the end of the period permitted for exercising it.";

(b) after subsection (7) insert—

"(7A) For the purposes of subsection (1), a person convicted at a trial at which they were legally represented (but not present in person) is to be treated as having been convicted in their presence.";

(c) in subsection (8), in the words before paragraph (a)—
(i) after "constitute" insert "(or would have constituted)";
(ii) after "have" insert "(or would have had)".

(3) In section 85 (case where person has been convicted: category 2 territories)—
(a) in subsection (5), for the words from "the person" to the end substitute "any of the following applies—
(a) the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial;
(b) the person would be so entitled unless a court in the territory concerned were to decide that they deliberately absented themselves from their trial;
(c) the person was entitled as mentioned in paragraph (a) or (b) but expressly waived that entitlement;
(d) having been informed that they were entitled as mentioned in paragraph (a) or (b), the person failed to exercise that entitlement before the end of the period permitted for exercising it.";
(b) after subsection (7) insert—
"(7A) For the purposes of subsection (1), a person convicted at a trial at which they were legally represented (but not present in person) is to be treated as having been convicted in their presence.";
(c) in subsection (8), in the words before paragraph (a)—
(i) after "constitute" insert "(or would have constituted)";
(ii) after "have" insert "(or would have had)".

Criminal liability of bodies and partnerships

213 Criminal liability of bodies corporate and partnerships where senior manager commits offence

(1) Where a senior manager of a body corporate or partnership ("the organisation") acting within the actual or apparent scope of their authority commits an offence under the law of England and Wales, Scotland or Northern Ireland, the organisation also commits the offence (subject to subsection (2)).

(2) An organisation does not commit an offence by virtue of subsection (1) if—
(a) all of the conduct constituting the offence occurs outside the United Kingdom, and
(b) the organisation would not commit the offence if that conduct were the organisation's (rather than the senior manager's).

(3) In this section—
"body corporate" includes a body incorporated outside the United Kingdom but does not include—

(a) a corporation sole, or

(b) a partnership that (whether or not a legal person) is not regarded as a body corporate under the law by which it is governed;

"partnership" means—

(a) a partnership within the meaning of the Partnership Act 1890,

(b) a limited partnership registered under the Limited Partnerships Act 1907, or

(c) a firm or other entity of a similar character to one within paragraph (a) or (b) formed under the law of a country or territory outside the United Kingdom;

"senior manager", in relation to a body corporate or partnership, means an individual who plays a significant role in—

(a) the making of decisions about how the whole or a substantial part of the activities of the body corporate or partnership are to be managed or organised, or

(b) the managing or organising of the whole or a substantial part of those activities.

(4) Proceedings for an offence alleged to have been committed by a partnership by virtue of this section must be brought in the name of the partnership (and not in that of any of the partners).

(5) For the purposes of such proceedings—

(a) rules of court relating to the service of documents have effect as if the partnership were a body corporate, and

(b) the following provisions apply as they apply in relation to a body corporate—

(i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980;

(ii) sections 34(2), 66(6AA) and 72D(2) of the Criminal Procedure (Scotland) Act 1995;

(iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

(6) A fine imposed on a partnership on its conviction for an offence committed by virtue of this section is to be paid out of the partnership assets.

(7) In consequence of the provision made by this section, omit the following provisions of the Economic Crime and Corporate Transparency Act 2023—

(a) sections 196 to 198 (including the italic heading before those sections);

(b) in section 217, subsection (5)(f) and the words "197(1) or" in subsections (8) and (9);

(c) Schedule 12.

General

214 Powers to make consequential amendments etc

(1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate in consequence of this Act.

(2) The power in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions) applies in relation to any amendment or repeal made by or under this Act of that Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act.

(3) The Scottish Ministers may by regulations make such provision within devolved competence as they consider appropriate in consequence of—

(a) sections 41 and 42;
(b) section 57(1) and Schedule 6;
(c) Chapter 2 of Part 4;
(d) sections 67 and 69;
(e) section 91;
(f) Chapter 5 of Part 5;
(g) section 121;
(h) section 161(3) and Schedule 20.

For this purpose, provision is "within devolved competence" if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(4) The Department of Justice in Northern Ireland may by regulations make such transferred provision as it considers appropriate in consequence of—

(a) section 37;
(b) sections 41 and 42;
(c) section 57(2) and Schedule 7;
(d) Chapter 2 of Part 4;
(e) section 66;
(f) section 90;
(g) Chapter 5 of Part 5;
(h) sections 114 to 116;
(i) section 118;
(j) section 161(2) and Schedule 19.

(5) In subsection (4) "transferred provision" means provision that—

(a) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
(b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

(6) Regulations under this section may amend, repeal or revoke legislation passed or made before, or in the same Session as, this Act.

215 Regulations

(1) A power to make regulations includes power to make—

(a) consequential, supplementary, incidental, transitional, transitory or saving provision;

(b) different provision for different purposes or areas.

(2) Regulations of the Secretary of State are to be made by statutory instrument.

(3) The Secretary of State may not make a statutory instrument containing any of the following (whether alone or with other provision) unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—

(a) regulations under section 52(7), 60(1), 61(9), 70(6), 86, 92, 93, 129, 132, 137, 148(2)(a) or (b), 149(7) or 174(1)(k);

(b) regulations under section 214(1) that amend primary legislation.

(4) Any other statutory instrument made by the Secretary of State containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) This section does not apply to regulations under section 187(3).

(6) In this section—

"primary legislation" means an Act of Parliament, an Act of the Scottish Parliament, an Act or Measure of Senedd Cymru, or Northern Ireland legislation;

"regulations" means regulations under any provision of this Act except section 218.

216 Regulations made by the Scottish Ministers, the Department of Justice or the Welsh Ministers

(1) The following regulations (which are made by the Scottish Ministers) are subject to the affirmative procedure—

(a) regulations under section 60(2);

(b) regulations under section 214(3) that amend primary legislation;

(c) regulations under paragraph 10(4) of Schedule 6.

(2) Any other regulations made by the Scottish Ministers under this Act are subject to the negative procedure.

(3) For the meaning of "affirmative procedure" and "negative procedure", see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(4) A power of the Department of Justice in Northern Ireland to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(5) The following regulations may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly—

(a) regulations under section 60(3);

(b) regulations under section 214(4) that amend primary legislation;

(c) regulations under paragraph 10(6) of Schedule 7.

(6) Any other regulations made by the Department of Justice in Northern Ireland under this Act are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954.

(7) Regulations of the Welsh Ministers under this Act are to be made by Welsh statutory instrument.

(8) Regulations made by the Welsh Ministers under section 209 are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).

(9) In this section—

"primary legislation" has the meaning given by section 215;

"regulations" means regulations under any provision of this Act except section 218.

217 Extent

(1) Subject as follows, this Act extends to England and Wales only.

(2) The following extend to England and Wales, Scotland and Northern Ireland—

(a) Chapter 1 of Part 2;

(b) section 30;

(c) section 40(2)(d);

(d) sections 41(1) to (5) and 42;

(e) Chapter 2 of Part 4;

(f) section 62;

(g) sections 70 to 73 (except section 73(6)) and Schedule 9;

(h) section 75(2);

(i) section 76;

(j) section 88;

(k) section 90(5);

(l) sections 92 and 93;

(m) section 98;

(n) section 100;

(o) section 102;

(p) section 105(1);

(q) section 107;
(r) Part 8 (except section 126(3));
(s) section 143 and Schedule 15;
(t) section 145;
(u) sections 146 to 150;
(v) section 152;
(w) section 162(2);
(x) sections 173 to 180 and Schedule 21;
(y) Part 14 (except section 204 and Schedule 23);
(z) this Part;
(z1) paragraph 19 of Schedule 11.

(3) Sections 36(1), 99(1) and 105(2) extend to England and Wales and Scotland.

(4) Sections 68(1) to (4), 90(1) to (3), 114(1), 115 and 116(1) to (5) extend to England and Wales and Northern Ireland.

(5) Section 101 extends to Scotland and Northern Ireland.

(6) Sections 37(1) to (3), 57(2), 63, 105(3), 110, 113, 118, 120, 161(2) and 204, Schedule 7 and paragraphs 4(3) and 5(5) of Schedule 19, extend to Northern Ireland.

(7) Sections 57(1), 91 and 161(3), Schedule 6 and Schedule 20 extend to Scotland.

(8) Any amendment made by the following has the same extent as the provision amended—
(a) section 28(1) to (3) (and section 28(4) has effect accordingly);
(b) section 32;
(c) section 36(2);
(d) section 37(4);
(e) section 64;
(f) section 66;
(g) section 67;
(h) section 68(5) and (6);
(i) section 69
(j) section 99(2);
(k) section 104;
(l) section 106;
(m) section 117;
(n) section 121;
(o) section 126(3);
(p) sections 139 to 142;
(q) section 151;
(r) section 153;
(s) section 154;

(t) section 162(1);
(u) section 206;
(v) section 212;
(w) Schedule 12;
(x) Schedule 16;
(y) Schedule 18 or Schedule 19;
(z) Schedule 23.

(9) Nothing in subsections (1) to (8) limits the extent within the United Kingdom of the armed forces provisions.

(10) Section 384(1) and (2) of the Armed Forces Act 2006 (extent outside the United Kingdom) applies to the armed forces provisions as it applies to the provisions of that Act.

(11) In this section "armed forces provision" means—
(a) a provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006;
(b) an amendment, modification or repeal made by or under this Act of—
(i) a provision of or made under the Armed Forces Act 2006,
(ii) a provision that amends, modifies or repeals a provision of, or made under, that Act, or
(iii) any other provision, so far as the provision is applied (by whatever words) by or under that Act.

218 Commencement

(1) Subject as follows, this Act comes into force on such day as the Secretary of State may by regulations appoint.

(2) The following provisions come into force on the day on which this Act is passed—
(a) sections 62, 63 and 76;
(b) sections 61, 154 and 155, for the purposes of making regulations;
(c) section 172, for the purposes of making rules;
(d) section 208;
(e) this Part except sections 212 and 213.

(3) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
(a) section 75;
(b) section 87;
(c) sections 92 and 93;
(d) section 139;
(e) section 142;
(f) sections 162 to 164;
(g) sections 168 to 171;

(h) section 200;
(i) sections 203 to 205;
(j) section 213;
(k) Schedule 23.

(4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.

(5) Regulations of the Secretary of State under this section may make different provisions for different purposes or areas.

(6) Regulations of the Secretary of State under this section are to be made by statutory instrument.

(7) Sections 41 and 42, and Chapter 5 of Part 5 (except section 105(2) and (3)) come into force—
(a) so far as extending to Scotland, on such day as the Scottish Ministers may by regulations appoint;
(b) so far as extending to Northern Ireland, on such day as the Department of Justice in Northern Ireland may by order appoint.

(8) The following come into force on such day as the Department of Justice in Northern Ireland may by order appoint—
(a) section 37(1) to (3), and section 37(4) so far as extending to Northern Ireland;
(b) section 57(2) and Schedule 7;
(c) section 64(2), (3) and (4)(b) so far as relating to an offence under section 41;
(d) section 66 so far as extending to Northern Ireland;
(e) section 90(1) to (3), so far as extending to Northern Ireland;
(f) section 105(3);
(g) sections 110 and 113;
(h) sections 114 to 116, so far as extending to Northern Ireland;
(i) section 118;
(j) section 161(2) and Schedule 19.

(9) Section 120 comes into force on such day as the Department of Health in Northern Ireland may by order appoint.

(10) The following come into force on such day as the Scottish Ministers may by regulations appoint—
(a) section 57(1);
(b) sections 67 and 69, so far as extending to Scotland;
(c) section 91;
(d) section 161(3);
(e) Schedule 6;
(f) Schedule 20.

(11) An order or regulations under subsection (7), (8), (9) or (10) may make—
  (a) transitional or saving provision;
  (b) different provision for different purposes.

(12) For regulations made by the Scottish Ministers under subsection (7)(a) or (10), see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

(13) The power to make an order under subsection (7)(b), (8) or (9) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

219 Commencement: consultation requirements

(1) Before making regulations under section 218(1) appointing a day on which any provision of Chapter 2 or 4 of Part 4, or section 105(1), comes into force, the Secretary of State must consult—
  (a) the Scottish Ministers, and
  (b) the Department of Justice in Northern Ireland.

(2) Before making regulations under section 218(7)(a) appointing a day on which section 105(1) comes into force, the Scottish Ministers must consult—
  (a) the Secretary of State, and
  (b) the Department of Justice in Northern Ireland.

(3) Before making an order under section 218(7)(b) appointing a day on which section 105(1) comes into force, the Department of Justice in Northern Ireland must consult—
  (a) the Secretary of State, and
  (b) the Scottish Ministers.

220 Short title

This Act may be cited as the Crime and Policing Act 2026.

SCHEDULES

SCHEDULE 1

Section 2

YOUTH INJUNCTIONS, HOUSING INJUNCTIONS AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as set out in this Part.

2 (1) Section 1 (power to grant injunctions) is amended as follows.

(2) In the heading, after "grant" insert "youth".

(3) In subsection (1)—

(a) after "section" insert "(a "youth injunction")";

(b) after "over" insert "but under 18".

(4) In subsection (4), for "An injunction under this section" substitute "A youth injunction".

(5) After subsection (4) insert—

"(4A) But a youth injunction may not have the effect of excluding the respondent from the place where the respondent normally lives."

(6) In subsection (5)—

(a) for "an injunction under this section" substitute "a youth injunction";

(b) in paragraph (a), for the words from "works" to "establishment" substitute "attends school or any other educational establishment, or at which the respondent normally works";

(c) in paragraph (b), for "may be" substitute "is".

(7) For subsection (6) substitute—

"(6) A youth injunction must specify the period for which it has effect, which must be no more than 12 months."

(8) In subsection (7), for "An injunction under this section" substitute "A youth injunction".

(9) For subsection (8) substitute—

"(8) An application for a youth injunction must be made to a youth court."

(10) At the end insert—

"(9) In this Part, anti-social behaviour means—

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or

(b) housing-related anti-social conduct (see section 2)."

3 After section 1 insert—

"1A Power to grant housing injunctions

(1) A court may grant an injunction under this section (a "housing injunction") against a person aged 18 or over ("the respondent") if two conditions are met.

(2) The first condition is that the court is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in housing-related anti-social conduct (see section 2).

(3) The second condition is that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in housing-related anti-social conduct.

(4) A housing injunction may for the purpose of preventing the respondent from engaging in housing-related anti-social conduct—

(a) prohibit the respondent from doing anything described in the injunction;

(b) require the respondent to do anything described in the injunction.

(5) Prohibitions and requirements in a housing injunction must, so far as practicable, be such as to avoid—

(a) any interference with the times, if any, at which the respondent normally works or attends any educational establishment;

(b) any conflict with the requirements of any other court order or injunction to which the respondent may be subject.

(6) A housing injunction must—

(a) specify the period for which it has effect, or

(b) state that it has effect until further order.

(7) A housing injunction may specify periods for which particular prohibitions or requirements have effect.

(8) An application for a housing injunction must be made to the High Court or the county court, subject to any rules of court made under section 18(2).

(9) A court may treat an application for a housing injunction as an application under section A1 (power to make respect orders) for an order under that section."

4 (1) Section 2 (meaning of "anti-social behaviour") is amended as follows.

(2) In the heading, for ""anti-social behaviour"" substitute ""housing-related anti-social conduct"".

(3) In subsection (1)—

(a) for ""anti-social behaviour"" substitute ""housing-related anti-social conduct"";

(b) omit paragraph (a).

(4) In subsection (2), for "section 1" substitute "this Part".

5 In section 3 (requirements included in injunctions), for "section 1", in both places it occurs, substitute "this Part".

6 (1) Section 4 (power of arrest) is amended as follows.

(2) In subsection (1)—

(a) for "section 1" substitute "this Part";

(b) in paragraph (a), for "anti-social behaviour" substitute "relevant conduct".

(3) At the end insert—

"(3) In this section, "relevant conduct" means—

(a) in relation to a youth injunction, anti-social behaviour;

(b) in relation to a housing injunction, housing-related anti-social conduct."

7 (1) Section 5 (applications for injunctions) is amended as follows.

(2) In subsection (1), for "section 1" substitute "this Part".

(3) In subsection (3), for "anti-social behaviour" substitute "relevant conduct".

(4) After subsection (4) insert—

"(4A) In this section, "relevant conduct" means—

(a) in relation to a youth injunction, anti-social behaviour;

(b) in relation to a housing injunction, housing-related anti-social conduct."

8 In section 6 (applications without notice), in subsection (1), for "section 1" substitute "this Part".

9 In section 7 (interim injunctions)—

(a) in subsection (1), for "section 1" substitute "this Part";

(b) in subsection (2), for "that section" substitute "this Part".

10 (1) Section 8 (variation or discharge of injunctions) is amended as follows.

(2) In subsection (1), for "section 1" substitute "this Part".

(3) For subsection (2) substitute—

"(2) In subsection (1) "the court" means that court that granted the injunction."

11 (1) Section 9 (arrest without warrant) is amended as follows.

(2) In subsection (1), for "section 1" substitute "this Part".

(3) In subsection (3), omit paragraphs (a) to (c) and insert—

"(a) in the case of a housing injunction—

(i) a judge of the county court, or

(ii) if the injunction was granted by the High Court, a judge of the High Court or a judge of the county court;

(b) in the case of a youth injunction, a justice of the peace."

(4) In subsection (5), omit "or (b)".

(5) In subsection (6), for "(c)" substitute "(b)".

12 (1) Section 10 (issue of arrest warrant) is amended as follows.

(2) In subsection (1), for "section 1" substitute "this Part".

(3) In subsection (2), omit paragraphs (a) to (c) and insert—

"(a) in the case of a housing injunction—

(i) a judge of the High Court, if the injunction was granted by the High Court, or

(ii) a judge of the county court, if the injunction was granted by the county court;

(b) in the case of a youth injunction, a justice of the peace."

(4) In subsection (6)—

(a) for "before—" substitute "before the youth court that granted the injunction";

(b) omit paragraphs (a) and (b).

13 In section 12 (powers in respect of under-18s), before "injunctions" insert "youth".

14 (1) Section 13 (power to exclude person from home), subsection (1) is amended as follows.

(2) In the words before paragraph (a), for "An injunction under section 1" substitute "A housing injunction".

(3) Omit paragraph (a).

(4) In paragraph (c)(i), for "anti-social behaviour" substitute "housing-related anti-social conduct".

15 Before section 14 (but after the italic heading before that clause) insert—

"13A Requirement to carry out risk assessment

(1) A person applying for an injunction under this Part must before doing so carry out a risk assessment in relation to the application.

(2) A risk assessment, in relation to an application for an injunction under this Part, is an assessment of—

(a) the risk of any person being caused nuisance or annoyance in relation to their occupation of residential premises by the respondent's conduct,

(b) (in relation to an application for a youth injunction), the risk of any person being caused harassment, alarm or distress by the respondent's conduct,

(c) any vulnerabilities of the respondent,

(d) any alternative means of preventing the respondent from engaging in relevant conduct, and

(e) such other matters as the person considers relevant.

(3) A person required to carry out a risk assessment under this section must in doing so have regard to any guidance issued by the Secretary of State under section 19.

(4) In this section, "relevant conduct" means—

(a) in relation to an application for a youth injunction, anti-social behaviour;

(b) in relation to an application for a housing injunction, housing-related anti-social conduct."

16 (1) Section 14 (requirements to consult etc) is amended as follows.

(2) In subsection (1)—

(a) in the words before paragraph (a), for "section 1" substitute "this Part";

(b) in paragraph (a)—

(i) at the beginning insert "in the case of a youth injunction,";

(ii) omit the words from "if" to the end;

(c) in paragraph (b)—

(i) at the beginning insert "in any case,";

(ii) for "other" substitute "(or, where paragraph (a) applies, any other)."

(3) In subsection (2)—

(a) in paragraph (a), at the beginning insert "in the case of a youth injunction,";

(b) in paragraph (b)—

(i) at the beginning insert "in any case,";

(ii) for "other" substitute "(or, where paragraph (a) applies, any other)".

(4) In subsection (3)—

(a) in the words before paragraph (a), for "section 1" substitute "this Part";

(b) in paragraph (a), at the beginning insert "in the case of a youth injunction,";

(c) in paragraph (b)—

(i) at the beginning insert "in any case,";

(ii) for "other" substitute "(or, where paragraph (b) applies, any other)".

17 (1) Section 18 (rules of court) is amended as follows.

(2) In subsection (1), for "section 1" substitute "this Part".

(3) In subsection (2)—

(a) in the words before paragraph (a), for "an injunction under section 1" substitute "a housing injunction or a respect order";

(b) in paragraph (a), for "an injunction under that section" substitute "a youth injunction".

(4) In subsection (3)—

(a) in the words before paragraph (a), for "under this Part" substitute "on an application for a youth injunction";

(b) in paragraph (a), at the end insert "and for the application to be treated as an application for a housing injunction or a respect order (as the court to which the proceedings are transferred considers appropriate)".

18 In section 19 (guidance), in subsection (1), for "section 1" substitute "this Part".

19 (1) In section 20 (interpretation etc), subsection (1) is amended as follows.

(2) In the definition of "anti-social behaviour", for "section 2" substitute "section 1(9)".

(3) For the definition of "respondent" substitute—

""respondent"—

(a) in relation to a youth injunction, has the meaning given by section 1(1);

(b) in relation to a housing injunction, has the meaning given by section 1A(1);".

(4) At the appropriate places, insert—

""housing injunction" means an injunction under section 1A;"

""housing-related anti-social conduct" has the meaning given by section 2;"

""respect order" means an order under section A1;"

""youth injunction" means an injunction under section 1."

20 In section 101 (the community remedy document), in subsection (9), for the definition of "anti-social behaviour" substitute—

""anti-social behaviour" means—

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or

(b) housing-related anti-social conduct as defined by section 2 (ignoring subsection (2) of that section);".

21 (1) Section 102 (anti-social behaviour etc: out-of-court disposals) is amended as follows.

(2) In subsection (1), in paragraph (c), for "an injunction under section 1" substitute "a respect order under section A1 or an injunction under Part 1".

(3) In subsection (6), for the definition of "anti-social behaviour" substitute—

""anti-social behaviour" means—

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or

(b) housing-related anti-social conduct, as defined by section 2 (ignoring subsection (2) of that section);".

22 (1) Schedule 2 (breach of injunctions: powers of court in respect of under-18s) is amended as follows.

(2) In the heading, before "injunctions" insert "youth".

(3) In paragraph 1(1), for "an injunction under section 1" substitute "a youth injunction".

PART 2

CONSEQUENTIAL AMENDMENTS OF OTHER ACTS

Housing Act 1985 (c. 68)

23 (1) Section 84A of the Housing Act 1985 (absolute ground for possession for anti-social behaviour) is amended as follows.

(2) In subsection (4)—

(a) for "section 1" substitute "Part 1";

(b) after "2014" insert "or a respect order".

(3) In subsection (9), for the definition of "relevant proceedings", substitute—

""relevant proceedings" means—

(a) proceedings for an offence under section I1 of the Anti-social Behaviour, Crime and Policing Act 2014,

(b) proceedings under Schedule 2 to that Act, or

(c) proceedings for contempt of court;

"respect order" means an order under section A1 of the Anti-social Behaviour, Crime and Policing Act 2014;".

24 In Schedule 3 to that Act (grounds for withholding consent to assignment by way of exchange), in Ground 2A, in the definition of "relevant order", for "an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014" substitute—

"a respect order under section A1 of the Anti-social Behaviour, Crime and Policing Act 2014;

an injunction under Part 1 of that Act;"

Housing Act 1988 (c. 50)

25 (1) In Part 1 of Schedule 2 to the Housing Act 1988 (grounds on which court must order possession of dwelling-houses let on assured tenancies), Ground 7A is amended as follows.

(2) In condition 2, in the words before paragraph (a)—

(a) for "section 1" substitute "Part 1";

(b) after "2014" insert "or a respect order".

(3) In the list of definitions for the purposes of Ground 7A, for the definition of "relevant proceedings" substitute—

""relevant proceedings" means—

(a) proceedings for an offence under section I1 of the Anti-social Behaviour, Crime and Policing Act 2014,

(b) proceedings under Schedule 2 to that Act, or

(c) proceedings for contempt of court;

"respect order" means an order under section A1 of the Anti-social Behaviour, Crime and Policing Act 2014;".

Police Reform Act 2002 (c. 30)

26 In section 50 of the Police Reform Act 2002 (persons engaging in anti-social behaviour), for subsection (1A) substitute—

"(1A) In subsection (1) "anti-social behaviour" means—

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or

(b) housing-related anti-social conduct, as defined by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section)."

Localism Act 2011 (c. 20)

27 In Schedule 14 to the Localism Act 2011 (grounds on which landlord may refuse to surrender and grant tenancies under section 158), in paragraph 6(4), in the definition of "relevant order"—

(a) after paragraph (e) insert—

"(ea) a respect order under section A1 of the Anti-social Behaviour, Crime and Policing Act 2014,";

(b) in paragraph (f), for "section 1 of the Anti-social Behaviour, Crime and Policing Act 2014" substitute "Part 1 of that Act".

Sentencing Code

28 In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available), after paragraph (c) insert—

"(ca) section I1(4) of the Anti-social Behaviour, Crime and Policing Act 2014 (breach of respect order);".

SCHEDULE 2

Section 5

CLOSURE OF PREMISES BY REGISTERED SOCIAL HOUSING PROVIDER

1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

2 In section 76 (power to issue closure notices)—

(a) in subsection (1)—

(i) omit "or", in the first place it appears;

(ii) after "authority," insert "or a registered social housing provider ("RSH provider"),";

(b) after subsection (1) insert—

"(1A) An RSH provider may only issue a closure notice in respect of premises owned or managed by that provider.";

(c) in subsection (7)—

(i) for "or local authority" substitute ", local authority or RSH provider";

(ii) for "or authority" substitute ", authority or provider".

3 In section 77 (duration of closure notices)—

(a) in subsection (2)—

(i) omit "or" at the end of paragraph (a);

(ii) after paragraph (b) insert ", or

(c) if, in the case of a notice issued by an RSH provider, the notice is signed by an individual who is part of the provider's senior management.";

(b) in subsection (4)—

(i) omit "or" at the end of paragraph (a);

(ii) after paragraph (b) insert ", or

(c) if, in the case of a notice issued by an RSH provider, the RSH provider issues an extension notice signed by an individual who is part of the provider's senior management.";

(c) after subsection (6) insert—

"(7) For the purposes of this section, an individual is part of an RSH provider's senior management if the individual plays a significant role in—

(a) the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or

(b) the management or organisation of the whole or a substantial part of such activities."

4 In section 78 (cancellation or variation of closure notices)—

(a) in subsections (1), (2), (3) and (6), for "officer or authority" substitute "person";

(b) after subsection (4), insert—

"(4A) A cancellation notice or a variation notice that relates to a closure notice which was—

(a) issued by an RSH provider, and

(b) signed as mentioned in section 77(2)(c),

must be signed by the person who signed the extension notice (or, if that person is not available, by another person who could have signed the extension notice).";

(c) in subsection (5)—

(i) after "local authority" insert "or RSH provider";

(ii) after "section 77(4)(b)" insert "or (c) (as the case may be)";

(d) in subsection (6), after paragraph (c) insert—

"(d) in the case of a closure notice issued by an RSH provider, that provider."

5 In section 79 (service of notices)—

(a) in subsection (1), after paragraph (b) insert ";

(c) a representative of the provider that issued the notice, in the case of a notice issued by an RSH provider.";

(b) in subsections (2), (3) and (4), omit "local authority";

(c) after subsection (5) insert—

"(6) In this section "representative", in relation to an RSH provider, means—

(a) an employee of the provider, or

(b) a person, or employee of a person, acting on behalf of the provider."

6 In section 80 (power of court to make closure orders), in subsection (2), after paragraph (b) insert—

"(c) by the provider that issued the closure notice, if the notice was issued by an RSH provider."

7 In section 82 (extension of closure orders)—

(a) in subsection (2), after paragraph (b) insert—

"(c) where the closure order was made on the application of an RSH provider, that provider.";

(b) in subsection (3)—

(i) for "or local authority" substitute ", local authority or RSH provider";

(ii) for "the appropriate consultee has been consulted" substitute "appropriate consultation";

(iii) after "application" insert "has been carried out";

(c) for subsection (4), substitute—

"(4) An appropriate consultation about the intention to make the application is carried out if the following are consulted—

(a) the local authority and any relevant RSH provider, in the case of an application by a police officer;

(b) the chief officer of police for the area in which the premises are situated and any relevant RSH provider, in the case of an application by a local authority;

(c) the local authority and the chief officer of police for the area in which the premises are situated, in the case of an application by an RSH provider.

An RSH provider is "relevant" if it owns or manages the premises."

8 In section 83 (discharge of closure orders)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) the provider that applied for the closure order, where the order was made on the application of an RSH provider;";

(b) after subsection (6) insert—

"(6A) Where—

(a) the order in question was made on the application of an RSH provider, and

(b) a person other than that provider makes an application under this section for the discharge of the order,

the justice may issue a summons directed to that provider requiring it to appear before the magistrates' court to respond to the application.

(6B) If a summons is issued under subsection (6A), a notice stating the date, time and place of the hearing of the application must be served on—

(a) the provider mentioned in that subsection;

(b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant)."

9 In section 84 (appeals), after subsection (3) insert—

"(3A) An RSH provider may appeal against—

(a) a decision not to make a closure order applied for by that provider;

(b) a decision not to extend a closure order made on the application of that provider;

(c) a decision (under section 81) not to order the continuation in force of a closure notice issued by that provider."

10 In section 85 (enforcement of closure orders), in subsection (2), after paragraph (b) insert ";

(c) in relation to a closure order made on the application of an RSH provider, means a person authorised by that provider."

11 In section 87 (access to other premises), in subsection (3), after paragraph (b)—

"(ba) the RSH provider, in a case where that RSH provider owns or manages the premises;".

12 In section 88 (reimbursement of costs)—

(a) in subsection (1), for "or a local authority" substitute ", a local authority or an RSH provider";

(b) in subsection (5)—

(i) in paragraph (a), after "authority" insert "or an RSH provider";

(ii) in paragraph (b), after "body" insert "or an RSH provider";

(c) after subsection (5) insert—

"(6) Where a local authority or a local policing body makes an application under this section in respect of premises owned or managed by an RSH provider, the application must also be served on the RSH provider."

13 In section 89 (exemption from liability)—

(a) after subsection (2) insert—

"(2A) An RSH provider is not liable for damages in proceedings for—

(a) judicial review, or

(b) the tort of negligence,

arising out of anything done or omitted to be done by the provider in the exercise or purported exercise of a power under this Chapter.";

(b) in subsection (3), for "and (2)" substitute "to (2A)";

(c) in subsection (4), for "and (2)" substitute "to (2A)".

14 In section 91 (guidance), in subsection (1)(b), after "authorities" insert "and RSH providers".

15 In section 92 (interpretation)—

(a) in subsection (1), insert at the appropriate place—

""registered social housing provider" (or "RSH provider") means—

(a) in relation to England, a registered provider of social housing;

(b) in relation to Wales, a Welsh body registered as a social landlord under section 3 of the Housing Act 1996;";

(b) after subsection (3), insert—

"(4) For the purposes of this Chapter, an RSH provider owns premises if—

(a) the provider is a person (other than a mortgagee not in possession) entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or

(b) the provider is a person who holds or is entitled to the rents and profits of the premises under a lease that (when granted) was for a term of at least 3 years."

SCHEDULE 3

Section 6

LPB CASE REVIEWS: SUPPLEMENTARY PROVISION

This is the Schedule to be inserted after Schedule 4 to the Anti-social Behaviour, Crime and Policing Act 2014—

"SCHEDULE 4A

Section 104A

LPB CASE REVIEWS: SUPPLEMENTARY PROVISION

PART 1

MAKING AND REVISING LPB REVIEW PROCEDURES

Consultation: relevant bodies

1 In making and revising its LPB review procedures, the local policing body for a police area must consult the relevant bodies for each local government area all or part of which falls within the police area.

Consultation: local providers of social housing

2 (1) In making and revising its LPB review procedures, a local policing body for a police area must consult such relevant local providers of social housing as it considers appropriate.

(2) In this Schedule "relevant local provider of social housing", in relation to the local policing body for a police area, means a local provider of social housing in a local government area all or part of which falls within that police area.

Dissatisfaction with LPB case reviews

3 The LPB review procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the local policing body has—

(a) dealt with an application for an LPB case review, or

(b) carried out an LPB case review.

Assessment and revision of LPB review procedures

4 The LPB review procedures must include provision about—

(a) the assessment of the effectiveness of those procedures, and

(b) the revision of those procedures.

PART 2

LPB CASE REVIEWS

Consultation and co-operation: local providers of social housing

5 (1) In carrying out LPB case reviews, the local policing body for a police area must consult such relevant local providers of social housing as it considers appropriate.

(2) The relevant local providers of social housing must co-operate with the local policing body for a police area in any matters specified by the body that concern LPB case reviews.

Information

6 (1) A local policing body may request any person to disclose information for a purpose connected with the carrying out of an LPB case review.

(2) If such a request is made to a person who exercises public functions, and that person possesses the requested information in connection with the exercise of such functions, the person must (subject to sub-paragraph (5)) comply with the request.

(3) If such a request is made to a person who is not required by sub-paragraph (2) to disclose the requested information, the person may (subject to sub-paragraph (5)) comply with the request.

(4) Except as provided by sub-paragraph (5), a disclosure under this paragraph does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(5) This paragraph does not require or authorise a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

PART 3

EFFECT OF JOINT REVIEW PROCEDURES

7 (1) This paragraph applies where, by virtue of paragraph 8 of Schedule 4 (joint review procedures), a local government area falls within two or more police areas.

(2) Section 104A(2) applies in relation to the local government area as if references to the local policing body for the police area were to all of the local policing bodies for those police areas acting jointly.

(3) Section 104A(3) applies in relation to the local government area as if references to the local policing body for the police area were to—

(a) one of the local policing bodies for those police areas, or

(b) two or more of the local policing bodies for those police areas acting jointly.

(4) If, as a result of sub-paragraph (2) or (3), two or more local policing bodies jointly carry out an LPB case review, references in section 104A and this Schedule to a local policing body in relation to the carrying out of such a review are to be read accordingly.

PART 4

GENERAL

Different review procedures for different parts of an area

8 LPB review procedures may make different provision in relation to different parts of a police area.

Duty to promote awareness of LPB case reviews

9 A local policing body must, in such manner as it thinks appropriate, promote awareness of—

(a) opportunities in the body's police area to make applications for LPB case reviews, and

(b) the LPB review procedures for such reviews.

Guidance

10 A local policing body must have regard to guidance issued by the Secretary of State in exercising functions under section 104A, Schedule 4 or this Schedule."

SCHEDULE 4

Section 18

CIVIL PENALTIES FOR SERVICE PROVIDERS AND CONTENT MANAGERS

Introduction

1 In this Schedule—

"penalty notice" means a penalty notice under section 18 or 23;

"relevant officer"—

(a) in relation to a penalty notice under section 18, means the coordinating officer;

(b) in relation to a penalty notice under section 23, means the senior authorised officer of the issuing force who proposes to give the notice;

"respondent"—

(a) in relation to a penalty notice under section 18, means the service provider to which the notice is to be given;

(b) in relation to a penalty notice under section 23, means the service provider to which, or the content manager to whom, the notice is to be given.

Notice of intent to issue penalty

2 (1) The relevant officer may give a penalty notice only after—

(a) the officer has given the respondent a notice of intent,

(b) the period for the respondent to make representations in accordance with the notice of intent has expired, and

(c) the officer has considered such representations (if any).

(2) A "notice of intent" is a notice—

(a) specifying that the relevant officer proposes to give a penalty notice, the officer's reasons for doing so and the proposed amount of the penalty,

(b) inviting the respondent to make representations to the officer about the proposal, and

(c) specifying the means by which, and the period within which, any representations must be made.

(3) The period specified under sub-paragraph (2)(c) must be at least 28 days beginning with the day on which the notice of intent is given.

Contents of a penalty notice

3 (1) A penalty notice must—

(a) give reasons for the imposition of the penalty;

(b) specify the amount of the penalty and how it is to be paid;

(c) specify the period within which the penalty must be paid;

(d) contain details of the right of appeal against the penalty (see paragraph 6);

(e) set out the consequences of not paying the penalty.

(2) The period specified under sub-paragraph (1)(c) must be at least 28 days beginning with the day on which the penalty notice is given.

Withdrawal of notice of intent or penalty notice

4 The relevant officer may at any time withdraw a notice of intent or penalty notice by giving notice to that effect to the respondent.

Excuse for non-compliance with content removal notice requirements

5 (1) This paragraph applies where a penalty notice is given under section 23.

(2) The respondent is excused from paying the penalty if the respondent shows that they took all reasonable steps to comply with the content removal notice or (as the case may be) decision notice.

(3) A penalty notice under section 23 (or a notice of intent) may be given without the relevant officer having established whether sub-paragraph (2) applies in respect of the respondent.

Appeal

6 (1) The respondent may appeal to the court against a decision to give a penalty notice.

(2) The grounds for appeal are—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that the amount of the penalty was unreasonable;

(d) in a case to which paragraph 5 applies, that the respondent is excused from payment by virtue of sub-paragraph (2) of that paragraph;

(e) any other reason.

(3) Any appeal must be brought before the end of the period of 28 days beginning with the day on which the penalty notice was given.

(4) The court may—

(a) allow the appeal and cancel the penalty,

(b) allow the appeal and reduce the amount of the penalty, or

(c) dismiss the appeal.

(5) An appeal is to be a re-hearing of the relevant officer's decision to impose the penalty and is to be determined having regard to any matter which the court considers relevant (which may include matters of which the officer was unaware).

(6) Sub-paragraph (5) has effect despite any provision of rules of court.

(7) In this paragraph "the court" means—

(a) the county court, if the appeal relates to a penalty notice given to—

(i) a content manager who is habitually resident in England and Wales,

(ii) a service provider where the provider's registered office, or principal office in the United Kingdom, is in England and Wales, or

(iii) a service provider where the provider has no office in the United Kingdom;

(b) a sheriff or summary sheriff, if the appeal relates to a penalty notice given to—

(i) a content manager who is habitually resident in Scotland, or

(ii) a service provider where the provider's registered office, or principal office in the United Kingdom, is in Scotland;

(c) a county court in Northern Ireland, if the appeal relates to a penalty notice given to—

(i) a content manager who is habitually resident in Northern Ireland, or

(ii) a service provider where the provider's registered office, or principal office in the United Kingdom, is in Northern Ireland.

Enforcement etc

7 (1) A sum payable as a penalty under section 18 may be recovered as a debt due—

(a) if the coordinating officer is a member of a relevant police force, to the chief officer of that force, or

(b) if the coordinating officer is a National Crime Agency officer, to the Secretary of State.

(2) A sum payable as a penalty under section 23 may be recovered as a debt due to—

(a) the chief officer of the issuing force, or

(b) if the issuing force is the National Crime Agency, to the Secretary of State.

(3) An amount paid by way of a penalty under section 18 or 23 must be paid into the Consolidated Fund.

SCHEDULE 5

Section 56

CCE PREVENTION ORDERS ON CONVICTION

1 In Part 11 of the Sentencing Code, after Chapter 2 insert—

"CHAPTER 2A

CHILD CRIMINAL EXPLOITATION PREVENTION ORDERS

Making of orders

358A Power to make child criminal exploitation prevention order

(1) This section applies where a court is dealing with an offender aged 18 or over for an offence.

(2) The court may make an order under section 358B (a "CCE prevention order") if the following conditions are met.

(3) The first condition is that—

(a) the court is satisfied on the balance of probabilities that the offender has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or

(b) the offence is an offence under section 41 of the Crime and Policing Act 2026 (child criminal exploitation).

(4) The second condition is that the court considers that there is a risk that the offender will engage in child criminal exploitation.

(5) The third condition is that the court considers that it is necessary to make the order to prevent the offender from engaging, or reduce the likelihood of the offender engaging, in child criminal exploitation.

(6) In subsection (3)—

(a) the reference to engaging in anything includes engaging in it before (as well as after) the time when Schedule 5 to the Crime and Policing Act 2026 comes into force;

(b) the reference to an offence includes an offence committed before (as well as after) that time.

(7) In this Chapter—

(a) a reference to a person "engaging in child criminal exploitation" is to the person—

(i) doing anything that constitutes an offence under section 41 of the Crime and Policing Act 2026 (as it has effect in England and Wales), or

(ii) doing anything in Scotland or Northern Ireland that would constitute an offence under that section (as it

has effect in England and Wales) if done in England and Wales;

(b) a reference to a person "engaging in conduct associated with child criminal exploitation" is to the person doing anything, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).

