

Criminal Justice Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office and the Ministry of Justice, are published separately as Bill 10—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary James Cleverly has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Criminal Justice Bill are compatible with the Convention rights.

Criminal Justice Bill

[AS INTRODUCED]

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[AS INTRODUCED]

A

B I L L

TO

Amend the criminal law; to make provision about criminal justice (including the powers and duties of the police) and about dealing with offenders; to make provision about confiscation and the use of monies in suspended accounts; to make other provision about the prevention and detection of crime and disorder; to make provision about begging, rough sleeping and anti-social behaviour; to make provision about the police; 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:—

Offences relating to things used in serious crime, theft or fraud

1 Articles for use in serious crime

- (1) A person commits an offence if the person possesses a relevant article in circumstances which give rise to a reasonable suspicion that the relevant article will be used in connection with any serious offence. 5
- (2) A person commits an offence if the person imports, makes, adapts, supplies or offers to supply a relevant article in circumstances which give rise to a reasonable suspicion that the relevant article will be used in connection with any serious 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 relevant article would be used in connection with any serious offence. 10
- (4) In proceedings for an offence under this section, if it is proved that a relevant article—
 - (a) was on any premises at the same time as the accused, or 15
 - (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 relevant article, unless the accused shows that they did not know of its presence on the premises or that they had no control over it. 20
- (5) In this section—
 “relevant article”: see section 2;

“serious offence” means an offence specified or described in Part 1 of Schedule 1 to the Serious Crime Act 2007.

- (6) 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).

2 Section 1: meaning of “relevant article”

- (1) In section 1 “relevant article” means any of the following—
- (a) a 3D printer firearms template;
 - (b) an encapsulator;
 - (c) a tablet press;
 - (d) a vehicle concealment.
- (2) In this section—
- “3D printer firearms template” means any document that may be used in conjunction with a 3D printer to produce any part of a firearm (as defined by section 57 of the Firearms Act 1968);
 - “document” includes information recorded in any form;
 - “encapsulator” includes any device that may be used to produce capsules;
 - “tablet press” includes any device that may be used to produce tablets;
 - “vehicle” has the meaning given by section 1(1) of the Customs and Excise Management Act 1979;
 - “vehicle concealment” means a compartment that—
 - (a) forms or is intended to form part of a vehicle or is attached or intended to be attached to a vehicle, and
 - (b) conceals, or facilitates the concealment of, things or people or is intended to conceal or facilitate the concealment of things or people.
- (3) The Secretary of State may by regulations amend this section (other than this subsection).

3 Electronic devices for use in vehicle theft

- (1) A person commits an offence if the person possesses 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) A person commits an offence if the person imports, makes, adapts, supplies or offers 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.

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- (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
- (5) In this section “relevant offence” means—
- (a) an offence under section 7 of the Theft Act 1968 of theft of a conveyance (as defined by section 12 of that Act) or anything in a conveyance, or 10
 - (b) 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— 15
- (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).
- 4 Sections 1 and 3: evidential burdens** 20
- (1) This section applies where—
- (a) in accordance with section 1(3) or 3(3), it is a defence for a person charged with an offence to show a particular matter, or
 - (b) in accordance with section 1(4) or 3(4), a court may make an assumption in relation to a person charged with an offence unless the person shows a particular matter. 25
- (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. 30
- 5 Possession of a SIM farm**
- (1) A person who possesses a SIM farm commits an offence.
For the meaning of “SIM farm”, see section 7.
- (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. 35
- (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, 40

- (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 6(2)(a) to (c). 5
- (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. 10

6 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— 15
 - (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), 20
 - (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. 25
- (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— 30
 - (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; 35
 - (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. 40
- (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.

7 Sections 5 and 6: meaning of “SIM farm” etc

- (1) In sections 5 and 6, “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 Short Message Service text messages to 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 a Short Message Service text 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 1 confers powers of entry etc in relation to offences under section 5 or 6 and related inchoate offences.

8 Fraud facilitated by electronic communications: possession or supply of other articles

- (1) The Secretary of State may by regulations create a summary offence of possessing or supplying an article specified in the regulations.
- (2) An article may be specified only if the Secretary of State considers that there is a significant risk of the article being used for a purpose connected with fraud that is perpetrated by means of—
 - (a) an electronic communications network, or
 - (b) an electronic communications service.
- (3) The penalty for an offence under the regulations is—
 - (a) in England and Wales, a fine;
 - (b) in Scotland or Northern Ireland, a fine not exceeding level 5 on the standard scale.
- (4) The regulations may—
 - (a) contain exceptions or defences to an offence created by them (and may in particular make provision corresponding to, or similar to, any provision made by section 5 or 6);
 - (b) apply any provision of Schedule 1 (with or without modifications), or make provision corresponding to, or similar to, any provision made by that Schedule.

- (5) 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.
- (6) In this section—
- “article” includes information stored in electronic form; 5
 - “electronic communications network” and “electronic communications service” have the meaning given by section 32 of the Communications Act 2003.

9 Possession of weapon with intent to use unlawful violence etc

- (1) In Part 11 of the Criminal Justice Act 1988, after section 139AA insert— 10
- “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, 15
 - (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. 20
- (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— 25
- (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). 30
- (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)— 35
- (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);” 40
- (b) in subsection (5)(b) for “or 139AA” substitute “, 139AA or 139AB”.

10 Maximum penalty for offences relating to offensive weapons

- (1) In section 141 of the Criminal Justice Act 1988 (offensive weapons)—
- (a) in subsection (1) omit the words from “and liable” to the end;
 - (b) after subsection (1) insert—
 - “(1ZA) A person who is 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 6 months or a fine not exceeding level 5 on the standard scale (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 Northern Ireland, to imprisonment for a term not exceeding 4 years or a fine (or both).”
- (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, 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 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 who is 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 6 months or a fine not exceeding level 5 on the standard scale (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).”
- (4) The amendments made by this section do not apply in relation to an offence committed before this section comes into force.

Offence of encouraging or assisting serious self-harm

11 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 5
 - (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. 10
- (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); 15
 - “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). 20
- (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). 25

12 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 30
 - (b) D2 does that act,
- D1 is to be treated for the purposes of section 11 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 11 and this section as being so capable if the act would have been so capable— 35
- (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, 40
- (or both).

- (3) The provider of an internet service is not to be regarded as doing an act within section 11(1) by reason only of providing the internet service by which a communication is sent, transmitted or published.
- (4) Section 11(4) applies for the purposes of this section.
- (5) In consequence of the provision made by section 11 and this section, section 184 of the Online Safety Act 2023 (including the italic heading before that section) is repealed. 5

Offences relating to intimate photographs or films and voyeurism

13 Offences relating to intimate photographs or films and voyeurism

Schedule 2 makes provision in connection with offences relating to intimate photographs or films and voyeurism. 10

Criminal liability of bodies corporate and partnerships

14 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)). 15
- (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). 20
- (3) In this section—

“body corporate” includes a body incorporated outside the United Kingdom but does not include— 25

 - (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; 30

“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; 35

“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. 5
- (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 10
 - (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; 15
 - (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)). 20
- (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); 25
 - (b) in section 217, subsection (5)(f) and the words “197(1) or” in subsections (8) and (9);
 - (c) Schedule 12.

Powers of the police etc

- 15 Testing of persons in police detention for presence of controlled drugs** 30
- (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) in subsection (6)—
 - (i) for the definition of “Class A drug” and “misuse” substitute—
 - ““misuse” has the same meaning as in the Misuse of Drugs Act 1971;”;
- 40

- (ii) for the definition of “specified” and “trigger offence” substitute –

““specified controlled drug” means a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations under section 63CA;

5

“trigger offence” means an offence specified in regulations under section 63CA.”

- (4) After section 63C insert –

“63CA Testing for presence of controlled drugs: regulations

- (1) The Secretary of State may by regulations for the purposes of section 63B – 10
- (a) specify a controlled drug as a “specified controlled drug”;
- (b) specify an offence as a “trigger offence”.
- (2) Regulations under subsection (1) – 15
- (a) may make different provision for different purposes or different areas; and
- (b) may make transitional, transitory or saving provision.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under subsection (1)(a) is subject to annulment in pursuance of a resolution of either House of Parliament. 20
- (5) A statutory instrument containing (whether alone or with other provision) regulations under subsection (1)(b) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 25
- (6) In this section “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.”
- (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”. 30
- (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)”; 35
- (c) omit Schedule 6 (trigger offences).

16 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”. 5
- (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 10
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 15
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 20
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 25
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 30
“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 35
in regulations under section 63CA of PACE.”

17 Controlled drugs: removal of notification conditions

- (1) In section 63B of the Police and Criminal Evidence Act 1984 –
- (a) in subsection (1) –
- (i) at the end of paragraph (a) insert “and”;
- (ii) omit paragraph (c) and the “and” before it; 40
- (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—
- (a) in subsection (1)—
 - (i) at the end of paragraph (b) insert “and”; 5
 - (ii) omit paragraph (d) and the “and” before it;
 - (b) omits subsections (5) to (7).
- (4) In section 10 of that Act—
- (a) in subsection (1)—
 - (i) at the end of paragraph (a) insert “and”; 10
 - (ii) omit paragraph (c) and the “and” before it;
 - (b) omit subsections (6) to (8).

18 Power to seize bladed articles etc

- (1) A constable who—
- (a) is lawfully on any premises, 15
 - (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), 20
- 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 25
 - (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, 30
 - (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. 35
- (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— 5
- (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— 10
- (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 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— 15
- (a) unlawful damage to property, and
 - (b) a threat of unlawful violence (including of unlawful damage to property).

19 Stolen goods on premises: entry, search and seizure without warrant

- (1) In the Theft Act 1968, in the heading of section 26 after “goods” insert “with warrant”. 20
- (2) In the Theft Act 1968, after section 26 insert—
- “26A Search for particular stolen goods without warrant**
- (1) A police officer of at least the rank of inspector may authorise a constable to— 25
- (a) enter specified premises, and
 - (b) search the specified premises for specified items.
- (2) An officer may give an authorisation under subsection (1) only if satisfied that there are reasonable grounds to believe that— 30
- (a) the specified items are stolen goods,
 - (b) the specified items are on the specified premises, and
 - (c) 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.
- (3) An officer may give the authorisation orally or in writing. 35
- (4) As soon as reasonably practicable after giving the authorisation the 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). 40

- (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 5
 - (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. 10
- (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. 15

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). 20
- (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 25
 - (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 – 30
- (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) 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 – 35
- (a) in which it can be taken away and in which it is visible and legible, or
 - (b) from which it can readily be produced in a visible and legible form. 40
- (5) 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— 5
 - (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. 10
- (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— 15
 - “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).” 20
- (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”.

20 Suspension of internet protocol addresses and internet domain names 25

Schedule 3 makes provision about IP address suspension orders and domain name suspension orders.

21 Access to driver licence records

- (1) The Criminal Justice and Court Services Act 2000 is amended as follows.
- (2) For section 71 substitute— 30

“71 Access to driver licence records

- (1) The Secretary of State may in accordance with this section make available to an authorised person any information held by the Secretary of State for the purposes of Part 3 of the Road Traffic Act 1988.
- (2) The Secretary of State must in regulations made for the purposes of this section (“driver information regulations”) prescribe the purposes for which, and the circumstances in which, information may be made 35

available by virtue of this section, and may prescribe only such purposes and circumstances as are related to policing or law enforcement.

- (3) “An authorised person” means a person who is—
- (a) under the direction and control of the chief officer of a body which is listed in subsection (4), and 5
 - (b) is authorised by that chief officer to receive information for the purposes of this section.
- (4) The bodies listed in this subsection are—
- (a) any police force in England and Wales; 10
 - (b) the British Transport Police;
 - (c) the Ministry of Defence Police;
 - (d) the Civil Nuclear Constabulary;
 - (e) the Police Service of Scotland;
 - (f) the Police Service of Northern Ireland; 15
 - (g) the States of Jersey Police;
 - (h) the Isle of Man Constabulary;
 - (i) the Guernsey Police;
 - (j) the Independent Office for Police Conduct;
 - (k) the National Crime Agency; 20
 - (l) the Royal Gibraltar Police;
 - (m) the Port of Liverpool Police;
 - (n) the Mersey Tunnels Police;
 - (o) the Port of Tilbury Police;
 - (p) the Royal Navy Police; 25
 - (q) the Royal Military Police;
 - (r) the Royal Air Force Police;
 - (s) the tri-service serious crime unit as described in section 375(1A) of the Armed Forces Act 2006;
 - (t) the Service Police Complaints Commissioner. 30
- (5) Driver information regulations may amend subsection (4) so as to add a body to that subsection, or to modify or remove a reference to a body listed in that subsection.
- (6) Driver information regulations may make such further provision as the Secretary of State considers appropriate, including, in particular— 35
- (a) about the purposes for which, and the circumstances in which, information made available by virtue of this section may be further disclosed by an authorised person (including about the persons to whom it may be further disclosed);
 - (b) specifying conditions that must be met by an authorised person before information may be made available to the person; 40
 - (c) specifying the purposes for which, or circumstances in which, information cannot be made available to a particular description or descriptions of authorised persons.

- (7) Before making driver information regulations, the Secretary of State must consult such of the persons listed in subsection (8) as the Secretary of State considers appropriate.
- (8) The persons listed in this subsection are—
- (a) such persons as appear to the Secretary of State to represent the views of police bodies in—
 - (i) the United Kingdom;
 - (ii) the Isle of Man;
 - (iii) the Channel Islands;
 - (iv) the British overseas territories;
 - (b) the Scottish Ministers.
- (9) This section does not (and regulations made under it may not) authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the power conferred by or under this section).
- (10) In this section—
- “chief officer” means—
 - (a) in relation to a police force listed in subsection (4) which has a chief officer of police, that chief officer;
 - (b) in relation to any other body, the person prescribed for the purposes of this section by driver information regulations;
 - “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “information” means information held in any form.

71A Code of practice about access to driver licence records

- (1) The Secretary of State may issue a code of practice about the receipt and use of information under section 71.
- (2) The code may make different provision for different purposes or different areas.
- (3) Before issuing a code of practice, the Secretary of State must consult—
- (a) the bodies listed in subsection (4) of that section;
 - (b) the Scottish Ministers;
 - (c) the Welsh Ministers;
 - (d) the Department of Justice in Northern Ireland;
 - (e) such other persons as the Secretary of State considers appropriate.
- (4) After preparing the code of practice, the Secretary of State must lay it before Parliament and publish it.

- (5) The Secretary of State may from time to time revise the code; and a reference in this section to the code includes a reference to the code as revised.
- (6) Any person to whom information is made available by virtue of section 71 must have regard to the code for the time being in force under this section.” 5
- (3) In section 76 (subordinate legislation), after subsection (5) insert—
- “(5A) A statutory instrument containing regulations making provision by virtue of section 71(5) (whether alone or with other provision) may only be made if a draft of the statutory instrument has been laid before and approved by a resolution of each House of Parliament.” 10

Sentencing

22 Powers to compel attendance at sentencing hearing

In Part 3 of the Sentencing Code (procedure), after Chapter 2 insert—

“CHAPTER 2A

15

ATTENDANCE AT SENTENCING HEARINGS

41A Power to order offender to attend

- (1) This section applies where—
- (a) an offender has been convicted of an offence in respect of which a life sentence must, or may, be passed, 20
 - (b) the offender is remanded in custody awaiting sentencing by the Crown Court, and
 - (c) the offender has refused, or there are reasonable grounds to suspect the offender will refuse, to attend court for the sentencing hearing. 25
- (2) The Crown Court may order the offender to attend court for the sentencing hearing.
- (3) An order under subsection (2) may be made by the court of its own motion or on the application of the prosecutor.
- (4) Before making an order under subsection (2) in relation to an offender aged under 18, the court must consult the relevant youth offending team. 30
- (5) An offender who fails, without reasonable excuse, to comply with an order under subsection (2) commits a contempt.
- (6) A contempt under subsection (5) is punishable as if it were a criminal contempt of court. 35
- (7) In this section—
- “life sentence” has the meaning given by section 324;

“the relevant youth offending team” means the youth offending team established under section 39 of the Crime and Disorder Act 1998 that is providing support to the offender while awaiting sentence;

“remanded in custody” includes committed to custody;

“sentencing hearing” means a hearing following conviction that is held for the purpose of sentencing the offender.

- (8) Nothing in this section limits –
- (a) any other power of a court to order an offender to attend court for a sentencing hearing;
 - (b) any part of the law of contempt.

41B Power to order production of offender

- (1) This section applies where –
- (a) an offender aged 18 or over is remanded in custody awaiting sentencing by the Crown Court in respect of an offence, and
 - (b) the offender has refused, or there are reasonable grounds to suspect the offender will refuse, to attend court for the sentencing hearing.
- (2) The Crown Court may order that the offender is produced before the court for the sentencing hearing.
- (3) An order under subsection (2) may be made by the court of its own motion or on the application of the prosecutor.
- (4) A relevant officer may use reasonable force, if necessary and proportionate, to give effect to an order under subsection (2).
- (5) In this section –
- “relevant officer” means –
 - (a) a prison officer;
 - (b) an officer of a young offender institution;
 - (c) a prisoner custody officer (within the meaning of section 89 of the Criminal Justice Act 1991);
 - “remanded in custody” includes committed to custody;
 - “sentencing hearing” has the meaning given by section 41A.
- (6) A person is to be treated as having complied with an order under subsection (2) if they have done all that they reasonably can to secure that the offender is produced before the court for the sentencing hearing.
- (7) Nothing in this section limits –
- (a) any other power of a court to order that an offender is produced before the court for a sentencing hearing;
 - (b) any other power of a relevant officer to use force.”

23 Child sex offences: grooming aggravating factor

After section 70 of the Sentencing Code (using minor to mind weapon) insert—

“70A Sexual grooming of child

- (1) This section applies where—
 - (a) a court is considering the seriousness of a specified child sex offence which is aggravated by grooming, and 5
 - (b) 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 10
 - (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 aged under 18, or 15
 - (b) the offence was facilitated by, or involved, a person other than the offender grooming a person aged under 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 be a victim of the offence. 20
- (4) A “specified child sex offence” is an offence within any of subsections (5) to (7) or an inchoate offence in relation to any of those offences.
- (5) An offence is within this subsection if it is under any of—
 - (a) section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child), 25
 - (b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child), or
 - (c) the following provisions of the Sexual Offences Act 2003—
 - (i) sections 5 to 8 (rape and other offences against children under 13); 30
 - (ii) sections 9 to 12 (other child sex offences);
 - (iii) section 14 (arranging or facilitating commission of child sex offence);
 - (iv) sections 16 to 19 (abuse of position of trust);
 - (v) sections 25 and 26 (familial child sex offences); 35
 - (vi) sections 47 to 50 (sexual exploitation of children).
- (6) An offence is within this subsection if it is under any of the following provisions of the Sexual Offences Act 2003 and the victim, or intended victim, was aged under 18—
 - (a) sections 1 to 4 (rape, assault and causing sexual activity without consent); 40
 - (b) sections 30 to 41 (sexual offences relating to persons with mental disorder);

- (c) sections 57 to 59A (trafficking);
 - (d) sections 61 to 63 (preparatory offences);
 - (e) sections 66 to 67A (exposure and voyeurism).
- (7) An offence is within this subsection if it is under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory) and a person engaging in the activity in question is aged under 18. 5
- (8) Nothing in this section prevents a court from treating any other grooming of a person as an aggravating factor.
- (9) This section has effect in relation to a person who is convicted of the offence on or after the date on which section 23 of the Criminal Justice Act 2024 comes into force.” 10

24 Murder: end of relationship aggravating factor

In Schedule 21 to the Sentencing Code (minimum terms in mandatory life sentences), in paragraph 9, after paragraph (ba) insert—

- “(bb) where the offence was committed on or after the day on which section 24 of the Criminal Justice Act 2024 came into force, the fact that the offence was connected with— 15
- (i) the end of the offender’s intimate personal relationship with the victim,
 - (ii) the victim intending to bring about the end of that intimate personal relationship, or 20
 - (iii) a belief by the offender as to a thing mentioned in sub-paragraph (i) or (ii),”

Transfer of prisoners to foreign prisons

25 Transfers of prisoners to foreign prisons: introduction 25

- (1) Sections 26 to 29 make provision about any arrangement made between the United Kingdom and a foreign country which provides for prisoners (or any description of prisoners) to be detained, in the foreign country, for part or all of a period for which they are liable to be detained.
- (2) In this section— 30
- “foreign country” means a country or territory outside the United Kingdom;
- “prisoner” means a person detained (or liable to be detained) in a prison in England and Wales in pursuance of a sentence passed, or order made, by a court or tribunal anywhere, other than a person detained under section 42 of the International Criminal Court Act 2001. 35