358B CCE prevention orders

(1) A CCE prevention order is an order which—

(a) prohibits the offender from doing anything described in the order;

(b) requires the offender to do anything described in the order.

The order may in particular require the offender to comply with section 358C (notification).

(2) A court may include a prohibition or requirement only if it considers it necessary for the purpose of preventing the offender from engaging, or reducing the likelihood of the offender engaging, in child criminal exploitation.

(3) Prohibitions and requirements must, so far as practicable, be such as to avoid—

(a) any conflict with any religious beliefs of the offender;

(b) any interference with the times, if any, at which the offender normally works or attends any educational establishment;

(c) any conflict with the prohibitions and requirements of any other court order or injunction to which the offender is subject.

(4) A prohibition or requirement applies throughout the United Kingdom unless expressly limited to a particular area.

(5) A CCE prevention order must—

(a) specify the period for which it has effect (which must be at least five years), or

(b) state that it has effect until further order.

(6) Where—

(a) the offender has been remanded in or committed to custody by an order of a court, or

(b) a custodial sentence has been imposed on the offender or the offender is serving or otherwise subject to a such a sentence,

a CCE prevention order may provide that it does not take effect until the offender is released from custody or ceases to be subject to a custodial sentence.

(7) A CCE prevention order may specify periods for which particular prohibitions or requirements have effect.

(8) Where a court makes a CCE prevention order in respect of an offender who is already subject to such an order, the earlier order ceases to have effect.

358C Notification requirements

(1) This section applies where a CCE prevention order requires the offender to comply with this section.

(2) Before the end of the period of three days beginning with the day on which a CCE prevention order requiring the offender to comply with this section is first served, the offender must notify to the police—

(a) the offender's name and, where the offender uses one or more other names, each of those names, and

(b) the offender's home address.

(3) If, while the offender is subject to the order, the offender—

(a) uses a name which has not been notified under the order, or

(b) changes home address,

the offender must notify, to the police, the new name or the new home address.

(4) A notification under subsection (3) must be given before the end of the period of three days beginning with the day on which the offender uses the name or changes home address.

(5) A notification under this section is made—

(a) by attending at an appropriate police station and giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station, or

(b) in a way specified in the CCE prevention order.

(6) An "appropriate police station" is a police station in the police area in which—

(a) the offender's home address is situated, or

(b) the court which made the order is situated.

(7) A notification under this section must be acknowledged in writing.

(8) In this section "home address" means—

(a) the address of the offender's sole or main residence in the United Kingdom, or

(b) where the offender has no such residence, the address or location of a place in the United Kingdom where the offender

can regularly be found and, if there is more than one such place, such one of those places as the offender may select.

(9) In determining the period of three days mentioned in subsection (2) or (4), no account is to be taken of any time when the offender is—

(a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or

(b) outside the United Kingdom.

Procedure

358D Procedural powers

(1) For the purpose of deciding whether to make a CCE prevention order, the court may consider evidence led by the prosecution and evidence led by the offender.

(2) It does not matter whether the evidence would have been admissible in the proceedings for the offence for which the offender is being dealt with.

(3) The court may adjourn any proceedings relating to the making of a CCE prevention order.

(4) If the offender does not appear for any adjourned proceedings, the court may—

(a) further adjourn the proceedings,

(b) issue a warrant for the offender's arrest, or

(c) hear the proceedings in the offender's absence.

(5) The court may act under subsection (4)(b) only if satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.

(6) The court may act under subsection (4)(c) only if satisfied that the offender—

(a) has had adequate notice of the time and place of the adjourned proceedings, and

(b) has been informed that if the offender does not appear for those proceedings, the court may hear the proceedings in the offender's absence.

(7) Nothing in this section limits any other powers of the court.

Variation, discharge and appeals

358E Variation and discharge of orders

(1) This section applies where a person mentioned in subsection (2) applies to a relevant court for the variation or discharge of a CCE prevention order.

(2) The persons are—

(a) the offender;

(b) the chief officer of police for the police area in which the offender lives;

(c) a chief officer of police who believes that the offender is in, or is intending to come to, the chief officer's police area.

(3) On the application, the court may (after hearing from the applicant and any other person mentioned in subsection (2) who wishes to be heard) make any order varying or discharging the order that the court considers appropriate.
This is subject to subsection (7).

(4) The power to vary an order includes power to—

(a) include an additional prohibition or requirement;

(b) extend the period for which a prohibition or requirement has effect;

(c) extend the period for which the order has effect.

(5) The court may make provision of a kind mentioned in subsection (4) only if it considers that the provision is necessary to prevent the offender from engaging, or reduce the likelihood of the offender engaging, in child criminal exploitation.

(6) Subsections (3), (4) and (6) of section 358B apply to additional prohibitions or requirements included on a variation of an order.

(7) The court may not discharge an order before the end of the period of five years beginning with the day on which the order was made, without the consent of the offender and—

(a) the chief officer of police for the police area in which the offender lives, or

(b) where the application is made by a chief officer of police, that chief officer.

(8) In this section "relevant court" means—

(a) where the Crown Court or the Court of Appeal made the order, the Crown Court;

(b) in any other case, any magistrates' court.

358F Appeals

(1) A person mentioned in subsection (2) may appeal against a decision made on an application under section 358E.

(2) The persons are—

(a) the person who made the application;

(b) the offender;

(c) the chief officer of police for the police area in which the offender lives;

(d) a chief officer of police who believes that the offender is in, or is intending to come to, the chief officer's police area.

(3) An appeal under this section is to be made—

(a) where the application was made to the Crown Court, to the Court of Appeal;

(b) in any other case, to the Crown Court.

(4) On an appeal under subsection (3)(b), the Crown Court may make—

(a) such orders as may be necessary to give effect to its determination of the appeal, and

(b) such incidental and consequential orders as appear to it to be appropriate.

Supplementary

358G Offence of breaching CCE prevention order

(1) A person who, without reasonable excuse, fails to comply with a CCE prevention order commits an offence.

(2) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(3) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

(4) In proceedings for an offence under this section, a copy of the original CCE prevention order, certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.

358H Offences relating to notifications

(1) This section applies where a CCE prevention order requires a person to comply with section 358C (notification requirements).

(2) The person commits an offence if—

(a) without reasonable excuse, they fail to comply with that section, or

(b) in purported compliance with that section, they notify to the police any information which they know to be false.

(3) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) A person commits an offence under subsection (2)(a) on the day on which they first fail, without reasonable excuse, to comply with section 358C.

(5) The person continues to commit the offence throughout any period during which the failure continues.

(6) But the person may not be prosecuted more than once in respect of the same failure.

(7) Section 358G(4) applies for the purposes of this section.

358I Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Chapter as it applies to criminal proceedings, but with—

(a) the omission of sections 17(4) to (7), 21(4C)(e), 22A, 27(10) and 32 of that Act (which make provision appropriate only in the context of criminal proceedings), and

(b) any other necessary modifications.

(2) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to relevant proceedings under this Chapter—

(a) to the extent provided by rules of court, and

(b) subject to any modifications provided by rules of court.

(3) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—

(a) to a direction under section 19 of that Act as applied by this section;

(b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

(4) In this section "relevant proceedings under this Chapter" means any proceedings under this Chapter except proceedings relating to an offence under section 358G or 358H.

358J Interpretation and supplementary provision

(1) In this Chapter—

"CCE prevention order" means an order under section 358B;

"engaging in child criminal exploitation" has the meaning given by section 358A (and related expressions are to be construed accordingly).

(2) An application under this Chapter is to be made—

(a) by complaint, where the application is made to a magistrates' court;

(b) in accordance with rules of court, in any other case.

(3) Section 127 of the Magistrates' Courts Act 1980 (time limit for complaints etc) does not apply to a complaint under this Chapter.

(4) On the hearing of an application under this Chapter, section 97 of the Magistrates' Courts Act 1980 (summons to witness and warrant for arrest) does not apply in relation to any person for whose protection the order is sought, except where the person has given oral or written evidence at the hearing."

2 In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available) after paragraph (e) insert—

"(ea) section 358G(3) (breach of CCE prevention order);".

SCHEDULE 6

Section 57(1)

CCE PREVENTION ORDERS: SCOTLAND

Power to make CCE prevention order

1 (1) This paragraph applies if—

(a) the Chief Constable of the Police Service of Scotland, in accordance with paragraph 3, makes an application to a sheriff for a CCE prevention order in respect of a person,

(b) the Sheriff Appeal Court or the High Court allows a person's appeal against a conviction for any offence,

(c) a person is acquitted of any offence by or before a court by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995,

(d) a court finds under section 53F of the Criminal Procedure (Scotland) Act 1995 that a person is unfit for trial and has done the act charged against them in respect of any offence, or

(e) a court deals with a person convicted of an offence for that offence.

(2) The court may make an order under paragraph 2 (a "CCE prevention order") in respect of the person ("the adult") if they are aged 18 or over and the conditions in sub-paragraphs (3) to (5) are met.

(3) The first condition is that—

(a) in any case, the court is satisfied on the balance of probabilities that the adult has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or

(b) in a case within paragraph (c), (d) or (e) of sub-paragraph (1), the offence in question is an offence under section 41.

(4) The second condition is that the court considers that there is a risk that the adult will engage in child criminal exploitation.

(5) The third condition is that the court considers that it is necessary to make the order to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation.

(6) In sub-paragraph (3)—

(a) in paragraph (a), the reference to engaging in anything includes engaging in it before (as well as after) the time when this paragraph comes into force;

(b) paragraph (b) applies in relation to findings made in respect of conduct occurring before (as well as after) that time.

(7) In this paragraph—

(a) a reference to an adult "engaging in child criminal exploitation" is to the adult—

(i) doing anything that constitutes an offence under section 41 (as it has effect in Scotland), or

(ii) doing anything in England and Wales or Northern Ireland that would constitute an offence under section 41 (as it has effect in Scotland) if done in Scotland;

(b) a reference to an adult "engaging in conduct associated with child criminal exploitation" is to the adult doing anything, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).

CCE prevention orders

2 (1) A CCE prevention order is an order which—

(a) prohibits the adult from doing anything described in the order;
(b) requires that adult to do anything described in the order.

The order may in particular require the adult to comply with paragraph 6 (notification requirements).

(2) A court may include a prohibition or requirement only if it considers it necessary for the purpose of preventing the adult from engaging, or reducing the likelihood of the adult engaging, in child criminal exploitation.

(3) Prohibitions and requirements must, so far as practicable, be such as to avoid—
(a) any conflict with any religious beliefs of the adult;
(b) any interference with the times, if any, at which the adult normally works or attends any educational establishment;
(c) any conflict with the prohibitions and requirements of any other court order or interdict to which the adult is subject.

(4) A prohibition or requirement applies throughout the United Kingdom unless expressly limited to a particular area.

(5) A CCE prevention order must—
(a) specify the period for which it has effect, which must be at least two years, or
(b) state that it has effect until further order.

(6) Where, in a case within paragraph 1(1)(e)—
(a) the adult has been remanded in custody by an order of a court, or
(b) a custodial sentence has been imposed on the adult or the adult is serving or otherwise subject to a such a sentence,

a CCE prevention order may provide that it does not take effect until the adult is released from custody.

(7) A CCE prevention order may specify periods for which particular prohibitions or requirements have effect.

(8) Where a court makes a CCE prevention order in respect of a person who is already subject to such an order, the earlier order ceases to have effect.

Applications for CCE prevention orders

3 (1) The Chief Constable of the Police Service of Scotland may make an application for a CCE prevention order.

(2) An application under this paragraph must be made to the sheriff in whose sheriffdom—
(a) the adult lives, or
(b) the Chief Constable of the Police Service of Scotland believes that adult is in or is intending to come to.

Interim CCE prevention orders

4 (1) This paragraph applies where the sheriff adjourns the hearing of an application for a CCE prevention order made under paragraph 3.

(2) The sheriff may, if they consider it necessary to do so, make a CCE prevention order lasting for a fixed period or until the determination of the application (an "interim CCE prevention order").
Paragraph 2(5) does not apply in relation to an interim CCE prevention order.

(3) The only requirement that may be imposed by an interim CCE prevention order on the adult is a requirement to comply with paragraph 6 (notification requirements).

(4) Subject to that, the sheriff has the same powers in relation to an interim CCE prevention order as in relation to an order made at a final hearing.

(5) Nothing in sub-paragraph (2) prevents the variation of the duration of an interim CCE prevention order, or the discharge of such an order, under paragraph 7.

CCE prevention orders in criminal proceedings: procedural powers

5 (1) This paragraph applies in the circumstances mentioned in sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1.

(2) The court may make a CCE prevention order—

(a) at its own instance, or

(b) on the motion of the Lord Advocate, Crown Counsel or procurator fiscal (or any person duly authorised to represent or act for them).

(3) For the purpose of deciding whether to make a CCE prevention order, the court may consider evidence led by the prosecution and evidence led by the adult.

(4) It does not matter whether the evidence would have been admissible in the proceedings giving rise to the circumstances referred to in sub-paragraph (1).

(5) The court may adjourn any proceedings relating to the making of a CCE prevention order.

(6) If the adult does not appear for any adjourned proceedings, the court may—

(a) further adjourn the proceedings,

(b) issue a warrant for the adult's arrest, or

(c) hear the proceedings in the adult's absence.

(7) The court may act under sub-paragraph (6)(b) only if satisfied that the adult has had adequate notice of the time and place of the adjourned proceedings.

(8) The court may act under sub-paragraph (6)(c) only if satisfied that the adult—

(a) has had adequate notice of the time and place of the adjourned proceedings, and

(b) has been informed that if the adult does not appear for those proceedings, the court may hear the proceedings in the adult's absence.

(9) Nothing in this paragraph limits any other powers of the court.

Notification requirements

6 (1) This paragraph applies where a CCE prevention order requires the adult to comply with this paragraph.

(2) Before the end of the period of three days beginning with the day on which a CCE prevention order requiring the adult to comply with this paragraph is first served, the adult must notify to the police—

(a) the adult's name and, where the adult uses one or more other names, each of those names, and

(b) the adult's home address.

(3) If, while the adult is required to comply with this paragraph, the adult—

(a) uses a name which has not been notified under the order, or

(b) changes home address,

the adult must notify, to the police, the new name or the new home address.

(4) A notification under sub-paragraph (3) must be given before the end of the period of three days beginning with the day on which the adult uses the name or changes home address.

(5) A notification under this paragraph must be made—

(a) by attending at a police station for the time being specified in the document published under sub-paragraph (6) and giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station, or

(b) in a way specified in the CCE prevention order.

(6) The Chief Constable of the Police Service of Scotland must publish, in such manner as the Chief Constable thinks fit, a document containing the name and address of each police station at which a person may give a notification under this paragraph.

(7) The Chief Constable of the Police Service of Scotland must keep under review a document published under this paragraph and may, from time to time, publish a revised version of the document in such manner as the Chief Constable thinks fit.

(8) A notification under this paragraph must be acknowledged in writing.

(9) In this paragraph "home address" means—

(a) the address of the adult's sole or main residence in the United Kingdom, or

(b) where the adult has no such residence, the address or location of a place in the United Kingdom where the adult can regularly be found and, if there is more than one such place, such one of those places as the adult may select.

(10) In determining the period of three days mentioned in sub-paragraph (2) or (4), no account is to be taken of any time when the adult is—

(a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or

(b) outside the United Kingdom.

Variation and discharge of CCE prevention orders made on application

7 (1) This paragraph applies where a person mentioned in sub-paragraph (2) applies to the appropriate sheriff for the variation or discharge of a CCE prevention order made in the circumstances mentioned in paragraph 1(1)(a).

(2) The persons are—

(a) the adult;

(b) the Chief Constable of the Police Service of Scotland.

(3) On the application, the appropriate sheriff may (after hearing from the applicant and, if the other person mentioned in sub-paragraph (2) wishes to be heard, that person) make any order varying or discharging the order that the appropriate sheriff considers appropriate.
This is subject to sub-paragraph (7).

(4) The power to vary an order includes power to—

(a) include an additional prohibition or requirement;

(b) extend the period for which a prohibition or requirement has effect;

(c) extend the period for which the order has effect.

(5) The appropriate sheriff may make provision of a kind mentioned in sub-paragraph (4) only if they consider that the provision is necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation.

(6) Sub-paragraphs (3), (4) and (7) of paragraph 2 apply to additional prohibitions or requirements included on a variation of an order.

(7) The appropriate sheriff may not discharge an order before the end of the period of two years beginning with the day on which the order was made, without the consent of the adult and the Chief Constable of the Police Service of Scotland.
This sub-paragraph does not apply to an interim CCE prevention order.

(8) In this paragraph "the appropriate sheriff" means—

(a) the sheriff who made the order,

(b) a sheriff in the sheriffdom of that sheriff, or

(c) a sheriff in the sheriffdom—

(i) in which the adult is resident at the time of the application,

(ii) in which the chief constable believes that adult to be, or

(iii) to which the chief constable believes that adult intends to come.

Variation and discharge of CCE prevention orders made in criminal proceedings

8 (1) This paragraph applies where a person mentioned in sub-paragraph (2) applies to a relevant court for the variation or discharge of a CCE prevention order made in the circumstances mentioned in sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1.

(2) The persons are—

(a) the adult;

(b) the Lord Advocate, Crown Counsel or procurator fiscal (and any person duly authorised to represent or act for them).

(3) On the application, the court may (after hearing from the applicant and, if the other person mentioned in sub-paragraph (2) wishes to be heard, that person) make any order varying or discharging the order that the court considers appropriate.
This is subject to sub-paragraph (7).

(4) The power to vary an order includes power to—

(a) include an additional prohibition or requirement;

(b) extend the period for which a prohibition or requirement has effect;

(c) extend the period for which the order has effect.

(5) The court may make provision of a kind mentioned in sub-paragraph (4) only if it considers that the provision is necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation.

(6) Sub-paragraphs (3), (4) and (7) of paragraph 2 apply to additional prohibitions or requirements included on a variation of an order.

(7) The court may not discharge an order before the end of the period of two years beginning with the day on which the order was made, without the consent of the adult and the Chief Constable of the Police Service of Scotland.
This sub-paragraph does not apply to an interim CCE prevention order.

(8) In this paragraph "relevant court" means—

(a) where the High Court made the order, that court;

(b) where the sheriff made the order, the sheriff.

Appeals

9 (1) The adult or the Chief Constable of the Police Service of Scotland may appeal to the relevant court against a decision made—

(a) on an application under paragraph 3 (applications for CCE prevention orders);

(b) under paragraph 4 (interim CCE prevention orders);

(c) on an application under paragraph 7 (variation and discharge of CCE prevention orders made on application);

(d) on an application under paragraph 8 (variation and discharge of CCE prevention orders made in criminal proceedings).

(2) In this paragraph "relevant court" means—

(a) in the case of a decision of a sheriff court, the Sheriff Appeal Court;

(b) in the case of a decision of the High Court, the High Court.

(3) On an appeal under sub-paragraph (1) the relevant court may make—

(a) such orders as may be necessary to give effect to its determination of the appeal, and

(b) such incidental and consequential orders as appear to it to be appropriate.

(4) Where a CCE prevention order is made by virtue of sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1, the order is taken to be a sentence for the purposes of any appeal.

(5) Where a CCE prevention order is made on appeal, for the purposes of this Schedule (other than this paragraph) the order is to be treated as made by the court from which the appeal was made.

Offence of breaching CCE prevention order

10 (1) A person who, without reasonable excuse, fails to comply with an order mentioned in sub-paragraph (2) commits an offence.

(2) The orders are—

(a) a CCE prevention order;

(b) a CCE prevention order under Chapter 1 of Part 4 (CCE prevention orders on application or acquittal etc. in England and Wales);

(c) a CCE prevention order under Chapter 2A of Part 11 of the Sentencing Code (CCE prevention orders on conviction in England and Wales);

(d) a CCE prevention order under Schedule 7 (CCE prevention orders in Northern Ireland).

(3) A person who commits an offence under this paragraph is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) The Scottish Ministers may by regulations amend sub-paragraph (2) so as to add to or remove from the list of orders any relevant UK order.

(5) In proceedings for an offence under this paragraph, a copy of the original order mentioned in sub-paragraph (2), certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.

(6) "Relevant UK order" means an order under the law of England and Wales or Northern Ireland which appears to the Scottish Ministers to be equivalent or similar to a CCE prevention order.

Offences relating to notifications

11 (1) This paragraph applies where a CCE prevention order requires a person to comply with paragraph 6 (notification requirements).

(2) The person commits an offence if—

(a) without reasonable excuse, they fail to comply with that paragraph, or

(b) in purported compliance with that paragraph, they notify to the police any information which they know to be false.

(3) A person who commits an offence under this paragraph is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) A person commits an offence under sub-paragraph (2)(a) on the day on which they first fail, without reasonable excuse, to comply with paragraph 6.

(5) The person continues to commit the offence throughout any period during which the failure continues.

(6) But the person may not be prosecuted more than once in respect of the same failure.

(7) Paragraph 10(5) applies for the purposes of this paragraph.

Interpretation

12 In this Schedule—

"adult" has the meaning given by paragraph 1;

"CCE prevention order", except in paragraph 10(2)(b) to (d), means an order under paragraph 2 (and accordingly includes an interim order made by virtue of paragraph 4);

"engaging in child criminal exploitation" has the meaning given by paragraph 1 (and related expressions are to be construed accordingly);

"High Court" means the High Court of Justiciary.

SCHEDULE 7

Section 57(2)

CCE PREVENTION ORDERS: NORTHERN IRELAND

Power to make CCE prevention order

1 (1) This paragraph applies if—

(a) an application for a CCE prevention order in respect of a person is made to a magistrates' court, in accordance with paragraph 3,

(b) a person is acquitted of any offence by or before a court,

(c) the County Court allows a person's appeal against a conviction for any offence,

(d) a court deals with a person in respect of a finding that—

(i) the person is not guilty of any offence by reason of insanity, or

(ii) the person is unfit to plead and has done the act charged against them in respect of any offence, or

(e) a court deals with a person convicted of an offence for that offence.

(2) The court may make an order under paragraph 2 (a "CCE prevention order") in respect of the person ("the defendant") if they are aged 18 or over and the conditions in sub-paragraphs (3) to (5) are met.

(3) The first condition is that—

(a) in any case, the court is satisfied on the balance of probabilities that the defendant has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or

(b) in a case within paragraph (d) or (e) of sub-paragraph (1), the offence in question is an offence under section 41.

(4) The second condition is that the court considers that there is a risk that the defendant will engage in child criminal exploitation.

(5) The third condition is that the court considers that it is necessary to make the order to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.

(6) In sub-paragraph (3)—

(a) in paragraph (a), the reference to engaging in anything includes engaging in it before (as well as after) the time when this paragraph comes into force;

(b) paragraph (b) applies in relation to findings made in respect of conduct occurring before (as well as after) that time.

(7) In this paragraph—

(a) a reference to the defendant "engaging in child criminal exploitation" is to the defendant—

(i) doing anything that constitutes an offence under section 41 (as it has effect in Northern Ireland), or

(ii) doing anything in England and Wales or Scotland that would constitute an offence under section 41 (as it has effect in Northern Ireland) if done in Northern Ireland;

(b) a reference to the defendant "engaging in conduct associated with child criminal exploitation" is to the adult doing anything, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).

CCE prevention orders

2 (1) A CCE prevention order is an order which—

(a) prohibits the defendant from doing anything described in the order;

(b) requires the defendant to do anything described in the order.

The order may in particular require the defendant to comply with paragraph 7 (notification requirements).

(2) A court may include a prohibition or requirement only if it considers it necessary for the purpose of preventing the defendant from engaging, or reducing the likelihood of the defendant engaging, in child criminal exploitation.

(3) Prohibitions and requirements must, so far as practicable, be such as to avoid—

(a) any conflict with any religious beliefs of the defendant;

(b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment;

(c) any conflict with the prohibitions and requirements of any other court order or injunction to which the defendant is subject.

(4) A prohibition or requirement applies throughout the United Kingdom unless expressly limited to a particular area.

(5) A CCE prevention order must—

(a) specify the period for which it has effect, which must be—

(i) at least five years in a case within paragraph 1(1)(e);

(ii) at least two years in any other case, or

(b) state that it has effect until further order.

(6) Where, in a case within paragraph 1(1)(e)—

(a) the defendant has been remanded in or committed to custody by an order of a court, or

(b) a custodial sentence has been imposed on the defendant or the defendant is serving or otherwise subject to a such a sentence,

a CCE prevention order may provide that it does not take effect until the defendant is released from custody or ceases to be subject to a custodial sentence.

(7) A CCE prevention order may specify periods for which particular prohibitions or requirements have effect.

(8) Where a court makes a CCE prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.

Applications for CCE prevention orders

3 An application for a CCE prevention order may be made by the Chief Constable of the Police Service of Northern Ireland.

Applications without notice

4 (1) An application for a CCE prevention order may be made without notice to the defendant.

(2) If an application is made without notice the court must do one of the following—

(a) adjourn the proceedings and make an interim CCE prevention order (see paragraph 5);

(b) adjourn the proceedings without making an interim order;

(c) dismiss the application.

Interim CCE prevention orders

5 (1) This paragraph applies where the court adjourns the hearing of an application (whether made with or without notice) for a CCE prevention order.

(2) The court may, if it considers it necessary to do so, make a CCE prevention order lasting for a fixed period or until the determination of the application (an "interim CCE prevention order").
Paragraph 2(5) does not apply in relation to an interim CCE prevention order.

(3) The only requirement that may be imposed by an interim CCE prevention order on the defendant is a requirement to comply with paragraph 7 (notification requirements).

(4) Subject to that, the court has the same powers in relation to an interim CCE prevention order as in relation to an order made at a final hearing.

(5) An interim CCE prevention order made at a hearing of which the defendant was not given notice takes effect on being served on the defendant.

(6) Nothing in sub-paragraph (2) prevents the variation of the duration of an interim CCE prevention order, or the discharge of such an order, under paragraph 8.

Procedural powers where no application made

6 (1) This paragraph applies in the circumstances mentioned in sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1.

(2) For the purpose of deciding whether to make a CCE prevention order, the court may consider evidence led by the prosecution and evidence led by the defendant.

(3) It does not matter whether the evidence would have been admissible in the proceedings giving rise to the circumstances referred to in sub-paragraph (1).

(4) The court may adjourn any proceedings relating to the making of a CCE prevention order.

(5) If the defendant does not appear for any adjourned proceedings, the court may—

(a) further adjourn the proceedings,

(b) issue a warrant for the defendant's arrest, or

(c) hear the proceedings in the defendant's absence.

(6) The court may act under sub-paragraph (5)(b) only if satisfied that the defendant has had adequate notice of the time and place of the adjourned proceedings.

(7) The court may act under sub-paragraph (5)(c) only if satisfied that the defendant—

(a) has had adequate notice of the time and place of the adjourned proceedings, and

(b) has been informed that if the defendant does not appear for those proceedings, the court may hear the proceedings in the defendant's absence.

(8) Nothing in this paragraph limits any other powers of the court.

Notification requirements

7 (1) This paragraph applies where a CCE prevention order requires the defendant to comply with this paragraph.

(2) Before the end of the period of three days beginning with the day on which a CCE prevention order requiring the defendant to comply with this paragraph is first served, the defendant must notify to the police—

(a) the defendant's name and, where the defendant uses one or more other names, each of those names, and

(b) the defendant's home address.

(3) If, while the defendant is required to comply with this paragraph, the defendant—

(a) uses a name which has not been notified under the order, or

(b) changes home address,

the defendant must notify, to the police, the new name or the new home address.

(4) A notification under sub-paragraph (3) must be given before the end of the period of three days beginning with the day on which the defendant uses the name or changes home address.

(5) A notification under this paragraph is made—

(a) by attending at any police station in Northern Ireland and giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station, or

(b) in a way specified in the CCE prevention order.

(6) A notification under this paragraph must be acknowledged in writing.

(7) In this paragraph "home address" means—

(a) the address of the defendant's sole or main residence in the United Kingdom, or

(b) where the defendant has no such residence, the address or location of a place in the United Kingdom where the defendant can regularly be found and, if there is more than one such place, such one of those places as the defendant may select.

(8) In determining the period of three days mentioned in sub-paragraph (2) or (4), no account is to be taken of any time when the defendant is—

(a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or

(b) outside the United Kingdom.

Variation and discharge of CCE prevention orders

8 (1) This paragraph applies where a person mentioned in sub-paragraph (2) applies to a relevant court for the variation or discharge of a CCE prevention order.

(2) The persons are—

(a) the defendant;

(b) the Chief Constable of the Police Service of Northern Ireland.

(3) On the application, the court may (after hearing from the applicant and any other person mentioned in sub-paragraph (2) who wishes to be heard) make any order varying or discharging the order that the court considers appropriate.
This is subject to sub-paragraph (7).

(4) The power to vary an order includes power to—

(a) include an additional prohibition or requirement;
(b) extend the period for which a prohibition or requirement has effect;
(c) extend the period for which the order has effect.

(5) The court may make provision of a kind mentioned in sub-paragraph (4) only if it considers that the provision is necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.

(6) Sub-paragraphs (3), (4) and (7) of paragraph 2 apply to additional prohibitions or requirements included on a variation of an order.

(7) The court may not, without the consent of the defendant and the Chief Constable of the Police Service of Northern Ireland, discharge an order before the end of the period of—
(a) five years beginning with the day on which the order was made, in the case of an order made in the circumstances mentioned in paragraph 1(1)(e);
(b) two years beginning with the day on which the order was made, in any other case.

This sub-paragraph does not apply to an interim CCE prevention order.

(8) In this paragraph "relevant court" means—
(a) where the Crown Court or Court of Appeal made the order, the Crown Court;
(b) in any other case, the magistrates' court.

Appeals

9 (1) The defendant or the Chief Constable of the Police Service of Northern Ireland may appeal to the relevant court against a decision made—
(a) on an application under paragraph 3 (applications for CCE prevention orders);
(b) under paragraph 5 (interim CCE prevention orders);
(c) on an application under paragraph 8 (variation and discharge of CCE prevention orders).

(2) In this paragraph "relevant court" means—
(a) in the case of a decision of the Crown Court, the Court of Appeal;
(b) in any other case, the County Court.

(3) On an appeal under sub-paragraph (1) the relevant court may make—
(a) such orders as may be necessary to give effect to its determination of the appeal, and
(b) such incidental and consequential orders as appear to it to be appropriate.

(4) Where a CCE prevention order is made by virtue of sub-paragraph (1)(b), (c) or (d) of paragraph 1, the defendant may appeal against the making of the order (so far as they could not otherwise do) as if the defendant had

been convicted of the offence and the order were a sentence passed on the defendant for the offence.

(5) Where a CCE prevention order is made by virtue of sub-paragraph (1)(e) of paragraph 1, the defendant may appeal against the making of the order as if the order were a sentence passed on the defendant for the offence.

(6) Where a CCE prevention order is made on appeal, for the purposes of this Schedule (other than this paragraph) the order is to be treated as made by the court from which the appeal was made.

(7) Rules of court may provide that an appeal from a decision—

(a) to dismiss an application for a CCE prevention order made without notice being given to the defendant, or

(b) to refuse to make an interim CCE prevention order when adjourning proceedings following such an application,

may be made without notice being given to the defendant.

Offence of breaching CCE prevention order

10 (1) A person who, without reasonable excuse, fails to comply with an order mentioned in sub-paragraph (2) commits an offence.

(2) The orders are—

(a) a CCE prevention order;

(b) a CCE prevention order under Chapter 1 of Part 4 (CCE prevention orders on application or acquittal etc. in England and Wales);

(c) a CCE prevention order under Chapter 2A of Part 11 of the Sentencing Code (CCE prevention orders on conviction in England and Wales);

(d) a CCE prevention order under Schedule 6 (CCE prevention orders in Scotland).

(3) A person who commits an offence under this paragraph is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

(5) In proceedings for an offence under this paragraph, a copy of the original order mentioned in sub-paragraph (2), certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.

(6) The Department of Justice in Northern Ireland may by regulations amend sub-paragraph (2) so as to add to or remove from the list of orders any relevant UK order.

(7) "Relevant UK order" means an order under the law of England and Wales or Scotland which appears to the Department of Justice to be equivalent or similar to a CCE prevention order.

(8) In Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) after "2015" insert "or paragraph 10 of Schedule 7 to the Crime and Policing Act 2026".

Offences relating to notifications

11 (1) This paragraph applies where a CCE prevention order requires a person to comply with paragraph 7 (notification requirements).

(2) The person commits an offence if—

(a) without reasonable excuse, they fail to comply with that paragraph, or

(b) in purported compliance with that paragraph, they notify to the police any information which they know to be false.

(3) A person who commits an offence under this paragraph is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).

(4) A person commits an offence under sub-paragraph (2)(a) on the day on which they first fail, without reasonable excuse, to comply with paragraph 7.

(5) The person continues to commit the offence throughout any period during which the failure continues.

(6) But the person may not be prosecuted more than once in respect of the same failure.

(7) Paragraph 10(5) applies for the purposes of this paragraph.

Special measures for witnesses

12 (1) Part 2 of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)) (special measures directions in the case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Schedule as it applies to criminal proceedings, but with—

(a) the omission of Articles 5(4) to (5), 9(4C)(e), 10A and 20 of that Order (which make provision appropriate only in the context of criminal proceedings), and

(b) any other necessary modifications.

(2) Rules of court made under or for the purposes of Part 2 of that Order apply to relevant proceedings under this Schedule—

(a) to the extent provided by rules of court, and

(b) subject to any modifications provided by rules of court.

(3) In this paragraph "relevant proceedings under this Schedule" means any proceedings under this Schedule except proceedings relating to an offence under paragraph 10 or 11.

Interpretation and supplementary provision

13 (1) In this Schedule—

"CCE prevention order", except in paragraph 10(2)(b) to (d), means an order under paragraph 2 (and accordingly includes an interim order made by virtue of paragraph 5);

"defendant" has the same meaning as in paragraph 1;

"engaging in child criminal exploitation" has the meaning given by paragraph 1 (and related expressions are to be construed accordingly).

(2) An application under this Schedule is to be made—

(a) by complaint, where the application is made to a magistrates' court;

(b) in accordance with rules of court, in any other case.

(3) Article 78 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (time limit for civil complaints) does not apply to a complaint under this Schedule.

(4) On the hearing of an application under this Schedule, Article 118 of that Order (summons to witness and warrant for arrest) does not apply in relation to any person for whose protection the order is sought, except where the person has given oral or written evidence at the hearing.

SCHEDULE 8

Section 58

CONTROL OVER ANOTHER'S HOME FOR CRIMINAL PURPOSES: RELEVANT OFFENCES

PART 1

ENGLAND AND WALES

1 An offence under section 33 or 33A of the Sexual Offences Act 1956 (keeping a brothel).

2 An offence under section 1 of the Restriction of Offensive Weapons Act 1959 (offences relating to flick knives and gravity knives).

3 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 1(1) (possession etc of firearms or ammunition without certificate);
(b) section 2(1) (possession etc of shotgun without certificate);
(c) section 3(1) (dealing etc in firearms or ammunition without being registered);
(d) section 5(1), (1A) or (2A) (possession, manufacture etc of prohibited weapons).

4 An offence under either of the following provisions of the Theft Act 1968—
(a) section 1 (theft);
(b) section 22 (handling stolen goods).

5 An offence under any of the following provisions of the Misuse of Drugs Act 1971—
(a) section 4(2) or (3) (production and supply of controlled drugs);
(b) section 5(2) or (3) (possession of controlled drugs, including with intent to supply to another);
(c) section 6(2) (cultivation of cannabis plant).

6 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

7 An offence under either of the following provisions of the Criminal Justice Act 1988—
(a) section 141 (offensive weapons);
(b) section 160 (possession of indecent image of child).

8 An offence under any of the following provisions of the Sexual Offences Act 2003—
(a) any of sections 1 to 15A (rape, sexual assault, child sex offences etc);
(b) any of sections 30 to 37 (offences against persons with mental disorder);
(c) any of sections 47 to 50 (sexual exploitation of children);
(d) any of sections 52 to 53A (offences relating to prostitution);
(e) section 61 (administering a substance with intent);
(f) any of sections 66 to 67 (exposure, intimate images, voyeurism).

9 An offence under any of the following provisions of the Fraud Act 2006—
(a) section 1 (fraud);
(b) section 6 (possession etc of article for use in fraud);
(c) section 7 (making or supplying article for use in fraud).

10 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon).

11 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic image).

12 An offence under section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child).

13 An offence under either of the following provisions of the Modern Slavery Act 2015—

(a) section 1 (slavery, servitude or forced or compulsory labour);

(b) section 2 (human trafficking).

14 An offence under either of the following provisions of the Serious Crime Act 2015—

(a) section 45 (participating in activities of organised crime group);

(b) section 69 (possession of paedophile manual).

15 An offence under any of the following provisions of the Psychoactive Substances Act 2016—

(a) section 4 (producing psychoactive substance);

(b) section 5 (supplying etc psychoactive substance);

(c) section 7 (possession of psychoactive substance with intent to supply).

16 An offence under section 43 of the Border Security, Asylum and Immigration Act 2025 (possession etc of article for use in serious crime).

17 An offence under any of the following provisions of this Act—

(a) section 41 (child criminal exploitation);

(b) section 61 (causing internal concealment of item for criminal purpose).

18 An inchoate offence (within the meaning of section 398(3) of the Sentencing Code) in relation to an offence mentioned in a preceding paragraph of this Schedule.

PART 2

SCOTLAND

19 Theft.

20 Reset.

21 Fraud.

22 Uttering.

23 Embezzlement.

24 An offence under section 1 of the Restriction of Offensive Weapons Act 1959 (offences relating to flick knives and gravity knives).

25 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 1(1) (possession etc of firearms or ammunition without certificate);

(b) section 2(1) (possession etc of shotgun without certificate);

(c) section 3(1) (dealing etc in firearms or ammunition without being registered);

(d) section 5(1), (1A) or (2A) (possession, manufacture etc of prohibited weapons).

26 An offence under any of the following provisions of the Misuse of Drugs Act 1971—

(a) section 4(2) or (3) (production and supply of controlled drugs);

(b) section 5(2) or (3) (possession of controlled drugs, including with intent to supply to another);

(c) section 6(2) (cultivation of cannabis plant).

27 An offence under any of the following provisions of the Civic Government (Scotland) Act 1982—

(a) section 51A (extreme pornography);

(b) section 52 (indecent photographs etc of children);

(c) section 52A (possession of indecent photographs of children).

28 An offence under section 141 of the Criminal Justice Act 1988 (offensive weapons).

29 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—

(a) section 7 (procuring);

(b) section 8 (abduction and unlawful detention);

(c) section 9 (permitting girl to use premises for intercourse);

(d) section 10 (seduction, prostitution etc of girl under 16);

(e) section 11(1)(a), (4) or (5)(a) (living on earnings of prostitution, brothel keeping etc);

(f) section 13 (living on the earnings of male prostitution).

30 An offence under any of the following provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005—

(a) section 1 (meeting a child following certain preliminary contact);

(b) section 9 (paying for sexual services of a child);

(c) section 10 (causing or inciting provision of sexual services by child or child pornography);

(d) section 11 (controlling a child providing sexual services or involved in pornography);

(e) section 12 (arranging or facilitating provision by child of sexual services or child pornography).

31 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon).

32 An offence under Part 1 (rape, sexual assault etc) or Part 4 (offences against children) of the Sexual Offences (Scotland) Act 2009.

33 An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—

(a) section 28 (involvement in serious organised crime);

(b) section 30 (directing serious organised crime).

34 An offence under either of the following provisions of the Air Weapons and Licensing (Scotland) Act 2015—

(a) section 2(1) (possession etc of air weapon without certificate);

(b) section 24(1) (dealing etc in air weapons without being registered).

35 An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015—

(a) section 1 (offence of human trafficking);

(b) section 4 (slavery, servitude and forced or compulsory labour).

36 An offence under any of the following provisions of the Psychoactive Substances Act 2016—

(a) section 4 (producing psychoactive substance);

(b) section 5 (supplying etc psychoactive substance);

(c) section 7 (possession of psychoactive substance with intent to supply).

37 An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (disclosing or threatening to disclose an intimate photograph or film).

38 An offence under section 43 of the Border Security, Asylum and Immigration Act 2025 (possession etc of article for use in serious crime).

39 An offence under section 41 of this Act (child criminal exploitation).

40 Attempting or conspiring to commit an offence specified in this Part of this Schedule (a "relevant offence").

41 Inciting a person to commit a relevant offence.

42 Aiding, abetting, counselling or procuring the commission of a relevant offence, or being involved art and part in the commission of such an offence.

PART 3

NORTHERN IRELAND

43 An offence under either of the following provisions of the Theft Act (Northern Ireland) 1969—

(a) section 1 (theft);

(b) section 21 (handling stolen goods).