26 Warrant for transfer of prisoner to or from foreign prison

- (1) This section applies where—

- (a) the United Kingdom and a foreign country have made an arrangement of a kind mentioned in section 25(1), and
- (b) the Secretary of State and the appropriate authority of the foreign country agree to the transfer of a person (“the prisoner”) under the arrangement. 5
- (2) *The Secretary of State may issue a warrant for the transfer of the prisoner to the foreign country, for the purpose of being detained in a prison in the foreign country.*
- (3) A warrant under subsection (2) authorises the taking of the prisoner to a place anywhere in England or Wales, and—
- (a) the delivery of the prisoner, at a place of departure from the United Kingdom, into the custody of an appropriate person, and the removal by the appropriate person of the prisoner from the United Kingdom to a place outside the United Kingdom, or 10
- (b) the removal of the prisoner from the United Kingdom and the delivery of the prisoner, at a place of arrival from the United Kingdom, into the custody of an appropriate person. 15
- In this subsection “appropriate person” means a person representing the appropriate authority of the foreign country.
- (4) *The Secretary of State may issue a warrant for the return of the prisoner to the United Kingdom under the arrangement.* 20
- (5) A warrant under subsection (4) authorises—
- (a) the bringing of the prisoner into England and Wales from a place outside the United Kingdom, and
- (b) the taking of the prisoner to a domestic prison specified in the warrant.
- (6) The transfer of the prisoner does not affect any sentence or order by virtue of which the prisoner is liable to be detained. 25
- (7) The Secretary of State may vary or revoke a warrant under this section.
- (8) In calculating the period for which the prisoner is liable to be detained in pursuance of a relevant sentence, any period during which the prisoner is detained by virtue of a warrant under this section is to be treated as if it were a period during which the prisoner is detained in a domestic prison in pursuance of the relevant sentence. 30
- (9) In section 49(2) of the Prison Act 1952 (persons unlawfully at large), the reference to being unlawfully at large includes being at large from a prison where the prisoner is to be detained under the arrangement. 35
- (10) In this section—
- “domestic prison” means a prison in England or Wales;
- “foreign country” has the same meaning as in section 25;
- “relevant sentence” means a sentence, passed before the warrant is issued, for which the prisoner is liable to be detained. 40

27 Operation of warrant under section 26

- (1) This section applies where a warrant under section 26 has been issued in respect of a person (“the prisoner”).
- (2) The prisoner is to be regarded as being in the legal custody of the Secretary of State at any time when the prisoner— 5
- (a) is being taken to or from any place, or is being kept in custody, under the warrant, and
- (b) is in the United Kingdom or is on board a British aircraft, British ship or British hovercraft.
- (3) The Secretary of State may from time to time designate any person as a person who is for the time being authorised under the warrant— 10
- (a) to take the prisoner to or from any place, or
- (b) to keep the prisoner in custody.
- (4) A person designated under subsection (3) has all the powers, authority, protection and privileges of a constable (including when the person is outside the United Kingdom). 15
- (5) If the prisoner escapes or is otherwise unlawfully at large, the prisoner may be arrested (without warrant) by a constable and taken—
- (a) to any place to which the prisoner may be taken under the warrant mentioned in subsection (1), or 20
- (b) to any domestic prison.
- (6) In this section—
- (a) “British aircraft”, “British ship” and “British hovercraft” have the meaning given by section 5(6) of the Repatriation of Prisoners Act 1984; 25
- (b) “domestic prison” has the meaning given by section 26 of this Act.

28 Oversight of foreign prisons

- (1) Where an arrangement of a kind mentioned in section 25(1) is made, the Secretary of State must appoint a person who is a Crown servant to be the controller in relation to that arrangement. 30
- (2) The controller must—
- (a) keep under review, and report to the Secretary of State on, the running of any prison where persons are detained under the arrangement;
- (b) ensure that persons who have been transferred to a foreign country under the arrangement are returned to England and Wales before the end of the period for which they are liable to be detained. 35
- (3) In section 5A of the Prison Act 1952 (appointment and functions of HM Chief Inspector of Prisons) after subsection (5C) insert—
- “(5D) The Chief Inspector may—
- (a) inspect or arrange for the inspection of any prisons where persons are detained under an arrangement of a kind 40

- mentioned in section 25(1) of the Criminal Justice Act 2024 (service of custodial sentences abroad), and
- (b) report to the Secretary of State on them.”

29 Power to make further provision about transfers of prisoners

- (1) The Secretary of State may by regulations make further provision in connection with an arrangement of a kind mentioned in section 25(1). 5
- (2) The regulations may in particular –
- (a) apply any enactment (with or without modifications) in relation to persons detained under the arrangement, or
- (b) modify any enactment in its application in relation to such persons, and may make any other provision that could be made by an Act of Parliament. 10
- (3) Different provision may be made for different arrangements.
- (4) Nothing in subsection (3) is to be read as limiting section 76(1).

Management of offenders

15

30 Assessing and managing risks posed by controlling or coercive behaviour offenders

In section 327 of the Criminal Justice Act 2003 (section 325: interpretation), in subsection (4A), after paragraph (c) insert –

- “(ca) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship);”.

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31 Extension of polygraph condition to certain offenders

- (1) Section 28 of the Offender Management Act 2007 (application of polygraph condition) is amended as follows. 25
- (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, 30
- (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 – 35

- (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 5
- (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– 10
- (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– 15
- “(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, 20
- (b) it was punishable with imprisonment for more than 2 years, and
- (c) it is not specified in Schedule A1 to the Sentencing Code.
- (4BB) An offence is within this subsection if–
- (a) it was committed on or after 18 June 2009 but before 29 June 25
- 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 30
- (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, 35
- (c) it was punishable with imprisonment for more than 2 years, 40
- (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 (4BB), (4BC) and (4C)”.

5

Proceeds of crime and other property connected with criminal behaviour

32 Confiscation

Schedule 4 makes provision about confiscation orders in England and Wales.

33 Suspended accounts scheme

Schedule 5 confers power on the Secretary of State to make regulations establishing the suspended accounts scheme.

10

Serious crime prevention orders

34 Electronic monitoring requirements

- (1) The Serious Crime Act 2007 is amended as follows.
- (2) After section 5A insert—

15

“Electronic monitoring requirements: England and Wales

5B Electronic monitoring requirements

- (1) A serious crime prevention order made in England and Wales may contain provision requiring a person who is an individual (including a partner in a partnership) to submit to electronic monitoring of their compliance with other prohibitions, restrictions or requirements imposed by the order.
- (2) Such a requirement is referred to in this Part as an “electronic monitoring requirement”.
- (3) A serious crime prevention order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.
- (4) The person specified under subsection (3) (“the responsible person”) must be of a description specified in regulations made by the Secretary of State.
- (5) Where a serious crime prevention order imposes an electronic monitoring requirement on a person, the person must (among other things)—
- (a) submit, as required from time to time by the responsible person, to—

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- (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; 5
 - (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. 10
- (6) A serious crime prevention order may not provide for an electronic monitoring requirement to have effect for more than 12 months (subject to any variation of the order under section 17(9), 20(8), 21(7A) or 22E(3)).

5C Conditions for imposing electronic monitoring requirements 15

- (1) This section applies for the purpose of determining whether a court may impose an electronic monitoring requirement on a person (“P”) under section 5B.
- (2) The requirement may not be imposed in P’s absence.
- (3) If there is a person (other than P) 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. 20
- (4) The court may impose the requirement only if—
 - (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and 25
 - (b) it is satisfied that the necessary provision can be made under the arrangements currently available.
- (5) In subsection (4)(a)—
 - “the relevant area” means— 30
 - (a) the local justice area in which it appears to the court that P resides or will reside, and
 - (b) in a case where it is proposed to include in the order—
 - (i) a requirement that P must remain, for specified periods, at a specified place, or 35
 - (ii) a provision prohibiting P from entering a specified place or area,

the local justice area in which the place or area proposed to be specified is situated;

“specified” means specified in the order. 40

5D Data from electronic monitoring: code of practice

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by serious crime prevention orders. 5
- (2) A failure to act in accordance with a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.”
- (3) In section 17 (variation of orders), after subsection (8) insert—
- “(9) But the court may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time.” 10
- (4) In section 20 (powers of Crown Court to vary orders on conviction), after subsection (7) insert—
- “(8) But the court may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time.” 15
- (5) In section 21 (powers of Crown Court to vary or replace orders on breach), after subsection (7) insert—
- “(7A) But the court may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time.”
- (6) In section 89 (orders)— 20
- (a) in the heading, after “Orders” insert “and regulations”;
- (b) in each of subsections (1) and (2), after “order” insert “or regulations”.

35 Applicants for an order: England and Wales

- (1) The Serious Crime Act 2007 is amended as follows.
- (2) In section 8 (serious crime prevention orders: applicants), for subsections (1) and (2) substitute— 25
- “(1) A serious crime prevention order may be made by the High Court in England and Wales—
- (a) only on an application by— 30
- (i) the Director of Public Prosecutions,
- (ii) the Director of the Serious Fraud Office,
- (iii) the Director General of the National Crime Agency,
- (iv) the Commissioners for His Majesty’s Revenue and Customs,
- (v) a chief officer of police, 35
- (vi) the Chief Constable of the British Transport Police, or
- (vii) the Chief Constable of the Ministry of Defence Police, and

- (b) in the case of an application by a person listed in paragraph (a)(iii) to (vii), only if the person has consulted the Director of Public Prosecutions.
- (1A) A serious crime prevention order may be made by the Crown Court in England and Wales— 5
- (a) only on an application by—
- (i) the Director of Public Prosecutions,
- (ii) the Director of the Serious Fraud Office, or
- (iii) a chief officer of police, and
- (b) in the case of an application by a chief officer of police, only if— 10
- (i) it is an application for an order under section 19 or 19A that is terrorism-related (see section 8A), and
- (ii) the chief officer has consulted the Director of Public Prosecutions. 15
- (1B) A serious crime prevention order may be made by the appropriate court in Scotland—
- (a) only on an application by—
- (i) the Lord Advocate, or
- (ii) the chief officer of police, and 20
- (b) in the case of an application by the chief officer of police, only if—
- (i) it is an application for an order under section 1 that is terrorism-related (see section 8A),
- (ii) the chief officer has consulted the Lord Advocate, and 25
- (iii) it is an application made to the Court of Session (and not to the sheriff).
- (1C) A serious crime prevention order may be made by the High Court in Northern Ireland—
- (a) only on an application by— 30
- (i) the Director of Public Prosecutions for Northern Ireland, or
- (ii) the chief officer of police, and
- (b) in the case of an application by the chief officer of police, only if— 35
- (i) it is an application for an order under section 1 that is terrorism-related (see section 8A), and
- (ii) the chief officer has consulted the Director for Public Prosecutions for Northern Ireland.”
- (3) In section 10(4) (notice requirements)— 40
- (a) omit sub-paragraphs (i) and (iii);
- (b) after sub-paragraph (iv) insert—
- “(v) in any other case, the person who applied for the order.”

- (4) In section 27 (power to wind up companies: England and Wales)—
- (a) for subsection (1A) substitute—
- “(1A) A person mentioned in section 8(1)(a)(iii) to (vii) may present a petition to the court for the winding up of a company, partnership or relevant body if—
- (a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order made on an application by a person of the same description, and
- (b) the person considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.”;
- (b) in subsection (3) for the words from “the Director of Public Prosecutions” to the end substitute “a person who is authorised to present a petition in accordance with subsection (1) or (1A);
- (c) in subsection (12) omit the definition of “police-initiated serious crime prevention order”.
- (5) In Schedule 2 (functions of applicant authorities)—
- (a) after paragraph 15 insert—
- “Director General of the National Crime Agency*
- 15ZA The functions of the Director General of the National Crime Agency under this Part are—
- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,
- (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales,
- (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise),
- (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders, and
- (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).
- Commissioners for His Majesty’s Revenue and Customs*
- 15ZB The functions of the Commissioners for His Majesty’s Revenue and Customs under this Part are—
- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,

- (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order made in England and Wales,
- (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise), 5
- (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders, and 10
- (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).”;
- (b) in paragraph 15A –
- (i) in paragraphs (a), (c) and (d) leave out “that are terrorism-related”; 15
- (ii) in paragraph (b) leave out “that is terrorism-related”;
- (c) after paragraph 15B insert –
- “Chief Constable of British Transport Police*
- 15BA The functions of the Chief Constable of the British Transport Police under this Part are – 20
- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,
- (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales, 25
- (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders in England and Wales (whether proceedings on appeal, by virtue of section 27 or otherwise), 30
- (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders in England and Wales, and 35
- (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).
- 15BB (1) The Chief Constable of the British Transport Police may, to such extent as they may decide, delegate the exercise of their functions under this Part to any member of the British Transport Police of at least the rank of superintendent. 40
- (2) References in this Part to the Chief Constable of the British Transport Police are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references 45

to the Chief Constable or any member of the British Transport Police of at least the rank of superintendent.

Chief Constable of the Ministry of Defence Police

- 15BC The functions of the Chief Constable of the Ministry of Defence Police under this Part are— 5
- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,
 - (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales, 10
 - (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders in England and Wales (whether proceedings on appeal, by virtue of section 27 or otherwise), 15
 - (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders in England and Wales, and 20
 - (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).
- 15BD(1) The Chief Constable of the Ministry of Defence Police may, to such extent as they may decide, delegate the exercise of their functions under this Part to any member of the Ministry of Defence Police of at least the rank of superintendent. 25
- (2) References in this Part to the Chief Constable of the Ministry of Defence Police are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references to the Chief Constable or any member of the Ministry of Defence Police of at least the rank of superintendent.” 30

36 Notification requirements

- (1) The Serious Crime Act 2007 is amended as follows.
- (2) After section 15 insert—

“Notification requirements: England and Wales 35

15A Relevant bodies: notifying police of initial point of contact

- (1) A person other than an individual who is subject to a serious crime prevention order made by a court in England and Wales (a “relevant body”) must, within the period of three days beginning with the day on which the order is made— 40
 - (a) identify an individual who is authorised to communicate with the police on behalf of the body, and

- (b) notify the police of the name of the individual so authorised.
- (2) An individual whose name is notified under this section or section 15B must be a person who has consented to act in that capacity.
- (3) A relevant body commits an offence under the law of England and Wales if, without reasonable excuse, the body fails to comply with subsection (1). 5
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine.

15B Relevant bodies: notifying police of replacement point of contact

- (1) A relevant body that has notified the police of the name of an individual under section 15A or this section may notify the police of the name of a replacement individual who is authorised to communicate with the police on behalf of the body. 10
- (2) If an individual whose name is notified by a relevant body under section 15A or this section withdraws their consent, or is unable to communicate with the police on behalf of the body, the relevant body must, within the period of 28 days beginning with the day on which the individual withdrew their consent or otherwise became so unable— 15
 - (a) identify a replacement individual who is authorised to communicate with the police on behalf of the body, and 20
 - (b) notify the police of the name of the individual so authorised.
- (3) A relevant body commits an offence under the law of England and Wales if, without reasonable excuse, the body fails to comply with subsection (2).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine. 25
- (5) In this section “relevant body” has the same meaning as in section 15A.

15C Exceptions to the notification requirements on relevant bodies

- (1) The requirements imposed by sections 15A and 15B do not apply to a relevant body by virtue of a serious crime prevention order while the relevant body is subject to an earlier serious crime prevention order. 30
- (2) If the earlier order ceases to be in force on a day on which the later order remains in force, the reference in section 15A(1) to the day on which the order is made is to be read as a reference to that day. 35

15D Individuals subject to an order: notification requirements

- (1) A person who is an individual (including a partner in a partnership) who is subject to a serious crime prevention order made by a court

in England and Wales (a “relevant individual”) must, within the period of three days beginning with the day on which the order is made, notify the police of the notifiable information relating to the person.

- (2) In this section “the notifiable information” relating to a person means—
- (a) the person’s name and, if the person uses one or more other names, each of those names; 5
 - (b) the address of the person’s sole or main residence in the United Kingdom and the address of any other premises in the United Kingdom at which the person regularly resides or stays;
 - (c) each of the person’s telephone numbers and email addresses (if any); 10
 - (d) any name which the person uses to access a social media service or the function of which is to identify the user of such a service;
 - (e) identifying information of any motor vehicle of which the person is the registered keeper, or which the person has a right to use (whether routinely or on specific occasions or for specific purposes), on the date on which notification is made; 15
 - (f) specified financial information;
 - (g) specified information about identification documents;
 - (h) the name and address of each of the person’s employers (if any); 20
 - (i) any information of a description specified in regulations made by the Secretary of State.
- (3) A person commits an offence under the law of England and Wales if the person— 25
- (a) fails, without reasonable excuse, to comply with a requirement imposed by subsection (1);
 - (b) notifies the police, in purported compliance of such a requirement, of any information which the person knows to be false. 30
- (4) A person guilty of an offence under subsection (3) is liable—
- (a) on summary conviction to imprisonment for a period not exceeding the general limit in a magistrates’ court or to a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or both. 35
- (5) For the purposes of subsection (2)—
- (a) where a person does not have a sole or main residence in the United Kingdom, paragraph (b) of that subsection is to be read as if it refers to the address or location of a place in the United Kingdom where the person can regularly be found (and, if there is more than one such place, the address or location of each of those places); 40
 - (b) “social media service” means an online service that meets the following conditions— 45

- (i) the main purpose, or one of the main purposes, of the service is to promote interaction between users (including interaction between users and user-generated content), and
- (ii) making content generated by users available to other users is a significant feature of the service; 5
- (c) “specified financial information” means the information specified in paragraph 1(1)(a) and (b) of Schedule 3A to the Counter-Terrorism Act 2008;
- (d) “specified information about identification documents” means the information specified in paragraph 2(a) and (b) of that Schedule. 10

15E Individuals subject to an order: change in notifiable information

- (1) If there is a change in any of the notifiable information relating to a relevant individual they must, within the period of three days beginning with the day on which the change occurs, notify the police of the change. 15
- (2) A person commits an offence under the law of England and Wales if the person—
 - (a) fails, without reasonable excuse, to comply with a requirement imposed by subsection (1); 20
 - (b) notifies the police, in purported compliance of such a requirement, of any information which the person knows to be false.
- (3) A person guilty of an offence under subsection (2) is liable— 25
 - (a) on summary conviction to imprisonment for a period not exceeding the general limit in a magistrates’ court or to a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or both. 30
- (4) In this section “relevant individual” and “the notifiable information” relating to a person have the same meaning as in section 15D.

15F Exceptions to the notification requirements on individuals

- (1) The requirements imposed by sections 15D and 15E do not apply to a person by virtue of a serious crime prevention order while the person is subject to those requirements by virtue of an earlier serious crime prevention order. 35
- (2) If the earlier order ceases to be in force on a day on which the later order remains in force, the reference in section 15D(1) to the day on which the order is made is to be read as a reference to that day. 40

15G Verifying the identity of an individual giving a notification

- (1) When a person (“P”) gives a notification under section 15D or 15E P must, if requested to do so by the person to whom the notification is given, allow that person to do any of the following things—
- (a) take P’s fingerprints; 5
 - (b) photograph, or otherwise produce an image of, P or any part of P.
- (2) The power in subsection (1) is exercisable for the purpose of verifying P’s identity.
- (3) A person commits an offence if the person fails, without reasonable excuse, to comply with subsection (1). 10
- (4) A person guilty of an offence under subsection (3) is liable—
- (a) on summary conviction to imprisonment for a period not exceeding the general limit in a magistrates’ court or to a fine, or both; 15
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or both.

15H Further provision about notifications by individuals and relevant bodies

- A court in England and Wales may, when making a serious crime prevention order, make provision in the order about how a notification under any of sections 15A to 15E is to be made.” 20
- (3) In section 10 (notice requirements in relation to orders), after subsection (1) insert—
- “(1A) For the purposes of subsection (1)(b) and sections 30(1), 31(4) and 32(3), the requirements imposed on a person by sections 15A and 15B or (as the case may be) sections 15D, 15E and 15G are to be treated as terms of the order.” 25
- (4) In each of the following sections, after “section” insert “15B or”—
- section 30(2); 30
 - section 31(5), (7) and (8);
 - section 32(4), (6) and (7).
- (5) In section 89 (orders), for subsection (3) substitute—
- “(3) A statutory instrument containing an order or regulations 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—
- section 4(4);
 - section 15D(2)(i);
 - section 49(6); 35
 - section 63(3); 40

section 69;
 section 90;
 paragraph 102 of Schedule 8.”

37 Orders by Crown Court on acquittal or when allowing an appeal

- (1) The Serious Crime Act 2007 is amended as follows. 5
- (2) After section 19 insert—
- “19A Orders by Crown Court on acquittal or when allowing an appeal**
- (1) The Crown Court in England and Wales may make an order under this section in relation to a person who is acquitted of an offence by or before the court, or where the court allows a person’s appeal against a conviction for an offence, if— 10
- (a) the court is satisfied that the person has been involved in serious crime (whether in England and Wales or elsewhere), and
- (b) the court has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales. 15
- (2) Where the person is already the subject of a serious crime prevention order in England and Wales, the court must discharge the existing order. 20
- (3) An order under this section may contain—
- (a) such prohibitions, restrictions or requirements, and
- (b) such other terms,
- as the court considers appropriate for the purpose of protecting the public by preventing, restricting or disrupting involvement by the person concerned in serious crime in England and Wales. 25
- (4) The powers of the court in respect of an order under this section are subject to sections 6 to 15 (safeguards).
- (5) An order under this section is also called a serious crime prevention order.” 30
- (3) In section 1(5), in the definition of “serious crime prevention order” —
- (a) omit the “or” at the end of paragraph (b);
- (b) after that paragraph insert—
- “(ba) an order under section 19A (corresponding order of the Crown Court on acquittal or when allowing an appeal); or” 35
- (4) In section 2(4), for “section 1(1)(a)” substitute “sections 1(1)(a) and 19A(1)(a)”.
- (5) In section 9(4), after “section 19,” insert “19A,”.
- (6) In section 22(3)— 40

- (a) after “section 19” insert “or 19A”;
 - (b) after “offence” insert “, acquittal or determination of an appeal”.
- (7) In section 36(1), after “section 19,” insert “19A,”.
- (8) In section 39(6), after “section 19(2), (4) and (5),” insert “19A(1),”.