44 An offence under any of the following provisions of the Misuse of Drugs Act 1971—

(a) section 4(2) or (3) (production and supply of controlled drugs);

(b) section 5(2) or (3) (possession of controlled drugs, including with intent to supply to another);

(c) section 6(2) (cultivation of cannabis plant).

45 An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children).

46 An offence under section 141 of the Criminal Justice Act 1988 (offensive weapons).

47 An offence under Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (possession of indecent photograph of child).

48 An offence under Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (manufacture or sale etc of certain knives).

49 An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004—

(a) Article 3(1) or (2) (possession etc of firearm or ammunition without certificate);

(b) Article 24(1) (dealing etc in firearms or ammunition without certificate);

(c) Article 45(1) or (2) (weapons subject to general prohibition).

50 An offence under any of the following provisions of the Fraud Act 2006—

(a) section 1 (fraud);

(b) section 6 (possession etc of article for use in fraud);

(c) section 7 (making or supplying article for use in fraud).

51 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic image).

52 An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—

(a) any of Articles 5 to 22E (rape, sexual assault, child sex offences etc);

(b) any of Articles 37 to 40 (abuse of children under 18: payment for sexual services and involvement in indecent images);

(c) any of Articles 43 to 50 (offences against persons with a mental disorder);

(d) any of Articles 62 to 64A (exploitation of prostitution);

(e) Article 65 (administering a substance with intent);

(f) Article 70, 71 or 72A (exposure, voyeurism, sending etc. unwanted sexual image).

53 An offence under section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child).

54 An offence under either of the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015—

(a) section 1 (slavery, servitude and forced or compulsory labour);

(b) section 2 (human trafficking).

55 An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).

56 An offence under any of the following provisions of the Psychoactive Substances Act 2016—

(a) section 4 (producing psychoactive substance);
(b) section 5 (supplying etc psychoactive substance);
(c) section 7 (possession of psychoactive substance with intent to supply).

57 An offence under paragraph 1 of Schedule 2 to the Violent Crime Reduction Act 2006 (using someone to mind a weapon).

58 An offence under section 51 of the Justice Act (Northern Ireland) 2016 (disclosing private sexual photographs and films with intent to cause distress).

59 An offence under section 43 of the Border Security, Asylum and Immigration Act 2025 (possession etc of article for use in serious crime).

60 An offence under section 41 of this Act (child criminal exploitation).

61 An attempt or conspiracy to commit an offence mentioned in a preceding paragraph of this Part of this Schedule ("a relevant offence").

62 An offence under Part 2 of the Serious Crime Act 2007 in relation to a relevant offence.

SCHEDULE 9

Section 70

ONLINE FACILITATION OF CHILD SEXUAL EXPLOITATION AND ABUSE: SPECIFIED OFFENCES

PART 1

ENGLAND AND WALES

1 An offence under any of—

(a) section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child);
(b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child);
(c) the following provisions of the Sexual Offences Act 2003—
  (i) sections 5 to 8 (rape and other offences against children under 13);
  (ii) sections 9 to 15A (other child sex offences);
  (iii) sections 16 to 19 (abuse of position of trust);
  (iv) sections 25 and 26 (familial child sex offences);

(v) section 46A (child sexual abuse image-generators);
(vi) sections 47 to 50 (sexual exploitation of children);

(d) section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child);

(e) section 69 of the Serious Crime Act 2015 (possession of paedophile manual).

2 An offence under any of the following provisions of the Sexual Offences Act 2003 where the victim, or intended victim, was aged under 18—

(a) sections 1 to 4 (rape, assault and causing sexual activity without consent);

(b) sections 30 to 41 (sexual offences relating to persons with mental disorder);

(c) sections 61 to 63 (preparatory offences);

(d) sections 66 to 66B, 67 and 67A (exposure and voyeurism).

3 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) against a person aged under 18, committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

4 An inchoate offence (within the meaning given by section 398 of the Sentencing Code) in relation to an offence specified in paragraph 1, 2 or 3.

PART 2

SCOTLAND

5 An offence under any of—

(a) sections 51, 51A, 52, 52A and 52D of the Civic Government (Scotland) Act 1982 (obscene material, extreme pornography, indecent photographs of children and child sexual abuse image generators);

(b) sections 9 and 10 of the Criminal Law (Consolidation) (Scotland) Act 1995 (permitting girl to use premises for intercourse and seduction, prostitution, etc., of girl under 16);

(c) sections 1 and 9 to 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (meeting a child following certain preliminary contact, sexual services of children and child pornography);

(d) the following provisions of the Sexual Offences (Scotland) Act 2009 (asp 9)—

(i) Part 4 (children);
(ii) section 42 (sexual abuse of trust).

6 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 where the victim, or intended victim, was aged under 18—

(a) section 1 (incest);

(b) section 2 (intercourse with step-child);

(c) section 7 (procuring).

7 An offence under any of the following provisions of the Sexual Offences (Scotland) Act 2009 (asp 9) where the victim, or intended victim, was aged under 18—

(a) Part 1 (rape etc);

(b) section 46 (sexual abuse of trust of a mentally disordered person).

8 An offence under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (human trafficking) against a person aged under 18, committed with a view to exploitation that consists of or includes behaviour within section 3(3) to (5) of that Act (prostitution and sexual exploitation).

9 Attempting or conspiring to commit an offence specified in paragraph 5, 6, 7 or 8.

10 Inciting a person to commit an offence specified in paragraph 5, 6, 7 or 8.

11 Aiding, abetting, counselling or procuring the commission of an offence specified in paragraph 5, 6, 7 or 8, or being involved art and part in the commission of such an offence.

PART 3

NORTHERN IRELAND

12 An offence under any of—

(a) Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (indecent photographs of children);

(b) Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (possession of indecent photographs of children);

(c) the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))—

(i) Articles 12 to 15 (rape and other offences against children under 13);

(ii) Articles 16 to 22E (child sex offences);

(iii) Articles 23 to 26 (abuse of position of trust);

(iv) Articles 32 and 33 (familial child sex offences);

(v) Articles 37 to 40 (sexual offences against children);

(vi) Article 42A (child sexual abuse image-generators);

(d) section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child);

(e) section 69 of the Serious Crime Act 2015 (possession of paedophile manual).

13 An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 where the victim, or intended victim, was aged under 18—

(a) Articles 5 to 8 (rape, assault and causing sexual activity without consent);

(b) Part 4 (sexual offences against a person with a mental disorder);

(c) Articles 65 to 67 (preparatory offences);

(d) Articles 70 to 71B (exposure and voyeurism);

(e) Article 72A (sending etc an unwanted sexual image).

14 An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.)) (human trafficking) against a person aged under 18, committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

15 An attempt or conspiracy to commit an offence specified in paragraph 12, 13 or 14.

16 An offence under Part 2 of the Serious Crime Act 2007 in relation to an offence specified in paragraph 12, 13 or 14.

SCHEDULE 10

Section 77

DUTY TO REPORT CHILD SEX OFFENCES: CHILD SEX OFFENCES AND FURTHER RELEVANT ACTIVITIES

PART 1

CHILD SEX OFFENCES

1 An offence under any of—

(a) section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child);

(b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child);

(c) the following provisions of the Sexual Offences Act 2003—

(i) sections 5 to 8 (rape and other offences against children under 13);

(ii) sections 9 to 15A (other child sex offences);

(iii) sections 16 to 19 (abuse of position of trust);

(iv) sections 25 and 26 (familial child sex offences);

(v) sections 47 to 50 (sexual exploitation of children);

(d) section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child).

2 An offence under any of the following provisions of the Sexual Offences Act 2003 where the victim, or intended victim, was a child—

(a) sections 1 to 4 (rape, assault and causing sexual activity without consent);

(b) sections 30 to 41 (sexual offences relating to persons with mental disorder);

(c) sections 61 to 63 (preparatory offences);

(d) sections 66 to 67A (exposure and voyeurism).

3 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) against a child, committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

4 An inchoate offence (within the meaning given by section 398 of the Sentencing Code) in relation to an offence referred to in paragraph 1, 2 or 3.

5 An offence under the law of Scotland, Northern Ireland or any country or territory outside the United Kingdom which would be an offence referred to in a preceding provision of this Part of this Schedule if the conduct constituting the offence occurred in England and Wales.

PART 2

FURTHER RELEVANT ACTIVITIES

6 Engaging in the provision of a service to a child under, or pursuant to anything done under—

(a) any of sections 8 to 10 of the Employment and Training Act 1973, or

(b) section 68, 70(1)(b) or 74 of the Education and Skills Act 2008,

if that involves looking after the child on an individual basis.

7 Activities of a person in the exercise of functions of a local authority under section 20 or 21 of the Children Act 1989, if the person has regular unsupervised contact with the child concerned in the course of those activities.

8 Activities of a person relating to them reporting to the court under section 7 of the Children Act 1989 on matters relating to the welfare of a child, if the person has regular unsupervised contact with the child in the course of those activities.

9 Activities of a person in connection with a placement under section 22C(5) of the Children Act 1989, if the person looks after the child concerned on an individual basis in the course of those activities.

10 Activities of a person in connection with providing a child with, or maintaining a child in, suitable accommodation under section 23B(8)(b) of the Children Act 1989, if the person looks after the child on an individual basis in the course of those activities.

11 Acting as a personal advisor for a child under section 23B(2) of, or paragraph 19C of Schedule 2 to, the Children Act 1989, if that involves looking after the child on an individual basis when so acting.

12 Activities of a person in connection with the provision of accommodation for a child by a voluntary organisation under section 59 of the Children Act 1989, if the person looks after the child on an individual basis in the course of those activities.

13 Activities of a person in the exercise of functions conferred by virtue of a care order, supervision order or education supervision order, if the person looks after the child concerned on an individual basis in the course of those activities.

14 Activities of a person so far as acting as—

(a) an officer appointed for a child under section 41(1) of the Children Act 1989,

(b) a guardian of a child appointed under rule 6 or rule 18 of the Adoption Rules 1984 (S.I. 1984/265),

(c) a guardian ad litem of a child appointed under rule 9.5 of the Family Proceedings Rules 1991 (S.I. 1991/1247), or

(d) a guardian of a child appointed under rule 59 of the Family Procedure (Adoption) Rules 2005 (S.I. 2005/2795) or rule 16.3(1)(ii) or rule 16.4 of the Family Procedure Rules 2010 (S.I. 2010/2955),

if the person has regular unsupervised contact with the child in the course of those activities.

15 Activities of a person pursuant to requirements imposed on a child—

(a) by or under an enactment on the child's release from detention for a criminal offence, or

(b) by a court order made in criminal proceedings,

if the person looks after the child on an individual basis in the course of those activities.

16 Activities of a constable of a relevant police force carried out in connection with their holding of that office.

17 Activities of a person in connection with training, supervising or instructing a child for the purposes of a religion or belief, if the person has regular unsupervised contact with the child in the course of those activities.

18 For the purposes of this Part of this Schedule, a person "looks after a child on an individual basis" if—

(a) the person is regularly involved in caring for, training or supervising the child, and

(b) in the course of the person's involvement, the person has regular unsupervised contact with the child.

19 In this Part of this Schedule—

"care order" has the same meaning as in the Children Act 1989;

"education supervision order" has the meaning given by section 36 of the Children Act 1989;

"regular unsupervised contact" means any kind of regular unsupervised contact (whether or not the contact is face to face);

"relevant police force" means—

(a) a police force maintained for a police area in England,

(b) the British Transport Police Force, or

(c) the Ministry of Defence police;

"supervision order" has the meaning given by section 31(11) of the Children Act 1989.

SCHEDULE 11

Section 89

OFFENCES RELATING TO INTIMATE PHOTOGRAPHS OR FILMS AND VOYEURISM

PART 1

AMENDMENTS OF THE SEXUAL OFFENCES ACT 2003

1 The Sexual Offences Act 2003 is amended as follows.

2 After section 66A insert—

"66AA Taking or recording intimate photograph or film

(1) A person (A) commits an offence if—

(a) A intentionally takes a photograph, or records a film, which shows another person (B) in an intimate state,

(b) B does not consent to the taking or recording of the photograph or film, and

(c) A does not reasonably believe that B consents.

(2) A person (A) commits an offence if—

(a) A intentionally takes a photograph, or records a film, which shows another person (B) in an intimate state,

(b) A does so with the intention of causing B alarm, distress or humiliation, and

(c) B does not consent to the taking or recording of the photograph or film.

(3) A person (A) commits an offence if—

(a) A intentionally takes a photograph, or records a film, which shows another person (B) in an intimate state,

(b) A does so for the purpose of A or another person obtaining sexual gratification,

(c) B does not consent to the taking or recording of the photograph or film, and

(d) A does not reasonably believe that B consents.

(4) Subsections (1) to (3) are subject to section 66AB (exemptions).

(5) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for taking the photograph or recording the film.

(6) Sections 75 and 76 apply to an offence under this section.

(7) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

(8) A person who commits an offence under subsection (2) or (3) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.

(9) If on the trial of a person charged with an offence under subsection (2) or (3) a magistrates' court or jury finds the person not guilty of the offence charged, the magistrates' court or jury may find the person guilty of an offence under subsection (1).

(10) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (9) convicted before it of an offence under subsection (1) as a magistrates' court would have on convicting the person of the offence.

66AB Taking or recording intimate photograph or film: exemptions

(1) A person (A) who takes a photograph, or records a film, which shows another person (B) in an intimate state does not commit an offence under section 66AA(1), (2) or (3) if—

(a) the photograph or film is, or A reasonably believes that it is, taken or recorded in a place to which the public or a section of the public have or are permitted to have access (whether on payment or otherwise),

(b) B has no reasonable expectation of privacy from the photograph or film being taken or recorded, and

(c) B is, or A reasonably believes that B is, in the intimate state voluntarily.

(2) For the purposes of subsection (1)(b), whether a person has a reasonable expectation of privacy from a photograph or film being taken or recorded is to be determined by reference to the circumstances that the person taking the photograph or recording the film reasonably believes to exist at the time the photograph or film is taken or recorded.

(3) A person (A) who takes a photograph, or records a film, which shows another person (B) in an intimate state does not commit an offence under section 66AA(1) if—

(a) B is a person under 16,

(b) B lacks, or A reasonably believes that B lacks, capacity to consent to the taking or recording of the photograph or film, and

(c) the photograph or film is taken or recorded—

(i) by a healthcare professional acting in that capacity, or

(ii) otherwise in connection with the care or treatment of B by a healthcare professional.

(4) A person (A) who takes a photograph, or records a film, which shows a child in an intimate state does not commit an offence under section 66AA(1) if—

(a) A is—

(i) a member of the child's family, or

(ii) a friend of the child or the child's family, and

(b) the photograph or film is of a kind ordinarily taken or recorded by such a person.

66AC Installing etc. equipment to enable taking or recording of intimate photograph or film

(1) A person (A) commits an offence if A instals, adapts, prepares or maintains equipment with the intention of enabling A or another person to commit an offence under section 66AA(1).

(2) A person (A) commits an offence if A instals, adapts, prepares or maintains equipment with the intention of enabling A or another person to commit an offence under section 66AA(2) or (3).

(3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

(4) A person who commits an offence under subsection (2) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.

(5) If on the trial of a person charged with an offence under subsection (2) a magistrates' court or jury finds the person not guilty of the offence charged, the magistrates' court or jury may find the person guilty of an offence under subsection (1).

(6) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (5) convicted before it of an offence under subsection (1) as a magistrates' court would have on convicting the person of the offence."

3 (1) Section 66B (sharing or threatening to share intimate photograph or film) is amended as follows.

(2) After subsection (5) insert—

"(5A) Section 76 applies to an offence under subsection (1), (2) or (3)."

(3) Omit subsections (6) and (11).

4 In section 66C (sharing or threatening to share intimate photograph or film: exemptions)—

(a) in subsection (1)—

(i) in paragraph (a), for "taken" substitute ", or A reasonably believes that it was, taken or recorded", and

(ii) in paragraph (b), after "taken" insert "or recorded", and

(b) in subsection (2), after "taken" (in both places) insert "or recorded".

5 (1) Section 66D (sharing or threatening to share intimate photograph or film: interpretation) is amended as follows.

(2) In subsection (1), for "66B and" substitute "66AA to".

(3) For subsection (4) substitute—

"(4) "Photograph" includes the negative as well as the positive version.

(4A) "Film" means a moving image.

(4B) For the purposes of sections 66B and 66C, references to a photograph or film also include—

(a) an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film,

(b) a copy of a photograph, film or image within paragraph (a), and

(c) data stored by any means which is capable of conversion into a photograph, film or image within paragraph (a)."

(4) After subsection (9) insert—

"(10) For the purposes of section 66AA(1) to (3), 66B(1) to (3) and 66C(3)(b)—

(a) "consent" to the taking, recording or sharing of a photograph or film includes general consent covering the particular act of taking, recording or sharing as well as specific consent to the particular act of taking, recording or sharing, and

(b) whether a belief is reasonable is to be determined having regard to all the circumstances including any steps A has taken to ascertain whether B consents."

(5) For the heading, substitute "Sections 66AA to 66C: interpretation".

6 In section 66G (definitions for purposes of sections 66E and 66F), omit subsection (8).

7 In section 66H (time limits for prosecuting summary offences)—

(a) in subsection (1), for "under section 66E or 66F" substitute "to which this section applies";

(b) after subsection (1) insert—

"(1A) This section applies to offences under—

(a) section 66AA(1);

(b) section 66AC(1);

(c) section 66B(1);

(d) section 66E;

(e) section 66F.";

(c) for the heading substitute "Intimate images: time limit for prosecution of summary offences".

8 In section 67 (voyeurism), omit subsection (3).

9 In section 67A (voyeurism: additional offences)—

(a) omit subsection (2), and

(b) after subsection (3B) insert—

"(3C) Section 76 applies to an offence under subsection (2B)."

10 (1) Section 77 (sections 75 and 76: relevant acts) is amended as follows.

(2) For "sections 75 and 76 apply" substitute "section 75 or 76 applies".

(3) For "those sections" substitute "that section".

(4) In the table, after the last row insert—

"An offence under section 66AA(1), (2) or (3) (taking or recording an intimate photograph or film)	The defendant intentionally taking a photograph, or recording a film, which shows another person ("the complainant") in an intimate state.

An offence under section 66B(1), (2) or (3) (sharing an intimate photograph or film)	The defendant intentionally sharing a photograph or film which shows, or appears to show, another person ("the complainant") in an intimate state.
An offence under section 67A(2B) (voyeurism: recording image of person breast-feeding a child)	The defendant recording an image of another ("the complainant") while the complainant is breast-feeding a child."

11 In section 78 (meaning of "sexual"), for "66B" substitute "66AA".

12 In section 79 (Part 1: general interpretation), after subsection (10) insert—

"(11) The "maximum term for summary offences", in relation to an offence, means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;

(b) if the offence is committed after that time, 51 weeks."

13 In section 136A(3A) (specified child sex offences), in paragraph (c), after "66A," insert "66AA(2) and (3), 66AC(2),".

14 In Schedule 2 (sexual offences to which section 72(1) to (3) applies), in paragraph 1(a), for "and 47 to 50" substitute ", 47 to 50, 66AA(2) and (3), and 66B(2), (3) and (4)".

15 In Schedule 3 (sexual offences for purposes of Part 2), after paragraph 33A insert—

"33AA An offence under section 66AA(3) of this Act (taking or recording intimate photograph or film for purpose of obtaining sexual gratification) if—

(a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

(b) in any other case—

(i) the victim was under 18, or

(ii) the offender, in respect of the offence or finding, is or has been—

(A) sentenced to a term of imprisonment,

(B) detained in a hospital, or

(C) made the subject of a community sentence of at least 12 months.

33AB(1) An offence under section 66AC(2) of this Act (installing etc. equipment to enable taking or recording of intimate photograph or film) if—

(a) the offence was committed with the intention of enabling an offence to be committed under section 66AA(3) of this Act (taking or recording intimate photograph or film for purpose of obtaining sexual gratification), and

(b) sub-paragraph (2) applies.

(2) This sub-paragraph applies if—

(a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

(b) in any other case—

(i) the victim was under 18, or

(ii) the offender, in respect of the offence or finding, is or has been—

(A) sentenced to a term of imprisonment,

(B) detained in a hospital, or

(C) made the subject of a community sentence of at least 12 months."

PART 2

FURTHER AMENDMENTS IN CONNECTION WITH OFFENCES

Children and Young Persons Act 1933 (c. 12)

16 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons with respect to which special provisions of Act apply), in the first entry relating to the Sexual Offences Act 2003, after "66A," insert "66AA, 66AC,".

Police and Criminal Evidence Act 1984 (c. 60)

17 In section 65A of the Police and Criminal Evidence Act 1984 ("qualifying offences" for the purposes of Part 5 of that Act), in subsection (2)(p) after "66A," insert "66AA(2) and (3), 66AC(2),".

Criminal Justice Act 2003 (c. 44)

18 (1) The Criminal Justice Act 2003 is amended as follows.

(2) In Part 2 of Schedule 15 (specified sexual offences for purposes of section 325), after paragraph 149A insert—

"149AA An offence under section 66AA(2) or (3) of that Act (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification).

149AB An offence under section 66AC(2) of that Act (installing etc. equipment to enable taking or recording of intimate photograph

or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification)."

(3) In Schedule 34A (child sex offences for purposes of section 327A), in paragraph 10—

(a) after "66A," insert "66AA(2) or (3), 66AC(2),", and

(b) for the words from "(exposure" to "voyeurism)" substitute "(offences relating to exposure, voyeurism and intimate photographs or films)".

Armed Forces Act 2006 (c. 52)

19 (1) The Armed Forces Act 2006 is amended as follows.

(2) In section 177DA (treatment of purported intimate images for purposes of deprivation orders)—

(a) in the heading, omit "Purported";

(b) in subsection (1), for the words from "section 66E" to the end substitute "a provision of the Sexual Offences Act 2003 which is listed in column 1 of the table in subsection (3)";

(c) in subsection (2)—

(i) for "purported intimate image to which the offence relates" substitute "item specified in column 2 of the table in relation to the corresponding offence";

(ii) after "the offence", in the second place it occurs, insert "under section 42";

(d) after subsection (2) insert—

"(3) This is the table—

Provision of the Sexual Offences Act 2003	*Item*
Section 66AA(1), (2) or (3)	Photograph or film to which the offence relates
Section 66E	Purported intimate image to which the offence relates
Section 66F	Purported intimate image which is connected with the offence
Section 67A(2B)	Image to which the offence relates

(4) Where the corresponding offence is an offence under section 66F of the Sexual Offences Act 2003, a purported intimate image is connected with the offence if—

(a) it appears to be of a person who was the subject of the request to which the offence relates (whether or not it is what was requested), and

(b) it was in the offender's possession, or under the offender's control, as a result of that request."

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

20 In section 116 of the Anti-social Behaviour, Crime and Policing Act 2014 (information about guests at hotels believed to be used for child sexual exploitation), in subsection (8)(c)—

(a) after "66A," insert "66AA(2) and (3), 66AC(2),", and

(b) for the words from "(exposure" to "voyeurism)" substitute "(offences relating to exposure, voyeurism and intimate photographs or films)".

Modern Slavery Act 2015 (c. 30)

21 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33, after the entry for section 66A insert—

"section 66AA(2) (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation)

section 66AA(3) (taking or recording intimate photograph or film for purpose of obtaining sexual gratification)

section 66AC(2) (installing etc. equipment to enable taking or recording of intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification)".

Sentencing Code

22 (1) The Sentencing Code is amended as follows.

(2) In section 154A (purported intimate images to be treated as used for purposes of certain offences)—

(a) in the heading, omit "Purported";

(b) for subsection (1) substitute—

"(1) This section applies where a person commits an offence under a provision of the Sexual Offences Act 2003 which is listed in column 1 of the table in subsection (2A).";

(c) in subsection (2), for "The purported intimate image to which the offence relates" substitute "The item specified in column 2 of the table in relation to that offence";

(d) after subsection (2) insert—

"(2A) This is the table—

Provision of the Sexual Offences Act 2003	*Item*
Section 66AA(1), (2) or (3)	Photograph or film to which the offence relates
Section 66E	Purported intimate image to which the offence relates
Section 66F	Purported intimate image which is connected with the offence
Section 67A(2B)	Image to which the offence relates"

(e) omit subsections (3) and (4).

(3) In Part 2 of Schedule 18 (specified sexual offences for purposes of section 306), in paragraph 38, after sub-paragraph (axa) insert—

"(axaa) section 66AA(2) (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation);

(axab) section 66AA(3) (taking or recording intimate photograph or film for purpose of obtaining sexual gratification);

(axac) section 66AC(2) (installing etc. equipment to enable taking or recording of intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification);".

SCHEDULE 12

Section 107

MANAGEMENT OF SEX OFFENDERS: MINOR AND CONSEQUENTIAL AMENDMENTS

1 The Sexual Offences Act 2003 is amended as follows.

2 (1) Section 84 (notification requirements: changes) is amended as follows.

(2) In subsection (1)—

(a) omit paragraph (a);

(b) omit "that name,".

(3) In subsection (2), omit "the name is used,".

3 In section 85 (periodic notification)—

(a) in subsection (1), after "under section" insert "83A or";

(b) in subsection (2)(b), after "83(1)" insert ", 83A";

(c) in subsection (6), after "83(1)" insert ", 83A".

4 In section 85A (notification requirements: absence from notified address)—

(a) in subsection (1), after "83(1)" insert ", 83A";

(b) in the heading, at the end insert "(Northern Ireland)".

5 (1) Section 87 (method of notification and related matters) is amended as follows.

(2) In subsection (1)—

(a) for the words from "section" to "by" substitute "section 83(1), 83A, 84, 85(1), 85A(2) or (6), 85ZA or 86B by";

(b) in the paragraph (a) inserted by section 168(2) of the Police, Crime, Sentencing and Courts Act 2022), for "local", in both places, substitute "relevant";

(c) after paragraph (b) insert "(subject to section 87A)".

(3) In the subsection (2A) inserted by section 168(3) of the Police, Crime, Sentencing and Courts Act 2022, for "under section 83(1), 84(1) or 85(1)" substitute "of the kind mentioned in subsection (1)".

(4) In subsection (4), for the words from "Where" to "offender" substitute "If the police station at which the relevant offender attends is in England, Wales or Northern Ireland, the offender".

(5) In subsections (5A) and (5B), for the words from "Where" to "offender" substitute "If the police station at which the relevant offender attends is in Scotland, the offender".

(6) Omit subsection (5C).

6 (1) Section 88 (interpretation of section 87) is amended as follows.

(2) In the heading, for "Section 87" substitute "Sections 87 to 87B".

(3) For subsection (1) substitute—

"(1) This section applies for the purposes of sections 87 to 87B."

(4) After subsection (1) insert—

"(1A) "Passport" has the meaning given by section 83(8)."

(5) Omit subsections (3) to (5).

(6) After subsection (5) insert—

"(6) "Relevant police area" means, in relation to a person—

(a) the police area in which the person's home address is situated;

(b) in the absence of a home address, the police area in which the home address last notified is situated;

(c) in the absence of a home address and of any such notification, the police area in which the court which last dealt with the person in a way mentioned in subsection (7) is situated.

(7) The ways are—

(a) dealing with a person in respect of an offence listed in Schedule 3 or a finding in relation to such an offence;

(b) dealing with a person in respect of an offence under section 128 or a finding in relation to such an offence;

(c) making, in respect of a person, an order of any of the kinds mentioned in subsection (8).

(8) The orders are—

(a) a notification order or interim notification order;

(b) a sexual harm prevention order or interim sexual harm prevention order;

(c) a sexual offences prevention order or interim sexual offences prevention order;

(d) an order under section 2, 2A or 20 of the Crime and Disorder Act 1998 (c. 37) (sex offender orders and interim orders made in England and Wales or Scotland);

(e) an order under article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20)) (sex offender orders and interim orders made in Northern Ireland);

(f) an order under section 11, 12 or 21 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (sexual harm prevention orders made in Scotland);

(g) an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction).

(9) In subsection (7) "finding" in relation to an offence means—

(a) a finding of not guilty of the offence by reason of insanity, or

(b) a finding that the person was under a disability and did the act or omission charged against the person in respect of the offence.

(10) For the references to police area in subsection (6)—

(a) in relation to Scotland, see Schedule 1 to the Interpretation Act 1978;

(b) in relation to Northern Ireland, see section 136(3)."

7 In section 88I(2) (discharge from indefinite notification requirements in England and Wales or Northern Ireland has effect in Scotland) for the words from "legislation which" to the end substitute—

"(a) sections 91A to 91F (discharge from indefinite notification requirements in England and Wales);

(b) Schedule 3A (discharge from indefinite notification requirements in Northern Ireland)."

8 (1) Section 91 (offences relating to notification) is amended as follows.

(2) For subsection (1) substitute—

"(1) A person ("P") commits an offence if P—

(a) fails, without reasonable excuse, to comply with—

(i) section 83(1);

(ii) section 83A(1), (2), (5) or (7)(b);

(iii) section 84(1) or (4)(b);

(iv) section 85(1);

(v) section 86B(1) or (6)(b);

(vi) section 89(2)(b);

(vii) any requirement imposed by regulations under section 86(1);

(b) notifies to the police any information which P knows to be false in purported compliance with—

(i) section 83(1);

(ii) section 83A(1), (2) or (5);

(iii) section 84(1);

(iv) section 85(1);

(v) section 86B(1);

(vi) any requirement imposed by regulations under section 86(1).

(1A) A person ("P") commits an offence under the law of England and Wales if P—

(a) fails, without reasonable excuse, to comply with—

(i) section 85ZA(2) or (6);

(ii) section 87(4);

(iii) section 96ZB(3)(b);

(b) notifies to the police any information which P knows to be false in purported compliance with section 85ZA(2) or (6).

(1B) A person ("P") commits an offence under the law of Scotland if P—

(a) fails, without reasonable excuse, to comply with—

(i) section 85ZA(2) or (6);

(ii) section 87(5A) or (5B);

(b) notifies to the police any information which P knows to be false in purported compliance with section 85ZA(2) or (6).

(1C) A person ("P") commits an offence under the law of Northern Ireland if P—

(a) fails, without reasonable excuse, to comply with—

(i) section 85A(2) or (6);

(ii) section 87(4);

(b) notifies to the police any information which P knows to be false in purported compliance with section 85A(2) or (6)."

(3) For subsection (2) substitute—

"(2) A person who commits an offence under this section is liable—

(a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both)."

(4) In subsection (3)—

(a) for "paragraph (a) of subsection (1)" substitute "subsection (1)(a), (1A)(a), (1B)(a) or (1C)(a)";

(b) for the words from "section 83(1)" to "86(1)" substitute "a relevant requirement".

(c) for "subsection (1)", in the second place, substitute "those subsections".

(5) After subsection (3) insert—

"(3A) In subsection (3) "relevant requirement" means—

(a) in relation to an offence under subsection (1)(a), a requirement imposed by—

(i) section 83(1);

(ii) section 83A(1), (2) and (5);

(iii) section 84(1);

(iv) section 85(1);

(v) section 86B(1);

(vi) regulations under section 86(1);

(b) in relation to an offence under subsection (1A)(a) or (1B)(a), a requirement imposed by section 85ZA(2) or (6);

(c) in relation to an offence under subsection (1C)(a), a requirement imposed by section 85A(2) or (6)."

9 (1) Section 91A (review of indefinite notification requirements: qualifying relevant offender) is amended as follows.

(2) In subsection (2) after "review" insert "or the relevant chief officer of police begins an own motion review".

(3) In subsections (4) and (5), after "under section" insert "83A,".

(4) In subsection (7) after "review" insert "or the relevant chief officer of police begins an own motion review".

10 (1) Section 91B (review of indefinite notification requirements: application for review and qualifying dates) is amended as follows.

(2) In subsection (3)—

(a) for "makes" substitute "last made";

(b) after "91C" insert "or 91EB".

(3) In subsection (4), after "91C" insert "or 91EB".

(4) In subsection (6)—

(a) for "applies" substitute "applied when the relevant chief officer of police last made a determination under section 91C or 91EB";

(b) after "period" insert "then".

(5) In subsection (10), after "83," insert "83A,".

11 In section 91E, in the heading, at the end insert "against determinations under section 91C".

12 In section 91F (guidance), at the end of subsection (1) insert "or own motion reviews".

13 In section 94 (Part 2: supply of information to Secretary of State etc. for verification), in subsection (1)—

(a) in the words before paragraph (a), omit "notified to the police under";

(b) for paragraph (a) substitute—

"(a) notified to the police under section 83, 83A, 84, 85, 85ZA, 85A or 86B,";

(c) after paragraph (a) insert—

"(aa) notified to the police in accordance with a requirement imposed by regulations under section 86,";

(d) in paragraph (b) before "section" insert "notified to the police under";

(e) after paragraph (b) insert ", or

(c) provided in, or in a document accompanying, an application to the police under section 93C(1)."

14 In section 122F (sexual risk orders and interim sexual risk orders: notification requirements), after subsection (4) insert—

"(5) Section 87A (alternative method of notification) applies for the purposes of a notification under subsection (3) as it applies for the purposes of the notifications mentioned in section 87A(1)."

15 In section 133 (Part 2: general interpretation)—

(a) omit the definition of "local police area";

(b) at the appropriate place insert—

""relevant police area" has the meaning given by section 88(6);".

16 In section 136 (Part 2: Northern Ireland), in subsection (11), after "sections" insert "86B, 87A, 93A, 93H,".

17 (1) Section 138 (orders and regulations) is amended as follows.

(2) For subsections (1) to (4) substitute—

"(1) Orders or regulations made by the Secretary of State under this Act are to be made by statutory instrument.

(2) A statutory instrument containing an order or regulations made by the Secretary of State under any of the following provisions may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—

(a) section 21;
(b) section 22A;
(c) sections 130 to 132;
(d) section 86;
(e) section 86B(3) or (4);
(f) section 93B(6)(d);
(g) section 93C(6)(b);
(h) section 93I;
(i) section 130;
(j) section 136Q(1).

(3) Any other statutory instrument containing an order or regulations made by the Secretary of State (except one containing an order under section 141) is to be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Orders or regulations made by the Secretary of State under this Act may—

(a) make different provision for different purposes;
(b) include supplementary, incidental, consequential, transitional, transitory or saving provisions.

(4A) For orders or regulations made by the Scottish Ministers under this Act see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

(4B) Orders or regulations made by the Scottish Ministers under any of the following provisions are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)—

(a) sections 130 to 132;
(b) section 86;
(c) section 86B(3) or (4);
(d) section 93B(6)(d);
(e) section 93C(6)(b);

(f) section 88H;
(g) section 130.

(4C) Any other orders or regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(4D) Orders or regulations made by the Scottish Ministers under this Act may—
(a) make different provision for different purposes;
(b) include supplementary, incidental, consequential, transitional, transitory or saving provisions."

(3) In subsection (5) for "the Department of Justice in Northern Ireland" substitute "a Northern Ireland department".

(4) In subsection (6)—
(a) for "83 to 86" substitute "83 to 85, section 86, section 86B(3) or (4), section 93B(6)(d), section 93C(6)(b), section 93J";
(b) for "the Department of Justice" substitute "a Northern Ireland department".

(5) In subsections (8) and (9) for "the Department of Justice", in each place it occurs, substitute "a Northern Ireland department".

18 (1) Schedule 3A (discharge from indefinite notification requirements in Northern Ireland) is amended as follows.

(2) In paragraph 4 (initial review: notice of decision) after sub-paragraph (3) insert—

"(4) The Department of Justice may by regulations amend the period in sub-paragraph (1)."

(3) In paragraph 6 (further reviews)—
(a) in sub-paragraph (1) for "paragraph 4(3) or 5(6)" substitute "a relevant provision";
(b) after sub-paragraph (1) insert—

"(1A) "Relevant provision" means—
(a) paragraph 4(3);
(b) paragraph 5(6);
(c) paragraph 6C(4);
(d) paragraph 6D(6),
(notice of decision not to discharge notification requirements).";

(c) in sub-paragraph (3)(a) for "paragraph 4(3) or 5(6)" substitute "a relevant provision".

(4) In paragraph 7 (guidance)—

(a) after sub-paragraph (1) insert—

"(1A) The Department of Justice must issue guidance as to the determination by the Chief Constable of own motion reviews.";

(b) in sub-paragraph (2) after "(1)" insert "or (1A)".

(5) In paragraph 8(2) for the words from "legislation which" to the end substitute—

"(a) sections 91A to 91F (discharge from indefinite notification requirements in England and Wales);

(b) sections 88A to 88H (discharge from indefinite notification requirements in Scotland)."

SCHEDULE 13

Sections 129 and 132

POSSESSION OR SUPPLY OF SIM FARMS OR OTHER SPECIFIED ARTICLES: POWERS OF ENTRY ETC

PART 1

GENERAL

Interpretation

1 (1) In this Schedule—

"justice" means—

(a) in England and Wales, a justice of the peace;

(b) in Scotland, a sheriff, summary sheriff or justice of the peace;

(c) in Northern Ireland, a lay magistrate;

"premises" includes any place and, in particular, includes—

(a) any vehicle, vessel or aircraft;

(b) any offshore installation;

(c) any renewable energy installation within the meaning given by section 104 of the Energy Act 2004;

(d) any tent or movable structure;

"relevant evidence" means evidence that any of the following has been committed—

(a) an offence under any of sections 127 to 131;

(b) an attempt or conspiracy to commit an offence within paragraph (a);

(c) an offence under Part 2 of the Serious Crime Act 2007 (England and Wales and Northern Ireland: encouraging or assisting crime) in relation to an offence within paragraph (a);

(d) an offence under the law of Scotland of inciting the commission of an offence within paragraph (a);

(e) aiding, abetting, counselling or procuring the commission of an offence within paragraph (a);

"vessel" includes—

(a) any ship or boat or any other description of vessel used in navigation, and

(b) any hovercraft, submersible craft or other floating craft,

but does not include a reference to anything that permanently rests on, or is permanently attached to, the sea bed.

(2) In this Schedule any reference to a power conferred by this Schedule or any provision of it includes a reference to a power conferred by virtue of the Schedule or provision.

Saving

2 Nothing in this Schedule affects any power of a constable conferred otherwise than by this Schedule.

PART 2

POWERS OF ENTRY ETC

Power to enter and search vehicles

3 (1) This paragraph applies where—

(a) a constable has reasonable grounds to suspect that there is relevant evidence in a vehicle, and

(b) the vehicle is not a dwelling.

(2) The constable may at any time—

(a) enter the vehicle and search it for relevant evidence;

(b) stop and detain the vehicle for the purposes of entering and searching it.

(3) Where—

(a) a constable has stopped a vehicle under this paragraph, and

(b) the constable considers that it would be impracticable to search the vehicle in the place where it has stopped,

the constable may require the vehicle to be taken to such place as the constable directs to enable the vehicle to be searched.

(4) A constable may require—

(a) any person travelling in a vehicle, or

(b) the registered keeper of a vehicle,

to provide such facilities and assistance with respect to matters under that person's control as the constable considers would facilitate the exercise of any power conferred by this paragraph.

(5) The powers conferred by this paragraph may be exercised in any place to which the constable lawfully has access (whether or not it is a place to which the public has access).

Power to enter and search vessels or aircraft

4 (1) This paragraph applies where—

(a) a constable has reasonable grounds to suspect that there is relevant evidence in or on any vessel or aircraft, and

(b) the vessel or aircraft is not a dwelling.

(2) The constable may at any time—

(a) board the vessel or aircraft, and

(b) search it for relevant evidence.

(3) For the purposes of exercising the power conferred by sub-paragraph (2), the constable may require a vessel or aircraft—

(a) to stop, or

(b) to do anything else that will facilitate the boarding of that or any other vessel or aircraft.

(4) A constable who has boarded a vessel or aircraft may, for the purposes of disembarking from the vessel or aircraft, require that or any other vessel or aircraft—

(a) to stop, or

(b) to do anything else that will enable the constable to disembark from the vessel or aircraft.

(5) A constable may require any person on board a vessel or aircraft to provide such facilities and assistance with respect to matters under that person's control as the constable considers would facilitate the exercise of any power conferred by this paragraph.

Warrant conferring power to enter and search premises

5 (1) Where a justice is satisfied that the requirements in sub-paragraph (3) are met in relation to any premises, the justice may issue a warrant (a "search warrant") authorising a constable—

(a) to enter the premises, and

(b) to search them for relevant evidence.

(2) A search warrant may be either—

(a) a warrant that relates only to premises specified in the warrant (a "specific-premises warrant"), or

(b) in the case of a warrant issued in England and Wales or Northern Ireland, a warrant that relates to any premises occupied or controlled by a person specified in the warrant (an "all-premises warrant").

(3) The requirements of this sub-paragraph are met in relation to premises if there are reasonable grounds to suspect that—

(a) there are items on the premises that are relevant evidence, and

(b) in a case where the premises are specified in the application, any of the following conditions is met—

(i) that it is not practicable to communicate with any person entitled to grant entry to the premises;

(ii) that it is not practicable to communicate with any person entitled to grant access to the items;

(iii) that entry to the premises is unlikely to be granted unless a warrant is produced;

(iv) that the purpose of entry may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.

Applications for search warrants

6 (1) A search warrant may be issued under paragraph 5 only on the application of—

(a) a constable, in England and Wales or Northern Ireland;

(b) a constable or a procurator fiscal, in Scotland.

(2) An application for a search warrant may be made without notice being given to persons who might be affected by the warrant.

(3) The application must be supported—

(a) in England and Wales, by information in writing;

(b) in Scotland, by evidence on oath;

(c) in Northern Ireland, by a complaint on oath.

(4) A person applying for a search warrant must answer on oath any question that the justice hearing the application asks the person.

(5) In the case of an application made by a procurator fiscal, the requirement under sub-paragraph (4) may be met by a constable or a person who has the powers of a constable.

(6) Part 3 of this Schedule contains further provision about applications in England and Wales or Northern Ireland for search warrants under paragraph 5.

Execution of search warrants

7 (1) A search warrant may be executed by any constable.

(2) A search warrant may authorise persons to accompany a constable who is executing it.

(3) A person authorised under sub-paragraph (2) to accompany a constable who is executing a search warrant—

(a) may exercise any power conferred by paragraph 5, 8 or 9 which the constable may exercise as a result of the warrant, but

(b) may exercise such a power only in the company of, and under the supervision of, the constable.

(4) In sub-paragraphs (2) and (3) "constable" includes a person who has the powers of a constable.

(5) Part 4 of this Schedule contains further provision about the execution in England and Wales or Northern Ireland of search warrants under paragraph 5.

Powers of examination etc

8 (1) This paragraph applies where a constable is exercising a power of search conferred by this Schedule in relation to any premises.

(2) The constable may examine anything that is in or on the premises.

(3) The constable may break open any container or other locked thing, so far as this is reasonably necessary for the purpose of exercising—

(a) a power of search conferred by this Schedule, or

(b) a power conferred by this paragraph.

(4) The constable may require any person in or on the premises to provide such facilities and assistance with respect to matters under that person's control as the constable considers would facilitate the exercise of—

(a) a power of search conferred by this Schedule, or

(b) a power conferred by this paragraph.

(5) Nothing in this paragraph confers a power to search a person.

Power to require production of documents etc

9 (1) This paragraph applies where a constable is exercising a power of search conferred by this Schedule in relation to any premises.

(2) The constable may require any person in or on the premises to produce any document or record that is in the person's possession or control.

(3) A reference in this paragraph to the production of a document includes a reference to the production of—

(a) a hard copy of information recorded otherwise than in hard copy form, or

(b) information in a form from which a hard copy can be readily obtained.

(4) For the purposes of this paragraph—

(a) information is recorded in hard copy form if it is recorded in a paper copy or similar form capable of being read (and references to hard copy have a corresponding meaning);

(b) information can be read only if—

(i) it can be read with the naked eye, or

(ii) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings), it can be seen with the naked eye.

Power to use reasonable force

10 (1) A constable may use reasonable force, if necessary, for the purpose of exercising a power conferred by this Schedule.

(2) A person authorised under paragraph 7(2) to accompany a person who is executing a search warrant may use reasonable force, if necessary, for the purpose of exercising a power conferred by any of paragraphs 5 to 9.

Obstruction etc

11 (1) A person commits an offence if, without reasonable excuse, the person intentionally obstructs a constable in the performance of a function conferred by this Schedule.

(2) A person commits an offence if—

(a) the person fails without reasonable excuse to comply with a requirement reasonably made, or a direction reasonably given, by a constable in the exercise of a power conferred by this Schedule, or

(b) the person prevents any other person from complying with any such requirement or direction.

(3) In this paragraph "constable" includes—

(a) a person who has the powers of a constable;

(b) a person authorised under paragraph 7(2) to accompany a person who is executing a search warrant.

(4) A person who commits an offence under this paragraph is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

PART 3

APPLICATIONS FOR SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

Introduction

12 (1) This Part of this Schedule applies to applications in England and Wales or Northern Ireland for search warrants under paragraph 5.

(2) In this Part of this Schedule "specific-premises warrant" and "all-premises warrant" have the meaning given by paragraph 5.

Applications for warrants

13 (1) A person applying for a search warrant must—

(a) state that the application is for a warrant under paragraph 5,

(b) specify the matters set out in sub-paragraph (2) or (3) (as the case may be),

(c) state what are the grounds for suspecting that relevant evidence is on the premises, and

(d) identify, so far as is possible, the offence to which the relevant evidence relates.

(2) If the person is applying for a specific-premises warrant, the person must specify each set of premises that it is desired to enter and search.

(3) If the person is applying for an all-premises warrant, the person must specify—

(a) as many of the sets of premises that it is desired to enter and search as it is reasonably practicable to specify,

(b) the person who is in occupation or control of those premises and any others that it is desired to enter and search,

(c) why it is necessary to search more premises than those specified under paragraph (a), and

(d) why it is not reasonably practicable to specify all the premises that it is desired to enter and search.

(4) If the person is applying for a search warrant authorising entry and search on more than one occasion, the person must also state—

(a) the ground on which the person applies for such a warrant, and

(b) whether the person seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired.

Warrant: whether authorises one or multiple entries

14 A search warrant authorises entry on one occasion only, unless it specifies that it authorises multiple entries.

Form of warrants

15 A search warrant must—

(a) specify the name of the person who applies for it,

(b) specify the date on which it is issued,

(c) state that the warrant is issued under paragraph 5 of this Schedule,

(d) specify each set of premises to be searched, or (in the case of an all-premises warrant) the person who is in occupation or control of premises to be searched, together with any premises to be searched that are under the person's occupation or control and can be specified, and

(e) identify, so far as is possible, the offence to which the relevant evidence suspected to be on the premises relates.

Copies of warrants

16 (1) Two copies must be made of a search warrant that specifies only one set of premises and does not authorise multiple entries.

(2) As many copies as are reasonably required may be made of any other kind of search warrant.

(3) The copies must be clearly certified as copies.

PART 4

EXECUTION OF SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

Introduction

17 (1) This Part of this Schedule applies to the execution in England and Wales or Northern Ireland of a search warrant under paragraph 5.

(2) In this Part of this Schedule "specific-premises warrant" and "all-premises warrant" have the meaning given by paragraph 5.

(3) In paragraphs 21, 22 and 24 "constable" includes a person who has the powers of a constable.

Warrant to be executed within one month

18 Entry and search under a search warrant must be within one month from the date of its issue.

All-premises warrants

19 (1) In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a senior officer has authorised them to be entered.

(2) An authorisation under sub-paragraph (1) must be in writing.

(3) In this paragraph "senior officer" means—

(a) a constable of at least the rank of inspector, or

(b) a National Crime Agency officer who—

(i) is designated under section 10 of the Crime and Courts Act 2013 as a person having the powers and privileges of a constable, and

(ii) is of grade 3 or above.

Search of premises more than once

20 (1) Premises may be entered or searched for the second or any subsequent time under a search warrant authorising multiple entries only if a senior officer has authorised that entry to the premises.

(2) An authorisation under sub-paragraph (1) must be in writing.

(3) In this paragraph "senior officer" has the meaning given by paragraph 19.

Time of search

21 Entry and search under a search warrant must be at a reasonable hour unless it appears to the constable executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

Evidence of authority etc

22 (1) Where the occupier of premises to be entered and searched under a search warrant is present at the time when a constable seeks to execute the warrant, the following requirements must be satisfied—

(a) the occupier must be told the constable's name;

(b) if not a constable in uniform, the constable must produce to the occupier documentary evidence that they are a constable;

(c) the constable must produce the warrant to the occupier;

(d) the constable must supply the occupier with a copy of it.

(2) Where the occupier of premises to be entered and searched under a search warrant is not present at the time when a constable seeks to execute the warrant—

(a) if some other person who appears to the constable to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person;

(b) if not, the constable must leave a copy of the warrant in a prominent place on the premises.

Extent of search

23 A search under a search warrant may only be a search to the extent required for the purpose for which the warrant was issued.

Securing premises after entry

24 A constable who enters premises under a search warrant must take reasonable steps to ensure that when the constable leaves the premises they are as secure as they were before the entry.

Return and retention of warrant

25 (1) A search warrant must be returned to the appropriate person (see sub-paragraph (2)) –

(a) when the warrant has been executed, or

(b) no more than one month after the date of its issue, if the warrant is –

(i) a specific-premises warrant that has not been executed,

(ii) an all-premises warrant, or

(iii) a warrant authorising multiple entries.

(2) The appropriate person is –

(a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant;

(b) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions for the petty sessions district in which the lay magistrate was acting when issuing the warrant.

(3) The appropriate person must retain a search warrant returned under sub-paragraph (1) for 12 months from the date of its return.

(4) If during that period the occupier of premises to which the search warrant relates asks to inspect it, the occupier must be allowed to do so.

SCHEDULE 14

Section 137

SPECIFIED MEMORIALS

PART 1

WAR MEMORIALS

1 Arcade of Former Archbishops Palace, York (including the walls and railings under the arches of the Arcade).

2 Arch of Remembrance, Leicester.

3 Cenotaph, Whitehall, London.

4 Charles Church, Plymouth (being the entire derelict structure of that church).

5 Chatham Naval War Memorial.

6 Edith Cavell Memorial, St Martin's Place, London.

7 Eleanor Cross, Sledmere.

8 Hall of Memory, Centenary Square, Birmingham.

9 Guards Memorial, Horse Guards Parade, London.

10 Liverpool Cenotaph.

11 Merchant Navy Memorial, Tower Hill, London.

12 Plymouth Naval War Memorial.

13 Port Sunlight War Memorial.

14 Portsmouth Naval War Memorial.

15 Preston War Memorial.

16 The Response, Newcastle upon Tyne.

17 Rochdale Cenotaph.

18 Royal Artillery Memorial, Hyde Park Corner, London.

19 Southampton Cenotaph.

20 Spalding War Memorial.

21 Statue of Captain Albert Ball, Nottingham Castle Gardens, Nottingham.

22 Town and County War Memorial, Northampton.

23 Wagoners' Memorial, Sledmere.

24 Ely War Memorial (and the wall in which it is situated, extending east from the Almonry to the west end of No. 2 Fore Hill).

PART 2

PARTS OF WAR MEMORIALS

25 The external walls and roof of Alcester Town Hall, and any fixtures attached to any of those walls or that roof.

PART 3

OTHER MEMORIALS

26 Statue of Sir Winston Churchill, Parliament Square, London.

SCHEDULE 15

Section 143

SUSPENSION OF INTERNET PROTOCOL ADDRESSES AND INTERNET DOMAIN NAMES

Applications for IP address suspension orders

1 (1) An appropriate officer may make an application to a judge for an IP address suspension order.

(2) An IP address suspension order is an order requiring a specified IP address provider to prevent access to a specified IP address for a specified period.

(3) The specified period may not be longer than 12 months.

(4) "Specified" means specified in the order.

Conditions for making an IP address suspension order

2 (1) A judge may grant an application for an IP address suspension order if satisfied that there are reasonable grounds to believe that conditions 1 to 4 are met in relation to the IP address to which the application relates.

(2) Condition 1 is that the IP address is being used for the purposes of serious crime (see paragraph 19).

(3) Condition 2 is that –

(a) a UK person is using the IP address for the purposes of serious crime,

(b) a UK person is a victim of the serious crime for the purposes of which the IP address is being used,

(c) the IP address is being used for the purposes of serious crime connected with unlicensed gambling, or

(d) the IP address is allocated to a device located in the United Kingdom.

(4) Condition 3 is that it is necessary and proportionate to prevent access to the IP address to prevent it being used for the purposes of serious crime.

(5) Condition 4 is that –

(a) access to the IP address will not be prevented unless an IP address suspension order is made, or

(b) if access to the IP address is prevented otherwise than in accordance with an IP address suspension order, there will be serious prejudice to the prevention, restriction or disruption of the serious crime for the purposes of which the IP address is being used.

Applications for domain name suspension orders

3 (1) An appropriate officer may make an application to a judge for a domain name suspension order.

(2) A domain name suspension order is an order requiring –

(a) a specified internet domain registry, or

(b) a specified registrar for an internet domain registry,

to prevent access to a specified internet domain name for a specified period.

(3) The specified period may not be longer than 12 months.

(4) "Specified" means specified in the order.

Conditions for making a domain name suspension order

4 (1) A judge may grant an application for a domain name suspension order if satisfied that there are reasonable grounds to believe that conditions 1 to 4 are met in relation to the internet domain name to which the application relates.

(2) Condition 1 is that the internet domain name is being, or will be, used for the purposes of serious crime (see paragraph 19).

(3) Condition 2 is that—

(a) a UK person is using, or will use, the internet domain name for the purposes of serious crime,

(b) a UK person—

(i) is a victim of the serious crime for the purposes of which the internet domain name is being used, or

(ii) will be a victim of the serious crime for the purposes of which it will be used,

(c) the internet domain name is being used for the purposes of serious crime connected with unlicensed gambling, or

(d) the internet domain name is hosted on a device located in the United Kingdom.

(4) Condition 3 is that it is necessary and proportionate to prevent access to the internet domain name to prevent it being used for the purposes of serious crime.

(5) Condition 4 is that—

(a) access to the internet domain name will not be prevented unless a domain name suspension order is made, or

(b) if access to the internet domain name is prevented otherwise than in accordance with a domain name suspension order, there will be serious prejudice to the prevention, restriction or disruption of the serious crime for the purposes of which the internet domain name is being, or will be, used.

Applications for suspension orders: non-disclosure duty

5 (1) This paragraph applies where notice of an application for a suspension order is given to the person against whom the order is sought.

(2) That person must not disclose the making of the application or its contents to any person except—

(a) with the permission of a judge, or

(b) with the written permission of an appropriate officer (who in England and Wales or Northern Ireland must be within the same sub-paragraph of paragraph 14(1)(a) or (b) as the appropriate officer who made the application for a suspension order).

(3) If the application for a suspension order is dismissed, withdrawn or abandoned sub-paragraph (2) ceases to apply, subject to sub-paragraph (4).

(4) If the application for a suspension order is dismissed a judge may, on the application of an appropriate officer, make an order that sub-paragraph (2) is to continue to apply.

(5) An order under sub-paragraph (4) must specify or describe when sub-paragraph (2) is to cease to apply.

(6) If the judge grants the application for a suspension order, sub-paragraph (2) ceases to apply—

(a) if the suspension order does not impose a non-disclosure requirement under paragraph 6, when the suspension order is made, or

(b) if the suspension order imposes a non-disclosure requirement under paragraph 6, when that requirement expires.

Inclusion of non-disclosure requirements in suspension orders

6 (1) A suspension order may impose a non-disclosure requirement on the person against whom the order is made.

(2) A non-disclosure requirement is a requirement not to disclose the making of the order or its contents to any person except—

(a) with the permission of a judge, or

(b) with the written permission of an appropriate officer (who in England and Wales or Northern Ireland must be within the same sub-paragraph of paragraph 14(1)(a) or (b) as the appropriate officer who made the application for the order).

(3) A suspension order that imposes a non-disclosure requirement must specify or describe when the requirement is to expire.

Discharge and variation of suspension orders

7 (1) A judge may discharge or vary a suspension order on an application by—

(a) an appropriate officer, or

(b) any person affected by the order.

(2) If a judge discharges a suspension order which imposes a non-disclosure requirement, they may order that the person against whom the order was made is to remain subject to the non-disclosure requirement.

(3) An order under sub-paragraph (2) may specify or describe a different time when the non-disclosure requirement is to expire than that specified or described in the order that is being discharged.

(4) Sub-paragraph (1) is subject to paragraph 8.

Extension of suspension orders

8 (1) An appropriate officer may make an application to a judge for the extension of the specified period.

(2) The "specified period" is the period specified in a suspension order as the period for which access to an IP address or internet domain name is to be prevented.

(3) The application must be made before the end of the specified period.

(4) A judge may grant the application if satisfied that there are reasonable grounds to believe that it is necessary and proportionate to continue to prevent access to the IP address or internet domain name to prevent it being used for the purposes of serious crime.

(5) If the application is granted, the extended specified period must end no later than 12 months after the day on which the specified period would have ended if the application had not been made.

(6) If the suspension order imposes a non-disclosure requirement the judge may also, on the application of the appropriate officer, vary the time at which the non-disclosure requirement is to expire.

(7) The specified period may be extended more than once.

Discharge and variation of non-disclosure orders

9 (1) A judge may discharge or vary a non-disclosure order on an application by—

(a) an appropriate officer, or

(b) the person against whom the order was made.

(2) A "non-disclosure order" means an order under—

(a) paragraph 5(4) (non-disclosure order on dismissal of application), or

(b) paragraph 7(2) (non-disclosure order on discharge of suspension order).

Applications: further provision

10 (1) An application under this Schedule made by an appropriate officer may be made without notice to a judge in chambers.

(2) In England and Wales and Northern Ireland, an appropriate officer may not make an application under this Schedule unless the officer—

(a) is a senior officer, or

(b) is authorised by a senior officer to make the application.

(3) In England and Wales and Northern Ireland, an application under this Schedule made by an appropriate officer (other than an application for a suspension order) must be made by an appropriate officer who is within the same sub-paragraph of paragraph 14(1)(a) or (b) as the appropriate officer who made the application for the suspension order.

Service of notices and orders

11 (1) This paragraph applies to—

(a) notice of an application made by an appropriate officer under this Schedule;

(b) an order under this Schedule.

(2) The notice or order may be served on a person (whether the person is in the United Kingdom or outside it) by such means, including electronic means, as rules of court permit.

(3) The notice or order may be served on a person outside the United Kingdom in any of the following ways (as well as by electronic or other means of service)—

(a) by delivering it to the person's principal office within the United Kingdom or, if the person has no such office in the United Kingdom, to any place in the United Kingdom where the person carries on business or conducts activities,

(b) if the person has specified an address in the United Kingdom as one at which the person, or someone on the person's behalf, will accept service of documents of the same description as the notice or order, by delivering it to that address, or

(c) by making it available for inspection (whether to the person or to someone acting on the person's behalf) at a place in the United Kingdom (subject to sub-paragraph (4)).

(4) The notice or order may be served on a person outside the United Kingdom in the way mentioned in sub-paragraph (3)(c) only if—

(a) it is not reasonably practicable for it to be served by any other means (whether as mentioned in sub-paragraph (3)(a) or (b) or otherwise), and

(b) the person serving it takes such steps as they consider appropriate for the purpose of bringing its contents, and its availability for inspection, to the attention of the person on whom it is being served.

(5) The steps mentioned in sub-paragraph (4)(b) must be taken as soon as reasonably practicable after the notice or order is made available for inspection.

Rules of court

12 Provision as to the practice and procedure to be followed in connection with proceedings relating to orders under this Schedule may be made—

(a) in England and Wales, by Criminal Procedure Rules;

(b) in Northern Ireland, by Crown Court Rules,

(c) in Scotland (without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995), by rules of court made by Act of Adjournal.

Effect of orders

13 In England and Wales and Northern Ireland, an order under this Schedule has effect as if it were an order of the court.

"Appropriate officer" and "senior officer"

14 (1) In this Schedule "appropriate officer"—

(a) in England and Wales, means—

(i) a constable,

(ii) a National Crime Agency officer,

(iii) an officer of Revenue and Customs,

(iv) a member of staff of the Financial Conduct Authority, or

(v) a person designated or appointed as an enforcement officer by the Gambling Commission under section 303 of the Gambling Act 2005;

(b) in Northern Ireland, means—

(i) a constable,

(ii) a National Crime Agency officer,

(iii) an officer of Revenue and Customs, or

(iv) a member of staff of the Financial Conduct Authority;

(c) in Scotland, means a procurator fiscal.

(2) In this Schedule "senior officer" means—

(a) a constable of at least the rank of superintendent;

(b) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for the purposes of this Schedule;

(c) an officer of Revenue and Customs of at least the grade of senior officer;

(d) a member of staff of the Financial Conduct Authority of at least the grade of head of department;

(e) a member of staff of the Gambling Commission of at least the grade of director.

"Judge"

15 In this Schedule "judge" means—

(a) in England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;

(b) in Northern Ireland, a judge of the Crown Court;

(c) in Scotland, a sheriff or summary sheriff.

"IP address provider"

16 In this Schedule an "IP address provider" means a person ("P") that allocates IP addresses, where those IP addresses have been allocated to P by another person for the purpose of onward allocation.

"Internet domain registry" and "registrar"

17 (1) In this Schedule an "internet domain registry" means a person that—

(a) maintains a relevant register of internet domain names, and

(b) operates a computer program or server that forms part of the system that enables the names included in the register to access internet protocol addresses or other information by means of the internet.

(2) "Relevant register of internet domain names" means a register of—

(a) the names of second level internet domains that form part of the same top level internet domain, or

(b) the names of third level internet domains that form part of the same second level internet domain.

(3) "Second level internet domain" means an internet domain indicated by the last two elements of an internet domain name.

(4) "Third level internet domain" means an internet domain indicated by the last three elements of an internet domain name.

(5) "Top level internet domain" means an internet domain indicated by the last element of an internet domain name.

18 (1) In this Schedule a "registrar" for an internet domain registry is a person authorised by the registry to act on behalf of end-users in connection with the registration of internet domain names.

(2) "End-user" means a person who has been, or wants to be, allocated an internet domain name that is or would be included in the register maintained by the registry.

"Crime", "serious crime" etc

19 (1) In this Schedule "crime" means conduct which—

(a) constitutes one or more criminal offences, or

(b) is or corresponds to conduct which, if it all took place in a part of the United Kingdom, would constitute one or more criminal offences.

(2) In this Schedule "serious crime" means crime where—

(a) the offence, or one of the offences, which is or would be constituted by the conduct concerned is an offence for which a person who has reached the age of 18 (or, in Scotland or Northern Ireland, 21) and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of 3 years or more, or

(b) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

(3) In this Schedule serious crime is connected with unlicensed gambling if the offence, or one of the offences, which is or would be constituted by the conduct concerned is an offence under section 33 of the Gambling Act 2005.

"UK person"

20 In this Schedule "UK person" means—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

(b) a person who under the British Nationality Act 1981 is a British subject,

(c) a British protected person within the meaning of that Act,

(d) an individual who lives in the United Kingdom,

(e) a body incorporated under the law of a part of the United Kingdom, or

(f) an unincorporated association formed under the law of a part of the United Kingdom.

Further interpretation

21 (1) This paragraph applies for the interpretation of this Schedule.

(2) "Domain name suspension order" has the meaning given by paragraph 3(2).

(3) "IP address" means an internet protocol address.

(4) "IP address suspension order" has the meaning given by paragraph 1(2).

(5) References to a part of the United Kingdom are references to—

(a) England and Wales,

(b) Scotland, or

(c) Northern Ireland.

(6) "Suspension order" means—

(a) an IP address suspension order, or

(b) a domain name suspension order.

SCHEDULE 16

Section 152

AMENDMENTS TO CHAPTER 3 OF PART 2 OF THE POLICE, CRIME, SENTENCING AND COURTS ACT 2022

1 Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices) is amended as follows.

2 In the Chapter heading—

(a) for "information from" substitute "information:";

(b) after "devices" insert "and online accounts".

3 (1) Section 37 (extraction of information from electronic devices: investigations of crime etc) is amended as follows.

(2) In the heading, omit "from electronic devices".

(3) After subsection (1) insert—

"(1A) An authorised person may extract information accessible by means of an online account if—

(a) a user of the account has voluntarily provided access to the account to an authorised person, and

(b) that user has agreed to the extraction by an authorised person of information accessible by means of the account.

(1B) The power in subsection (1A)(b) may be exercised only in relation to information which is or was accessible by means of the online account at such time or times as have been agreed by the user of the account."

(4) In subsection (2)—

(a) for "power" substitute "powers";

(b) after "(1)" insert "and (1A)".

(5) In subsection (5)—

(a) after "(1)" insert "or (1A)";

(b) after "electronic device" (in both places) insert ", or accessible by means of the online account,".

(6) In subsection (6)—

(a) in the words before paragraph (a), after "the power" insert "in subsection (1) or (1A)";

(b) in paragraph (b), after "(1)" insert "or (1A)".

(7) In subsection (7), after "(1)" insert "or (1A)".

(8) In subsection (8), after "(1)" insert "or (1A)".

(9) In subsection (9), after "the power" insert "in subsection (1) or (1A)".

(10) In subsection (10)—

(a) in paragraph (a), for the words from "information" to the end substitute "information—

(i) likely to be stored on the device, or

(ii) likely to be accessible by means of the online account, and";

(b) in paragraph (b)(ii), after "(1)" insert "or (1A)".

(11) In subsection (11), after "(1)" insert "or (1A)".

(12) In subsection (13)—

(a) after the definition of "information" insert—

""online account" means an account by means of which information held on a service provided by means of the internet is made accessible;";

(b) for the definition of "user" substitute—

""user"—

(a) in relation to an electronic device, means a person who ordinarily uses the device;

(b) in relation to an online account, means a person who ordinarily uses the account."

4 (1) Section 38 (application of section 37 to children and adults without capacity) is amended as follows.

(2) After subsection (2) insert—

"(2A) A child is not to be treated for the purposes of section 37(1A) as being capable of—

(a) voluntarily providing access to an online account for those purposes, or

(b) agreeing for those purposes to the extraction by an authorised person of information accessible by means of the online account.

(2B) If a child is a user of an online account, a person who is not a user of the account but is listed in subsection (3) may—

(a) voluntarily provide access to the online account to an authorised person for the purposes of section 37(1A), and

(b) agree for those purposes to the extraction by an authorised person of information accessible by means of the online account."

(3) In subsection (3), for "subsection (2)" substitute "subsections (2) and (2B)".

(4) In subsection (4), after "(2)," insert "or the power under section 37(1A) by virtue of subsection (2B),".

(5) In subsection (5)—

(a) after "37(1)" insert "or (1A)";

(b) after "(2)" insert "or (2B)".

(6) After subsection (7) insert—

"(7A) An adult without capacity is not to be treated for the purposes of section 37(1A) as being capable of—

(a) voluntarily providing access to an online account for those purposes, or

(b) agreeing for those purposes to the extraction by an authorised person of information accessible by means of the online account.

(7B) If a user of an online account is an adult without capacity, a person who is not a user of the online account but is listed in subsection (8) may—

(a) voluntarily provide access to the online account to an authorised person for the purposes of section 37(1A), and

(b) agree for those purposes to the extraction by an authorised person of information accessible by means of the online account."

(7) In subsection (8)—

(a) in the words before paragraph (a), for "subsection (7)" substitute "subsections (7) and (7B)";

(b) after "and (b)" (in each place) insert ", or for the purposes of subsection (7B)(a) and (b),".

(8) In subsection (9), for the words from "prevents" to the end substitute "prevents—

(a) any other user of an electronic device who is not a child or an adult without capacity from—

(i) voluntarily providing the device to an authorised person for the purposes of section 37(1), or

(ii) agreeing for those purposes to the extraction of information from the device by an authorised person;

(b) any other user of an online account who is not a child or an adult without capacity from—

(i) voluntarily providing access to the online account to an authorised person for the purposes of section 37(1A), or

(ii) agreeing for those purposes to the extraction by an authorised person of information accessible by means of the online account."

(9) In subsection (10), after "and (b)" (in each place) insert "or (1A)(a) and (b)";

(10) In subsection (11), in the definition of "relevant authorised person", for the words from "person"" to the end substitute "person"—

(a) in relation to the extraction of information from an electronic device for a particular purpose, means an authorised person who may extract the information from the device for that purpose;

(b) in relation to the extraction of information accessible by means of an online account for a particular purpose, means an authorised person who may extract the information accessible by means of the online account for that purpose;"

5 (1) Section 39 (requirements for voluntary provision and agreement) is amended as follows.

(2) After subsection (1) insert—

"(1A) A person ("P") is to be treated for the purposes of section 37 or 38 as having—

(a) voluntarily provided access to an online account to an authorised person, and

(b) agreed to the extraction by an authorised person of information accessible by means of the online account,

only if the requirements of this section have been met."

(3) In subsection (2), for the words from "to provide" to the end substitute "to—

(a) provide the device or agree to the extraction of information from it, or

(b) provide access to the online account or agree to the extraction of information accessible by means of it."

(4) In subsection (3)—

(a) in paragraph (d), for the words from "may" to the end substitute "may—

(i) refuse to provide the device or agree to the extraction of information from it, or

(ii) refuse to provide access to the online account or agree to the extraction of information accessible by means of it, and";

(b) in paragraph (e), for the words from "P refuses" to the end substitute "P—

(i) refuses to provide the device or agree to the extraction of information from it, or

(ii) refuses to provide access to the online account or agree to the extraction of information accessible by means of it."

(5) In subsection (4), for the words from "that" to the end substitute "that—

(a) P has—

(i) voluntarily provided the device to an authorised person, and

(ii) agreed to the extraction of information from the device by an authorised person, or

(b) P has—

(i) voluntarily provided access to the online account to an authorised person, and

(ii) agreed to the extraction by the authorised person of information accessible by means of the online account."

6 (1) Section 40 (application of section 37 where user has died etc) is amended as follows.

(2) After subsection (1) insert—

"(1A) If any of conditions A to C is met, an authorised person may exercise the power in section 37(1A) to extract information accessible by means of an online account even though—

(a) access has not been voluntarily provided to an authorised person by a user of the account, or

(b) no user of the account has agreed to the extraction by an authorised person of information accessible by means of the account."

(3) In subsection (2)—

(a) in paragraph (a), for ", and" substitute "and the person was a user of the device immediately before their death, or";

(b) for paragraph (b) substitute—

"(b) a person who was a user of the online account has died and the person was a user of the online account before their death."

(4) In subsection (3)(a), after "device" insert "or online account".

(5) In subsection (4)—

(a) in paragraph (a), after "device" insert "or online account";

(b) in paragraph (b), for the words from "was" to the end substitute "was—

(i) a user of the device immediately before they went missing, or

(ii) a user of the online account before they went missing, and".

(6) In subsection (5), after "(1)" insert "or (1A)".

7 (1) Section 41 (extraction of information from electronic devices: investigations of death) is amended as follows.

(2) In the heading, omit "from electronic devices".

(3) After subsection (1) insert—

"(1A) An authorised person may extract information accessible by means of an online account if—

(a) a person who was a user of the online account has died, and

(b) the person was a user of the account before their death."

(4) In subsection (2)—

(a) for "power" substitute "powers";

(b) after "(1)" insert "and (1A)".

(5) In subsection (3)—

(a) for "the power" substitute "the powers";

(b) after "(1)" insert "and (1A)";

(c) for "that power" substitute "those powers".

(6) In subsection (4)—

(a) after "(1)" insert "or (1A)";

(b) in paragraph (a), after "device" insert ", or accessible by means of the online account,".

(7) In subsection (5), after "the power" insert "in subsection (1) or (1A)".

(8) In subsection (6), after "the power" insert "in subsection (1) or (1A)".

(9) In subsection (7), after "(1)" insert "or (1A)".

(10) In subsection (8), after "the power" insert "in subsection (1) or (1A)".

(11) In subsection (9)(a), for the words from "information" to the end substitute "information—

(i) likely to be stored on the device, or

(ii) likely to be accessible by means of the online account, and".

(12) In subsection (10), after "(1)" insert "or (1A)".

8 In section 42 (code of practice about the extraction of information), in subsection (1)—

(a) after "37(1) and" insert "(1A) and";

(b) after "41(1)" insert "and (1A)".

9 (1) Section 44 (authorised persons) is amended as follows.

(2) In subsection (2), for "power in subsection (1)" substitute "powers in subsections (1) and (1A)".

(3) In subsection (3)—

(a) for "power" substitute "powers";

(b) after "41(1)" insert "and (1A)".

10 In Schedule 3 (extraction of information from electronic devices: authorised persons)—

(a) in the Schedule heading, omit "from electronic devices";

(b) after "electronic devices" (in each place) insert ", or the extraction of information accessible by means of online accounts,".

SCHEDULE 17

Section 155

DRUG TESTING IN POLICE DETENTION: TRIGGER OFFENCES

This is the Schedule to be inserted after Schedule 2A to the Police and Criminal Evidence Act 1984—

"SCHEDULE 2B

Section 63C

TESTING FOR CONTROLLED DRUGS: TRIGGER OFFENCES

Common law offences

1 Common assault.

2 Battery.

Offences against the Person Act 1861

3 Offences under the following provisions of the Offences against the Person Act 1861—

(a) section 16 (threats to kill);

(b) section 18 (wounding with intent to cause grievous bodily harm);

(c) section 20 (malicious wounding);

(d) section 47 (assault occasioning actual bodily harm).

Children and Young Persons Act 1933

4 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under sixteen).

Prevention of Crime Act 1953

5 An offence under section 1 of the Prevention of Crime Act 1953 (carrying offensive weapon in public place).

Restriction of Offensive Weapons Act 1959

6 An offence under section 1(1A) of the Restriction of Offensive Weapons Act 1959 (possession of flick knife, flick gun or gravity knife).

Theft Act 1968, etc

7 Offences under the following provisions of the Theft Act 1968—

(a) section 1 (theft);
(b) section 8 (robbery);
(c) section 9 (burglary);
(d) section 10 (aggravated burglary);
(e) section 12 (taking motor vehicle or other conveyance without authority);
(f) section 12A (aggravated vehicle-taking);
(g) section 22 (handling stolen goods);
(h) section 25 (going equipped for stealing, etc).

8 An offence under section 1(1) of the Criminal Attempts Act 1981, if committed in respect of an offence under any of the following provisions of the Theft Act 1968—

(a) section 1 (theft);
(b) section 8 (robbery);
(c) section 9 (burglary);
(d) section 22 (handling stolen goods).

Misuse of Drugs Act 1971

9 Offences under the following provisions of the Misuse of Drugs Act 1971, if committed in respect of a specified controlled drug—

(a) section 4 (restriction of production and supply of controlled drugs);
(b) section 5(2) (possession of controlled drug);
(c) section 5(3) (possession of controlled drug with intent to supply).

Criminal Damage Act 1971

10 Offences under the following provisions of the Criminal Damage Act 1971, other than an offence of arson—

(a) section 1(1) (destroying or damaging property);
(b) section 1(2) (destroying or damaging property with intent to endanger life, etc).

Public Order Act 1986

11 Offences under the following provisions of the Public Order Act 1986—

(a) section 2 (violent disorder);
(b) section 3 (affray);
(c) section 4 (fear or provocation of violence);
(d) section 4A (intentional harassment, alarm or distress);
(e) section 4B (intentional harassment, alarm or distress on account of sex);

(f) section 5 (harassment).

Criminal Justice Act 1988

12 Offences under the following provisions of the Criminal Justice Act 1988 –

(a) section 139 (having article with blade or point in public place);

(b) section 139A(1) (having article with blade or point on education premises);

(c) section 139A(2) (having offensive weapon on education premises);

(d) section 141(1A) (possession of offensive weapon in private).

Road Traffic Act 1988

13 Offences under the following provisions of the Road Traffic Act 1988 –

(a) section 4(1) (driving when unfit through drink or drugs);

(b) section 4(2) (being in charge when unfit through drink or drugs).

Football (Offences) Act 1991

14 Offences under the following provisions of the Football (Offences) Act 1991 –

(a) section 2 (throwing of missiles);

(b) section 3 (indecent or racialist chanting);

(c) section 4 (going onto the playing area).

Protection from Harassment Act 1997

15 Offences under the following provisions of the Protection from Harassment Act 1997 –

(a) section 2 (harassment);

(b) section 2A (stalking);

(c) section 4 (putting people in fear of violence);

(d) section 4A (stalking involving fear of violence or serious alarm or distress).

Crime and Disorder Act 1998

16 An offence under section 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment, etc).

Criminal Justice and Police Act 2001

17 An offence under section 42A of the Criminal Justice and Police Act 2001 (harassment etc of a person in their home).

Sexual Offences Act 2003

18 Offences under the following provisions of the Sexual Offences Act 2003 –

(a) section 1 (rape);
(b) section 2 (assault by penetration);
(c) section 3 (sexual assault);
(d) section 61 (administering a substance with intent).

Serious Crime Act 2015

19 Offences under the following provisions of the Serious Crime Act 2015—
(a) section 75A (strangulation or suffocation);
(b) section 76 (controlling or coercive behaviour)."

SCHEDULE 18

Section 161(1)

CONFISCATION ORDERS: ENGLAND AND WALES

PART 1

THE PRINCIPAL OBJECTIVE

1 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) At the beginning of Part 2 insert—

"Exercise of powers: general

5A The principal objective

(1) This section applies to any power conferred by or under this Part on—
(a) a court;
(b) a prosecutor;
(c) a person who is an appropriate officer within the meaning given by section 41A(3) or 47A(1);
(d) any other person whose functions include the investigation of crime;
(e) a receiver appointed under section 48 or 50.

(2) The principal objective in exercising a power to which this section applies in relation to a defendant is to deprive the defendant of the defendant's benefit from criminal conduct, so far as within the defendant's means.

(3) The defendant's means are to be taken to include any tainted gifts made by the defendant.

(4) A court or person must exercise any power to which this section applies in the way which the court or person considers is best calculated to further the principal objective.

(5) The duty under section 2A(1) does not apply to the exercise by a relevant authority of a power to which this section applies if and to the extent that exercising the power in compliance with that duty would be inconsistent with doing so in compliance with the duty under subsection (4).

(6) In subsection (5) "relevant authority" has the meaning given by section 2A(2)."

(3) In the italic heading before section 69, after "of" insert "specific".

(4) In section 69 (powers of court and receiver etc)—

(a) in the heading, at the beginning insert "Specific";

(b) in subsection (3), in the words before paragraph (a), after "subject to" insert "the principal objective (see section 5A) and".

PART 2

CRIMINAL LIFESTYLE

Prosecutor's discretion

2 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 6(4) (making of order: criminal lifestyle and conduct)—

(a) in paragraph (a), at the beginning insert "if asked to do so by the prosecutor";

(b) in paragraph (b), after "if" insert "(pursuant to paragraph (a))";

(c) in paragraph (c), at the beginning insert "if it is not asked to decide whether the defendant has a criminal lifestyle or".

(3) In section 16 (statement of information)—

(a) after subsection (2) insert—

"(2A) The statement of information must indicate whether or not the case is one in which the court is asked to decide whether the defendant has a criminal lifestyle (see section 6(4)).";

(b) in subsection (3), for "prosecutor believes", in the first place it occurs, substitute "case is one in which the court is asked to decide whether";

(c) in subsection (5), for "prosecutor does not believe" substitute "case is one in which the court is not asked to decide whether".

(4) In section 20(2) (no order made: reconsideration of benefit)—

(a) omit "has decided that";

(b) in paragraph (a), for "the defendant has a criminal lifestyle but" substitute "has decided under section 6(4)(b) that the defendant";

(c) in paragraph (b), for "the defendant does not have a criminal lifestyle and" substitute "has decided under section 6(4)(c) that the defendant".

The serious risk of injustice test

3 In section 10 of the Proceeds of Crime Act 2002 (assumptions to be made in case of criminal lifestyle), after subsection (6) insert—

"(6A) In determining whether there would be a serious risk of injustice if a required assumption were made in relation to particular property or expenditure, the court must consider all the circumstances of the case and must, in particular, give the appropriate weight to—

(a) any evidence about the serious risk of injustice that has been made available to it, and

(b) any explanation given by the defendant for being unable to provide evidence that would have shown the assumption to be incorrect."

Cases in which defendant has a criminal lifestyle

4 (1) Section 75 of the Proceeds of Crime Act 2002 (criminal lifestyle) is amended as follows.

(2) In subsection (3)—

(a) after "benefited", in the first place it occurs, insert ", or intended to benefit,";

(b) in paragraph (a)—

(i) for "three", in both places it occurs, substitute "two";

(ii) after "benefited" insert "or intended to benefit";

(c) in paragraph (b), after "benefited" insert "or intended to benefit".

(3) The amendments made by sub-paragraph (2)(a), (b)(ii) and (c) do not apply in relation to conduct that took place wholly or partly before the date on which those provisions come into force.

Criminal lifestyle offences

5 (1) Schedule 2 to the Proceeds of Crime Act 2002 (criminal lifestyle offences) is amended as follows.

(2) In paragraph 8(1) (offences in connection with brothels), after "section 33" insert ", 33A".

(3) After paragraph 9B insert—

"Environmental offences

9C (1) An offence under section 33(1)(a) of the Environmental Protection Act 1990 (depositing, or causing or permitting the deposit of,

certain waste, otherwise than in accordance with an environmental permit).

(2) An offence under regulation 38(1)(a) of the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) (operating a regulated facility, or causing or knowingly permitting a water discharge activity or groundwater activity, otherwise than in accordance with an environmental permit).".