Nuisance begging etc

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38 Nuisance begging directions

- (1) *An authorised person may give a nuisance begging direction to a person appearing to be aged 18 or over if satisfied on reasonable grounds that the person is engaging, has engaged, or is likely to engage, in nuisance begging.*
- (2) A “nuisance begging direction” is a direction requiring the person— 10
- (a) to leave a specified location as soon as reasonably practicable, and
 - (b) not to return to the specified location at any time in a specified period, not exceeding 72 hours, beginning with the giving of the direction.
- (3) A nuisance begging direction may require the person, when leaving the specified location, to remove (and take with them) their belongings and any specified litter or other things. 15
- (4) Litter or other things may be specified only if the person appears, in the opinion of the authorised person, to be responsible for them.
- (5) A nuisance begging direction must, so far as practicable, be such as to avoid— 20
- (a) any interference with attending any place where the person normally works or attends an educational establishment;
 - (b) any conflict with the requirements of any court order to which the person is subject.
- (6) A nuisance begging direction must be in writing, and must state that it is an offence to fail to comply with the direction. 25
- (7) In this section—
- “authorised person” means—
 - (a) a constable, or
 - (b) the relevant local authority (see section 64);
 - “nuisance begging”: see section 49; 30
 - “specified” means specified in the direction.
- (8) A person to whom a nuisance begging direction has been given commits an offence if the person fails to comply with the direction.
- (9) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both). 35

39 Nuisance begging prevention notices

- (1) *An authorised person may give a nuisance begging prevention notice to a person appearing to be aged 18 or over if satisfied on reasonable grounds that the person is engaging, or has engaged, in nuisance begging.*
- (2) A “nuisance begging prevention notice” is a notice imposing, on the person to whom it is given, either or both of the following—
- (a) requirements not to do specified things, at any time in a specified period;
 - (b) requirements to do specified things within specified periods or by specified times.
- (3) A specified period must end, and any specified time must occur, in the period of 3 years beginning at the end of the day on which the notice is given.
- (4) A nuisance begging prevention notice must—
- (a) state the name of the person to whom it is given,
 - (b) describe the behaviour giving rise to the giving of the notice,
 - (c) describe the consequences of failing to comply with the notice, and
 - (d) contain information about appealing against the notice.
- (5) A nuisance begging prevention notice may be given to a person—
- (a) by hand,
 - (b) by leaving it at, or posting it to, the person’s last known address, or
 - (c) by any electronic means by which the person has agreed to receive it.
- (6) In this section—
- “authorised person” has the meaning given by section 38;
 - “nuisance begging”: see section 49;
 - “specified” means specified in the nuisance begging prevention notice.
- (7) A person to whom a nuisance begging prevention notice has been given commits an offence if, without reasonable excuse, the person fails to comply with the notice.
- (8) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both).

40 Requirements in nuisance begging prevention notices

- (1) The following provisions apply in relation to requirements in a nuisance begging prevention notice.
- (2) A requirement may be imposed only if it is reasonable to impose it for the purpose of preventing the person to whom the notice is given from engaging in nuisance begging.
- (3) A requirement must, so far as practicable, be such as to avoid—

- (a) any interference with the times (if any) at which the person to whom the notice is given normally works or attends an educational establishment;
 - (b) any conflict with the requirements of any court order to which the person is subject. 5
- (4) Before including two or more requirements, the authorised person giving the notice must consider their compatibility with each other.
- (5) For the meaning of “nuisance begging” see section 49.

41 Appeals against nuisance begging prevention notices

- (1) A person to whom a nuisance begging prevention notice has been given may appeal against the notice on any of the following grounds – 10
- (a) that the person did not engage in nuisance begging as described in the notice;
 - (b) that the notice does not comply, in a material respect, with section 39(4); 15
 - (c) that a requirement in the notice does not comply with section 40(2).
- (2) Any appeal –
- (a) is to be made to a magistrates’ court, and
 - (b) must be made within the period of 21 days beginning with the day on which the notice is given. 20
- (3) On the determination of an appeal, a magistrates’ court may –
- (a) quash the notice,
 - (b) modify the notice, or
 - (c) dismiss the appeal.
- (4) During the period from the making of an appeal against a nuisance begging prevention notice to the final determination or withdrawal of the appeal – 25
- (a) a requirement imposed by virtue of section 39(2)(a) remains in effect, unless the court orders otherwise;
 - (b) a requirement imposed by virtue of section 39(2)(b) is of no effect.
- (5) In this section – 30
- “nuisance begging”: see section 49;
 - “nuisance begging prevention notice” has the same meaning as in section 39.

42 Variation or discharge of nuisance begging prevention notices

- (1) This section applies where a nuisance begging prevention notice has been given to a person (P). 35
- (2) An authorised person may give a notice to P that –
- (a) varies the nuisance begging prevention notice by doing one or more of the following – 40
 - (i) removing a requirement;

- (ii) reducing the period for which a requirement under section 39(2)(a) applies;
 - (iii) extending the period within which, or time by which, a requirement under section 39(2)(b) must be done; or
 - (b) discharges the nuisance begging prevention notice. 5
 - (3) Any period or time extended under subsection (2)(a)(iii) must end or (as the case may be) occur in the period of 3 years beginning at the end of the day on which the nuisance begging prevention notice was given.
 - (4) A notice under this section must either –
 - (a) state that the nuisance begging prevention notice is varied or discharged on the giving of the notice under this section, or 10
 - (b) state that the nuisance begging prevention notice is varied or discharged at a time specified in the notice under this section; and the variation or discharge has effect accordingly.
 - (5) A notice under this section may be given to a person – 15
 - (a) by hand,
 - (b) by leaving it at, or posting it to, the person’s last known address, or
 - (c) by any electronic means by which the person has agreed to receive it.
 - (6) In this section “authorised person” has the meaning given by section 38.
- 43 Nuisance begging prevention orders** 20
- (1) *A magistrates’ court may, on an application made by an authorised person, make a nuisance begging prevention order in respect of a person appearing to be aged 18 or over if satisfied that –*
 - (a) *the person has engaged in nuisance begging,*
 - (b) *the person has failed to comply with a nuisance begging direction, or* 25
 - (c) *the person has failed to comply with a nuisance begging prevention notice.*
 - (2) A “nuisance begging prevention order” is an order imposing, on the person in respect of whom it is made, either or both of the following –
 - (a) requirements not to do specified things, at any time in a specified period; 30
 - (b) requirements to do specified things within specified periods or by specified times.
 - (3) In this section –
 - “authorised person” has the meaning given by section 38;
 - “nuisance begging”: see section 49; 35
 - “nuisance begging direction” has the same meaning as in section 38;
 - “nuisance begging prevention notice” has the same meaning as in section 39;
 - “specified” means specified in the nuisance begging prevention order.
 - (4) A person who, without reasonable excuse, fails to comply with a nuisance begging prevention order commits an offence and is liable on summary 40

conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both).

44 Requirements in nuisance begging prevention orders

- (1) The following provisions apply in relation to requirements in a nuisance begging prevention order. 5
- (2) A requirement may be imposed only if it is reasonable to impose it for the purpose of preventing the person subject to the order from engaging in nuisance begging.
- (3) A requirement in a nuisance begging prevention order must, so far as practicable, be such as to avoid— 10
 - (a) any interference with the times (if any) at which the person subject to the order normally works or attends an educational establishment;
 - (b) any conflict with the requirements of any other court order to which the person is subject.
- (4) Before including two or more requirements, the court must consider their compatibility with each other. 15
- (5) An order which imposes a positive requirement may specify a person (a “responsible person”) who is to be responsible for supervising compliance with the requirement.
- (6) Where the court proposes to specify a responsible person, the court must receive evidence about the suitability and enforceability of the proposed positive requirement from— 20
 - (a) the individual to be specified, if an individual is to be specified;
 - (b) an individual representing the organisation to be specified, if an organisation is to be specified. 25
- (7) A responsible person must—
 - (a) make any necessary arrangements in connection with the requirements for which the responsible person has responsibility (the “relevant requirements”);
 - (b) promote compliance with the relevant requirements; 30
 - (c) if the responsible person considers that the person subject to the order—
 - (i) has complied with all relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,
 inform the authorised person who applied for the order. 35
- (8) Where a responsible person is specified, the person subject to the relevant requirements must—
 - (a) keep in touch with the responsible person in relation to the relevant requirements, in accordance with any instructions given by that person from time to time; 40
 - (b) notify the person of any change of address.

These obligations have effect as requirements of the order.

- (9) In this section—
 “nuisance begging”: see section 49;
 “nuisance begging prevention order” has the same meaning as in section 43;
 “positive requirement” means a requirement of a kind mentioned in section 43(2)(b). 5

45 Duration of nuisance begging prevention orders

- (1) A nuisance begging prevention order takes effect on the day it is made, subject to subsection (2).
 (2) If on the day an order (“the new order”) is made the person is subject to another nuisance begging prevention order (“the previous order”), the new order may be made so as to take effect immediately after the previous order ceases to have effect. 10
 (3) A nuisance begging prevention order must specify the period for which it has effect. 15
 (4) The specified period must not exceed 5 years.
 (5) A nuisance begging prevention order may specify periods for which particular requirements have effect.
 (6) In this section “nuisance begging prevention order” has the same meaning as in section 43. 20

46 Variation or discharge of nuisance begging prevention orders

- (1) A nuisance begging prevention order may be varied or discharged by a relevant magistrates’ court, on the application of—
 (a) the person subject to the order, or
 (b) an authorised person. 25
 (2) The power to vary an order includes power—
 (a) to include an additional requirement in the order, or
 (b) to extend the period for which a requirement has effect.
 (3) Section 44 applies to additional requirements included under subsection (2) as it applies to requirements included in a new order. 30
 (4) An order varying or discharging a nuisance begging prevention order takes effect at the time it is made unless it provides that it is to take effect at a later time specified in it.
 (5) If an application under this section by the person subject to the order is dismissed, the person may make no further application under this section without—
 (a) the consent of a relevant magistrates’ court, or
 (b) the agreement of the authorised person who applied for the order. 35

- (6) If an application under this section by an authorised person is dismissed, the authorised person may make no further application under this section without—
- (a) the consent of a relevant magistrates’ court, or
 - (b) the agreement of the person subject to the order. 5
- (7) In this section—
- “authorised person” has the meaning given by section 38;
 - “nuisance begging prevention order” has the same meaning as in section 43;
 - “relevant magistrates’ court” means— 10
 - (a) the court which made the order, or
 - (b) any other magistrates’ court acting in the same local justice area as that court.

47 Nuisance begging prevention orders: appeals

- (1) Where a magistrates’ court does something mentioned in the first column of the following table, a person mentioned in the second column of the table may appeal to the Crown Court against the doing of that thing. 15

Act of a magistrates’ court	Person who may appeal	
Making of a nuisance begging prevention order	The person subject to the nuisance begging prevention order	20
Refusal to make a nuisance begging prevention order	The authorised person who applied for the order	
Making of an order under section 46 (variation or discharge) on the application of an authorised person	The person subject to the nuisance begging prevention order	25
Making of an order under section 46 on the application of the person subject to the nuisance begging prevention order	An authorised person (as defined by section 38)	
Refusal of an application for an order under section 46	The person who made the application	30

- (2) On an appeal under this section, 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. 35

48 Offence of engaging in nuisance begging

- (1) A person aged 18 or over who engages in nuisance begging commits an offence and is liable on summary conviction to imprisonment for a term not

exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both).

- (2) For the meaning of “nuisance begging” see section 49.

49 Meaning of “nuisance begging”

- (1) For the purposes of sections 38 to 48, a person (P) engages in “nuisance begging” if subsection (2) or (3) applies. 5
- (2) This subsection applies if P begs –
- (a) on public transport,
 - (b) in a station for any form of public transport, or at an entrance to or exit from any such station, 10
 - (c) at a bus stop, tram stop or other place where members of the public get on to, or alight from, any form of public transport,
 - (d) at a taxi rank,
 - (e) on a carriageway or cycle track,
 - (f) in any area outside business premises (whether or not the area forms part of a highway) where people are consuming food or drinks supplied by the business, 15
 - (g) within 10 metres of an automated teller machine or night safe,
 - (h) within 10 metres of a ticket machine, a vending machine or any other device through which members of the public obtain goods or services by making payments, 20
 - (i) in, or within 5 metres of, the entrance to, or exit from, retail premises, or
 - (j) in the common parts of any building containing two or more dwellings.
- (3) This subsection applies if P begs in a way that has caused, or is likely to cause – 25
- (a) harassment, alarm or distress to a person,
 - (b) a person reasonably to believe that –
 - (i) they, or any other person except P, may be harmed, or
 - (ii) any property (except property belonging to P) may be damaged, 30
 - (c) disorder, or
 - (d) a risk to the health or safety of any person except P.
- (4) In this section –
- “carriageway” and “cycle track” have the meaning given by section 329(1) of the Highway Act 1980; 35
 - “distress” includes distress caused by –
 - (a) the use of threatening, intimidating, abusive or insulting words or behaviour, or disorderly behaviour, or
 - (b) the display of any writing, sign, or other visible representation that is threatening, intimidating, abusive or insulting; 40
 - “retail premises” means premises used wholly or mainly for the purposes of the sale of anything by retail.

- (5) The Secretary of State may by regulations amend subsection (2) or (4).

50 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). 5
- (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; 10
- (b) if the offence is committed after that time, 51 weeks.

Nuisance rough sleeping etc

51 Nuisance rough sleeping directions

- (1) *An authorised person may give a nuisance rough sleeping direction to a person (P) appearing to be aged 18 or over if satisfied on reasonable grounds that a nuisance rough sleeping condition has been, or is likely to be, met.* 15
- (2) A "nuisance rough sleeping direction" is a direction requiring P to—
- (a) leave a specified location as soon as reasonably practicable, and
- (b) not to return to the specified location at any time in a specified period, not exceeding 72 hours, beginning with the giving of the direction. 20
- (3) A nuisance rough sleeping direction may require P, when leaving the specified location, to remove (and take with them) their belongings and any specified litter or other things.
- (4) Litter or other things may be specified only if P appears, in the opinion of the authorised person, to be responsible for them. 25
- (5) A nuisance rough sleeping direction must, so far as practicable, be such as to avoid—
- (a) any interference with the person's attendance at a place where they normally work or attend an educational establishment;
- (b) any conflict with the requirements of any court order to which the person is subject. 30
- (6) A nuisance rough sleeping direction must be in writing and must—
- (a) state the name of the person to whom it is given,
- (b) describe the things indicating to the authorised person that a nuisance rough sleeping condition has been, or is likely to be, met, 35
- (c) state whether the authorised person is satisfied that a nuisance rough sleeping condition—
- (i) has been met, or
- (ii) is likely to be met, and

- (d) state that it is an offence to fail to comply with the direction.
- (7) In this section—
 “authorised person” means—
 (a) a constable, or
 (b) the relevant local authority (see section 64); 5
 “nuisance rough sleeping condition”: see section 61;
 “specified” means specified in the direction.
- (8) A person to whom a nuisance rough sleeping direction has been given commits an offence if the person fails to comply with the direction.
- (9) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both). 10

52 Nuisance rough sleeping prevention notices

- (1) *An authorised person may give a person (P) appearing to be aged 18 or over a nuisance rough sleeping prevention notice if—* 15
 (a) *the authorised person is satisfied on reasonable grounds that a nuisance rough sleeping condition has been met, or*
 (b) *P has been given a nuisance rough sleeping direction following an authorised person being satisfied that a nuisance rough sleeping condition has been met.*
- (2) A notice may not be given under subsection (1)(b) more than 6 months after the day on which the direction under section 51 was given. 20
- (3) A “nuisance rough sleeping prevention notice” is a notice imposing on P either or both of the following—
 (a) requirements not to do specified things, at any time in a specified period; 25
 (b) requirements to do specified things within specified periods or by specified times.
- (4) A specified period must end, and any specified time must occur, in the period of 3 years beginning at the end of the day on which the notice is given.
- (5) A nuisance rough sleeping prevention notice must— 30
 (a) state the name of the person to whom it is given,
 (b) if the notice is given under subsection (1)(a), describe the things indicating to the authorised person that a nuisance rough sleeping condition has been met,
 (c) if the notice is given under subsection (1)(b), either— 35
 (i) include a copy of the related nuisance rough sleeping direction, or
 (ii) describe the things which indicated to the authorised person who gave the related nuisance rough sleeping direction that a nuisance rough sleeping condition had been met, 40
 (d) describe the consequences of failing to comply with the notice, and
 (e) contain information about appealing against the notice.

- (6) A nuisance rough sleeping prevention notice may be given to a person—
- (a) by hand,
 - (b) by leaving it at, or posting it to, the person’s last known address, or
 - (c) by any electronic means by which the person has agreed to receive it.
- (7) In this section—
- “authorised person” has the meaning given by section 51;
 - “nuisance rough sleeping condition”: see section 61;
 - “nuisance rough sleeping direction” has the same meaning as in section 51;
 - “something that is a nuisance” has the meaning given by section 61(4);
 - “specified” means specified in the nuisance rough sleeping prevention notice.
- (8) A person to whom a nuisance rough sleeping prevention notice has been given commits an offence if, without reasonable excuse, the person fails to comply with the notice.
- (9) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both).

53 Requirements in nuisance rough sleeping prevention notices

- (1) The following provisions apply in relation to requirements imposed by a nuisance rough sleeping prevention notice.
- (2) A requirement may be imposed only if it is reasonable to impose it for the purpose of preventing the person to whom the notice is given from doing something that is a nuisance.
- (3) A requirement must, so far as practicable, be such as to avoid—
- (a) any interference with the times (if any) at which the person to whom the notice is given normally works or attends an educational establishment;
 - (b) any conflict with the requirements of any court order to which the person is subject.
- (4) Before including two or more requirements, the authorised person giving the notice must consider their compatibility with each other.
- (5) In this section “something that is a nuisance” has the meaning given by section 61(4).

54 Appeals against nuisance rough sleeping prevention notices

- (1) A person to whom a nuisance rough sleeping prevention notice has been given may appeal against the notice on any of the following grounds—
- (a) the relevant nuisance rough sleeping condition was not met—
 - (i) if the notice was given under section 52(1)(a), before the notice was given;

- (ii) if the notice was given under section 52(1)(b), before the related nuisance rough sleeping direction was given;
 - (b) that the notice does not comply, in a material respect, with section 52(5);
 - (c) that a requirement in the notice does not comply with section 53(2). 5
- (2) Any appeal—
- (a) is to be made to a magistrates’ court, and
 - (b) must be made within the period of 21 days beginning with the day the notice is given.
- (3) On determination of an appeal, a magistrates’ court may— 10
- (a) quash the notice,
 - (b) modify the notice, or
 - (c) dismiss the appeal.
- (4) During the period from the making of an appeal against a nuisance rough sleeping prevention notice to the final determination or withdrawal of the appeal— 15
- (a) a requirement imposed by virtue of section 52(3)(a) remains in effect, unless the court orders otherwise;
 - (b) a requirement imposed by virtue of section 52(3)(b) is of no effect.
- (5) In this section— 20
- “nuisance rough sleeping direction” has the same meaning as in section 51;
 - “nuisance rough sleeping prevention notice” has the same meaning as in section 52;
 - “the relevant nuisance rough sleeping condition” means the nuisance rough sleeping condition (within the meaning of section 61) that is alleged to have been met. 25

55 Variation or discharge of nuisance rough sleeping prevention notices

- (1) This section applies where a nuisance rough sleeping prevention notice has been given to a person (P). 30
- (2) An authorised person may give a notice to P that—
- (a) varies the nuisance rough sleeping prevention notice by doing one or more of the following—
 - (i) removing a requirement;
 - (ii) reducing the period for which a requirement under section 52(3)(a) applies; 35
 - (iii) extending the period within which, or time by which, a requirement under section 52(3)(b) must be done; or
 - (b) discharges the nuisance rough sleeping prevention notice.
- (3) Any period or time extended under subsection (2)(a)(iii) must end or (as the case may be) occur in the period of 3 years beginning at the end of the day on which the nuisance rough sleeping prevention notice was given. 40

- (4) A notice under this section must either –
- (a) state that the nuisance rough sleeping prevention notice is varied or discharged on the giving of the notice under this section, or
 - (b) state that the nuisance rough sleeping prevention notice is varied or discharged at a time specified in the notice under this section; 5
- and the variation or discharge has effect accordingly.
- (5) A notice under this section may be given to a person –
- (a) by hand,
 - (b) by leaving it at, or posting it to, the person’s last known address, or
 - (c) by any electronic means by which the person has agreed to receive it. 10
- (6) In this section “authorised person” has the meaning given by section 51.