(4) An amendment made by sub-paragraph (2) or (3) does not apply in relation to an offence committed wholly or partly before the coming into force of the sub-paragraph in question.

PART 3

PROVISIONS CONCERNING AMOUNT TO BE PAID UNDER CONFISCATION ORDER

Recoverable amount

6 (1) Section 7 of the Proceeds of Crime Act 2002 (recoverable amount) is amended in accordance with sub-paragraphs (2) and (3).

(2) In subsection (2), for "shows" substitute "proves or the court is otherwise satisfied".

(3) In subsection (4)—

(a) in the words before paragraph (a), omit "for the purposes of subsection (1),";

(b) before paragraph (a) insert—

"(za) any property in respect of which an order falling within section 13(3)(b), (c) or (d) was made before the court proceeded under section 6 (see section 15A(2)(c)),";

(c) omit the "and" at the end of paragraph (c);

(d) at the end insert—

"(e) any property that has been restored to a victim of the conduct concerned, or any other person entitled to recover it,

(f) any property that has been handed over to an appropriate officer within the meaning given by section 41A(3) or 47A(1),

(g) any property that, having been seized under a power conferred by or by virtue of—

(i) a warrant granted under any enactment or rule of law, or

(ii) any enactment, or rule of law, under which the authority of a warrant is not required,

has not subsequently been released, and

(h) any amount paid by the defendant by way of compensation in connection with the conduct concerned to any victim of the conduct in respect of loss, injury or damage sustained by the victim."

(4) In section 21 of that Act (order made: reconsideration of benefit)—

(a) for subsection (1)(b) substitute—

"(b) either or both of the conditions mentioned in subsection (1A) are met,";

(b) after subsection (1) insert—

"(1A) The conditions are that—

(a) there is evidence which was not available to the prosecutor at the relevant time;

(b) there is property that—

(i) but for section 7(4)(g) (seized property), would have been taken into account in calculating the relevant amount, and

(ii) has been released to the defendant since the relevant time."

Hidden property

7 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 9(1) (available amount)—

(a) omit the "and" at the end of paragraph (a);

(b) at the end of paragraph (b) insert ", and

(c) any amount determined under section 9A (value of hidden property)."

(3) After that section insert—

"9A Hidden property

(1) This section applies where it appears to a court calculating the available amount that—

(a) the defendant's benefit from the conduct concerned exceeds the total of the values (as at the time the confiscation order is made) of—

(i) all the free property then held by the defendant, and

(ii) all tainted gifts, and

(b) some or all of that excess is a result of property having been hidden by or on behalf of the defendant.

(2) The court must determine the total value of the property that the court considers has been hidden by or on behalf of the defendant.

(3) When making a determination under this section the court must, in particular, consider the extent to which there are other circumstances that may account for the excess mentioned in subsection (1)(b), for example—

(a) expenditure incurred by the defendant which has or may have been met from the defendant's benefit from the conduct concerned;

(b) changes in the value of the property held by the defendant."

(4) In section 21 (order made: reconsideration of benefit), in subsection (8)(b), for "section 9" substitute "sections 9 and 9A".

(5) In section 22 (order made: reconsideration of available amount), in subsection (3), for "section 9" substitute "sections 9 and 9A".

(6) In section 23 (inadequacy of available amount: variation of order), in subsection (2), for "section 9" substitute "sections 9 and 9A".

Tainted gifts

8 In section 77 of the Proceeds of Crime Act 2002 (tainted gifts), for subsection (5) substitute—

"(5) A gift is tainted if it was made by the defendant—

(a) at any time after the commission of the offence concerned, or

(b) if the defendant's particular criminal conduct consists of two or more offences and they were committed at different times, at any time after the commission of the earliest of the offences."

Benefit

9 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 76 (conduct and benefit), after subsection (7) insert—

"(8) But in a case where—

(a) the person—

(i) intended to have only a limited power to control or dispose of all or part of the property,

(ii) held the property temporarily, or

(iii) is treated as obtaining the property as a result of section 84(3), and

(b) the court believes that the amount found under subsection (7) in relation to the property would produce a result that would be unjust,

the court may reduce that amount to such amount (including zero) as the court believes is just."

(3) In section 84 (property: general provisions)—

(a) in subsection (2)(b), at the end insert "(and see subsection (3))";

(b) after subsection (2) insert—

"(3) If, as a result of or in connection with conduct, a person keeps property that the person already has, where the court believes it just to do so the person is to be treated as obtaining the property as a result of or in connection with the conduct."

Value of property obtained

10 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 79(5) (value: the basic rule), after "80" insert ", 80A".

(3) In section 80 (value of property obtained from conduct), after subsection (4) insert—

"(5) If only a proportion of the property was obtained by the person as a result of or in connection with the person's criminal conduct, only that proportion is to be taken into account for the purposes of subsections (2) to (4).

(6) This section does not apply in a case where section 80A applies."

(4) After that section insert—

"80A Mortgages

(1) This section applies if—

(a) a person uses a loan obtained as a result of or in connection with the person's criminal conduct to purchase an interest in land,

(b) the loan is secured by a mortgage over the interest in land, and

(c) the interest in land has increased in value during the loan period.

(2) The value, at the material time, of the property obtained as a result of or in connection with the person's criminal conduct is to be taken to be the amount found using the following formula—

$$\frac{A}{B} \times C$$

where—

A is the amount of the loan;

B is the value of the interest in land at the time it was purchased;

C is the amount by which the interest in land has increased in value between that time and the end of the loan period.

(3) The value of the interest in land at the beginning and end of the loan period is to be found in accordance with section 79.

(4) If the loan period ends before the material time, the amount found under subsection (2) is to be adjusted to take account of changes in the value of money between the end of the loan period and the material time.

(5) In this section—

"the loan period" is the period between the time when the loan is obtained and the earlier of—

(a) the time when the principal, and any interest due, is repaid, and

(b) the material time;

"the material time" is the time the court makes its decision."

Value of property sold or destroyed

11 (1) Section 80 of the Proceeds of Crime Act 2002 (value of property obtained from conduct) is amended as follows.

(2) In subsection (2), at the beginning insert "Except where subsection (3A) or (3B) applies,".

(3) After subsection (3) insert—

"(3A) Where the person no longer holds the property obtained because it has been sold, the value of the property at the material time is the greater of the following—

(a) the proceeds of the sale, adjusted to take account of later changes in the value of money;

(b) the value (immediately before the sale) of the property, adjusted to take account of later changes in the value of money.

(3B) Where the person no longer holds the property obtained because it has been destroyed by virtue of a court order under section 51(2)(e) or section 67AA (orders for destruction of cryptoassets), the value of the property at the material time is the market value of the property as set out in the court order, adjusted to take account of later changes in the value of money.

(3C) For the purposes of subsection (3A)(a), if the proceeds of the sale are in a currency other than sterling, they must be taken to be the sterling equivalent calculated in accordance with the rate of exchange prevailing at the end of the day of the sale."

(4) In subsection (4), after "(2)(a) and (b)" insert "and subsection (3A)(b)".

PART 4

PRIORITY ORDERS

Priority orders

12 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 13 (effect of confiscation order on court's other powers), for subsections (5) and (6) substitute—

"(5) Where a court makes a confiscation order or priority order the effect of which is that subsection (6) applies, the court making that order must also make a priority payment direction.

(6) This subsection applies if, in the same proceedings (see section 85 for the meaning of "proceedings") the following are made against the same person—

(a) a confiscation order, and

(b) one or more priority orders.

(7) A "priority payment direction" is a direction that any amount payable under the priority order (or orders) that remains unpaid when any sum is recovered under the confiscation order is to be paid out of that sum."

(3) In section 19 (no order made: reconsideration of case), omit subsection (8).

(4) In section 20 (no order made: reconsideration of benefit), omit subsection (12).

(5) In section 21 (order made: reconsideration of benefit)—

(a) in subsection (9), omit paragraphs (c), (ca) and (d);

(b) omit subsection (10).

(6) In section 22 (order made: reconsideration of available amount)—

(a) in subsection (5), omit paragraphs (c) and (d);

(b) omit subsection (6).

(7) In section 55 (sums received by designated officer), for subsection (5) substitute—

"(5) If a priority payment direction was made under section 13(5), the designated officer must next apply the sums in payment of any amounts payable under the priority order (or orders) that remain unpaid.

(5A) In a case in which there is more than one priority order the sums are to be applied in the order in which the priority orders were made, starting with the earliest of them."

PART 5

COMPENSATION DIRECTIONS

Compensation directions

13 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) After section 22 insert—

"22A Increased available amount: compensation directions

(1) This section applies where under section 22(4) a court varies a confiscation order so as to increase the amount required to be paid under the order.

(2) The court may make a supplementary compensation direction if—

(a) a compensation order has been made against the defendant in respect of the offence (or any of the offences) concerned, and

(b) at the time the compensation order was made, the amount of the compensatable loss that had been sustained by the person in whose favour it was made was greater than the amount required to be paid by the compensation order.

(3) A supplementary compensation direction is a direction that so much of the amount recovered under the confiscation order as the court considers appropriate is to be paid to the person in whose favour the compensation order was made.

(4) That amount must not exceed the difference between—

(a) the amount of the compensatable loss that had been sustained by the person at the time the compensation order was made, and

(b) the amount required to be paid to the person by the compensation order,

or so much of that difference as remains unpaid.

(5) If the amount mentioned in subsection (4)(a) exceeds any applicable maximum amount, subsection (4) applies as if the amount in subsection (4)(a) were the applicable maximum amount.

(6) The court may make a compensation direction if—

(a) at the time the confiscation order was made, a person was known to the court to have sustained compensatable loss as a result of the offence (or any of the offences) concerned, but

(b) a compensation order has not been made against the defendant in respect of that compensatable loss.

(7) A compensation direction is a direction that so much of the amount recovered under the confiscation order as the court considers appropriate is to be paid to the person mentioned in subsection (6)(a).

(8) That amount must not exceed—

(a) the amount of the compensatable loss that had been sustained by the person as a result of the offence (or any of the offences) concerned at the time the confiscation order was made, or

(b) so much of that amount as remains unpaid.

(9) If the amount mentioned in subsection (8)(a) exceeds any applicable maximum amount, subsection (8) applies as if the amount in subsection (8)(a) were the applicable maximum amount.

(10) In this section—

"applicable maximum amount" means the maximum amount of compensation (if any) that a compensation order made against the defendant in respect of the offence (or offences) concerned could have required the defendant to pay;

"compensatable loss" means personal injury, loss or damage of a kind in respect of which a compensation order could have been made;

"compensation order" means an order under—

(a) section 130 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(b) Chapter 2 of Part 7 of the Sentencing Code."

(3) In section 55 (sums received by designated officer) after subsection (5A) (inserted by paragraph 12(7)) insert—

"(5B) If under section 22A (compensation directions) a direction was made for an amount to be paid to a person, the designated officer must next apply the sums in payment of that amount."

PART 6

PROCEDURAL MATTERS

Timing of confiscation proceedings and effect on sentencing

14 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) Before section 16 insert—

"15A Timing of confiscation proceedings and effect on sentencing

(1) This section applies where the court sentences the defendant for the offence (or any of the offences) concerned before it proceeds under section 6.

(2) In sentencing the defendant for the offence (or any of the offences) concerned the court must not—

(a) impose a fine on the defendant,

(b) make an order falling within section 13(3)(a),

(c) make an order falling within section 13(3)(b), (c) or (d) other than any such order made in respect of property that has little or no market value at the time of sentencing,

(d) make an order for the payment of compensation under Chapter 2 of Part 7 of the Sentencing Code,

(e) make an order for the payment of a surcharge under section 42 of that Code, or

(f) make an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.

(3) The court must draw up a timetable for the proceedings under section 6 before the end of the hearing at which it sentences the defendant for the offence (or, where there is more than one, the last offence) concerned.

(4) The court may revise a timetable drawn up under subsection (3).

(5) Section 6 has effect as if the defendant's particular criminal conduct included conduct which constitutes offences which the court has taken into consideration in deciding the defendant's sentence for the offence or offences concerned.

(6) The court may, after the conclusion of the proceedings under section 6, vary the sentence by—

(a) imposing a fine on the defendant,

(b) making an order falling within section 13(3),

(c) making an order for the payment of compensation under Chapter 2 of Part 7 of the Sentencing Code,

(d) making an order for the payment of a surcharge under section 42 of that Code, or

(e) making an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.

(7) But the court may proceed under subsection (6) only within the period of 56 days beginning with the day on which the court—

(a) makes a confiscation order under section 6, or

(b) decides not to make such an order.

(8) For the purposes of—

(a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal), and

(b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of application for leave to refer a case under section 36 of that Act),

the sentence must be regarded as imposed or made on the day on which it is varied under subsection (6)."

(3) Omit sections 14 and 15 (postponement of confiscation proceedings).

Early resolution meeting

15 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 6, after subsection (7) insert—

"(7A) But the court may, if it believes it is appropriate to do so, decide any question arising under subsection (4) or (5) in accordance with an agreement reached by the prosecutor and defendant at an EROC meeting as mentioned in section 15B(3)(a)."

(3) After section 15A insert—

"15B Early resolution meeting

(1) This section applies where—

(a) the Crown Court is proceeding under section 6, and

(b) the court directs that an early resolution of confiscation meeting (an "EROC meeting") is to be held.

(2) Before the court proceeds as mentioned in subsection (4) of section 6 (making of order) the prosecutor and the defendant (or the defendant's legal representative) must attend an EROC meeting.

(3) An EROC meeting is a meeting held with a view to the prosecutor and defendant—

(a) reaching agreement on the question whether a confiscation order is required to be made against the defendant and, if so, on the amount required to be paid by the defendant under the confiscation order, or

(b) in a case where agreement as mentioned in paragraph (a) is not reached, identifying the questions to be decided by the court in proceeding under section 6 on which they disagree.

(4) A direction under subsection (1)(b)—

(a) may be given by the court on application by the prosecutor or of its own motion;

(b) may require or permit the attendance at an EROC meeting of—

(i) any person who it appears to the court holds, or may hold, an interest in key property;

(ii) an accredited financial investigator;

(iii) any other person that the court considers appropriate.

(5) A direction under subsection (1)(b) may be varied or revoked by the court on application by the prosecutor or of its own motion.

(6) Key property is property held by the defendant that the court believes will need to be realised or otherwise used to satisfy any confiscation order that may be made.

15C Early resolution hearing

(1) Following an EROC meeting, the court must hold an EROC hearing if—

(a) the prosecutor and defendant did not reach agreement as mentioned in section 15B(3)(a), or

(b) 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.

(2) An "EROC hearing" is a hearing for the court to consider the next steps in the section 6 proceedings.

(3) In this section "EROC meeting" has the meaning given by section 15B."

PART 7

RECONSIDERATION AND PROVISIONAL DISCHARGE

Order made: reconsideration

16 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) After section 21 insert—

"21A Order made: reconsideration of benefit on decrease in value and sale etc

(1) This section applies if—

(a) a court has made a confiscation order,

(b) there is relevant property,

(c) an application to proceed under this section is made to the Crown Court by—

(i) the prosecutor,

(ii) a receiver appointed under section 50, or

(iii) the designated officer for a magistrates' court, and

(d) the applicant believes that if the court were to make a new calculation of the defendant's benefit and in doing so applied section 21(3) to (6), the amount found would not exceed the amount that would be found if the court were to make a new calculation of the defendant's benefit under subsection (4).

(2) For the purposes of this section, property is "relevant property" if the property was obtained by the defendant as a result of or in connection with the conduct concerned and—

(a) it was held by the defendant when the relevant amount was calculated, but

(b) it is no longer held by the defendant because it has been—

(i) sold, or

(ii) destroyed by virtue of a court order under section 51(2)(e) or section 67AA (orders for the destruction of cryptoassets).

(3) In a case where this section applies, the court must determine whether A is less than B, where—

"A" is the total of the values of all relevant property as decided in accordance with section 80(3A) or (3B) (as appropriate), and

"B" is the total of the values at which that property was taken into account when the relevant amount was calculated, adjusted to take account of changes in the value of money since it was calculated.

(4) If A is less than B, the court must make a new calculation of the defendant's benefit by—

(a) adjusting the relevant amount to take account of changes in the value of money since it was calculated, and

(b) deducting from that adjusted amount the amount by which A is less than B.

(5) Subsection (6) applies where—

(a) the court makes a new calculation of the defendant's benefit under subsection (4), and

(b) the court determines that C is less than D, where—

"C" is the amount that, if it was adjusted to take account of changes in the value of money since the amount required to be paid was last determined, would give the amount found under the new calculation of the defendant's benefit, and

"D" is the amount required to be paid under the order.

(6) The court must vary the order by substituting C for the amount required to be paid.

(7) The variation of the order under subsection (6) does not—

(a) affect the defendant's liability to pay any interest which was payable under section 12 for a period before the variation of the order but which had not been paid at the time of the variation, or

(b) give rise to any obligation to refund any amount already paid by the defendant under the order.

(8) The relevant amount is—

(a) the amount found as the defendant's benefit for the purposes of the confiscation order, or

(b) if one or more new calculations of the defendant's benefit have been made under section 21 or this section, the amount found on the occasion of the last such calculation."

(3) In section 21 (order made: reconsideration of benefit)—

(a) after subsection (11) insert—

"(11A) Section 11 applies in relation to a confiscation order when it is varied under this section as it applies in relation to a confiscation order when it is made (reading references to the making of the order as references to the varying of the order and references to the day on which the order is made as references to the day on which the order is varied).

(11B) Where section 12 applies in relation to a confiscation order that has been varied under this section, the reference in section 12(3)(c) to the day on which the order was made is to be read as a reference to the day on which the order was varied.";

(b) in subsection (13)—

(i) in paragraph (a), for "if this section has not applied previously;" substitute "or";

(ii) for paragraph (b) substitute—

"(b) if one or more new calculations of the defendant's benefit have been made under this section or section 21A, the amount found on the occasion of the last such calculation."

(4) In section 22 (order made: reconsideration of available amount)—

(a) after subsection (7) insert—

"(7A) Section 11 applies in relation to a confiscation order when it is varied under this section as it applies in relation to a confiscation order when it is made (reading references to the making of the order as references to the varying of the order and references to the day on which the order is made as references to the day on which the order is varied).

(7B) Where section 12 applies in relation to a confiscation order that has been varied under this section, the reference in section 12(3)(c) to the day on which the order was made is to be read as a reference to the day on which the order was varied.";

(b) in subsection (9), in paragraph (b), after "section 21" insert "or 21A,".

(5) In section 39 (reconsideration etc: variation of prison term), in subsection (1)(a), after "21," insert "21A,".

Provisional discharge of confiscation order

17 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) For sections 24 and 25 substitute—

"24A Provisional discharge of order

(1) This section applies if—

(a) a court has made a confiscation order, and

(b) the relevant two-year period has ended.

(2) The Crown Court may, of its own motion or on an application made by a person listed in subsection (3), discharge the confiscation order on a provisional basis if the court considers that it is in the interests of justice to do so.

(3) The persons are—

(a) the prosecutor;

(b) the designated officer for a magistrates' court;

(c) a receiver appointed under section 50.

(4) In deciding whether it is in the interests of justice to discharge a confiscation order on a provisional basis the court must, in particular, take into account—

(a) any amount that the defendant has already paid under the confiscation order;

(b) the extent to which the amount that remains to be paid under the order represents interest payable under section 12;

(c) any steps that have already been taken in relation to the enforcement of the order;

(d) the extent to which there are reasonable steps (or further reasonable steps) that could be taken in relation to the enforcement of the order;

(e) the amount that the court considers would be recovered if all such reasonable steps (or further reasonable steps) were to be taken.

(5) The court may discharge a confiscation order on a provisional basis even though the court does not consider that doing so is best calculated to further the principal objective (see section 5A(4)).

(6) Where an application under this section is refused, a further application in relation to the confiscation order concerned may only be made—

(a) after the end of the period of two years beginning with the date of the refusal, or

(b) before the end of that period, with the leave of the court.

(7) There is no right of appeal against a decision of the court under this section to discharge, or not to discharge, a confiscation order on a provisional basis.

(8) In subsection (1), the "relevant two-year period" means the period of two years beginning with—

(a) the day on which the confiscation order was made, or

(b) in a case where the order has been varied under this Part, the day on which the order was varied.

24B Effect of provisional discharge and revocation of discharge

(1) This section applies where a confiscation order has been discharged under section 24A on a provisional basis.

(2) The order is to be treated as satisfied subject to the rest of this section.

(3) The provisional discharge of the order does not prevent the making of an application in respect of the order under section 21, 21A, 22 or 23.

(4) Where, on an application under any of those provisions, the court varies the order, the court may also revoke the provisional discharge of the order.

(5) The Crown Court may, on an application made by a person listed in subsection (6), revoke the provisional discharge of the order if the court considers that it is in the interests of justice to do so.

(6) The persons are—

(a) the prosecutor;

(b) a receiver appointed under section 50.

(7) In deciding whether it is in the interests of justice to revoke the provisional discharge of a confiscation order the court must, in particular, take into account the matters listed in section 24A(4).

(8) Where the court revokes the provisional discharge of a confiscation order under this section—

(a) the order is, from the time of the revocation, no longer to be treated as satisfied, and

(b) accordingly—

(i) from that time the proceedings against the defendant are to be treated as not having been concluded (see section 85(5)(a)), and

(ii) any interest which was payable under section 12 for a period before the provisional discharge of the order but which had not been paid at the time of the provisional discharge becomes payable.

(9) Where the court revokes the provisional discharge of an order under subsection (5), section 11 applies in relation to any part of the amount ordered to be paid under the order that had not been paid when the order was provisionally discharged as it applies in relation to the full amount ordered to be paid under a confiscation order when it is made.

(10) Where section 11 applies as mentioned in subsection (9), references in that section to the making of the order are to be read as references to the revocation of the provisional discharge of the order and references to the day on which the order is made as references to the day on which the provisional discharge of the order is revoked.

(11) Where section 12 applies in relation to a confiscation order following the revocation of a provisional discharge of the order under subsection (5), the reference in section 12(3)(c) to the day on which the order was made is to be read as a reference to the day on which the provisional discharge of the order was revoked.

(12) There is no right of appeal against a decision of the court under this section to revoke, or not to revoke, the provisional discharge of a confiscation order.

24C Financial status orders

(1) This section applies where—

(a) the Crown Court has decided of its own motion to consider whether to discharge a confiscation order on a provisional basis,

(b) an application has been made under section 24A or 24B, or

(c) the court has discharged a confiscation order on a provisional basis and an application has been made under section 21, 21A, 22 or 23.

(2) The court may order the defendant to give the court, before the end of the period specified in the order—

(a) any information about the defendant's assets and other financial circumstances, and

(b) any documentary or other evidence in support of that information,

that the court may require in connection with the exercise of its functions under section 24A or 24B."

(3) In the italic heading before section 19, at the end insert "and discharge".

PART 8

ENFORCEMENT

Enforcement plans

18 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) After section 13 insert—

"Measures to promote effectiveness of confiscation orders

13ZA Enforcement plans

(1) This section applies where a court makes a confiscation order.

(2) On making the confiscation order, the court must also prepare an enforcement plan for the order if—

(a) there are reasonable grounds to believe that the defendant might default on the confiscation order for any reason, or

(b) the court otherwise believes it is appropriate to do so for the purpose of ensuring that the confiscation order is effective.

(3) An enforcement plan for a confiscation order 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.
(For the meaning of "the enforcing court" see section 35D.)

(4) For the purposes of this section and section 13ZB—

(a) the defendant defaults on a confiscation order if the defendant fails to pay the amount required to be paid under the order on or before the due date;

(b) the "due date", in relation to a confiscation order, means—

(i) in a case where no period is specified under section 11(2), the day on which the confiscation order is made, or

(ii) in a case where one or more periods is so specified, the final day of the specified period that ends last (including any such period as extended under section 11(4)).

(5) Where the court making the confiscation order is the Court of Appeal (see section 67E(5)(b)(i) (appeals)), on making the order the Court of Appeal may direct that the Crown Court is to carry out the duties under this section as if the Crown Court had made the order.

13ZB Enforcement plan: initial enforcement hearing

(1) This section applies where an enforcement plan is prepared for a confiscation order.

(2) The enforcing court must set a date for a 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 court after the due date.
(See section 35D for the meaning of "the enforcing court" and section 35F for provision about this hearing.)

(3) If an order is made under section 11(4) as a result of which the due date in relation to the confiscation order changes, the enforcing court must reset the date for the hearing to the first date then available to the enforcing court after the new due date.

(4) If the enforcing court is a magistrates' court, the duties under this section are to be carried out by the magistrates' court mentioned in section 35J(2)."

(3) In section 13A (compliance orders), in subsection (1) at the end insert "(whether or not the court also prepares an enforcement plan under section 13ZA)".

The default term and the powers of the enforcing court

19 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In the italic heading before section 35, for "as fines etc" substitute ": general".

(3) For section 35 (enforcement as fines) substitute—

"35A Default term of imprisonment or detention

(1) This section applies if a court makes a confiscation order.

(2) The court must also make an order fixing a term (the "default term")—

(a) of imprisonment, or

(b) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,

which the defendant is to undergo if any of the amount required to be paid under the confiscation order is not duly paid.

(3) Where a court is fixing the default term in respect of an amount required to be paid under a confiscation order, the maximum terms are those specified in the second column of the Table for amounts described in the corresponding entry in the first column.

Amount	Maximum term
£10,000 or less	6 months
More than £10,000 but no more than £500,000	5 years
More than £500,000 but no more than £1 million	7 years
More than £1 million	14 years

(4) The defendant may not be committed to prison, or detained, by virtue of an order under subsection (2) on the same occasion as the confiscation order is made unless—

(a) the court is satisfied that the defendant is able to pay the amount on that occasion,

(b) the court is satisfied that the defendant is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the amount to be enforced by other methods,

(c) on that occasion the court sentences the defendant to immediate imprisonment, custody for life or detention in a young offender institution for an offence, or

(d) the defendant is already serving a sentence of custody for life or a term—

(i) of imprisonment,

(ii) of detention in a young offender institution, or

(iii) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default).

(5) The Secretary of State may by order amend the Table in subsection (3) so as to remove, alter or replace any entry or to add any entry.

35B Effect of part payment on the default term

(1) This section applies where, after a default term has been fixed under section 35A(2) in respect of an amount required to be paid under a confiscation order, the defendant pays part of that amount in accordance with rules of court.

(2) The default term is reduced by the number of days found using the following formula—

$$\frac{A}{B} \times C$$

where—

A is the amount of the part payment;

B is the amount that was required to be paid under the order at the time that the default term was fixed;

C is the number of days in the default term that was fixed under section 35A(2) less one day.

(3) In calculating the reduction required under subsection (2) any fraction of a day is to be left out of account.

35C Release from custody on full payment

(1) Subsection (2) applies where—

(a) a default term has been fixed under section 35A(2) in respect of an amount required to be paid under a confiscation order, and

(b) the defendant pays that amount.

(2) Where this subsection applies—

(a) any warrant of commitment issued for the purpose of recovering the amount ceases to have effect, and

(b) if the defendant has been committed to custody, the defendant is to be released unless the defendant is in custody for some other cause.

35D The enforcing court

(1) This section applies if a court makes a confiscation order.

(2) On making the confiscation order, the court must make an order specifying whether the Crown Court or a magistrates' court is the enforcing court in relation to the confiscation order.

(3) Where—

(a) an order has been made under subsection (2) specifying that a magistrates' court is the enforcing court in relation to a confiscation order, and

(b) a period has been specified under section 11(2) (specified period for payment) in relation to the confiscation order,

a magistrates' court may, at any time on or before the final day of the specified period, order that the Crown Court is instead the enforcing court in relation to the confiscation order.

(4) The reference in subsection (3) to the period specified under section 11(2)—

(a) includes any such period as extended under section 11(4), and

(b) where more than one such period has been specified, is a reference to the period that ends last.

(5) Where an order has been made under subsection (2) or (3) specifying that the Crown Court is the enforcing court in relation to a confiscation order, the Crown Court may, at any time, order that a magistrates' court is instead the enforcing court in relation to the confiscation order.

(6) A court may make an order under subsection (3) or (5) only if it considers it appropriate to do so for the purpose of securing the efficient and effective enforcement of a confiscation order.

(7) An order under subsection (3) or (5) may include an order transferring enforcement proceedings to the Crown Court or, as the case may be, to the magistrates' court specified in the order.

(8) The defendant has no right of appeal against an order under this section.

(9) If—

(a) a collection order has been made under Schedule 5 to the Courts Act 2003 in respect of the sum required to be paid under a confiscation order, and

(b) after the making of the collection order, an order is made under subsection (3) in relation to the confiscation order,

the collection order ceases to have effect.

(10) In this section "enforcement proceedings" means any proceedings in connection with the enforcement of a confiscation order.

(11) For the purposes of this Part (other than this section), "the enforcing court", in relation to a confiscation order, means—

(a) the Crown Court in a case where—

(i) an order has been made under subsection (2) or (3) specifying that the Crown Court is the enforcing court in relation to the confiscation order, and

(ii) no order has subsequently been made under subsection (5);

(b) a magistrates' court in any other case.

35E Power for new enforcing court to vary enforcement action taken by former enforcing court

(1) Subsection (2) applies if at any time—

(a) a magistrates' court or the Crown Court becomes the enforcing court ("the new enforcing court") in relation to a confiscation order as a result of an order made under section 35D(3) or (5),

(b) before that time the Crown Court or, as the case may be, a magistrates' court took enforcement action under an enforcement power, and

(c) that action could have been taken by the new enforcing court under a corresponding enforcement power had the new enforcing court been the enforcing court in relation to the order at the time that the enforcement action was taken.

(2) The new enforcing court may exercise one or more of its enforcement powers to vary or revoke the enforcement action in the same way that it could have exercised such a power had the enforcement action been taken by that court.

(3) In this section—

(a) references to taking enforcement action mean making an order, issuing a direction, warrant or summons, imposing conditions or taking any other action under an enforcement power;

(b) "enforcement power" means any power which may be exercised by a court in connection with the enforcement of a confiscation order.

35F Confiscation order with enforcement plan: initial enforcement hearing

(1) This section applies where—

(a) a court has prepared an enforcement plan for a confiscation order (see section 13ZA), and

(b) the defendant defaults on the confiscation order (within the meaning given by section 13ZA(4)).

(2) If the condition in subsection (4) is met the enforcing court must, at the initial enforcement hearing, make an order or orders in the terms that were set out in draft in the enforcement plan (the "initial enforcement orders").

(3) If that condition is not met the enforcing court must, at that hearing, consider what other steps to take for the purposes of enforcing the confiscation order.

(4) The condition is that the enforcing court believes that—

(a) the proceeds of the realisation of property pursuant to the initial enforcement orders would be less than or equal to the amount remaining to be paid under the confiscation order, and

(b) the interests of justice do not require any initial enforcement order not to be made.

(5) In this section "the initial enforcement hearing" means the hearing held pursuant to section 13ZB.

35G Power to compel defendant to attend court for enforcement purposes

(1) This section applies if a court has made a confiscation order.

(2) The enforcing court may, for any purpose in connection with the enforcement of the order—

(a) issue a summons requiring the defendant to appear before the court at the time and place appointed in the summons, or

(b) issue a warrant to arrest the defendant and bring them before the court.

(3) On the failure of the defendant to appear before the court in answer to a summons issued under subsection (2)(a), the enforcing court may issue a warrant to arrest them and bring them before the court.

(4) A warrant issued under this section may be executed in the same manner, and the same proceedings may be taken with a view to its execution, in any part of the United Kingdom, as if it had been issued under section 13 of the Magistrates' Courts Act 1980.

35H Financial status orders

(1) This section applies if a court has made a confiscation order.

(2) The enforcing court may order the defendant to give the court, before the end of the period specified in the order—

(a) any information about the defendant's assets and other financial circumstances, and

(b) any documentary or other evidence in support of that information,

that the court may require in connection with the enforcement of the confiscation order.

35I Confiscation assistance advisers

(1) This section applies if a court has made a confiscation order.

(2) The enforcing court may appoint any person the court thinks appropriate to advise and assist the defendant in satisfying the confiscation order.

(3) But a person may only be appointed under subsection (2) with the person's consent.

Enforcement by magistrates' courts

35J Enforcement as a fine by magistrates' court

(1) This section applies if—

(a) a court has made a confiscation order, and

(b) a magistrates' court is for the time being the enforcing court (see section 35D).

(2) The amount required to be paid under the confiscation order is to be treated for the purposes of collection of any unpaid amount and enforcement of the order as a fine imposed on the defendant—

(a) by a magistrates' court specified in an order made by the Crown Court, or

(b) if no such order is made, by the magistrates' court by which the defendant was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998,

and as having been so imposed on conviction by the magistrates' court in question.

(3) Subsection (4) applies where a magistrates' court issues a warrant of commitment in default of payment of an amount required to be paid by a confiscation order.

(4) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the defendant is liable to serve is to be—

(a) the default term fixed under section 35A(2), or

(b) if that term has been reduced under section 35B(2) (part payment), that term as so reduced.

(5) In the application of Part 3 of the Magistrates' Courts Act 1980 to an amount payable under a confiscation order—

(a) ignore section 75 of that Act (power to dispense with immediate payment);

(b) ignore section 76(3) of that Act (maximum term of commitment);

(c) section 77(2) of that Act is to be read as if the words from "fix a term" to "for default) and" were omitted;

(d) ignore section 79 (release from custody and reduction of detention on payment);

(e) such an amount is not—

(i) a sum adjudged to be paid by a conviction for the purposes of section 81 of that Act (enforcement of fines imposed on young offenders), or

(ii) a fine for the purposes of section 85 of that Act (remission of fines);

(f) in section 87 of that Act, ignore—

(i) subsection (3) (inquiry into means), and

(ii) subsection (3A) (requirement for fines officer to conduct means inquiry before enforcement proceedings).

(6) Subsection (7) applies where, by virtue of section 118, a transfer of fine order under section 222 of the Criminal Procedure (Scotland) Act 1995 provides for the enforcement by a magistrates' court in England and Wales of an amount ordered to be paid under a confiscation order.

(7) Section 91(3) of the Magistrates' Courts Act 1980 is to be read as if for "fine fell to be enforced by virtue of section 132(1) of the Sentencing Code" there were substituted "confiscation order fell to be enforced by virtue of section 35J of the Proceeds of Crime Act 2002".

(8) In this section, "unpaid amount", in relation to a confiscation order, means an amount required to be paid by the defendant under the order that has not been paid when it is required to have been paid.

Enforcement by Crown Court: powers corresponding to those of magistrates' courts

35K Enforcement by Crown Court: general

(1) This section and sections 35L to 35R apply if—
(a) a court has made a confiscation order, and
(b) the Crown Court is for the time being the enforcing court in relation to the order (see section 35D).

(2) The amount required to be paid under the confiscation order is to be treated for the purposes of any enactment as if it were a sum adjudged to be paid by a conviction of the Crown Court.

(3) Payments under the confiscation order are to be made, except where provided otherwise by an enactment or court order, to the designated officer for the collecting magistrates' court.

(4) For the purposes of this Part, "the collecting magistrates' court", in relation to a confiscation order, means—
(a) the magistrates' court specified as the collecting magistrates' court in the order made under section 35D(2) or (as the case may be) (3) in relation to the confiscation order, or
(b) if no such specification is made, the magistrates' court by which the defendant was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1988.

(5) In sections 35L to 35R, "unpaid amount", in relation to a confiscation order, means an amount required to be paid by the defendant under the order that has not been paid when it is required to have been paid.

35L Warrants of control

(1) The Crown Court may issue a warrant of control for the purpose of recovering any unpaid amount in relation to the confiscation order.

(2) The court may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.

35M Warrants of commitment

(1) The Crown Court may issue a warrant of commitment if the defendant defaults on the confiscation order (within the meaning given by section 13ZA(4)).

(2) But a warrant of commitment may be issued only—

(a) where it appears on the return to a warrant of control issued for the purpose of recovering the unpaid amount, that the money and goods of the defendant are insufficient to pay the amount outstanding, or

(b) instead of a warrant of control.

(3) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the defendant is liable to serve is to be—

(a) the default term fixed under section 35A(2), or

(b) if that term has been reduced under section 35B(2), that term as so reduced.

(4) In subsection (2)(a) "amount outstanding" has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.

35N Postponement of issue of warrant of commitment

(1) This section applies where the Crown Court has the power to issue a warrant of commitment under section 35M.

(2) The court may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as the court thinks just.

(3) The court may at any time (and whether or not an application has been made under subsection (5)) do either or both of the following—

(a) direct that the issue of the warrant is postponed until a time different from that to which it was previously postponed;

(b) vary any of the conditions on which its issue is postponed,

but only if it thinks it just to do so having regard to a change of circumstances since the relevant time.

(4) In this section "the relevant time" means—

(a) where neither of the powers conferred by subsection (3) has been exercised previously, the date when the issue of the warrant was postponed under subsection (2), and

(b) in any other case, the date of the exercise or latest exercise of either or both of the powers.

(5) Subsections (6) to (8) apply if, on an application by the defendant, it appears to the Crown Court that since the relevant time there has been a change of circumstances which would make it just for the court to exercise one or other or both of the powers conferred by subsection (3).

(6) The court must—

(a) fix a time and place for the application to be heard, and

(b) give notice of that time and place to the defendant.

(7) Where notice under subsection (6)(b) has been given but the defendant does not appear at the time and place specified in the notice, the court may consider the application in the defendant's absence.

(8) If a warrant of commitment has been issued before the hearing of the application, the court may, if it is satisfied that the change of circumstances on which the defendant relies was not put before the court when it was determining whether to issue the warrant—

(a) order that the warrant is to cease to have effect, and

(b) if the defendant has been arrested under it, order that the defendant is to be released.

35O Restriction on power to issue warrant of commitment

(1) This section applies in relation to the issue of a warrant of commitment under section 35M otherwise than on the occasion of the making of the confiscation order.

(2) The court may not issue the warrant unless—

(a) the defendant appears to the court to have sufficient means to pay the unpaid amount immediately, or

(b) the court—

(i) is satisfied that the default is due to the defendant's wilful refusal or culpable neglect, and

(ii) has considered or tried the methods of enforcing payment listed in subsection (3) and it appears to the

court that they are inappropriate or were unsuccessful.

(3) The methods of enforcing payment mentioned in subsection (2)(b)(ii) are—

(a) a warrant of control under section 35L;

(b) an application to the High Court or county court for enforcement under section 35Q;

(c) an attachment of earnings order.

(4) The warrant must specify which of the conditions in subsection (2) is satisfied.

(5) The court may not issue the warrant except at a hearing at which the defendant is present unless the court has served a notice on the defendant—

(a) stating—

(i) that the court intends to hold a hearing to consider whether to issue the warrant;

(ii) the time and place appointed for the hearing,

(b) giving the reason why the court intends to hold the hearing, and

(c) informing the defendant that, if the defendant considers that there are grounds why the warrant should not be issued, the defendant may make representations to the court in person or in writing.

(6) The court may exercise its powers in relation to the issue of the warrant whether or not the defendant makes representations.

(7) Subject to subsection (8), the time stated in the notice under subsection (5)(a)(ii) must not be earlier than the last day of the period of 21 days beginning with the day after the day on which the notice was issued.

(8) Where the notice under subsection (5) is issued at the same hearing as that at which the court exercises its power to postpone the issue of the warrant, the time stated in the notice may be a time on any day after the end of the period for which the issue of the warrant is postponed.

(9) A notice under subsection (5) which is sent by registered post, or by recorded delivery, addressed to the defendant at the defendant's last known address is deemed to have been served on the defendant, even if the notice is returned as undelivered or is for any other reason not received by the defendant.

35P Execution of warrant issued by Crown Court under section 35L or 35M

(1) Section 125(2) of the Magistrates' Courts Act 1980 (execution anywhere in England and Wales) applies in relation to a warrant of control or warrant of commitment issued by the Crown Court under section 35L or 35M as it applies in relation to a warrant of control or warrant of commitment issued by a justice of the peace.

(2) Section 125ZA of the Magistrates' Courts Act 1980 (endorsement of warrant of control) applies in relation to a warrant of control issued by the Crown Court under section 35L as it applies in relation to a warrant of control issued by a justice of the peace.

(3) Section 125A(1) of the Magistrates' Courts Act 1980 (enforcement by civilian enforcement officers) applies to a warrant of control or warrant of commitment issued by the Crown Court under section 35L or 35M.

(4) Accordingly, the following sections of the Magistrates' Courts Act 1980 also apply in relation to a warrant of control or warrant of commitment issued by the Crown Court under section 35L or 35M—

(a) section 125B (execution by approved enforcement agency),

(b) section 125C (disclosure of information), and

(c) section 125D(1) and (4) (execution by person not in possession of warrant).

(5) In the application of section 125C of the Magistrates' Courts Act 1980 to a warrant issued by the Crown Court under section 35L or 35M, the references to the designated officer for a magistrates' court are to be read as references to the court.

(6) Section 125CA of the Magistrates' Courts Act 1980 (power to make disclosure order) applies in relation to a warrant of control or warrant of commitment issued by the Crown Court under section 35L or 35M as it applies in relation to a warrant of control or warrant of commitment issued by a justice of the peace but—

(a) reading the reference in subsection (1) to a magistrates' court as a reference to the Crown Court, and

(b) reading the reference in subsection (2) to the designated officer for the court as a reference to the court.

(7) Section 13 of the Indictable Offences Act 1848 (which relates, among other things, to the execution in Scotland, Northern Ireland, the Isle of Man and the Channel Islands of certain warrants of arrest) applies to a warrant of commitment issued under section 35M as it applies to a warrant issued in England and Wales by the Crown Court for an indictable offence.

35Q Enforcement by High Court or county court

(1) Payment of the amount required to be paid under the confiscation order may be enforced by the High Court or the county court (otherwise than by issue of a writ of control or other process against goods or by imprisonment or attachment of earnings) as if the amount were due to the appropriate designated officer in pursuance of a judgment or order of the High Court or, as the case may be, the county court.

(2) "Appropriate designated officer" means the designated officer for the collecting magistrates' court (see section 35K(4)).

35R Transfer to Scotland or Northern Ireland

(1) Where it appears to the Crown Court that the defendant is residing—

(a) within the jurisdiction of a court of summary jurisdiction in Scotland, or

(b) in Northern Ireland,

the court may order that payment of the unpaid amount is enforceable by that court of summary jurisdiction in Scotland or, as the case may be, by a court of summary jurisdiction in Northern Ireland.

(2) An order under this section must specify the court of summary jurisdiction by which payment of the unpaid amount is to be enforceable.

(3) If the unpaid amount is more than £100 and payment is to be enforceable in Scotland, the court specified in the order must be the sheriff court.

(4) Where an order is made under this section with respect to an unpaid amount, functions under sections 35L to 35Q relating to that amount which, if no such order had been made, would have been exercisable by the Crown Court cease to be so exercisable."

(4) In section 25A (recovery from estate of deceased defendant impractical: discharge of order)—

(a) in subsection (1)(c), at the beginning insert "in a case where the enforcing court is for the time being a magistrates' court,";

(b) in subsection (2), for "court", the first time it appears, substitute "Crown Court".

(5) Before section 38 insert—

"Provision about imprisonment or detention"

(6) In section 39 (reconsideration etc: variation of prison term)—

(a) in subsection (1)—
(i) in paragraph (b), for "35(2A)" substitute "35A(3)";
(ii) in paragraph (c), for "129(3) of the Sentencing Code" substitute "35A(2)";
(b) in subsections (2) and (4), for "129(3) of the Sentencing Code" substitute "35A(2)";
(c) in subsection (5)—
(i) for "35(2A)" substitute "35A(3)";
(ii) for "129(3) of that Code" substitute "35A(2)".

(7) In section 54 (enforcement receivers), in subsection (7), for the words from "the one" to the end substitute "—

(a) in a case where the enforcing court is for the time being a magistrates' court, the designated officer for the court;
(b) in a case where the enforcing court is for the time being the Crown Court, the designated officer for the collecting magistrates' court (see section 35K(4))."

(8) In section 459 (orders and regulations)—
(a) in subsection (4)(a), for "35(2C)," substitute "35A(5),";
(b) in subsection (6)(a), for "35(2C)," substitute "35A(5),".

Extension to Crown Court of powers in relation to money, cryptoassets and personal property

20 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 67 (money)—
(a) in subsection (5)—
(i) for "a magistrates' court" substitute "the enforcing court";
(ii) for "to the designated officer for the court" substitute ", as mentioned in subsection (5ZA),";
(b) after subsection (5) insert—

"(5ZA) The money must be paid—
(a) in a case where the enforcing court is for the time being a magistrates' court, to the designated officer for the court;
(b) in a case where the enforcing court is for the time being the Crown Court, to the designated officer for the collecting magistrates' court (see section 35K(4)).";

(c) in subsection (5B), for "a magistrates' court" substitute "the enforcing court";
(d) in subsection (6)—
(i) in paragraph (a), for "magistrates' court" substitute "enforcing court";
(ii) in paragraph (b), for "the court" substitute "a magistrates' court".

(3) In section 67ZA (cryptoassets)—

(a) in subsection (3)—

(i) in the words before paragraph (a), for "A magistrates' court" substitute "The enforcing court";

(ii) in paragraph (b), for "to the designated officer for the court" substitute ", as mentioned in subsection (3A),";

(b) after subsection (3) insert—

"(3A) The proceeds of the realisation must be paid—

(a) in a case where the enforcing court is for the time being a magistrates' court, to the designated officer for the court;

(b) in a case where the enforcing court is for the time being the Crown Court, to the designated officer for the collecting magistrates' court (see section 35K(4)).";

(c) in subsection (5), for "a magistrates' court" substitute "the enforcing court";

(d) in subsection (6)—

(i) in paragraph (a), for "magistrates' court" substitute "enforcing court";

(ii) in paragraph (b), for "the court" substitute "a magistrates' court".

(4) In section 67A(3) (seized personal property), for "a magistrates' court" substitute "the enforcing court".

(5) In section 67AA(2) (destruction of seized cryptoassets), for "A magistrates' court" substitute "The enforcing court".

(6) In section 67B(1) (costs of storage and realisation), for "a magistrates' court" substitute "the enforcing court".

(7) In section 67D (proceeds of realisation)—

(a) in subsection (2)(c), after "third," insert "in a case where the sums are the proceeds of the realisation of property under section 67A,";

(b) in subsection (6), in the definition of "appropriate designated officer", for the words from "the designated officer" to the end substitute "—

(a) in a case where the enforcing court is for the time being a magistrates' court, the designated officer for the court;

(b) in a case where the enforcing court is for the time being the Crown Court, the designated officer for the collecting magistrates' court (see section 35K(4))."

(8) In section 69(2A) (powers of court and receiver etc), in paragraph (c) for "a magistrates' court" substitute "the enforcing court".

Extension to Crown Court of powers under Schedule 5 to Courts Act 2003 to make attachment of earnings orders and applications for benefit deductions

21 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.

(2) In paragraph 1 (application of Schedule)—

(a) in sub-paragraph (1) omit "("P")";

(b) after sub-paragraph (1) insert—

"(1A) Parts 1, 3, 3A and 10 also apply if a person aged 18 or over is liable to pay a sum required to be paid under a confiscation order and the Crown Court is for the time being the enforcing court in relation to the order (within the meaning given by section 35D of the Proceeds of Crime Act 2002)."

(3) In paragraph 2 (interpretation)—

(a) in sub-paragraph (1), for the words from "the sum adjudged to be paid" to the end, substitute "—

(a) in a case where this Schedule applies as mentioned in sub-paragraph (1) of paragraph 1, the sum adjudged to be paid as mentioned in that sub-paragraph;

(b) in a case where this Schedule applies as mentioned in sub-paragraph (1A) of paragraph 1, the sum required to be paid as mentioned in that sub-paragraph;

(c) in a case where this Schedule applies as mentioned in paragraph (2) of paragraph 1, the sum payable under a notice of conviction and penalty.";

(b) after sub-paragraph (1) insert—

"(1A) In this Schedule "P" means—

(a) in a case where this Schedule applies as mentioned in sub-paragraph (1) of paragraph 1, the person mentioned in that sub-paragraph;

(b) in a case where this Schedule applies as mentioned in sub-paragraph (1A) of paragraph 1, the person mentioned in that sub-paragraph.".

(4) In paragraph 3(1) (meaning of "existing defaulter"), after sub-paragraph (d) (but before the "or" at the end of that sub-paragraph) insert—

"(da) he is in default in payment of a sum (or, where this Schedule applies as mentioned in sub-paragraph 1(1A), another sum) falling within paragraph 1(1A),".

(5) In paragraph 7 (application of provisions about attachment of earnings orders and applications for benefit deductions)—

(a) in sub-paragraph (2), for paragraph (b) substitute—

"(b) the enforcing court.";

(b) after sub-paragraph (2) insert—

"(2A) In sub-paragraph (2)(b), the "enforcing court" means—

(a) in a case where the sum due is required to be paid under a confiscation order, the court that is the enforcing court in relation to the order (within the meaning given by section 35D of the Proceeds of Crime Act 2002);

(b) in any other case, the magistrates' court responsible for enforcing payment of the sum due."

(6) In paragraph 9C(3B) (meaning of "P" in Part 3A), in the definition of "P", for "paragraph 1" substitute "paragraph 2".

(7) In paragraph 11(2) (meaning of "the relevant court" in Part 4), for the words from "has the same meaning" to the end, substitute "means—

(a) the court which is imposing the liability to pay the sum due, or

(b) the magistrates' court responsible for enforcing payment of the sum due."

Application of Attachment of Earnings Act 1971 to attachment of earnings orders made by the Crown Court

22 (1) The Attachment of Earnings Act 1971 is amended as follows.

(2) In section 6(7) (collecting officer of the court for purposes of attachment of earnings order), after paragraph (a) insert—

"(aza) in the case of an order made by the Crown Court under Schedule 5 to the Courts Act 2003 in relation to a sum required to be paid under a confiscation order, the designated officer for the collecting magistrates' court in relation to the confiscation order (within the meaning given by section 35K(4) of the Proceeds of Crime Act 2002);".

(3) In section 15D (interpretation of provisions relating to finding the debtor's employer) (as inserted by section 92 of the Tribunals, Courts and Enforcement Act 2007), after subsection (2) insert—

"(2A) If the lapsed order was made by the Crown Court under Schedule 5 to the Courts Act 2003, the proper authority is the Crown Court, a magistrates' court or the designated officer for a magistrates' court."

(4) In section 17 (consolidated attachment orders), after subsection (1) insert—

"(1A) The powers of the Crown Court under Schedule 5 to the Courts Act 2003 include power to make an attachment of earnings order

to secure the discharge of any number of such liabilities as are specified in paragraph 1(1A) of that Schedule."

Collection orders in respect of confiscation orders

23 (1) Schedule 5 to the Courts Act 2003 is amended as follows.

(2) In paragraph 2(2), after the definition of "a sum required to be paid by a compensation order" insert—

""a sum required to be paid by a confiscation order" means any sum required to be paid under an order made under section 6 of the Proceeds of Crime Act 2002;".

(3) In paragraph 13(1) (content of collection orders), in paragraph (aa)—

(a) in the words before sub-paragraph (i), after "compensation order," insert "a sum required to be paid by a confiscation order,";

(b) in sub-paragraph (i), after "compensation order," insert "the amount required to be paid under the confiscation order,".

Taking control of goods to recover a sum due under a confiscation order

24 (1) Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) is amended as follows.

(2) In paragraph 3(1) (general interpretation), in the definition of "the court", after paragraph (b) insert—

"(ba) in relation to an enforcement power under a warrant of control issued for the recovery of a sum required to be paid under an order under section 6 of the Proceeds of Crime Act 2002 (confiscation orders), the court that is the enforcing court in relation to the order (within the meaning given by section 35D of that Act);".

(3) In paragraph 17 (powers to use reasonable force), after "18," insert "18ZA,".

(4) After paragraph 18 insert—

"18ZA This paragraph applies if these conditions are met—

(a) the enforcement agent has power to enter the premises under paragraph 14 or 16 under a warrant under paragraph 15;

(b) the enforcement agent is acting under an enforcement power conferred by a warrant of control issued under section 35L of the Proceeds of Crime Act 2002 (powers of Crown Court to issue warrant of control to enforce confiscation order);

(c) the enforcement agent is entitled to execute the warrant by virtue of section 125A (execution by civilian enforcement officer) or 125B (execution by approved enforcement agency) of the Magistrates' Courts Act 1980

as applied by section 35P of the Proceeds of Crime Act 2002."

(5) In paragraph 19A(1) (power of entry where there is a controlled goods agreement), for paragraph (e) substitute—

"(e) none of paragraphs 18, 18ZA or 19 applies."

PART 9

RESTRAINT ORDERS

Conditions for making of restraint order: risk of dissipation

25 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 40 (conditions for exercise of power to make restraint order), for subsection (1) substitute—

"(1) Section 41 (power to make a restraint order) applies if—

(a) any of the first to fifth conditions is satisfied (see subsections (2) to (6)), and

(b) there is a real risk that relevant realisable property held by any person will be dissipated unless the Crown Court exercises the powers conferred by section 41 in relation to that property.

(1A) For the purposes of this section—

(a) "relevant realisable property" is realisable property that could be used for the purpose of satisfying any confiscation order that has been or may be made against the defendant;

(b) a reference to relevant realisable property being "dissipated" is to it ceasing to be available for that purpose.

(1B) In determining for the purposes of subsection (1)(b) whether there is a real risk of relevant realisable property being dissipated, the court must, in particular, have regard to the following—

(a) the nature of the relevant realisable property;

(b) the extent to which any person has taken steps with a view to relevant realisable property being dissipated;

(c) any circumstances of a person who holds the relevant realisable property that may affect the ease with which they would be able to secure the dissipation of the property;

(d) any evidence of such a person's character;

(e) the nature of the defendant's criminal conduct;

(f) the amount by which the defendant is suspected or believed to have benefited from their criminal conduct;

(g) the stage of the proceedings for an offence against the defendant."

(3) In section 41(1) (power to make restraint order), for "If any condition set out in section 40 is satisfied" substitute "In a case where this section applies (see section 40),".

Exception to restraint orders for reasonable legal expenses

26 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 41 (restraint orders)—

(a) omit subsections (2A) and (2B);

(b) in subsection (3)—

(i) omit "other";

(ii) after paragraph (b) insert—

"(c) be made subject to conditions.";

(c) in subsection (4), for the words before paragraph (a) substitute "Section 41ZA applies to an exception to a restraint order if the exception makes provision for any reasonable legal expenses which—";

(d) omit subsections (5A) and (5B);

(e) omit subsection (10).

(3) After section 41 insert—

"41ZA Exception for legal expenses in respect of offence with which confiscation proceedings concerned

(1) Where the court makes an exception to a restraint order under section 41(3) to which this section applies, it must ensure that the exception—

(a) is limited to legal expenses that the specified person has reasonably incurred or that the person reasonably incurs,

(b) specifies the total amount that may be released for legal expenses in pursuance of the exception, and

(c) is made subject to the required conditions (in addition to any conditions imposed under section 41(3)(c)).

(2) The Lord Chancellor may by regulations specify the required conditions for the purposes of subsection (1).

(3) A required condition may, in particular—

(a) restrict who may receive sums released in pursuance of the exception (by, for example, requiring released sums to be paid to professional legal advisers), or

(b) be made for the purpose of controlling the amount of any sum released in pursuance of the exception in respect of an item of expenditure.

(4) A required condition made for the purpose mentioned in subsection (3)(b) may, for example, provide for a sum to be released in respect of an item of expenditure only if—

(a) the court has assessed the amount allowed by the regulations in respect of that item, and

(b) the sum is released for payment of the assessed amount.

(5) For the purposes of subsection (4), the regulations may, in particular, make provision—

(a) limiting the amount of remuneration allowable to representatives for a unit of time worked;

(b) limiting the total amount of remuneration allowable to representatives for work done in connection with proceedings or a step in proceedings;

(c) limiting the amount allowable in respect of an item of expenditure incurred by a representative or incurred, otherwise than in respect of the remuneration of a representative, by a party to proceedings.

(6) Before making regulations under this section, the Lord Chancellor must consult such persons as the Lord Chancellor considers appropriate."

(4) In section 459 (orders and regulations), in each of subsections (4)(a) and (6)(a), omit "41(5A),".

Exception to restraint order for reasonable living expenses

27 In section 41 of the Proceeds of Crime Act 2002 (restraint orders)—

(a) after subsection (3) insert—

"(3A) In making an exception to a restraint order that makes provision for reasonable living expenses the court must, in particular, have regard to the following—

(a) the period for which the restraint order is to have effect;

(b) the specified person's applicable standard of living (see subsection (11));

(c) the specified person's means;

(d) the value of relevant realisable property held by the specified person in relation to the amount that the defendant is, or is likely to be, required to pay under a confiscation order;

(e) 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.";

(b) at the end insert—

"(11) In this section—

"applicable standard of living", in relation to a specified person, means—

(a) the person's standard of living immediately before the making of the restraint order, or

(b) in a case where there is reasonable cause to believe that the person enjoys a higher standard of living as a result of criminal activity, the standard of living that the person would enjoy but for that activity;

"relevant realisable property" has the same meaning as in section 40."

Discharge of restraint order etc: proceedings not started within reasonable time

28 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 41 (restraint orders)—

(a) in subsection (7A), for "and (7C)" substitute "to (7CA)";

(b) after subsection (7C) insert—

"(7CA) In determining for the purposes of subsection (7B)(b) whether proceedings for the offence have not started within a reasonable time, the court must, in particular, have regard to the following—

(a) the length of time that has passed since the making of the restraint order;

(b) the reasons given by the prosecutor for proceedings not having started within that time;

(c) the length and complexity of the criminal investigation, both before and after the making of the restraint order;

(d) the extent to which the matters subject to that investigation include matters arising abroad;

(e) the length and complexity of the potential proceedings;

(f) the nature of the restraint order (for example, the extent of the property to which it relates);

(g) the impact of the restraint order on any person affected by the order."

(3) In section 42 (restraint orders: application, discharge and variation), after subsection (7) insert—

"(7A) In determining for the purposes of subsection (7)(a) whether proceedings for the offence have not started within a reasonable time, the court must, in particular, have regard to the following—

(a) the length of time that has passed since the making of the restraint order;

(b) the reasons given by the prosecutor for proceedings not having started within that time;

(c) the length and complexity of the criminal investigation, both before and after the making of the restraint order;

(d) the extent to which the matters subject to that investigation include matters arising abroad;

(e) the length and complexity of the potential proceedings;

(f) the nature of the restraint order (for example, the extent of the property to which it relates);

(g) the impact of the restraint order on any person affected by the order."

Restraint orders: effect of conviction

29 After section 42 of the Proceeds of Crime Act 2002 insert—

"42A Restraint orders: effect of conviction

(1) In making or varying a restraint order at any time after the defendant's conviction for an offence, the Crown Court must have regard, in particular, to—

(a) the fact of the defendant's conviction, and

(b) whether any of the following has been, or is likely to be, made against the defendant—

(i) a compensation order under Chapter 2 of Part 7 of the Sentencing Code;

(ii) an order requiring payment of a surcharge under section 42 of that Code;

(iii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

(iv) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.

(2) Subsections (3) and (4) apply where—

(a) the Crown Court makes a restraint order at a time when the defendant has not been convicted of an offence, and

(b) the defendant is subsequently convicted of an offence at a time when the order remains in force.

(3) If the restraint order is subject to an exception made under section 41(3), the Crown Court must review the appropriateness of the exception having regard, in particular, to the matters mentioned in subsection (1).

(4) Following that review the court may vary the restraint order, whether or not an application has been made under section 42(3)."

PART 10

MANAGEMENT RECEIVERS

Appointment of management receiver

30 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 48 (appointment of management receiver)—

(a) after subsection (1) insert—

"(1A) Subsection (2) also applies if—

(a) a magistrates' court has made a further detention order, and

(b) an application is made to the Crown Court to proceed under subsection (2) by—

(i) the prosecutor, or

(ii) an accredited financial investigator.";

(b) in subsection (2), after "restraint order" insert "or (as the case may be) further detention order";

(c) after subsection (2) insert—

"(3) For the purposes of this section and section 49, a "further detention order" is an order made in relation to property under section 47M (further detention of property detained under section 47J)."

(3) In section 49 (powers of management receiver)—

(a) in subsection (1), after "restraint order" insert "or (as the case may be) further detention order (referred to in this section as the "relevant order")";

(b) in subsections (2), (5) and (6)(a), for "restraint order" substitute "relevant order".

(4) In section 63 (discharge and variation), in subsection (3)(a), after "section 40" insert "or 47B".

PART 11

APPEALS

Appeal rights in relation to confiscation proceedings

31 (1) The Proceeds of Crime Act 2002 is amended in accordance with sub-paragraphs (2) to (9).

(2) After section 67D insert—

"Appeals

67E Appeals in relation to confiscation orders

(1) If the Crown Court makes a confiscation order, the prosecutor may appeal to the Court of Appeal in respect of the order.

(2) If the Crown Court decides not to make a confiscation order, the prosecutor may appeal to the Court of Appeal against the decision.

(3) For the defendant's right of appeal—

(a) where the Crown Court makes a confiscation order, and

(b) in respect of an order fixing the default term,

see section 50(1) of the Criminal Appeal Act 1968 (the effect of which is that, for the purposes of the appeal rights conferred by that Act, both such orders form part of the defendant's sentence).

(4) On an appeal under subsection (1) the Court of Appeal—

(a) may confirm, vary or quash the confiscation order, and

(b) if it quashes the order, may direct the Crown Court to proceed afresh under section 6.

(5) On an appeal under subsection (2) the Court of Appeal—

(a) may confirm the decision, or

(b) if it believes that the decision was wrong, may—

(i) itself proceed under section 6 (ignoring subsections (1) to (3)), or

(ii) direct the Crown Court to proceed afresh under that section.

(6) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of the defendant or the prosecutor.

(7) On an appeal from a decision of the Court of Appeal to confirm, vary or make a confiscation order the Supreme Court may confirm, vary or quash the order.

(8) On an appeal from a decision of the Court of Appeal to confirm the decision of the Crown Court not to make a confiscation order,

or from a decision of the Court of Appeal to quash a confiscation order, the Supreme Court may—

(a) confirm the decision, or

(b) direct the Crown Court to proceed afresh under section 6 if it believes the decision was wrong.

(9) In proceeding afresh under section 6 pursuant to this section, the Crown Court must comply with any directions the Court of Appeal or (as the case may be) the Supreme Court may make.

67F Appeals under section 67E: supplementary

(1) This section applies if a court makes or varies a confiscation order pursuant to section 67E.

(2) The court must—

(a) have regard to any fine imposed on the defendant in respect of the offence (or any of the offences) concerned;

(b) have regard to any order which falls within section 13(3) and has been made against the defendant in respect of the offence (or any of the offences) concerned, unless the order has already been taken into account by a court in deciding what is the free property held by the defendant for the purposes of section 9.

(3) Subsections (4) to (9) apply if a court makes a confiscation order pursuant to section 67E.

(4) If a court has already sentenced the defendant for the offence (or any of the offences) concerned, section 6 has effect as if the defendant's particular criminal conduct included conduct which constitutes offences which the court has taken into consideration in deciding the defendant's sentence for the offence or offences concerned.

(5) If an order falling with subsection (6) has been made against the defendant in respect of the offence (or any of the offences) concerned the court must have regard to the order.

(6) These orders fall within this subsection—

(a) a compensation order under Chapter 2 of Part 7 of the Sentencing Code;

(b) an order requiring payment of a surcharge under section 42 of the Sentencing Code;

(c) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

(d) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.

(7) Section 8(2) does not apply, and the rules applying instead are that the court must—

(a) take account of conduct occurring before the relevant date;

(b) take account of property obtained before that date;

(c) take account of property obtained on or after that date if it was obtained as a result of or in connection with conduct occurring before that date.

(8) In section 10—

(a) the first and second assumptions do not apply with regard to property first held by the defendant on or after the relevant date;

(b) the third assumption does not apply with regard to expenditure incurred by the defendant on or after that date;

(c) the fourth assumption does not apply with regard to property obtained (or assumed to have been obtained) by the defendant on or after that date.

(9) Section 26 applies as it applies in the circumstances mentioned in subsection (1) of that section.

(10) For the purposes of this section, "the relevant date" is—

(a) in a case where the Crown Court made a confiscation order which was quashed by the Court of Appeal, the date on which the Crown Court made the order;

(b) in any other case, the date on which the Crown Court decided not to make a confiscation order.

67G Appeals in relation to section 10A determinations

(1) If a court makes a determination under section 10A of the extent of the defendant's interest in property, the following may appeal to the Court of Appeal in respect of the determination—

(a) the prosecutor;

(b) the defendant, if subsection (2) applies;

(c) a person who the Court of Appeal believes is or may be a person holding an interest in the property, if subsection (2) applies.

(2) This subsection applies if—

(a) the defendant or (as the case may be) the person within subsection (1)(c) was not given a reasonable opportunity to make representations when the determination was made, or

(b) it appears to the Court of Appeal to be arguable that giving effect to the determination would result in a serious risk of injustice to the defendant or that other person.

(3) But there is no right of appeal for the defendant or a person within subsection (1)(c) if—

(a) the Court of Appeal believes that an application under section 50 is to be made by the prosecutor for the appointment of a receiver,

(b) such an application has been made but not yet determined, or

(c) a receiver has been appointed under section 50.

(4) On an appeal under this section the Court of Appeal may—

(a) confirm the determination, or

(b) make such order as it believes is appropriate.

(5) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings on the appeal.

(6) On an appeal under subsection (5) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

67H Appeals in relation to compliance orders

(1) If, on an application under section 13A(3)(b), the Crown Court decides not to make a compliance order, the prosecutor may appeal to the Court of Appeal against the decision.

(2) If the Crown Court decides to make, discharge or vary a compliance order, the following persons may appeal to the Court of Appeal in respect of the decision—

(a) the prosecutor;

(b) the defendant;

(c) any other person affected by the order.

(3) On an appeal under subsection (1) or (2) the Court of Appeal may—

(a) confirm the decision, or

(b) make such order as it believes is appropriate.

(4) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings on the appeal.

(5) On an appeal under subsection (4) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

(6) In this section "compliance order" means an order made under section 13A.

67I Appeals in relation to variations of confiscation order

(1) If the Crown Court makes an order under section 21, 22 or 23 varying a confiscation order, the prosecutor may appeal to the Court of Appeal in respect of the order.

(2) For the defendant's right of appeal where the Crown Court makes an order under section 21 or 22, see section 50(1)(cb) of the Criminal Appeal Act 1968 (the effect of which is that, for the purposes of the appeal rights conferred by that Act, any such order forms part of the defendant's sentence).

(3) On an appeal under subsection (1) the Court of Appeal—
  (a) may confirm, vary or quash the order concerned, and
  (b) if it quashes the order, may direct the Crown Court to proceed afresh under section 21, 22 or 23.

(4) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of the defendant or the prosecutor.

(5) On an appeal from a decision of the Court of Appeal to confirm or vary the order concerned the Supreme Court may confirm, vary or quash the order.

(6) On an appeal from a decision of the Court of Appeal to quash the order concerned the Supreme Court may—
  (a) confirm the decision of the Court of Appeal, or
  (b) direct the Crown Court to proceed afresh under section 21, 22 or 23 if it believes the decision was wrong.

(7) In proceeding afresh pursuant to this section, the Crown Court must comply with any directions the Court of Appeal or (as the case may be) the Supreme Court may make.

67J Appeals in relation to restraint orders

(1) If, on an application under section 42 for a restraint order, the Crown Court decides not to make one, the person who applied for the order may appeal to the Court of Appeal against the decision.

(2) If an application is made under section 42(3) in relation to a restraint order or an order under section 41(7), the following may appeal to the Court of Appeal in respect of the Crown Court's decision on the application—
  (a) the person who applied for the order;
  (b) any person affected by the order.

(3) On an appeal under subsection (1) or (2) the Court of Appeal may—
  (a) confirm the decision, or

(b) make such order as it believes is appropriate.

(4) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings before the Court of Appeal.

(5) On an appeal under subsection (4) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

67K Appeals in relation to management and enforcement receivers

(1) If, on an application for an order under any of sections 48 to 51 or 62, the Crown Court decides not to make one, the person who applied for the order may appeal to the Court of Appeal against the decision.

(2) If the Crown Court makes an order under any of sections 48 to 51 or 62, any of the following may appeal to the Court of Appeal in respect of the order—

(a) the person who applied for the order;

(b) any person affected by the order;

(c) if the order was made under section 62, the receiver.

(3) The following may appeal to the Court of Appeal against a decision of the Crown Court on an application under section 63—

(a) the person who applied for the order in respect of which the application was made;

(b) any person affected by the court's decision;

(c) the receiver.

(4) On an appeal under this section the Court of Appeal may—

(a) confirm the decision, or

(b) make such order as it believes is appropriate.

(5) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings before the Court of Appeal.

(6) On an appeal under subsection (5) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

67L Appeals in relation to realisation etc of seized property

(1) If the enforcing court decides not to make an order under section 67ZA(3), 67A(3) or 67AA(2), an appropriate officer may appeal against the decision to the applicable court.

(2) If the enforcing court makes an order under 67ZA(3), 67A(3) or 67AA(2), a person affected by the order may appeal in respect of the order to the applicable court, but only if conditions 1 and 2 are met (and see subsection (5)).

(3) Condition 1 is met if no determination under section 10A has been made in relation to the case.

(4) Condition 2 is met if—

(a) the person concerned was not given a reasonable opportunity to make representations when the confiscation order was made, or

(b) it appears to the applicable court to be arguable that not hearing the appeal would result in a serious risk of injustice to that person.

(5) A person holding the property to which the order under section 67ZA, 67A or (as the case may be) 67AA relates may not appeal under subsection (2) if there is a confiscation order made against them.

(6) An appropriate officer may appeal to the applicable court against—

(a) a decision by the enforcing court not to make a determination under section 67B;

(b) a determination made by the enforcing court under that section.

(7) On an appeal under this section to the Court of Appeal it may—

(a) confirm the decision, or

(b) make such order as it believes is appropriate.

(8) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings before the Court of Appeal.

(9) On an appeal under subsection (8) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

(10) In this section—

"the applicable court" is—

(a) in a case where the enforcing court is a magistrates' court, the Crown Court;

(b) in a case where the enforcing court is the Crown Court, the Court of Appeal;

"appropriate officer" has the same meaning as in section 41A."

(3) In section 44A (detention of property pending appeal), in subsections (1)(b) and (2)(b), for "43(3)(b)" substitute "67J(3)(b)".

(4) In section 46 (hearsay evidence), in subsection (3)(c), for "43 or 44" substitute "67J".

(5) In section 68 (applications and appeals), in subsection (1)(b), for "43, 44, 65 or 66" substitute "67J or 67K".

(6) In section 69 (powers of court and receiver etc), in subsection (1)(a), for "and sections 62 to 67D" substitute ", sections 62 to 67D and sections 67J to 67L".

(7) In section 85 (proceedings), in subsection (6)—

(a) in paragraph (a), for "31(2)" substitute "67E(2)";

(b) in paragraph (b), for "31(2)" substitute "67E(2)";

(c) in paragraph (c)—

(i) for "31(2)" substitute "67E(2)";

(ii) for "33" substitute "67E(6)";

(d) in paragraph (d)—

(i) for "31(2)" substitute "67E(2)";

(ii) for "33" substitute "67E(6)";

(e) in paragraph (e)—

(i) for "31(2)" substitute "67E(2)";

(ii) for "33" substitute "67E(6)";

(f) in paragraph (f), for "31(2)" substitute "67E(2)";

(g) in paragraph (g), for "33" substitute "67E(6)".

(8) In section 89 (procedure on appeal to the Court of Appeal), in subsection (4)—

(a) in paragraph (za), for "31(4)" substitute "67G(1)";

(b) in paragraph (a), for "43(1) or (2)" substitute "67J(1) or (2)";

(c) in paragraph (b), for "65" substitute "67K(1) to (3)".

(9) Omit—

(a) section 13B (appeals against compliance orders);

(b) sections 31 to 33 (appeals against confiscation orders);

(c) sections 43 and 44 (restraint orders: appeals);

(d) sections 65 and 66 (receivers: appeals);

(e) section 67C (orders in relation to seized property: appeals).

(10) In section 50 of the Criminal Appeal Act 1968 (meaning of sentence)—

(a) in subsection (1), in paragraph (ca), omit the words from "(but" to the end;

(b) after subsection (3) insert—

"(4) A determination made under section 10A of the Proceeds of Crime Act 2002 is not a sentence for the purposes of this Act (see section 67G of that Act for rights of appeal in relation to such a determination).

(5) A compliance order made under section 13A of the Proceeds of Crime Act 2002 is not a sentence for the purposes of this Act (see section 67H of that Act for rights of appeal in relation to such an order)."

PART 12

CONSEQUENTIAL AND RELATED AMENDMENTS

Courts Act 2003 (c. 39)

32 In the Courts Act 2003, in Schedule 8 (minor and consequential amendments), omit paragraph 406.

Constitutional Reform Act 2005 (c. 4)

33 In the Constitutional Reform Act 2005, in Schedule 9 (amendments relating to jurisdiction of the Supreme Court), omit paragraph 77(2) and (3).

Serious Crime Act 2007 (c. 27)

34 In the Serious Crime Act 2007, in Schedule 8 (abolition of Assets Recovery Agency and its Director)—

(a) omit paragraph 4;
(b) omit paragraphs 16 and 17;
(c) omit paragraph 19;
(d) omit paragraph 32.

Prevention of Social Housing Fraud Act 2013 (c. 3)

35 In the Prevention of Social Housing Fraud Act 2013, in the Schedule (consequential amendments)—

(a) omit paragraphs 15 and 16;
(b) omit paragraph 17(3);
(c) omit paragraph 18(3);
(d) omit paragraphs 19 to 21.

Crime and Courts Act 2013 (c. 22)

36 Omit sections 46 and 47 of the Crime and Courts Act 2013 (restraint orders and legal aid).

Serious Crime Act 2015 (c. 9)

37 The Serious Crime Act 2015 is amended as follows.

38 Omit section 3 (appeals in relation to confiscation orders).

39 In section 6 (confiscation and victim surcharge orders), omit subsections (4) and (5).

40 In section 10 (default sentences), omit subsection (1).

41 In Schedule 4 (minor and consequential amendments)—

(a) omit paragraphs 21 and 22;

(b) omit paragraph 23(3);

(c) omit paragraph 24(3);

(d) omit paragraphs 25 to 30.

Modern Slavery Act 2015 (c. 30)

42 The Modern Slavery Act 2015 is amended as follows.

43 In section 10 (supplementary provision about slavery and trafficking reparation orders)—

(a) in subsection (6)—

(i) for "24" substitute "24A";

(ii) after "the court" insert "provisionally discharges or (as the case may be)";

(b) in subsection (8), in the words before paragraph (a), for "31" substitute "67E(1) or (2) or 67G(1)";

(c) in subsection (9), in the words before paragraph (a), for "33" substitute "67E(6) or 67G(5)".

44 In Schedule 5 (minor and consequential amendments), omit paragraphs 16 to 19.

Criminal Finances Act 2017 (c. 22)

45 In section 32 of the Criminal Finances Act 2017 (reconsideration of discharged orders), omit subsections (2) and (3).

Sentencing Act 2020 (c. 17)

46 The Sentencing Act 2020 is amended as follows.

47 In section 42 (court's duty to order payment of surcharge), in subsection (2)(b), for the words from "15" to the end substitute "15A of the Proceeds of Crime Act 2002 (effect on duty in subsection (1) where court sentences before confiscation proceedings)".

48 In section 46 (criminal courts charge duty), in subsection (1), omit the words from "But" to the end.

49 In section 125 (exercise of court's powers to impose fine and fix amount), in subsection (6)(b), for the words from "15" to the end substitute "15A (where court sentences before confiscation proceedings)".

50 In section 135 (making a compensation order), in subsection (6)(b), for the words from "15" to the end substitute "15A (where court sentences before confiscation proceedings)".

51 In section 155 (exercise of power to make a deprivation order), in subsection (3)(b), for the words from "15" to the end substitute "15A (where court sentences before confiscation proceedings)".

52 (1) Schedule 22 (prospective amendments of the Sentencing Code and related legislation) is amended as follows.

(2) After Part 7 insert—

"PART 7A

AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROSPECTIVE ABOLITION OF DETENTION IN DEFAULT OF PAYMENT OF FINES ETC

Proceeds of Crime Act 2002 (c. 29)

100A(1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 35A (default term of imprisonment or detention)—

(a) in subsection (2), for paragraphs (a) and (b) substitute "of imprisonment";

(b) in subsection (4), in the opening words, omit ", or detained,";

(c) in the heading, omit "or detention".

(3) In section 35J (enforcement by magistrates' court), in subsection (4), omit the words from ", or detention" to "Act 2000,".

(4) In section 35M (warrant of commitment issued by Crown Court), in subsection (3), omit the words from ", or detention" to "Act 2000,"."

(3) In Part 8 (amendments of other Acts consequential on prospective change to age limit for imprisonment) at the end insert—

"Proceeds of Crime Act 2002 (c. 29)

103 In section 35A of the Proceeds of Crime Act 2002 (default term of imprisonment or detention), in subsection (4)(c), omit ", custody for life or detention in a young offender institution"."

53 In Schedule 24 (consequential amendments)—

(a) omit paragraphs 183 and 184;

(b) omit paragraph 185(3);

(c) omit paragraph 186(3);

(d) omit paragraphs 187 and 188;
(e) omit paragraphs 190 to 192.

PART 13

CONFISCATION ORDERS MADE UNDER SAVED LEGISLATION: PROVISIONAL DISCHARGE

Provisional discharge of confiscation orders made under saved legislation

54 (1) This paragraph applies if—
(a) an amount remains to be paid under a confiscation order made under—
(i) section 1 of the Drug Trafficking Offences Act 1986,
(ii) section 71 of the Criminal Justice Act 1988, or
(iii) section 2 of the Drug Trafficking Act 1994, and
(b) the relevant two-year period has ended.

(2) The Crown Court may, of its own motion or on an application made by a person listed in sub-paragraph (3), discharge the confiscation order on a provisional basis if the court considers that it is in the interests of justice to do so.

(3) The persons are—
(a) the prosecutor;
(b) the designated officer for a magistrates' court;
(c) a receiver appointed under—
(i) section 11 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;
(ii) section 80 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;
(iii) section 29 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.

(4) In deciding whether it is in the interests of justice to discharge a confiscation order on a provisional basis the court must, in particular, take into account—
(a) any amount that the defendant has already paid under the confiscation order;
(b) the extent to which the amount that remains to be paid under the order represents interest payable in respect of the order;
(c) any steps that have already been taken in relation to the enforcement of the order;
(d) the extent to which there are reasonable steps (or further reasonable steps) that could be taken in relation to the enforcement of the order;
(e) the amount that the court considers would be recovered if all such reasonable steps (or further reasonable steps) were to be taken.

(5) Where an application under this paragraph is refused, a further application in relation to the confiscation order concerned may only be made—

(a) after the end of the period of two years beginning with the date of the refusal, or

(b) before the end of that period, with the leave of the court.

(6) There is no right of appeal against a decision of the court under this paragraph to discharge, or not to discharge, a confiscation order on a provisional basis.

(7) In sub-paragraph (1), the "relevant two-year period" means the period of two years beginning with—

(a) the day on which the confiscation order was made, or

(b) in a case where the order has been varied under the Drug Trafficking Offences Act 1986, Part 6 of the Criminal Justice Act 1988 or, as the case may be, Part 1 of the Drug Trafficking Act 1994, the day on which the order was varied.

Effect of provisional discharge under paragraph 54 and revocation of discharge

55 (1) This paragraph applies where a confiscation order has been discharged under paragraph 54 on a provisional basis.

(2) The order is to be treated as satisfied, and accordingly the proceedings against the defendant are to be treated as having concluded for the purposes of the Drug Trafficking Offences Act 1986, the Criminal Justice Act 1988 or, as the case may be, the Drug Trafficking Act 1994, subject to the rest of this paragraph.

(3) The provisional discharge of the order does not prevent the making of an application in respect of the order under—

(a) section 14 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;

(b) section 74C or 83 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;

(c) section 15, 16 or 17 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.

(4) Where, on an application under any of those provisions, the court varies the order, the court may also revoke the provisional discharge of the order.

(5) The Crown Court may, on an application made by a person listed in sub-paragraph (6), revoke the provisional discharge of the order if the court considers that it is in the interests of justice to do so.

(6) The persons are—

(a) the prosecutor;

(b) a receiver appointed under—

(i) section 11 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;

(ii) section 80 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;

(iii) section 29 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.

(7) In deciding whether it is in the interests of justice to revoke the provisional discharge of a confiscation order the court must, in particular, take into account the matters listed in paragraph 54(4).

(8) Where the court revokes the provisional discharge of a confiscation order under this paragraph—

(a) the order is, from the time of the revocation, no longer to be treated as satisfied, and

(b) accordingly—

(i) from that time the proceedings against the defendant are to be treated as not having been concluded, and

(ii) any interest which was payable in respect of the order for a period before the provisional discharge of the order but which had not been paid at the time of the provisional discharge becomes payable.

(9) There is no right of appeal against a decision of the court under this paragraph to revoke, or not to revoke, the provisional discharge of a confiscation order.