56 Nuisance rough sleeping prevention orders

- (1) *A magistrates’ court may, on an application made by an authorised person, make a nuisance rough sleeping prevention order in respect of a person (P) appearing to be aged 18 or over if satisfied that –* 15
- (a) *a nuisance rough sleeping condition has been met,*
 - (b) *P has failed to comply with a nuisance rough sleeping direction, or*
 - (c) *P has failed to comply with a nuisance rough sleeping prevention notice.*
- (2) A “nuisance rough sleeping prevention order” is an order imposing on P either or both of the following – 20
- (a) requirements not to do specified things, at any time in a specified period;
 - (b) requirements to do specified things within specified periods or by specified times.
- (3) In this section – 25
- “authorised person” has the meaning given by section 51;
 - “nuisance rough sleeping direction” has the same meaning as in section 51;
 - “nuisance rough sleeping prevention notice” has the same meaning as in section 52; 30
 - “specified” means specified in the nuisance rough sleeping prevention order.
- (4) A person who, without reasonable excuse, fails to comply with a nuisance rough sleeping prevention order commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both). 35

57 Requirements in nuisance rough sleeping prevention orders

- (1) The following provisions apply in relation to requirements in a nuisance rough sleeping prevention order made in respect of a person (P).

- (2) A requirement may be imposed only if it is reasonable to impose it for the purpose of preventing P from doing something that is a nuisance.
- (3) A requirement in a nuisance rough sleeping prevention order must, so far as practicable, be such as to avoid –
- (a) any interference with the times (if any) at which P normally works or attends an educational establishment; 5
 - (b) any conflict with the requirements of any other court order to which the person is subject.
- (4) Before including two or more requirements, the court must consider their compatibility with each other. 10
- (5) An order which imposes a positive requirement may specify a person (a “responsible person”) who is to be responsible for supervising compliance with the requirement.
- (6) Where the court proposes to specify a responsible person, the court must receive evidence about the suitability and enforceability of the proposed positive requirement from – 15
- (a) the individual to be specified, if an individual is to be specified;
 - (b) an individual representing the organisation to be specified, if an organisation is to be specified.
- (7) A responsible person must – 20
- (a) make any necessary arrangements in connection with the requirements for which the responsible person has responsibility (the “relevant requirements”);
 - (b) promote compliance with the relevant requirements;
 - (c) if the responsible person considers that the person subject to the order – 25
 - (i) has complied with all relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,
 inform the authorised person who applied for the order.
- (8) Where a responsible person is specified, the person subject to the relevant requirements must – 30
- (a) keep in touch with the responsible person in relation to the relevant requirements, in accordance with any instructions given by that person from time to time;
 - (b) notify the person of any change of address. 35
- These obligations have effect as requirements of the order.
- (9) In this section –
- “nuisance rough sleeping prevention order” has the same meaning as in section 56;
 - “positive requirement” means a requirement of a kind mentioned in section 56(2)(b); 40
 - “something that is a nuisance” has the meaning given by section 61(4).

58 Duration of nuisance rough sleeping prevention orders

- (1) A nuisance rough sleeping prevention order takes effect on the day it is made, subject to subsection (2).
- (2) If on the day an order (“the new order”) is made the person is subject to another nuisance rough sleeping prevention order (“the previous order”), the new order may be made so as to take effect immediately after the previous order ceases to have effect. 5
- (3) A nuisance rough sleeping prevention order must specify the period for which it has effect.
- (4) The specified period must not exceed 5 years. 10
- (5) A nuisance rough sleeping prevention order may specify periods for which particular requirements have effect.
- (6) In this section “nuisance rough sleeping prevention order” has the same meaning as in section 56.

59 Variation or discharge of nuisance rough sleeping prevention orders

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- (1) A nuisance rough sleeping prevention order may be varied or discharged by a relevant magistrates’ court, on the application of—
 - (a) the person subject to the order, or
 - (b) an authorised person.
- (2) The power to vary an order includes power— 20
 - (a) to include an additional requirement in the order, or
 - (b) to extend the period for which a requirement has effect.
- (3) Section 57 applies to additional requirements included under subsection (2) as it applies to requirements included in a new order.
- (4) An order varying or discharging a nuisance rough sleeping prevention order takes effect at the time it is made unless it provides that it is to take effect at a later time specified in it. 25
- (5) If an application under this section by the person subject to the order is dismissed, the person may make no further application under this section without— 30
 - (a) the consent of a relevant magistrates’ court, or
 - (b) the agreement of the authorised person who applied for the order.
- (6) If an application under this section by an authorised person is dismissed, the authorised person may make no further application under this section without— 35
 - (a) the consent of a relevant magistrates’ court, or
 - (b) the agreement of the person subject to the order.
- (7) In this section—

“authorised person” has the meaning given by section 51;

“nuisance rough sleeping prevention order” has the same meaning as in section 56;

“relevant magistrates’ court” means—

- (a) the court which made the order, or
- (b) any other magistrates’ court acting in the same local justice area as that court. 5

60 Nuisance rough sleeping prevention orders: appeals

- (1) Where a magistrates’ court does something mentioned in the first column of the following table, a person mentioned in the second column of the table may appeal to the Crown Court against the doing of that thing. 10

Act of a magistrates’ court	Person who may appeal	
Making of a nuisance rough sleeping prevention order	The person subject to the nuisance rough sleeping prevention order	
Refusal to make a nuisance rough sleeping prevention order	The authorised person who applied for the order	15
Making of an order under section 59 (variation or discharge) on the application of an authorised person	The person subject to the nuisance rough sleeping prevention order	
Making of an order under section 59 on the application of the person subject to the nuisance rough sleeping prevention order	An authorised person (as defined by section 51)	20
Refusal of an application for an order under section 59	The person who made the application	

- (2) On an appeal under this section, the Crown Court may make— 25
- (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.

61 Nuisance rough sleeping conditions 30

- (1) For the purposes of section 51 to 56, “nuisance rough sleeping condition” means either—
- (a) the condition in subsection (2), or
 - (b) the condition in subsection (3).
- (2) The condition in this subsection is that P— 35
- (a) is sleeping rough or is intending to sleep rough in a place (or gives the appearance that P is sleeping rough, or intending to sleep rough, in the place), and

- (b) does something that is a nuisance while in the place.
- (3) The condition in this subsection is that—
- (a) a group of persons including P is sleeping rough or is intending to sleep rough in a place (or gives the appearance that the group is sleeping rough, or intending to sleep rough, in the place), and 5
- (b) one or more members of the group does something that is a nuisance while in the place.
- (4) A person does “something that is a nuisance” if the person—
- (a) causes or does something capable of causing damage, disruption, harassment or distress, 10
- (b) creates a health, safety or security risk, or
- (c) does something that prevents the determination of whether there is a health, safety or security risk.
- (5) In this section—
- “damage” includes— 15
- (a) damage to a place;
- (b) damage to any property in a place not belonging to a person causing the damage;
- (c) damage to the environment (including excessive noise, smells, litter or deposits of waste); 20
- “disruption” includes an interference with—
- (a) any lawful activity in, or use of, a place, or
- (b) a supply of water, energy or fuel;
- “distress” includes distress caused by—
- (a) the use of threatening, intimidating, abusive or insulting words or behaviour, or disorderly behaviour, or 25
- (b) the display of any writing, sign, or other visible representation that is threatening, intimidating, abusive or insulting;
- “health, safety or security risk” means—
- (a) a risk to the health or safety of people, or 30
- (b) a risk to the security of people, a place or property;
- “property” has the meaning given by section 10(1) of the Criminal Damage Act 1971.

62 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). 35
Here, “premises” means any building, part of a building or enclosed area.
- (2) 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). 40

Nuisance begging and rough sleeping: supplementary

63 Power to require person’s details

- (1) An authorised person may require a person to give their name, date of birth, and address (if any) if the authorised person intends—
- (a) to give a direction or notice listed in subsection (2) to the person, or 5
- (b) to apply for an order listed in subsection (3) in respect of the person.
- (2) The directions and notices mentioned in subsection (1)(a) are—
- (a) a nuisance begging direction (within the meaning of section 38);
- (b) a nuisance begging prevention notice (within the meaning of section 39); 10
- (c) a nuisance rough sleeping direction (within the meaning of section 51);
- (d) a nuisance rough sleeping prevention notice (within the meaning of section 52).
- (3) The orders mentioned in subsection (1)(b) are— 15
- (a) a nuisance begging prevention order (within the meaning of section 43);
- (b) a nuisance rough sleeping prevention order (within the meaning of section 56).
- (4) In this section “authorised person” means— 20
- (a) a constable, or
- (b) the relevant local authority (see section 64).
- (5) A person subject to a requirement under subsection (1) commits an offence if the person— 25
- (a) fails to give their name, date of birth or address (if any), or
- (b) gives a false or inaccurate name, date of birth or address.
- (6) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding level 4 on the standard scale (or both).

64 Sections 38 to 63: the relevant local authority 30

- (1) In sections 38 to 63 “the relevant local authority” means the local authority mentioned in the following table in relation to the provision in question.

<i>Provision</i>	<i>Local authority</i>	
Section 38 (nuisance begging directions)	The local authority for the area in which nuisance begging is alleged to have occurred or be likely to occur.	35
Section 39 (nuisance begging prevention notices)	The local authority for the area in which nuisance begging is alleged to have occurred.	

<i>Provision</i>	<i>Local authority</i>	
Section 42 (variation or discharge of nuisance begging prevention notices)	The local authority for the area in relation to which the nuisance begging prevention notice was given.	
Section 43 (nuisance begging prevention orders)	For an application made by virtue of section 43(1)(a), the local authority for the area in which the behaviour is alleged to have occurred.	5
	For an application made by virtue of section 43(1)(b) or (c), the local authority for the area in relation to which the direction or notice was given.	10
Sections 46 and 47 (variation etc of, or appeals relating to, nuisance begging prevention orders)	The local authority for the area in relation to which the nuisance begging prevention order was made.	15
Section 51 (nuisance rough sleeping directions)	The local authority for the area in which a nuisance rough sleeping condition is alleged to have been, or be likely to be, met.	
Section 52 (nuisance rough sleeping prevention notices)	For a notice made by virtue of section 52(1)(a), the local authority for the area in which a nuisance rough sleeping condition is alleged to have been met.	20
	For a notice made by virtue of section 52(1)(b), the local authority for the area in relation to which the direction was given.	25
Section 55 (variation or discharge of nuisance rough sleeping prevention notices)	The local authority for the area in relation to which the nuisance rough sleeping prevention notice was given.	
Section 56 (nuisance rough sleeping prevention orders)	For an application made by virtue of section 56(1)(a), the local authority for the area in which a nuisance rough sleeping condition is alleged to have been met.	30
	For an application made by virtue of section 56(1)(b) or (c), the local authority for the area in relation to which the direction or notice was given.	35
Sections 59 and 60 (variation etc of, or appeals relating to, nuisance rough sleeping prevention orders)	The local authority for the area in relation to which the nuisance rough sleeping prevention order was made.	40

- (2) In subsection (1) “local authority” means –
- (a) in relation to England –
 - (i) a district council,
 - (ii) a county council for an area for which there is no district council,
 - (iii) a London borough council,
 - (iv) the Common Council of the City of London, or
 - (v) the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council.