Time for payment where provisional discharge of order is revoked

56 (1) This paragraph applies where a court revokes the provisional discharge of a confiscation order—

(a) under paragraph 55(4) on an application under section 74C of the Criminal Justice Act 1988 or section 15 or 16 of the Drug Trafficking Act 1994, or

(b) under paragraph 55(5).

(2) If the court is satisfied that the defendant is unable to pay the full amount ordered to be paid under the order on the day on which the provisional discharge is revoked, the court may make an order requiring whatever cannot be paid on that day to be paid—

(a) in a specified period, or

(b) in specified periods each of which relates to a specified amount.

(3) A specified period—

(a) must start with the day on which the provisional discharge is revoked, and

(b) must not exceed three months.

(4) If—

(a) within any specified period the defendant applies to the relevant court for that period to be extended, and

(b) the relevant court is satisfied that, despite having made all reasonable efforts, the defendant is unable to pay the amount to which the specified period relates within that period,

the court may make an order extending the period (for all or any part or parts of the amount in question).

(5) "The relevant court" means—

(a) in a case where the Crown Court revoked the provisional discharge of the order, the Crown Court;

(b) in a case where a magistrates' court revoked the provisional discharge of the order, a magistrates' court.

(6) An extended period—

(a) must start with the day on which the provisional discharge is revoked, and

(b) must not exceed six months.

(7) An order under sub-paragraph (4)—

(a) may be made after the end of the specified period to which it relates, but

(b) must not be made after the end of the period of six months starting with the day on which the provisional discharge is revoked.

(8) Periods specified or extended under this paragraph must be such that, where the court believes that a defendant will by a particular day be able—

(a) to pay the amount remaining to be paid, or

(b) to pay an amount towards what remains to be paid,

that amount is required to be paid no later than that day.

(9) If—

(a) an application has been made under sub-paragraph (4) for a specified period to be extended,

(b) the application has not been determined by the court, and

(c) the period of six months starting with the day on which the provisional discharge was revoked has not ended,

the amount on which interest is payable in respect of the order does not include the amount to which the specified period relates.

(10) The court must not make an order under sub-paragraph (2) or (4) unless it gives the prosecutor an opportunity to make representations.

Financial status orders

57 (1) This paragraph applies where—

(a) the Crown Court has decided of its own motion to consider whether to discharge a confiscation order on a provisional basis,

(b) an application has been made under paragraph 54 or 55, or

(c) the court has discharged a confiscation order on a provisional basis and an application has been made under—

(i) section 14 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;

(ii) section 74C or 83 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;

(iii) section 15, 16 or 17 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.

(2) The relevant court may order the defendant to give the court, before the end of the period specified in the order—

(a) any information about the defendant's assets and other financial circumstances, and

(b) any documentary or other evidence in support of that information, that the court may require in connection with the exercise of its functions under paragraph 54 or 55.

(3) "The relevant court" means—

(a) where this paragraph applies as a result of sub-paragraph (1)(a) or (b), the Crown Court;

(b) where this paragraph applies as a result of sub-paragraph (1)(c), the court to which the application mentioned in that sub-paragraph is made.

SCHEDULE 19

Section 161(2)

CONFISCATION ORDERS: NORTHERN IRELAND

PART 1

THE PRINCIPAL OBJECTIVE

1 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) At the beginning of Part 4 insert—

"Exercise of powers: general

155A The principal objective

(1) This section applies to any power conferred by or under this Part on—

(a) a court;

(b) a prosecutor;

(c) a person who is an appropriate officer within the meaning given by section 190A(3) or 195A(1);

(d) any other person whose functions include the investigation of crime;

(e) a receiver appointed under section 196 or 198.

(2) The principal objective in exercising a power to which this section applies in relation to a defendant is to deprive the defendant of the defendant's benefit from criminal conduct, so far as within the defendant's means.

(3) The defendant's means are to be taken to include any tainted gifts made by the defendant.

(4) A court or person must exercise any power to which this section applies in the way which the court or person considers is best calculated to further the principal objective.

(5) The duty under section 2A(1) does not apply to the exercise by a relevant authority of a power to which this section applies if and to the extent that exercising the power in compliance with that duty would be inconsistent with doing so in compliance with the duty under subsection (4).

(6) In subsection (5) "relevant authority" has the meaning given by section 2A(2)."

(3) In the italic heading before section 217, after "of" insert "specific".

(4) In section 217 (powers of court and receiver etc)—

(a) in the heading, at the beginning insert "Specific";

(b) in subsection (3), in the words before paragraph (a), after "subject to" insert "the principal objective (see section 155A) and".

PART 2

CRIMINAL LIFESTYLE

Prosecutor's discretion

2 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 156(4) (making of order: criminal lifestyle and conduct)—

(a) in paragraph (a), at the beginning insert "if asked to do so by the prosecutor";

(b) in paragraph (b), after "if" insert "(pursuant to paragraph (a))";

(c) in paragraph (c), at the beginning insert "if it is not asked to decide whether the defendant has a criminal lifestyle or".

(3) In section 166 (statement of information)—

(a) after subsection (2) insert—

"(2A) The statement of information must indicate whether or not the case is one in which the court is asked to decide whether the defendant has a criminal lifestyle (see section 156(4)).";

(b) in subsection (3), for "prosecutor believes", in the first place it occurs, substitute "case is one in which the court is asked to decide whether";

(c) in subsection (5), for "prosecutor does not believe" substitute "case is one in which the court is not asked to decide whether".

(4) In section 170(2) (no order made: reconsideration of benefit)—

(a) omit "has decided that";

(b) in paragraph (a), for "the defendant has a criminal lifestyle but" substitute "has decided under section 156(4)(b) that the defendant";

(c) in paragraph (b), for "the defendant does not have a criminal lifestyle and" substitute "has decided under section 156(4)(c) that the defendant".

The serious risk of injustice test

3 In section 160 of the Proceeds of Crime Act 2002 (assumptions to be made in case of criminal lifestyle), after subsection (6) insert—

"(6A) In determining whether there would be a serious risk of injustice if a required assumption were made in relation to particular property or expenditure, the court must consider all the circumstances of the case and must, in particular, give the appropriate weight to—

(a) any evidence about the serious risk of injustice that has been made available to it, and

(b) any explanation given by the defendant for being unable to provide evidence that would have shown the assumption to be incorrect."

Cases in which defendant has a criminal lifestyle

4 (1) Section 223 of the Proceeds of Crime Act 2002 (criminal lifestyle) is amended as follows.

(2) In subsection (3)—

(a) after "benefited", in the first place it occurs, insert ", or intended to benefit,";

(b) in paragraph (a)—

(i) for "three", in both places it occurs, substitute "two";

(ii) after "benefited" insert "or intended to benefit";

(c) in paragraph (b), after "benefited" insert "or intended to benefit".

(3) The amendments made by sub-paragraph (2)(a), (b)(ii) and (c) do not apply in relation to conduct that took place wholly or partly before the date on which those provisions come into force.

Criminal lifestyle offences

5 (1) Schedule 5 to the Proceeds of Crime Act 2002 (criminal lifestyle offences) is amended as follows.

(2) In paragraph 8(1A) (offences in connection with brothels), after paragraph (f) insert—

"(g) Article 64 (keeping a brothel used for prostitution)."

(3) Before paragraph 9A insert—

"Offences involving gangmasters"

(4) After paragraph 9B insert—

"Environmental offences

9C An offence under Article 4(1)(a) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19)) (depositing, or causing or permitting the deposit of, controlled waste, otherwise than in accordance with a waste management licence)."

(5) An amendment made by sub-paragraph (2) or (4) does not apply in relation to an offence committed wholly or partly before the coming into force of the sub-paragraph in question.

PART 3

PROVISIONS CONCERNING AMOUNT TO BE PAID UNDER CONFISCATION ORDER

Recoverable amount

6 (1) Section 157 of the Proceeds of Crime Act 2002 (recoverable amount) is amended in accordance with sub-paragraphs (2) and (3).

(2) In subsection (2), for "shows" substitute "proves or the court is otherwise satisfied".

(3) In subsection (4)—

(a) in the words before paragraph (a), omit "for the purposes of subsection (1),";

(b) before paragraph (a) insert—

"(za) any property in respect of which an order falling within section 163(3)(b), (c) or (d) was made before the court proceeded under section 156 (see section 165A(2)(c)),";

(c) omit the "and" at the end of paragraph (c);

(d) at the end insert—

"(e) any property that has been restored to a victim of the conduct concerned, or any other person entitled to recover it,

(f) any property that has been handed over to an appropriate officer within the meaning given by section 190A(3) or 195A(1),

(g) any property that, having been seized under a power conferred by or by virtue of—

(i) a warrant granted under any enactment or rule of law, or

(ii) any enactment, or rule of law, under which the authority of a warrant is not required,

has not subsequently been released, and

(h) any amount paid by the defendant by way of compensation in connection with the conduct concerned to any victim of the conduct in respect of loss, injury or damage sustained by the victim."

(4) In section 171 of that Act (order made: reconsideration of benefit)—

(a) for subsection (1)(b) substitute—

"(b) either or both of the conditions mentioned in subsection (1A) are met,";

(b) after subsection (1) insert—

"(1A) The conditions are that—

(a) there is evidence which was not available to the prosecutor at the relevant time;

(b) there is property that—

(i) but for section 157(4)(g) (seized property), would have been taken into account in calculating the relevant amount, and

(ii) has been released to the defendant since the relevant time."

Hidden property

7 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 159(1) (available amount)—

(a) omit the "and" at the end of paragraph (a);

(b) at the end of paragraph (b) insert ", and

(c) any amount determined under section 159A (value of hidden property)."

(3) After that section insert—

"159A Hidden property

(1) This section applies where it appears to a court calculating the available amount that—

(a) the defendant's benefit from the conduct concerned exceeds the total of the values (as at the time the confiscation order is made) of—

(i) all the free property then held by the defendant, and

(ii) all tainted gifts, and

(b) some or all of that excess is a result of property having been hidden by or on behalf of the defendant.

(2) The court must determine the total value of the property that the court considers has been hidden by or on behalf of the defendant.

(3) When making a determination under this section the court must, in particular, consider the extent to which there are other circumstances that may account for the excess mentioned in subsection (1)(b), for example—

(a) expenditure incurred by the defendant which has or may have been met from the defendant's benefit from the conduct concerned;

(b) changes in the value of the property held by the defendant."

(4) In section 171 (order made: reconsideration of benefit), in subsection (8)(b), for "section 159" substitute "sections 159 and 159A".

(5) In section 172 (order made: reconsideration of available amount), in subsection (3), for "section 159" substitute "sections 159 and 159A".

(6) In section 173 (inadequacy of available amount: variation of order), in subsection (2), for "section 159" substitute "sections 159 and 159A".

Tainted gifts

8 In section 225 of the Proceeds of Crime Act 2002 (tainted gifts), for subsection (5) substitute—

"(5) A gift is tainted if it was made by the defendant—

(a) at any time after the commission of the offence concerned, or

(b) if the defendant's particular criminal conduct consists of two or more offences and they were committed at different times, at any time after the commission of the earliest of the offences."

Benefit

9 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 224 (conduct and benefit), after subsection (7) insert—

"(8) But in a case where—

(a) the person—

(i) intended to have only a limited power to control or dispose of all or part of the property,

(ii) held the property temporarily, or

(iii) is treated as obtaining the property as a result of section 232(3), and

(b) the court believes that the amount found under subsection (7) in relation to the property would produce a result that would be unjust,

the court may reduce that amount to such amount (including zero) as the court believes is just."

(3) In section 232 (property: general provisions)—

(a) in subsection (2)(b), at the end insert "(and see subsection (3))";

(b) after subsection (2) insert—

"(3) If, as a result of or in connection with conduct, a person keeps property that the person already has, where the court believes it just to do so the person is to be treated as obtaining the property as a result of or in connection with the conduct."

Value of property obtained

10 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 227(5) (value: the basic rule), after "228" insert ", 228A".

(3) In section 228 (value of property obtained from conduct), after subsection (4) insert—

"(5) If only a proportion of the property was obtained by the person as a result of or in connection with the person's criminal conduct, only that proportion is to be taken into account for the purposes of subsections (2) to (4).

(6) This section does not apply in a case where section 228A applies."

(4) After that section insert—

"228A Mortgages

(1) This section applies if—

(a) a person uses a loan obtained as a result of or in connection with the person's criminal conduct to purchase an interest in land,

(b) the loan is secured by a mortgage over the interest in land, and

(c) the interest in land has increased in value during the loan period.

(2) The value, at the material time, of the property obtained as a result of or in connection with the person's criminal conduct is to be taken to be the amount found using the following formula—

$$\frac{A}{B} \times C$$

where—

A is the amount of the loan;

B is the value of the interest in land at the time it was purchased;

C is the amount by which the interest in land has increased in value between that time and the end of the loan period.

(3) The value of the interest in land at the beginning and end of the loan period is to be found in accordance with section 227.

(4) If the loan period ends before the material time, the amount found under subsection (2) is to be adjusted to take account of changes in the value of money between the end of the loan period and the material time.

(5) In this section—

"the loan period" is the period between the time when the loan is obtained and the earlier of—

(a) the time when the principal, and any interest due, is repaid, and

(b) the material time;

"the material time" is the time the court makes its decision."

Value of property realised or destroyed

11 (1) Section 228 of the Proceeds of Crime Act 2002 (value of property obtained from conduct) is amended as follows.

(2) In subsection (2), at the beginning insert "Except where subsection (3A) or (3B) applies,".

(3) After subsection (3) insert—

"(3A) Where the person no longer holds the property obtained because it has been sold, the value of the property at the material time is the greater of the following—

(a) the proceeds of the sale, adjusted to take account of later changes in the value of money;

(b) the value (immediately before the sale) of the property, adjusted to take account of later changes in the value of money.

(3B) Where the person no longer holds the property obtained because it has been destroyed by virtue of a court order under section 199(2)(e) or section 215AA (orders for destruction of cryptoassets), the value of the property at the material time is the market value of the property as set out in the court order, adjusted to take account of later changes in the value of money.

(3C) For the purposes of subsection (3A)(a), if the proceeds of the sale are in a currency other than sterling, they must be taken to be the sterling equivalent calculated in accordance with the rate of exchange prevailing at the end of the day of the sale."

(4) In subsection (4), after "(2)(a) and (b)" insert "and subsection (3A)(b)".

PART 4

PRIORITY ORDERS

Priority orders

12 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 163 (effect of confiscation order on court's other powers)—

(a) in subsection (3)(a), for "an order under Article 14" to the end substitute "a priority order";

(b) after subsection (3) insert—

"(3A) In this section "priority order" means either of the following—

(a) an order for the payment of compensation under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)) (compensation orders);

(b) a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery and trafficking reparation orders).";

(c) for subsections (5) and (6) substitute—

"(5) Where a court makes a confiscation order or priority order the effect of which is that subsection (6) applies, the court making that order must also make a priority payment direction.

(6) This subsection applies if, in the same proceedings (see section 233 for the meaning of "proceedings") the following are made against the same person—

(a) a confiscation order, and

(b) one or more priority orders.

(7) A "priority payment direction" is a direction that any amount payable under the priority order (or orders) that remains unpaid when any sum is recovered under the confiscation order is to be paid out of that sum."

(3) In section 169 (no order made: reconsideration of case), omit subsection (8).

(4) In section 170 (no order made: reconsideration of benefit), omit subsection (12).

(5) In section 171 (order made: reconsideration of benefit)—

(a) in subsection (9), omit paragraph (c);

(b) omit subsection (10).

(6) In section 172 (order made: reconsideration of available amount)—

(a) in subsection (5), omit paragraph (c);

(b) omit subsection (6).

(7) In section 203 (sums received by chief clerk), for subsection (5) substitute—

"(5) If a priority payment direction was made under section 163(5), the chief clerk must next apply the sums in payment of any amounts payable under the priority order (or orders) that remain unpaid.

(5A) In a case in which there is more than one priority order the sums are to be applied in the order in which the priority orders were made, starting with the earliest of them."

PART 5

PROCEDURAL MATTERS

Timing of confiscation proceedings and effect on sentencing

13 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) Before section 166 insert—

"165A Timing of confiscation proceedings and effect on sentencing

(1) This section applies where the court sentences the defendant for the offence (or any of the offences) concerned before it proceeds under section 156.

(2) In sentencing the defendant for the offence (or any of the offences) concerned the court must not—

(a) impose a fine on the defendant,
(b) make an order falling within section 163(3)(a),
(c) make an order falling within section 163(3)(b), (c) or (d) other than any such order made in respect of property that has little or no market value at the time of sentencing,
(d) make an order for the payment of compensation under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)).

(3) The court must draw up a timetable for the proceedings under section 156 before the end of the hearing at which it sentences the defendant for the offence (or, where there is more than one, the last offence) concerned.

(4) The court may revise a timetable drawn up under subsection (3).

(5) Section 156 has effect as if the defendant's particular criminal conduct included conduct which constitutes offences which the court has taken into consideration in deciding the defendant's sentence for the offence or offences concerned.

(6) The court may, after the conclusion of the proceedings under section 156, vary the sentence by—
(a) imposing a fine on the defendant,
(b) making an order falling within section 163(3),
(c) making an order for the payment of compensation under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (SI 1994/2795 (N.I. 15)).

(7) But the court may proceed under subsection (6) only within the period of 56 days beginning with the day on which the court—
(a) makes a confiscation order under section 156, or
(b) decides not to make such an order.

(8) For the purposes of—
(a) section 16(1) of the Criminal Appeal (Northern Ireland) Act 1980 (time limit for notice of appeal or of application for leave to appeal), and
(b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of application for leave to refer a case under section 36 of that Act),
the sentence must be regarded as imposed or made on the day on which it is varied under subsection (6)."

(3) Omit sections 164 and 165 (postponement of confiscation proceedings).

Early resolution meeting

14 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 156, after subsection (7) insert—

"(7A) But the court may, if it believes it is appropriate to do so, decide any question arising under subsection (4) or (5) in accordance with an agreement reached by the prosecutor and defendant at an EROC meeting as mentioned in section 165B(3)(a)."

(3) After section 165A insert—

"165B Early resolution meeting

(1) This section applies where—

(a) the Crown Court is proceeding under section 156, and

(b) the court directs that an early resolution of confiscation meeting (an "EROC meeting") is to be held.

(2) Before the court proceeds as mentioned in subsection (4) of section 156 (making of order) the prosecutor and the defendant (or the defendant's legal representative) must attend an EROC meeting.

(3) An EROC meeting is a meeting held with a view to the prosecutor and defendant—

(a) reaching agreement on the question whether a confiscation order is required to be made against the defendant and, if so, on the amount required to be paid by the defendant under the confiscation order, or

(b) in a case where agreement as mentioned in paragraph (a) is not reached, identifying the questions to be decided by the court in proceeding under section 156 on which they disagree.

(4) A direction under subsection (1)(b)—

(a) may be given by the court on application by the prosecutor or of its own motion;

(b) may require or permit the attendance at an EROC meeting of—

(i) any person who it appears to the court holds, or may hold, an interest in key property;

(ii) an accredited financial investigator;

(iii) any other person that the court considers appropriate.

(5) A direction under subsection (1)(b) may be varied or revoked by the court on application by the prosecutor or of its own motion.

(6) Key property is property held by the defendant that the court believes will need to be realised or otherwise used to satisfy any confiscation order that may be made.

165C Early resolution hearing

(1) Following an EROC meeting, the court must hold an EROC hearing if—

(a) the prosecutor and defendant did not reach agreement as mentioned in section 165B(3)(a), or

(b) the prosecutor and defendant did reach agreement, but the court decided not to make a confiscation order under section 156 requiring the defendant to pay the amount agreed.

(2) An "EROC hearing" is a hearing for the court to consider the next steps in the section 156 proceedings.

(3) In this section "EROC meeting" has the meaning given by section 165B."

PART 6

RECONSIDERATION AND PROVISIONAL DISCHARGE

Order made: reconsideration

15 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) After section 171 insert—

"171A Order made: reconsideration of benefit on decrease in value and sale etc

(1) This section applies if—

(a) a court has made a confiscation order,

(b) there is relevant property,

(c) an application to proceed under this section is made to the Crown Court by—

(i) the prosecutor, or

(ii) a receiver appointed under section 198, and

(d) the applicant believes that if the court were to make a new calculation of the defendant's benefit and in doing so applied section 171(3) to (6), the amount found would not exceed the amount that would be found if the court were to make a new calculation of the defendant's benefit under subsection (4).

(2) For the purposes of this section, property is "relevant property" if the property was obtained by the defendant as a result of or in connection with the conduct concerned and—

(a) it was held by the defendant when the relevant amount was calculated, but

(b) it is no longer held by the defendant because it has been—

(i) sold, or

(ii) destroyed by virtue of a court order under section 199(2)(e) or section 215AA (orders for the destruction of cryptoassets).

(3) In a case where this section applies, the court must determine whether A is less than B, where—

"A" is the total of the values of all relevant property as decided in accordance with section 228(3A) or (3B) (as appropriate), and

"B" is the total of the values at which that property was taken into account when the relevant amount was calculated, adjusted to take account of changes in the value of money since it was calculated.

(4) If A is less than B, the court must make a new calculation of the defendant's benefit by—

(a) adjusting the relevant amount to take account of changes in the value of money since it was calculated, and

(b) deducting from that adjusted amount the amount by which A is less than B.

(5) Subsection (6) applies where—

(a) the court makes a new calculation of the defendant's benefit under subsection (4), and

(b) the court determines that C is less than D, where—

"C" is the amount that, if it was adjusted to take account of changes in the value of money since the amount required to be paid was last determined, would give the amount found under the new calculation of the defendant's benefit, and

"D" is the amount required to be paid under the order.

(6) The court must vary the order by substituting C for the amount required to be paid.

(7) The variation of the order under subsection (6) does not—

(a) affect the defendant's liability to pay any interest which was payable under section 162 for a period before the variation of the order but which had not been paid at the time of the variation, or

(b) give rise to any obligation to refund any amount already paid by the defendant under the order.

(8) The relevant amount is—

(a) the amount found as the defendant's benefit for the purposes of the confiscation order, or

(b) if one or more new calculations of the defendant's benefit have been made under section 171 or this section, the amount found on the occasion of the last such calculation."

(3) In section 171 (order made: reconsideration of benefit)—

(a) after subsection (11) insert—

"(11A) Section 161 applies in relation to a confiscation order when it is varied under this section as it applies in relation to a confiscation order when it is made (reading references to the making of the order as references to the varying of the order and references to the day on which the order is made as references to the day on which the order is varied).

(11B) Where section 162 applies in relation to a confiscation order that has been varied under this section, the reference in section 162(3)(c) to the day on which the order was made is to be read as a reference to the day on which the order was varied.";

(b) in subsection (13)—

(i) in paragraph (a), for "if this section has not applied previously;" substitute "or";

(ii) for paragraph (b) substitute—

"(b) if one or more new calculations of the defendant's benefit have been made under this section or section 171A, the amount found on the occasion of the last such calculation."

(4) In section 172 (order made: reconsideration of available amount)—

(a) after subsection (7) insert—

"(7A) Section 161 applies in relation to a confiscation order when it is varied under this section as it applies in relation to a confiscation order when it is made (reading references to the making of the order as references to the varying of the order and references to the day on which the order is made as references to the day on which the order is varied).

(7B) Where section 162 applies in relation to a confiscation order that has been varied under this section, the reference in section 162(3)(c) to the day on which the order was made is to be read as a reference to the day on which the order was varied.";

(b) in subsection (9), in paragraph (b), after "section 171" insert "or 171A".

(5) In section 188 (reconsideration etc: variation of prison term), in subsection (1)(a), after "171," insert "171A,".

Provisional discharge of confiscation order

16 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) For sections 174 and 175 substitute—

"174A Provisional discharge of order

(1) This section applies if—

(a) a court has made a confiscation order, and

(b) the relevant two-year period has ended.

(2) The Crown Court may, of its own motion or on an application made by a person listed in subsection (3), discharge the confiscation order on a provisional basis if the court considers that it is in the interests of justice to do so.

(3) The persons are—

(a) the prosecutor;

(b) a receiver appointed under section 198.

(4) In deciding whether it is in the interests of justice to discharge a confiscation order on a provisional basis the court must, in particular, take into account—

(a) any amount that the defendant has already paid under the confiscation order;

(b) the extent to which the amount that remains to be paid under the order represents interest payable under section 162;

(c) any steps that have already been taken in relation to the enforcement of the order;

(d) the extent to which there are reasonable steps (or further reasonable steps) that could be taken in relation to the enforcement of the order;

(e) the amount that the court considers would be recovered if all such reasonable steps (or further reasonable steps) were to be taken.

(5) The court may discharge a confiscation order on a provisional basis even though the court does not consider that doing so is best calculated to further the principal objective (see section 155A(4)).

(6) Where an application under this section is refused, a further application in relation to the confiscation order concerned may only be made—

(a) after the end of the period of two years beginning with the date of the refusal, or

(b) before the end of that period, with the leave of the court.

(7) There is no right of appeal against a decision of the court under this section to discharge, or not to discharge, a confiscation order on a provisional basis.

(8) In subsection (1), the "relevant two-year period" means the period of two years beginning with—

(a) the day on which the confiscation order was made, or

(b) in a case where the order has been varied under this Part, the day on which the order was varied.

174B Effect of provisional discharge and revocation of discharge

(1) This section applies where a confiscation order has been discharged under section 174A on a provisional basis.

(2) The order is to be treated as satisfied subject to the rest of this section.

(3) The provisional discharge of the order does not prevent the making of an application in respect of the order under section 171, 171A, 172 or 173.

(4) Where, on an application under any of those provisions, the court varies the order, the court may also revoke the provisional discharge of the order.

(5) The Crown Court may, on an application made by a person listed in subsection (6), revoke the provisional discharge of the order if the court considers that it is in the interests of justice to do so.

(6) The persons are—

(a) the prosecutor;

(b) a receiver appointed under section 198.

(7) In deciding whether it is in the interests of justice to revoke the provisional discharge of a confiscation order the court must, in particular, take into account the matters listed in section 174A(4).

(8) Where the court revokes the provisional discharge of a confiscation order under this section—

(a) the order is, from the time of the revocation, no longer to be treated as satisfied, and

(b) accordingly—

(i) from that time the proceedings against the defendant are to be treated as not having been concluded (see section 233(5)(a)), and

(ii) any interest which was payable under section 162 for a period before the provisional discharge of the order but which had not been paid at the time of the provisional discharge becomes payable.

(9) Where the court revokes the provisional discharge of an order under subsection (5), section 161 applies in relation to any part of the amount ordered to be paid under the order that had not been paid when the order was provisionally discharged as it applies in relation to the full amount ordered to be paid under a confiscation order when it is made.

(10) Where section 161 applies as mentioned in subsection (9), references in that section to the making of the order are to be read as references to the revocation of the provisional discharge of the order and references to the day on which the order is made as references to the day on which the provisional discharge of the order is revoked.

(11) Where section 162 applies in relation to a confiscation order following the revocation of a provisional discharge of the order under subsection (5), the reference in section 162(3)(c) to the day on which the order was made is to be read as a reference to the day on which the provisional discharge of the order was revoked.

(12) There is no right of appeal against a decision of the court under this section to revoke, or not to revoke, the provisional discharge of a confiscation order.

174C Financial status orders

(1) This section applies where—

(a) the Crown Court has decided of its own motion to consider whether to discharge a confiscation order on a provisional basis,

(b) an application has been made under section 174A or 174B, or

(c) the court has discharged a confiscation order on a provisional basis and an application has been made under section 171, 171A, 172 or 173.

(2) The court may order the defendant to give the court, before the end of the period specified in the order—

(a) any information about the defendant's assets and other financial circumstances, and

(b) any documentary or other evidence in support of that information,

that the court may require in connection with the exercise of its functions under section 174A or 174B."

(3) In the italic heading before section 169, at the end insert "and discharge".

PART 7

ENFORCEMENT

Enforcement plans

17 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) After section 163 insert—

"Measures to promote effectiveness of confiscation orders

163ZA Enforcement plans

(1) This section applies where a court makes a confiscation order.

(2) On making the confiscation order, the court must also prepare an enforcement plan for the order if—

(a) there are reasonable grounds to believe that the defendant might default on the confiscation order for any reason, or

(b) the court otherwise believes it is appropriate to do so for the purpose of ensuring that the confiscation order is effective.

(3) An enforcement plan for a confiscation order is a document setting out drafts of one or more orders that the court considers the Crown Court could make in the event that the defendant defaults on the confiscation order.

(4) For the purposes of this section and section 163ZB—

(a) the defendant defaults on a confiscation order if the defendant fails to pay the amount required to be paid under the order on or before the due date;

(b) the "due date", in relation to a confiscation order, means—

(i) in a case where no period is specified under section 161(2), the day on which the confiscation order is made, or

(ii) in a case where one or more periods is so specified, the final day of the specified period that ends last (including any such period as extended under section 161(4)).

(5) Where the court making the confiscation order is the Court of Appeal (see section 215E(4)(b)(i) (appeals)), on making the order the Court of Appeal may direct that the Crown Court is to carry out the duties under this section as if the Crown Court had made the order.

163ZB Enforcement plan: initial enforcement hearing

(1) This section applies where an enforcement plan is prepared for a confiscation order.

(2) The Crown Court must set a date for a 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 court after the due date (see section 185A for provision about this hearing).

(3) If an order is made under section 161(4) as a result of which the due date in relation to the confiscation order changes, the court must reset the date for the hearing to the first date then available to the court after the new due date."

(3) In section 163A (compliance orders), in subsection (1) at the end insert "(whether or not the court also prepares an enforcement plan under section 163ZA)".

(4) After section 185 insert—

"185A Confiscation order with enforcement plan: initial enforcement hearing

(1) This section applies where—

(a) a court has prepared an enforcement plan for a confiscation order (see section 163ZA), and

(b) the defendant defaults on the confiscation order (within the meaning given by section 163ZA(4)).

(2) If the condition in subsection (4) is met the court must, at the initial enforcement hearing, make an order or orders in the terms that were set out in draft in the enforcement plan (the "initial enforcement orders").

(3) If that condition is not met the court must, at that hearing, consider what other steps to take for the purpose of enforcing the confiscation order.

(4) The condition is that the court believes that—

(a) the proceeds of the realisation of property pursuant to the initial enforcement orders would be less than or equal to the amount remaining to be paid under the confiscation order, and

(b) the interests of justice do not require any initial enforcement order not to be made.

(5) In this section "the initial enforcement hearing" means the hearing held pursuant to section 163ZB."

Power to compel defendant to attend court at any stage of enforcement proceedings

18 After section 185A of the Proceeds of Crime Act 2002 insert—

"185B Power to compel defendant to attend court for enforcement purposes

(1) This section applies if a court has made a confiscation order.

(2) The Crown Court may, for any purpose in connection with the enforcement of the order—

(a) issue a summons requiring the defendant to appear before the court at the time and place appointed in the summons, or

(b) issue a warrant to arrest the defendant and bring them before the court.

(3) On the failure of the defendant to appear before the Crown Court in answer to a summons issued under subsection (2)(a), the court may issue a warrant to arrest them and bring them before the court.

(4) A magistrates' court may, for any purpose in connection with exercising its powers under section 215, 215ZA, 215A or 215AA—

(a) issue a summons requiring the defendant to appear before the court at the time and place appointed in the summons, or

(b) issue a warrant to arrest the defendant and bring them before the court.

(5) On the failure of the defendant to appear before the court in answer to a summons issued under subsection (4)(a), the court may issue a warrant to arrest them and bring them before the court."

Financial status order

19 After section 185B of the Proceeds of Crime Act 2002 insert—

"185C Financial status orders

(1) This section applies if a court has made a confiscation order.

(2) The Crown Court may order the defendant to give the court, before the end of the period specified in the order—

(a) any information about the defendant's assets and other financial circumstances, and

(b) any documentary or other evidence in support of that information,

that the court may require in connection with the enforcement of the confiscation order."

Confiscation assistance advisers

20 After section 185C of the Proceeds of Crime Act 2002 insert—

"185D Confiscation assistance advisers

(1) This section applies if a court has made a confiscation order.

(2) The Crown Court may appoint any person the court thinks appropriate to advise and assist the defendant in satisfying the confiscation order.

(3) But a person may only be appointed under subsection (2) with the person's consent."

Extension to Crown Court of powers in relation to money, cryptoassets and personal property

21 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 215 (money)—

(a) in subsection (5), for "a magistrates' court" substitute "the relevant court";

(b) in subsection (5B), for "a magistrates' court" substitute "the relevant court";

(c) in subsection (6)(a), for "magistrates' court" substitute "relevant court";

(d) in subsection (8), after the definition of "payment institution", insert—

""the relevant court" means—

(a) the Crown Court, where—

(i) the court that made the confiscation order on doing so also prepared an enforcement plan for the confiscation order (see section 163ZA) or determined that the Crown Court should be responsible for exercising the powers in this section, and

(ii) the Crown Court has not, at the time of or since the preparation of the plan or since the determination of responsibility as mentioned in sub-paragraph (i), made an order determining that a magistrates' court should be responsible for exercising the powers in this section;

(b) a magistrates' court, in any other case."

(3) In section 215ZA (cryptoassets)—

(a) in subsection (3), in the words before paragraph (a), for "A magistrates' court" substitute "The relevant court";

(b) in subsection (6), for "a magistrates' court" substitute "the relevant court";

(c) in subsection (7)—

(i) in paragraph (a), for "magistrates' court" substitute "relevant court";

(ii) in paragraph (b), for "the court" substitute "a magistrates' court";

(d) after subsection (9) insert—

"(10) In this section "the relevant court" has the meaning given by section 215(8), but as if references in the definition to the powers in section 215 were references to the powers in this section."

(4) In section 215A (seized personal property)—

(a) in subsection (3), for "a magistrates' court" substitute "the relevant court";

(b) after subsection (3) insert—

"(3A) In subsection (3) "the relevant court" has the meaning given by section 215(8), but as if references in the definition to the powers in section 215 were references to the power in this section."

(5) In section 215AA (destruction of seized cryptoassets)—

(a) in subsection (2), for "A magistrates' court" substitute "The relevant court";

(b) after subsection (2) insert—

"(2A) In subsection (2) "the relevant court" has the meaning given by section 215(8), but as if references in the definition to the powers in section 215 were references to the power in this section."

(6) In section 215B(1) (costs of storage and realisation), for "a magistrates' court" substitute "a court".

(7) In section 217(2A) (powers of court and receiver etc), in paragraph (c) for "a magistrates' court" substitute "a court".

PART 8

RESTRAINT ORDERS

Conditions for making of restraint order: risk of dissipation

22 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 189 (conditions for exercise of power to make restraint order)—

(a) for subsection (1) substitute—

"(1) Section 190 (power to make a restraint order) applies if—

(a) any of the first to fifth conditions is satisfied (see subsections (2) to (6)), and

(b) there is a real risk that relevant realisable property held by any person will be dissipated unless the High Court exercises the powers conferred by section 190 in relation to that property.

(1A) For the purposes of this section—

(a) "relevant realisable property" is realisable property that could be used for the purpose of satisfying any confiscation order that has been or may be made against the defendant;

(b) a reference to relevant realisable property being "dissipated" is to it ceasing to be available for that purpose.

(1B) In determining for the purposes of subsection (1)(b) whether there is a real risk of relevant realisable property being dissipated, the court must, in particular, have regard to the following—

(a) the nature of the relevant realisable property;

(b) the extent to which any person has taken steps with a view to relevant realisable property being dissipated;

(c) any circumstances of a person who holds the relevant realisable property that may affect the ease with which they would be able to secure the dissipation of the property;

(d) any evidence of such a person's character;

(e) the nature of the defendant's criminal conduct;

(f) the amount by which the defendant is suspected or believed to have benefited from their criminal conduct;

(g) the stage of the proceedings for an offence against the defendant."

(3) In section 190(1) (power to make restraint order), for "If any condition set out in section 189 is satisfied" substitute "In a case where this section applies (see section 189),".

Exception to restraint orders for reasonable legal expenses

23 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 190 (restraint orders), in subsection (4), for the words before paragraph (a) substitute "Section 190ZA applies to an exception to a restraint

order if the exception makes provision for any reasonable legal expenses which—".

(3) After section 190 insert—

"190ZA Exception for legal expenses in respect of offence with which confiscation proceedings concerned

(1) Where the court makes an exception to a restraint order under section 190(3) to which this section applies, it must ensure that the exception—

(a) is limited to legal expenses that the specified person has reasonably incurred or that the person reasonably incurs,

(b) specifies the total amount that may be released for legal expenses in pursuance of the exception, and

(c) is made subject to the required conditions (in addition to any conditions imposed under section 190(3)(c)).

(2) The Department of Justice in Northern Ireland may by regulations specify the required conditions for the purposes of subsection (1).

(3) A required condition may, in particular—

(a) restrict who may receive sums released in pursuance of the exception (by, for example, requiring released sums to be paid to professional legal advisers), or

(b) be made for the purpose of controlling the amount of any sum released in pursuance of the exception in respect of an item of expenditure.

(4) A required condition made for the purpose mentioned in subsection (3)(b) may, for example, provide for a sum to be released in respect of an item of expenditure only if—

(a) the court has assessed the amount allowed by the regulations in respect of that item, and

(b) the sum is released for payment of the assessed amount.

(5) For the purposes of subsection (4), the regulations may, in particular, make provision—

(a) limiting the amount of remuneration allowable to representatives for a unit of time worked;

(b) limiting the total amount of remuneration allowable to representatives for work done in connection with proceedings or a step in proceedings;

(c) limiting the amount allowable in respect of an item of expenditure incurred by a representative or incurred, otherwise than in respect of the remuneration of a representative, by a party to proceedings.

(6) Before making regulations under this section, the Department of Justice must consult such persons as the Department of Justice considers appropriate."

Exception to restraint order for reasonable living expenses

24 In section 190 of the Proceeds of Crime Act 2002 (restraint orders)—

(a) after subsection (3) insert—

"(3A) In making an exception to a restraint order that makes provision for reasonable living expenses the court must, in particular, have regard to the following—

(a) the period for which the restraint order is to have effect;

(b) the specified person's applicable standard of living (see subsection (10));

(c) the specified person's means;

(d) the value of relevant realisable property held by the specified person in relation to the amount that the defendant is, or is likely to be, required to pay under a confiscation order;

(e) 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.";

(b) at the end insert—

"(10) In this section—

"applicable standard of living", in relation to a specified person, means—

(a) the person's standard of living immediately before the making of the restraint order, or

(b) in a case where there is reasonable cause to believe that the person enjoys a higher standard of living as a result of criminal activity, the standard of living that the person would enjoy but for that activity;

"relevant realisable property" has the same meaning as in section 189."

Discharge of restraint order etc: proceedings not started within reasonable time

25 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 190 (restraint orders)—

(a) in subsection (7A), for "and (7C)" substitute "to (7CA)";

(b) after subsection (7C) insert—

"(7CA) In determining for the purposes of subsection (7B)(b) whether proceedings for the offence have not started within a reasonable time, the court must, in particular, have regard to the following—

(a) the length of time that has passed since the making of the restraint order;

(b) the reasons given by the prosecutor for proceedings not having started within that time;

(c) the length and complexity of the criminal investigation, both before and after the making of the restraint order;

(d) the extent to which the matters subject to that investigation include matters arising abroad;

(e) the length and complexity of the potential proceedings;

(f) the nature of the restraint order (for example, the extent of the property to which it relates);

(g) the impact of the restraint order on any person affected by the order."

(3) In section 191 (restraint orders: application, discharge and variation), after subsection (7) insert—

"(7A) In determining for the purposes of subsection (7)(a) whether proceedings for the offence have not started within a reasonable time, the court must, in particular, have regard to the following—

(a) the length of time that has passed since the making of the restraint order;

(b) the reasons given by the prosecutor for proceedings not having started within that time;

(c) the length and complexity of the criminal investigation, both before and after the making of the restraint order;

(d) the extent to which the matters subject to that investigation include matters arising abroad;

(e) the length and complexity of the potential proceedings;

(f) the nature of the restraint order (for example, the extent of the property to which it relates);

(g) the impact of the restraint order on any person affected by the order."

Restraint orders: effect of conviction

26 After section 191 of the Proceeds of Crime Act 2002 insert—

"191A Restraint orders: effect of conviction

(1) In making or varying a restraint order at any time after the defendant's conviction for an offence, the High Court must have regard, in particular, to—

(a) the fact of the defendant's conviction, and

(b) whether either or both of the following has or have been, or is or are likely to be, made against the defendant—

(i) an order for the payment of compensation under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15));

(ii) a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

(2) Subsections (3) and (4) apply where—

(a) the High Court makes a restraint order at a time when the defendant has not been convicted of an offence, and

(b) the defendant is subsequently convicted of an offence at a time when the order remains in force.

(3) If the restraint order is subject to an exception made under section 190(3), the High Court must review the appropriateness of the exception having regard, in particular, to the matters mentioned in subsection (1).

(4) Following that review the court may vary the restraint order, whether or not an application has been made under section 191(3)."

PART 9

MANAGEMENT RECEIVERS

Appointment of management receiver

27 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In section 196 (appointment of management receiver)—

(a) after subsection (1) insert—

"(1A) Subsection (2) also applies if—

(a) a magistrates' court has made a further detention order, and

(b) an application is made to the High Court to proceed under subsection (2) by—

(i) the prosecutor, or
(ii) an accredited financial investigator.";

(b) in subsection (2), after "restraint order" insert "or (as the case may be) further detention order";

(c) after subsection (2) insert—

"(3) For the purposes of this section and section 197, a "further detention order" is an order made in relation to property under section 195M (further detention of property detained under section 195J)."

(3) In section 197 (powers of management receiver)—

(a) in subsection (1), after "restraint order" insert "or (as the case may be) further detention order (referred to in this section as the "relevant order")";

(b) in subsections (2), (5) and (6)(a), for "restraint order" substitute "relevant order".

(4) In section 211 (discharge and variation), in subsection (3)(a), after "section 189" insert "or 195B".

PART 10

APPEALS

Appeal rights in relation to confiscation proceedings

28 (1) The Proceeds of Crime Act 2002 is amended in accordance with sub-paragraphs (2) to (7).

(2) After section 215D insert—

"Appeals

215E Appeals in relation to confiscation orders

(1) If the Crown Court makes a confiscation order, the prosecutor may appeal to the Court of Appeal in respect of the order.

(2) If the Crown Court decides not to make a confiscation order, the prosecutor may appeal to the Court of Appeal against the decision.

(3) On an appeal under subsection (1) the Court of Appeal—

(a) may confirm, vary or quash the confiscation order, and

(b) if it quashes the order, may direct the Crown Court to proceed afresh under section 156.

(4) On an appeal under subsection (2) the Court of Appeal—

(a) may confirm the decision, or

(b) if it believes that the decision was wrong, may—

(i) itself proceed under section 156 (ignoring subsections (1) to (3)), or

(ii) direct the Crown Court to proceed afresh under that section.

(5) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of the defendant or the prosecutor.

(6) On an appeal from a decision of the Court of Appeal to confirm, vary or make a confiscation order the Supreme Court may confirm, vary or quash the order.

(7) On an appeal from a decision of the Court of Appeal to confirm the decision of the Crown Court not to make a confiscation order, or from a decision of the Court of Appeal to quash a confiscation order, the Supreme Court may—

(a) confirm the decision, or

(b) direct the Crown Court to proceed afresh under section 156 if it believes the decision was wrong.

(8) In proceeding afresh under section 156 pursuant to this section, the Crown Court must comply with any directions the Court of Appeal or (as the case may be) the Supreme Court may make.

215F Appeals under section 215E: supplementary

(1) This section applies if a court makes or varies a confiscation order pursuant to section 215E.

(2) The court must—

(a) have regard to any fine imposed on the defendant in respect of the offence (or any of the offences) concerned;

(b) have regard to any order which falls within section 163(3) and has been made against the defendant in respect of the offence (or any of the offences) concerned, unless the order has already been taken into account by a court in deciding what is the free property held by the defendant for the purposes of section 159.

(3) Subsections (4) to (9) apply if a court makes a confiscation order pursuant to section 215E.

(4) If a court has already sentenced the defendant for the offence (or any of the offences) concerned, section 156 has effect as if the defendant's particular criminal conduct included conduct which constitutes offences which the court has taken into consideration in deciding the defendant's sentence for the offence or offences concerned.

(5) If an order falling with subsection (6) has been made against the defendant in respect of the offence (or any of the offences) concerned the court must have regard to the order.

(6) These orders fall within this subsection—

(a) an order for the payment of compensation under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15));

(b) a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

(7) Section 158(2) does not apply, and the rules applying instead are that the court must—

(a) take account of conduct occurring before the relevant date;

(b) take account of property obtained before that date;

(c) take account of property obtained on or after that date if it was obtained as a result of or in connection with conduct occurring before that date.

(8) In section 160—

(a) the first and second assumptions do not apply with regard to property first held by the defendant on or after the relevant date;

(b) the third assumption does not apply with regard to expenditure incurred by the defendant on or after that date;

(c) the fourth assumption does not apply with regard to property obtained (or assumed to have been obtained) by the defendant on or after that date.

(9) Section 176 applies as it applies in the circumstances mentioned in subsection (1) of that section.

(10) For the purposes of this section, "the relevant date" is—

(a) in a case where the Crown Court made a confiscation order which was quashed by the Court of Appeal, the date on which the Crown Court made the order;

(b) in any other case, the date on which the Crown Court decided not to make a confiscation order.

215G Appeals in relation to section 160A determinations

(1) If a court makes a determination under section 160A of the extent of the defendant's interest in property, the following may appeal to the Court of Appeal in respect of the determination—

(a) the prosecutor;

(b) the defendant, if subsection (2) applies;

(c) a person who the Court of Appeal believes is or may be a person holding an interest in the property, if subsection (2) applies.

(2) This subsection applies if—

(a) the defendant or (as the case may be) the person within subsection (1)(c) was not given a reasonable opportunity to make representations when the determination was made, or

(b) it appears to the Court of Appeal to be arguable that giving effect to the determination would result in a serious risk of injustice to the defendant or that other person.

(3) But there is no right of appeal for the defendant or a person within subsection (1)(c) if—

(a) the Court of Appeal believes that an application under section 198 is to be made by the prosecutor for the appointment of a receiver,

(b) such an application has been made but not yet determined, or

(c) a receiver has been appointed under section 198.

(4) On an appeal under this section the Court of Appeal may—

(a) confirm the determination, or

(b) make such order as it believes is appropriate.

(5) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings on the appeal.

(6) On an appeal under subsection (5) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

215H Appeals in relation to compliance orders

(1) If, on an application under section 163A(3)(b), the Crown Court decides not to make a compliance order, the prosecutor may appeal to the Court of Appeal against the decision.

(2) If the Crown Court decides to make, discharge or vary a compliance order, the following persons may appeal to the Court of Appeal in respect of the decision—

(a) the prosecutor;

(b) the defendant;

(c) any other person affected by the order.

(3) On an appeal under subsection (1) or (2) the Court of Appeal may—

(a) confirm the decision, or

(b) make such order as it believes is appropriate.

(4) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings on the appeal.

(5) On an appeal under subsection (4) the Supreme Court may—
(a) confirm the decision of the Court of Appeal, or
(b) make such order as it believes is appropriate.

(6) In this section "compliance order" means an order made under section 163A.

215I Appeals in relation to variations of confiscation order

(1) If the Crown Court makes an order under section 171, 172 or 173 varying a confiscation order, the prosecutor may appeal to the Court of Appeal in respect of the order.

(2) For the defendant's right of appeal where the Crown Court makes an order under section 171 or 172, see section 30(3)(e) of the Criminal Appeal (Northern Ireland) Act 1980 (the effect of which is that, for the purposes of the appeal rights conferred by that Act, any such order forms part of the defendant's sentence).

(3) On an appeal under subsection (1) the Court of Appeal—
(a) may confirm, vary or quash the order concerned, and
(b) if it quashes the order, may direct the Crown Court to proceed afresh under section 171, 172 or 173.

(4) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of the defendant or the prosecutor.

(5) On an appeal from a decision of the Court of Appeal to confirm or vary the order concerned the Supreme Court may confirm, vary or quash the order.

(6) On an appeal from a decision of the Court of Appeal to quash the order concerned the Supreme Court may—
(a) confirm the decision of the Court of Appeal, or
(b) direct the Crown Court to proceed afresh under section 171, 172 or 173 if it believes the decision was wrong.

(7) In proceeding afresh pursuant to this section, the Crown Court must comply with any directions the Court of Appeal or (as the case may be) the Supreme Court may make.

215J Appeals in relation to restraint orders

(1) If, on an application under section 191 for a restraint order, the High Court decides not to make one, the person who applied for the order may appeal to the Court of Appeal against the decision.

(2) If an application is made under section 191(3) in relation to a restraint order or an order under section 190(7), the following may appeal to the Court of Appeal in respect of the High Court's decision on the application—

(a) the person who applied for the order;

(b) any person affected by the order.

(3) On an appeal under subsection (1) or (2) the Court of Appeal may—

(a) confirm the decision, or

(b) make such order as it believes is appropriate.

(4) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings before the Court of Appeal.

(5) On an appeal under subsection (4) the Supreme Court may—

(a) confirm the decision of the Court of Appeal, or

(b) make such order as it believes is appropriate.

215K Appeals in relation to management and enforcement receivers

(1) If, on an application for an order under any of sections 196 to 199 or 210, the High Court or, as the case may be, the Crown Court decides not to make one, the person who applied for the order may appeal to the Court of Appeal against the decision.

(2) If the High Court or the Crown Court makes an order under any of sections 196 to 199 or 210, any of the following may appeal to the Court of Appeal in respect of the order—

(a) the person who applied for the order;

(b) any person affected by the order;

(c) if the order was made under section 210, the receiver.

(3) The following may appeal to the Court of Appeal against a decision of the High Court or the Crown Court on an application under section 211—

(a) the person who applied for the order in respect of which the application was made;

(b) any person affected by the court's decision;

(c) the receiver.

(4) On an appeal under this section the Court of Appeal may—

(a) confirm the decision, or
(b) make such order as it believes is appropriate.

(5) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings before the Court of Appeal.

(6) On an appeal under subsection (5) the Supreme Court may—
(a) confirm the decision of the Court of Appeal, or
(b) make such order as it believes is appropriate.

215L Appeals in relation to realisation etc of seized property

(1) If the relevant court decides not to make an order under section 215ZA(3), 215A(3) or 215AA(2), an appropriate officer may appeal against the decision to the appropriate appellate court.

(2) If the relevant court makes an order under 215ZA(3), 215A(3) or 215AA(2), a person affected by the order may appeal in respect of the order to the appropriate appellate court, but only if conditions 1 and 2 are met (and see subsection (5)).

(3) Condition 1 is met if no determination under section 160A has been made in relation to the case.

(4) Condition 2 is met if—
(a) the person concerned was not given a reasonable opportunity to make representations when the confiscation order was made, or
(b) it appears to the appropriate appellate court to be arguable that not hearing the appeal would result in a serious risk of injustice to that person.

(5) A person holding the property to which the order under section 215ZA, 215A or (as the case may be) 215AA relates may not appeal under subsection (2) if there is a confiscation order made against them.

(6) An appropriate officer may appeal to the appropriate appellate court against—
(a) a decision by the relevant court not to make a determination under section 215B;
(b) a determination made by the relevant court under that section.

(7) On an appeal under this section to the Court of Appeal it may—
(a) confirm the decision, or
(b) make such order as it believes is appropriate.

(8) An appeal lies to the Supreme Court from a decision of the Court of Appeal on an appeal under this section, at the instance of any person who was a party to the proceedings before the Court of Appeal.

(9) On an appeal under subsection (8) the Supreme Court may—
(a) confirm the decision of the Court of Appeal, or
(b) make such order as it believes is appropriate.

(10) In this section—
"the appropriate appellate court" is—
(a) in a case where the relevant court is a magistrates' court, the county court;
(b) in a case where the relevant court is the Crown Court, the Court of Appeal;
"appropriate officer" has the same meaning as in section 190A."

(3) In section 193A (detention of property pending appeal), in subsections (1)(b) and (2)(b), for "192(3)(b)" substitute "215J(3)(b)".

(4) In section 216 (applications and appeals), in subsection (1)(b), for "192, 193, 213 or 214" substitute "215J or 215K".

(5) In section 217 (powers of court and receiver etc), in subsection (1)(a), for "and sections 210 to 215D" substitute ", sections 210 to 215D and sections 215J to 215L".

(6) In section 233 (proceedings), in subsection (6)—
(a) in paragraph (a), for "181(2)" substitute "215E(2)";
(b) in paragraph (b), for "181(2)" substitute "215E(2)";
(c) in paragraph (c)—
(i) for "181(2)" substitute "215E(2)";
(ii) for "183" substitute "215E(5)";
(d) in paragraph (d)—
(i) for "181(2)" substitute "215E(2)";
(ii) for "183" substitute "215E(5)";
(e) in paragraph (e)—
(i) for "181(2)" substitute "215E(2)";
(ii) for "183" substitute "215E(5)";
(f) in paragraph (f), for "181(2)" substitute "215E(2)";
(g) in paragraph (g), for "183" substitute "215E(5)".

(7) Omit—
(a) section 163B (appeals against compliance orders);
(b) sections 181 to 183 (appeals against confiscation orders);
(c) sections 192 and 193 (restraint orders: appeals);
(d) sections 213 and 214 (receivers: appeals);

(e) section 215C (orders in relation to seized property: appeals).

(8) In section 30 of the Criminal Appeal (Northern Ireland) Act 1980 (meaning of sentence)—

(a) in subsection (3), in paragraph (d), omit the words from "(but" to the end;

(b) after subsection (4) insert—

"(5) A determination made under section 160A of the Proceeds of Crime Act 2002 is not a sentence for the purposes of this Act (see section 215G of that Act for rights of appeal in relation to such a determination).

(6) A compliance order made under section 163A of the Proceeds of Crime Act 2002 is not a sentence for the purposes of this Act (see section 215H of that Act for rights of appeal in relation to such an order)."

PART 11

CONSEQUENTIAL AND RELATED AMENDMENTS

Constitutional Reform Act 2005 (c. 4)

29 In the Constitutional Reform Act 2005, in Schedule 9 (amendments relating to jurisdiction of the Supreme Court), omit paragraph 77(6) and (7).

Serious Crime Act 2007 (c. 27)

30 In the Serious Crime Act 2007, in Schedule 8 (abolition of Assets Recovery Agency and its Director)—

(a) omit paragraph 38;

(b) omit paragraphs 50 and 51;

(c) omit paragraph 65.

Serious Crime Act 2015 (c. 9)

31 The Serious Crime Act 2015 is amended as follows.

32 Omit section 26 (appeals in relation to confiscation orders).

33 In Schedule 4 (minor and consequential amendments), omit paragraph 48.

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c.2 (N.I.))

34 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is amended as follows.

35 In paragraph 3 of Schedule 2 (slavery and trafficking reparation orders)—

(a) in sub-paragraph (6)—

(i) for "174" substitute "174A";
(ii) after "court" insert "provisionally";
(b) in sub-paragraph (8), for "181" substitute "215E(1) or (2) or 215G(1)";
(c) in sub-paragraph (9), for "183" substitute "215E(5) or 215G(5)".

36 In Schedule 4 (minor and consequential amendments) omit paragraphs 13 to 15.

Criminal Finances Act 2017 (c. 22)

37 In section 32 of the Criminal Finances Act 2017 (reconsideration of discharged orders), omit subsections (5) and (6).

SCHEDULE 20

Section 161(3)

CONFISCATION ORDERS: SCOTLAND

Cases in which accused has a criminal lifestyle

1 (1) In section 142 of the Proceeds of Crime Act 2002 (criminal lifestyle), in subsection (2)—
(a) after "benefited", in the first place it occurs, insert ", or intended to benefit,";
(b) in paragraph (a)—
(i) for "three", in both places it occurs, substitute "two";
(ii) after "benefited" insert "or intended to benefit";
(c) in paragraph (b), after "benefited" insert "or intended to benefit".

(2) The amendments made by sub-paragraph (1)(a), (b)(ii) and (c) do not apply in relation to conduct that took place wholly or partly before the date on which those provisions come into force.

Compensation directions

2 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) After section 107 insert—

"107A Increased available amount: compensation directions

(1) This section applies where under section 107(3) a court varies a confiscation order so as to increase the amount required to be paid under the order.

(2) The court may make a supplementary compensation direction if—
(a) a compensation order has been made against the accused in respect of the offence (or any of the offences) concerned, and

(b) at the time the compensation order was made, the amount of the compensatable loss that had been sustained by the person in whose favour it was made was greater than the amount required to be paid by the compensation order.

(3) A supplementary compensation direction is a direction that so much of the amount recovered under the confiscation order as the court considers appropriate is to be paid to the person in whose favour the compensation order was made.

(4) That amount must not exceed the difference between—

(a) the amount of the compensatable loss that had been sustained by the person at the time the compensation order was made, and

(b) the amount required to be paid to the person by the compensation order,

or so much of that difference as remains unpaid.

(5) If the amount mentioned in subsection (4)(a) exceeds any applicable maximum amount, subsection (4) applies as if the amount in subsection (4)(a) were the applicable maximum amount.

(6) The court may make a compensation direction if—

(a) at the time the confiscation order was made, a person was known to the court to have sustained compensatable loss as a result of the offence (or any of the offences) concerned, but

(b) a compensation order has not been made against the accused in respect of that compensatable loss.

(7) A compensation direction is a direction that so much of the amount recovered under the confiscation order as the court considers appropriate is to be paid to the person mentioned in subsection (6)(a).

(8) That amount must not exceed—

(a) the amount of the compensatable loss that had been sustained by the person as a result of the offence (or any of the offences) concerned at the time the confiscation order was made, or

(b) so much of that amount as remains unpaid.

(9) If the amount mentioned in subsection (8)(a) exceeds any applicable maximum amount, subsection (8) applies as if the amount in subsection (8)(a) were the applicable maximum amount.

(10) In this section—

"applicable maximum amount" means the maximum amount of compensation (if any) that a compensation order made

against the accused in respect of the offence (or offences) concerned could have required the accused to pay;

"compensatable loss" means personal injury, loss or damage of a kind in respect of which a compensation order could have been made;

"compensation order" means a compensation order under section 249 of the Procedure Act."

(3) In section 131 (sums received by clerk of court) after subsection (6A) insert—

"(6B) If under section 107A (compensation directions) a direction was made for an amount to be paid to a person, the clerk of court must next apply the sums in payment of that amount."

SCHEDULE 21

Section 180

SPECIAL POLICE FORCES: BARRED PERSONS LISTS AND ADVISORY LISTS

PART 1

BARRED PERSONS LISTS

Duty to maintain barred persons lists

1 (1) Each relevant policing authority must maintain a barred persons list.

(2) In this Schedule "relevant policing authority" means—

(a) the British Transport Police Authority;

(b) the Civil Nuclear Police Authority;

(c) the Director General of the National Crime Agency;

(d) the Secretary of State.

(3) Each barred persons list must include such information in relation to a person included in the list as is specified in regulations made by the Secretary of State.

Inclusion of NCA officers and constables in barred persons lists

2 (1) The Director General of the National Crime Agency must include a person in the barred persons list maintained by them if—

(a) the person ceases to be an NCA officer by virtue of being dismissed at disciplinary proceedings, or

(b) the person is a former NCA officer and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been an NCA officer.

(2) Each other relevant policing authority must include a person in the barred persons list maintained by them if—

(a) the person ceases to be a constable of the relevant police force by virtue of being dismissed at disciplinary proceedings, or

(b) the person is a former constable of the relevant police force and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been a constable of the relevant police force.

(3) "Relevant police force" means—

(a) in relation to the British Transport Police Authority, the British Transport Police Force;

(b) in relation to the Civil Nuclear Police Authority, the Civil Nuclear Constabulary;

(c) in relation to the Secretary of State, the Ministry of Defence Police.

Inclusion of civilian employees in barred persons lists

3 (1) This paragraph applies to—

(a) the Civil Nuclear Police Authority;

(b) the British Transport Police Authority.

(2) Each relevant policing authority to which this paragraph applies must include a person in the barred persons list maintained by them if—

(a) the person ceases to be a civilian employee of the authority by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness, or

(b) the person is a former civilian employee of the authority and there is a finding in relation to the person in disciplinary proceedings that, if the person had still been such an employee, the person would have been dismissed as mentioned in paragraph (a).

(3) In this Schedule "civilian employee"—

(a) in relation to the Civil Nuclear Police Authority, means an employee of the Authority who is not a constable;

(b) in relation to the British Transport Police Authority, means a person employed by the Authority under section 27 of the Railways and Transport Safety Act 2003 who is—

(i) under the direction and control of the Chief Constable of the British Transport Police Force, or

(ii) designated as a community support officer or policing support officer by virtue of section 28(1)(a) of that Act.

(4) For the purposes of this paragraph a person is dismissed if the circumstances in which the person ceases to be a civilian employee amount to dismissal within the meaning of Part 10 of the Employment Rights Act 1996 (see section 95 of that Act).

Removal of NCA officers and constables from barred persons lists

4 (1) This paragraph applies where—

(a) a person included in a barred persons list by virtue of paragraph 2(1)(a) is reinstated as an NCA officer,

(b) a person included in a barred persons list by virtue of paragraph 2(2)(a) is reinstated as a constable of the relevant police force, or

(c) in relation to a person included in a barred persons list by virtue of paragraph 2(1)(b) or (2)(b), the finding that the person would have been dismissed is set aside.

(2) The relevant policing authority must remove the person from the barred persons list.

Removal of civilian employees from barred persons lists

5 (1) This paragraph applies where—

(a) the dismissal of a person included in a barred persons list by virtue of paragraph 3(2)(a) is found to have been an unfair dismissal following a complaint under section 111 of the Employment Rights Act 1996 (whether by an employment tribunal or on appeal), or

(b) the finding that a person included in a barred persons list by virtue of paragraph 3(2)(b) would have been dismissed is set aside at proceedings that are identified as appeal proceedings by regulations made by the Secretary of State.

(2) The relevant policing authority must remove the person from the barred persons list maintained by the authority.

Removal from barred lists: further provision

6 The Secretary of State may by regulations make provision in connection with the removal of persons from barred persons lists otherwise than under paragraph 4 or 5.

Publication of information in barred persons lists

7 (1) This paragraph applies to—

(a) the British Transport Police Authority;

(b) the Civil Nuclear Police Authority;

(c) the Secretary of State.

(2) The Secretary of State may by regulations require a relevant policing authority to which this paragraph applies to publish information about persons included in the barred persons list maintained by the authority.

(3) The regulations may in particular make provision about—

(a) the persons included in the barred persons list about whom information is to be published;

(b) the information which is to be published;

(c) when the information is to be published;

(d) the period for which the information is to remain published;

(e) how the information is to be published.

Power to disclose information in barred persons list

8 A relevant policing authority may, if it considers it to be in the public interest to do so, disclose to any person information included in its barred persons list which relates to a particular person who is included in that list.

PART 2

ADVISORY LISTS

Duty to maintain advisory lists

9 (1) Each relevant policing authority must maintain an advisory list.

(2) An advisory list must include such information in relation to a person as is specified in regulations made by the Secretary of State.

Inclusion of persons in advisory lists

10 (1) The Director General of the National Crime Agency must include a person in the advisory list maintained by them if—

(a) the person ceases to be an NCA officer by resigning or retiring, and

(b) Condition 1 or Condition 2 is met in relation to the person.

(2) Each other relevant policing authority must include a person in the advisory list maintained by them if—

(a) the person ceases to be a constable of the relevant police force by resigning or retiring, and

(b) Condition 1 or Condition 2 is met in relation to the person.

(3) The Civil Nuclear Police Authority and the British Transport Police Authority must also include a person in the advisory list maintained by them if—

(a) the person ceases to be a civilian employee of the authority by resigning or retiring, and

(b) Condition 1 or Condition 2 is met in relation to the person.

(4) Condition 1 is that the resignation or retirement took place—

(a) after a relevant allegation about the person came to the attention of the relevant policing authority, but

(b) before disciplinary proceedings in respect of the allegation were brought or, if brought, before they concluded.

(5) But Condition 1 is not met if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.

(6) Condition 2 is that a relevant allegation about the person came to the attention of the relevant policing authority after the person resigned or retired.

(7) For the purposes of this paragraph an allegation about a person is a relevant allegation if—

(a) it relates to the conduct, efficiency or effectiveness of the person, and

(b) the allegation (if proved) is of a type that might have resulted in the person being dismissed if the person had not resigned or retired.

Removal from advisory list

11 (1) A relevant policing authority must remove a person from the advisory list maintained by the authority if—

(a) it is determined that no disciplinary proceedings will be brought against the person,

(b) disciplinary proceedings brought against the person are withdrawn, or

(c) disciplinary proceedings brought against the person are concluded without there being a finding that the person would have been dismissed if the person had not resigned or retired.

(2) A relevant policing authority must remove a person from the advisory list maintained by the authority if the person is included in the barred persons list maintained by the authority.

(3) The Secretary of State may by regulations make provision in connection with removals from an advisory list otherwise than under sub-paragraph (1) or (2).

Power to disclose information in advisory list

12 A relevant policing authority may, if it considers it to be in the public interest to do so, disclose to any person information included in the advisory list maintained by the authority which relates to a particular person who is included in that advisory list.

PART 3

SUPPLEMENTARY PROVISION

Meaning of "disciplinary proceedings"

13 In this Schedule "disciplinary proceedings"—

(a) in relation to an officer or former officer of the National Crime Agency, means any proceedings or process relating to the person's conduct and any action to be taken as a result of that conduct;

(b) in relation to a constable or former constable of the British Transport Police Force, means proceedings under regulations made under section 36, 37, 40 or 42 of the Railways and Transport Safety Act 2003 which apply, or deal with matters that could be dealt with by, regulations under section 50(3) or (3A) or section 51(2A) or (2B) of the Police Act 1996;

(c) in relation to a constable or former constable of the Civil Nuclear Constabulary, means proceedings under provision relating to matters which are the subject of regulations under section 50(3) or (3A) of the Police Act 1996;

(d) in relation to a constable or former constable of the Ministry of Defence Police, means proceedings under regulations made under section 3A of the Ministry of Defence Police Act 1987;

(e) in relation to a civilian employee of the British Transport Police Authority or the Civil Nuclear Police Authority, has the meaning given by regulations made by the Secretary of State.

Interpretation: general

14 In this Schedule—

"advisory list" means a list maintained by a relevant policing authority under paragraph 9(1);

"barred persons list" means a list maintained by a relevant policing authority under paragraph 1(1);

"civilian employee" has the meaning given by paragraph 3(3);

"NCA officer" has the meaning given in section 16(1) of the Crime and Courts Act 2013;

"relevant police force" has the meaning given by paragraph 2(3);

"relevant policing authority" has the meaning given by paragraph 1(2).

Regulations

15 (1) The Secretary of State must consult the Scottish Ministers before making regulations under this Schedule containing provision which would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament.

(2) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under this Schedule containing provision which—

(a) would be within the legislative competence of the Northern Ireland Assembly, if it were contained in an Act of that Assembly, and

(b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

SCHEDULE 22

Section 202(1)

NOTIFICATION ORDERS

1 The Counter-Terrorism Act 2008 is amended as follows.

2 (1) Section 40 (overview) is amended as follows.

(2) In subsection (2) after paragraph (a) insert—

"(aa) orders applying the notification requirements to persons dealt with in the United Kingdom for certain offences to which this Part does not apply (see section 57A and Schedule 4A),".

(3) After subsection (3) insert—

"(4) Schedule 6A provides for orders applying the notification requirements to persons dealt with for certain service offences to which this Part does not apply."

3 In section 57, in the heading for "Notification" substitute "Foreign offence notification".

4 After that section insert—

"57A Domestic offence notification orders

Schedule 4A makes provision for notification orders applying the notification requirements of this Part to persons who have been dealt with for certain offences that are not offences to which this Part applies."

5 (1) Section 59 (application to service offences) is amended as follows.

(2) The existing provision becomes subsection (1) of that section.

(3) After that subsection insert—

"(2) Schedule 6A makes provision for notification orders applying the notification requirements of this Part to persons who have been dealt with for certain service offences that are not offences to which this Part applies."

6 (1) Section 61 (meaning of "dealt with" for an offence) is amended as follows.

(2) In subsection (4)(b)—

(a) for "or" substitute ", paragraph 2(6)(b) of Schedule 4A,";

(b) after "Schedule 6" insert "or paragraph 2(6)(b) of Schedule 6A".

(3) In subsection (5), at the end of paragraph (a) (before the "and") insert—

"(aa) paragraph 2(5) of Schedule 4A or paragraph 2(5) of Schedule 6A (conditions for making domestic or service offence notification order where offence dealt with before commencement),".

7 (1) Schedule 4 is amended as follows.

(2) In the Schedule heading for "Notification" substitute "Foreign offence notification".

(3) For "notification order", in each place it appears (including in any heading except the Schedule heading), substitute "foreign offence notification order".

8 After Schedule 4 insert –

"SCHEDULE 4A

Section 57A

DOMESTIC OFFENCE NOTIFICATION ORDERS

Introductory

1 In this Schedule –

"the appropriate court" means –

(a) in England and Wales or Northern Ireland, the High Court;

(b) in Scotland, the Court of Session;

"authorised person" means the Secretary of State or –

(a) in England and Wales, a chief officer of police;

(b) in Scotland, the chief constable of the Police Service of Scotland;

(c) in Northern Ireland, the chief constable of the Police Service of Northern Ireland;

"offence": any reference to an offence is to an offence under the law of England and Wales, Scotland or Northern Ireland (and does not include a service offence).

Domestic offence notification orders

2 (1) An authorised person may apply to the appropriate court for an order under this paragraph (a "domestic offence notification order") in respect of a person ("the offender").

(2) On the application, the court must make a domestic offence notification order in respect of the offender if it is satisfied that the following 4 conditions are met (and must otherwise refuse the application).

(3) The first condition is that the offender has been dealt with for an offence ("the relevant offence") that –

(a) was committed before 29 June 2021,

(b) is punishable with imprisonment for more than 2 years, and

(c) is not an excluded offence.

(4) "Excluded offence" means –

(a) an offence to which this Part applied when the offender was dealt with (see sections 41 and 42),

(b) an offence in relation to which section 30 or 31 of this Act or section 69 of the Sentencing Code applied,

(c) an offence in relation to which section 31 of this Act would have applied if paragraph (b) of subsection (1) of that section were omitted, or

(d) an offence under section 19, 21A or 39 of the Terrorism Act 2000.

(5) If the offender was dealt with for the relevant offence before the commencement of this Part, sub-paragraph (4) applies as if for paragraph (a) there were substituted—

"(a) an offence which, on the commencement of this Part, was within section 41(1) or (2),".

(6) The second condition is that—

(a) the offender has been dealt with for the relevant offence in a way mentioned in section 45 (reading any reference to an offence to which this Part applies as a reference to the relevant offence),

(b) the offender was aged 16 or over at the time of being dealt with for the relevant offence, and

(c) the offender—

(i) is imprisoned or detained in pursuance of the sentence passed or order made in respect of the offence,

(ii) would be so imprisoned or detained but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or

(iii) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence.

(7) The third condition is that the relevant offence has a terrorist connection (see section 93).

(8) The fourth condition is that the period in respect of which the notification requirements would apply in respect of the relevant offence (see section 53) has not expired.

Restrictions on applications for domestic offence notification orders

3 (1) A chief officer of police may apply for a domestic offence notification order in respect of a person only if—

(a) the person resides in the chief officer's police area, or

(b) the chief officer believes that the person is in, or is intending to come to, that area.

(2) The chief constable of the Police Service of Scotland may apply for a domestic offence notification order in respect of a person only if—

(a) the person resides in Scotland, or

(b) the chief constable believes that the person is in, or is intending to come to, Scotland.

(3) The chief constable of the Police Service of Northern Ireland may apply for a domestic offence notification order in respect of a person only if—

(a) the person resides in Northern Ireland, or

(b) the chief constable believes that the person is in, or is intending to come to, Northern Ireland.

Effect of domestic offence notification order

4 The effect of a domestic offence notification order is that the notification requirements of this Part apply to the offender.

Modifications of this Part

5 (1) The following modifications apply where a domestic offence notification order is made.

(2) Section 43(1) does not apply to the offender, as regards the relevant offence.

(3) Section 47(1) (initial notification) applies as if the reference to the day on which the person is dealt with were a reference to the date of service of the domestic offence notification order.

(4) For the purposes of section 53 (period for which notification requirements apply), references there to "the offence" are to the relevant offence.

(5) For the meaning of "the relevant offence", see paragraph 2(3)."

9 After Schedule 6 insert—

"SCHEDULE 6A Section 59(2)

SERVICE OFFENCE NOTIFICATION ORDERS

Introductory

1 In this Schedule—

"the appropriate court" means—

(a) in England and Wales or Northern Ireland, the High Court;

(b) in Scotland, the Court of Session;

"authorised person" means the Secretary of State or—

(a) in England and Wales, a chief officer of police;

(b) in Scotland, the chief constable of the Police Service of Scotland;

(c) in Northern Ireland, the chief constable of the Police Service of Northern Ireland.

Service offence notification orders

2 (1) An authorised person may apply to the appropriate court for an order under this paragraph (a "service offence notification order") in respect of a person ("the offender").

(2) On the application, the court must make a service offence notification order in respect of the offender if it is satisfied that the following 4 conditions are met (and must otherwise refuse the application).

(3) The first condition is that the offender has been dealt with for a service offence ("the relevant offence") that—

(a) is punishable with imprisonment for more than 2 years,

(b) is not an excluded offence, and

(c) if a day has been appointed for the commencement of section 1 of the Counter-Terrorism and Sentencing Act 2021 as that section has effect for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006, is committed before that day.

(4) In sub-paragraph (3)(b) "excluded offence" means—

(a) a service offence to which this Part applied when the offender was dealt with (see paragraphs 1 and 2 of Schedule 6),

(b) a service offence in relation to which section 32 of this Act or section 69 of the Sentencing Code applied, or

(c) a service offence as respects which the corresponding civil offence is an offence under section 19, 21A or 39 of the Terrorism Act 2000.

(5) If the offender was dealt with for the relevant offence before the commencement of this Part, sub-paragraph (4) applies as if for paragraph (a) there were substituted—

"(a) a service offence as respects which the corresponding civil offence was on the commencement of this Part within section 41(1) or (2),".

(6) The second condition is that—

(a) the offender has been dealt with for the relevant offence in a way mentioned in paragraph 5 of Schedule 6 (reading any reference to a service offence to which this Part applies as a reference to the relevant offence),

(b) the offender was aged 16 or over at the time of being dealt with for the relevant offence, and

(c) the offender—

(i) is imprisoned or detained in pursuance of the sentence passed or order made in respect of the offence,

(ii) would be so imprisoned or detained but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or

(iii) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence.

(7) The third condition is that the relevant offence has a terrorist connection (see section 93).

(8) The fourth condition is that the period in respect of which the notification requirements would apply in respect of the relevant offence (see paragraph 7 of Schedule 6) has not expired.

Restrictions on applications for service offence notification orders

3 (1) A chief officer of police may apply for a service offence notification order in respect of a person only if—

(a) the person resides in the chief officer's police area, or

(b) the chief officer believes that the person is in, or is intending to come to, that area.

(2) The chief constable of the Police Service of Scotland may apply for a service offence notification order in respect of a person only if—

(a) the person resides in Scotland, or

(b) the chief constable believes that the person is in, or is intending to come to, Scotland.

(3) The chief constable of the Police Service of Northern Ireland may apply for a service offence notification order in respect of a person only if—

(a) the person resides in Northern Ireland, or

(b) the chief constable believes that the person is in, or is intending to come to, Northern Ireland.

Effect of service offence notification order

4 The effect of a service offence notification order is that the notification requirements of this Part apply to the offender.

Modifications of this Part

5 (1) The following modifications apply where a service offence notification order is made.

(2) Section 47(1) (initial notification) applies as if the reference to the day on which the person is dealt with were a reference to the date of service of the service offence notification order.

(3) Paragraph 3(1) of Schedule 6 does not apply to the offender, as regards the relevant offence.

(4) For the purposes of paragraph 7 of that Schedule (period for which notification requirements apply), references there to "the service offence" or "the offence" are to the relevant offence.

(5) For the meaning of "the relevant offence", see paragraph 2(3)."

SCHEDULE 23

Section 203

SENTENCES FOR OFFENCE OF BREACHING FOREIGN TRAVEL RESTRICTION ORDER

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

1 In Schedule 1A to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (offences with restricted eligibility for release on licence), in paragraph 8 for the words from "section 54" to the end substitute "any of the following provisions of the Counter-Terrorism Act 2008—

(a) section 54 (breach of police notification requirements etc);

(b) paragraph 15 of Schedule 5 (breach of foreign travel restriction order)."

Criminal Procedure (Scotland) Act 1995 (c. 46)

2 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

(2) In section 205ZC (terrorism sentence with fixed licence period), after subsection (8) insert—

"(9) In the case of an offence specified in paragraph 4(b) of Schedule 5ZB (breach of foreign travel restriction order), this section applies in relation to convictions on or after the day on which paragraph 2 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

(3) In paragraph 4 of Schedule 5ZB (list of terrorism offences) for the words from "section 54" to the end substitute "any of the following provisions of the Counter-Terrorism Act 2008—

(a) section 54 (breach of police notification requirements etc);

(b) paragraph 15 of Schedule 5 (breach of foreign travel restriction order)."

Criminal Justice Act 2003 (c.44)

3 (1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 247A (restricted eligibility for release on licence) after subsection (10A) insert—

"(10B) In the case of a prisoner to whom this section applies as a result of the amendments made by paragraph 3 of Schedule 23 to the Crime and Policing Act 2026, the references in subsections (9) and (10) to the date on which this section comes into force are to be read as references to the date on which that paragraph comes into force."

(3) In paragraph 8 of Schedule 19ZA (offences to which section 247A applies) for the words from "section 54" to the end substitute "any of the following provisions of the Counter-Terrorism Act 2008—

(a) section 54 (breach of police notification requirements etc);

(b) paragraph 15 of Schedule 5 (breach of foreign travel restriction order)."

Counter-Terrorism Act 2008 (c. 28)

4 In Schedule 1A to the Counter-Terrorism Act 2008 (offences where terrorism connection not required to be considered), in paragraph 4—

(a) the existing text becomes sub-paragraph (1);

(b) after that sub-paragraph insert—

"(2) An offence under paragraph 15 of Schedule 5 to that Act (breach of foreign travel restriction order) of which a person is convicted on or after the day on which paragraph 4 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

5 (1) The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) is amended as follows.

(2) In Article 15A (terrorism sentence with fixed licence period) after paragraph (10) insert—

"(11) In the case of an offence listed in paragraph 32(b) of Schedule 2A, this Article applies in relation to convictions on or after the day on which paragraph 5 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

(3) In Article 20A (restricted eligibility for release on licence of terrorist prisoners) after paragraph (10) insert—

"(11) In the case of a prisoner to whom this Article applies as a result of the amendments made by paragraph 5 of Schedule 23 to the Crime and Policing Act 2026, the reference in paragraph (10) to the commencement date is to be read as a reference to the date on which that paragraph comes into force."

(4) In paragraph 32 of Schedule 2A (terrorism offences specified for purposes of Articles 15A and 20A) for the words from "section 54" to the end substitute "any of the following provisions of the Counter-Terrorism Act 2008—

(a) section 54 (breach of police notification requirements etc);
(b) paragraph 15 of Schedule 5 (breach of foreign travel restriction order)."

Sentencing Code

6 (1) The Sentencing Code is amended as follows.

(2) In section 252A (special sentence for offenders of particular concern) after subsection (6) insert—

"(7) In the case of an offence listed in paragraph 4(b) of Schedule 13, this section applies in relation to convictions on or after the day on which paragraph 6 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

(3) In section 265 (special sentence for offenders of particular concern) after subsection (4) insert—

"(5) In the case of an offence listed in paragraph 4(b) of Schedule 13, this section applies in relation to convictions on or after the day on which paragraph 6 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

(4) In section 278 (special sentence for offenders of particular concern) after subsection (4) insert—

"(5) In the case of an offence listed in paragraph 4(b) of Schedule 13, this section applies in relation to convictions on or after the day on which paragraph 6 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

(5) In paragraph 4 of Schedule A1 (terrorist connection aggravating factor - offences where terrorism connection not required to be considered)—

(a) the existing text becomes sub-paragraph (1);

(b) after that sub-paragraph insert—

"(2) An offence under paragraph 15 of Schedule 5 to that Act (breach of foreign travel restriction order) of which a person is convicted on or after the day on which paragraph 6 of Schedule 23 to the Crime and Policing Act 2026 comes into force."

(6) In paragraph 4 of Schedule 13 (offences attracting special sentence for offenders of particular concern), for the words from "section 54" to the end substitute "any of the following provisions of the Counter-Terrorism Act 2008—

(a) section 54 (breach of police notification requirements etc);

(b) paragraph 15 of Schedule 5 (breach of foreign travel restriction order)."

Crime and Policing Bill

[AS AMENDED IN COMMITTEE]

A

B I L L

TO

Make provision about anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order; to make provision about powers of the police, the border force and other similar persons; to make provision about confiscation; to make provision about the police; to make provision about terrorism and national security, and about international agreements relating to crime; to make provision about the criminal liability of bodies; and for connected purposes.

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