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Anti-social behaviour

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65 Circumstances in which court may attach power of arrest to injunction

In section 4 of the Anti-social Behaviour, Crime and Policing Act 2014 (power of arrest), in subsection (1) for the words from “that –” to the end of paragraph (b) substitute “that it is appropriate to do so”.

66 Maximum period of certain directions, notices and orders

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- (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”.

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67 Community protection notices: minimum age

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In section 43 of the Anti-social Behaviour, Crime and Policing Act 2014 (power to issue notices), in subsection (1), for “aged 16” substitute “aged 10”.

68 Police powers to make public spaces protection orders and expedited orders

Schedule 6 amends Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 so as to confer on the police the power to make public spaces protection orders and expedited orders (within the meaning of that Chapter).

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69 Closure of premises by registered social housing provider

Schedule 7 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.

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70 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 offence of failing to comply with notice);

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(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 notice in respect of offences relating to public spaces protection orders and expedited orders).”

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

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

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

71 Reviews of responses to complaints about anti-social behaviour

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

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- (2) In section 104 (review of response to complaints about anti-social behaviour)—

- (a) 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).”, and

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- (b) after subsection (9) insert—

“(9A) As soon as practicable after the end of a reporting period, the relevant bodies in a local government area must provide information about the following matters to the local policing body for the relevant police area or (as the case may be) to each of the local policing bodies for the relevant police areas—

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(a) the number of complaints about anti-social behaviour made to the relevant bodies in the period;

(b) the types of incident to which those complaints related;

(c) the locations in which those incidents occurred, including whether any parts of the local government

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- area appear to the relevant bodies to have a high prevalence of such incidents;
- (d) the number of ASB case reviews carried out by those bodies in the period;
- (e) the outcome of those ASB case reviews.” 5
- (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 10
- (b) the relevant bodies in that area have carried out an ASB case review of the response to that behaviour. 15
- (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 20
- (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 – 25
- (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. 30
- (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. 35
- (6) A local policing body who 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. 40
- (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 – 5
- (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 – 10
- (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 – 15
- (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; 20
 - (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; 25
 - (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 30
 - (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 35
 - (ii) as a result of which the body has declined to confirm any of the recommendations resulting from the ASB case review. 40
- (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”, and
 - (ii) for “Schedule 4” substitute “Schedules 4 and 4A”, and
- (c) in subsection (4)–
 - (i) at the appropriate places insert–
 - ““LPB case review” has the meaning given by section 104A(2);” 5
 - ““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;”, and
 - (ii) for the definition of “reporting period” substitute– 10
 - ““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; 15
 - (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.” 20
- (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”, and 25
 - (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– 30
 - (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 35
 - (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”, and 40
 - (iii) in sub-paragraph (b) omit “or the relevant police area”, and

(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 5
- (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.” 10

(6) After Schedule 4 insert the Schedule set out in Schedule 8 to this Act.

Crime and disorder strategies

72 Crime and disorder strategies

(1) Section 6 of the Crime and Disorder Act 1998 (formulation and implementation of crime and disorder strategies) is amended as follows. 15

(2) In subsection (1), in the opening words, for “subsection (1A),” substitute “subsections (1A) to (1F),”.

(3) After subsection (1A) insert—

“(1B) A relevant local policing body for a local government area may make recommendations to the responsible authorities for that area about the exercise of their functions under subsection (1). 20

(1C) Recommendations made under subsection (1B) by a police and crime commissioner or the Mayor’s Office for Policing and Crime must support the delivery of the police and crime objectives set out in the police and crime plan issued by that body. 25

(1D) Recommendations made under subsection (1B) by the Common Council of the City of London must support the policing objectives set out in the policing plan issued by the Common Council.

(1E) In exercising functions under subsection (1), each of the responsible authorities for a local government area must consider any recommendations about the exercise of those functions made under subsection (1B) by a relevant local policing body for that area. 30

(1F) If the responsible authorities for a local government area do not implement recommendations made under subsection (1B) by a relevant local policing body for that area, they must inform the body of their reasons for not doing so.” 35

(4) In subsection (3)—

- (a) in paragraph (ca)–
- (i) for “police and crime commissioner” substitute “relevant local policing body”, and
 - (ii) for the words from “any local government area” to the end of the paragraph substitute “a local government area”, and 5
- (b) in paragraph (g), after “strategy” insert “or of other material relating to a strategy or to its formulation or implementation”.
- (5) In subsection (4A)–
- (a) in paragraph (a)–
 - (i) for “police and crime commissioner” substitute “relevant local policing body”, and 10
 - (ii) for “the commissioner”, in both places it occurs, substitute “the body”,
 - (b) in paragraph (b), for “commissioner” substitute “body, or a representative of the body,”, and 15
 - (c) in paragraph (c), for “commissioner” substitute “body”.
- (6) After subsection (8) insert–
- “(8A) In this section “relevant local policing body”, in relation to a local government area, means–
- (a) if the area (or any part of it) falls within the police area of a police and crime commissioner, the commissioner, 20
 - (b) if the area (or any part of it) falls within the metropolitan police district, the Mayor’s Office for Policing and Crime, and
 - (c) if the area (or any part of it) is the City of London, the Common Council of the City of London.” 25

The police

73 Ethical policing (including duty of candour)

In Part 2 of the Police Act 1996, after section 39A (codes of practice for chief officers) insert–

“39B Code of practice relating to ethical policing (including duty of candour) 30

- (1) The College of Policing must exercise its powers under section 39A so as to issue a code of practice about ethical policing (“the Code”).
- (2) The Code must set out actions that a chief officer of police should take for the purpose of securing that persons under the chief officer’s direction and control act ethically. 35
- (3) In subsection (2) the reference to acting ethically includes, in particular, acting in an open and transparent way in relation to the way in which the police have conducted themselves, except where doing so–
 - (a) would be against the interests of national security, 40

- (b) could prejudice the prevention, detection, investigation or prosecution of any offence, or
 - (c) would affect an immunity or privilege relating to disclosure, or contravene a restriction on disclosure, arising by virtue of an enactment or rule of law. 5
 - (4) Section 39A(4) (duty to consult) applies in relation to the Code as if the reference to the National Crime Agency included—
 - (a) the Independent Office for Police Conduct;
 - (b) the chief inspector of constabulary;
 - (c) each local policing body; 10
 - (d) the National Police Chiefs’ Council;
 - (e) the Police Federation for England and Wales;
 - (f) the Police Superintendents’ Association of England and Wales;
 - (g) such trade unions or other persons representing the interests of persons (or any description of persons) under the direction and control of a chief officer of police as the College of Policing considers appropriate. 15
 - (5) The College of Policing must review the Code—
 - (a) within the period of 5 years beginning with the day on which section 73 of the Criminal Justice Act 2024 comes into force, and 20
 - (b) within the period of 5 years beginning with the day on which it completed its most recent review of the Code.
 - (6) On completion of a review of the Code, the College of Policing must—
 - (a) produce a report setting out their conclusions on the review, and 25
 - (b) give a copy of the report to the Secretary of State.
 - (7) The Secretary of State must publish, and lay before Parliament, a copy of any report received under subsection (6).”
- 74 Appeals to police appeals tribunals 30**
- (1) Part 4 of the Police Act 1996 (complaints, disciplinary proceedings etc) is amended as set out in subsections (2) to (9).
 - (2) Section 85 (appeals against dismissal etc) is amended as set out in subsections (3) and (4).
 - (3) After subsection (1) insert— 35
 - “(1A) The Secretary of State may by rules make provision enabling a chief officer of police to appeal to a police appeals tribunal against a decision relating to—
 - (a) a member or former member of the force for whom they are the chief officer, or 40
 - (b) a special constable or former special constable appointed for the chief officer’s police 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 relating to—
- (a) the chief officer of police for whom it is the local policing body, or 5
 - (b) any former chief officer of police for whom it was the local policing body.”
- (4) In subsection (2), for “appellant” substitute “person to whom the appeal relates”.
- (5) Schedule 6 (appeals to police appeals tribunals) is amended as set out in subsections (6) to (9). 10
- (6) In paragraph 1 (constitution of police appeals tribunals: senior officers)—
- (a) at the beginning insert—
 - “(A1) Sub-paragraph (1) applies in the case of—
 - (a) an appeal under section 85(1) by a senior officer or a former senior officer, 15
 - (b) an appeal under section 85(1A) relating to a senior officer or a former senior officer, or
 - (c) an appeal under section 85(1B).”;
 - (b) in sub-paragraph (1), omit from the beginning to “former senior officer,”. 20
- (7) In paragraph 2 (constitution of police appeals tribunals: persons not senior officers)—
- (a) at the beginning insert—
 - “(A1) Sub-paragraph (1) applies in the case of—
 - (a) an appeal under section 85(1) by a person to whom sub-paragraph (3) applies, or 25
 - (b) an appeal under section 85(1A) relating to such a person.”;
 - (b) in sub-paragraph (1), omit from the beginning to “applies,”. 30
- (8) 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-paragraph (2), for “appellant” substitute “person to whom the appeal relates”; 35
 - (c) in sub-paragraph (3), for “appellant” substitute “person to whom the appeal relates”;
 - (d) 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 40

- (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.”
- (9) In paragraph 9 (costs of police appeals tribunals) –
- (a) in sub-paragraph (1), for “An” substitute “In the case of an appeal under section 85(1), the”; 5
- (b) in sub-paragraph (2), for “85” substitute “85(1)”; 5
- (c) at the end insert –
- “(3) In the case of an appeal under section 85(1A) or (1B) all the costs and expenses of the appeal are to be defrayed out of the police fund of the relevant local policing body, unless the police appeal tribunal directs that the respondent is to pay the whole or any part of their own costs.” 10
- (10) Section 4A of the Ministry of Defence Police Act 1987 (appeals against dismissal etc) is amended as set out in subsections (11) to (14). 15
- (11) In subsection (1), after paragraph (a) insert –
- “(aa) make provision enabling the chief constable for the Ministry of Defence Police to appeal to a police appeals tribunal against a decision relating to a member, or former member, of the Ministry of Defence Police, other than a person who is a senior officer or who, immediately before ceasing to be such a member, was a senior officer; 20
- (ab) make provision enabling the Secretary of State to appeal to a police appeals tribunal against a decision relating to –
- (i) the chief constable, or a former chief constable, for the Ministry of Defence Police, or 25
- (ii) a person who is a senior officer or who, immediately before ceasing to be a member of the Ministry of Defence Police, was a senior officer;”.
- (12) In subsection (2), for “appellant” substitute “person to whom the appeal relates”. 30
- (13) 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 for the Ministry of Defence Police to be taken instead by – 35
- (a) a person appointed in accordance with the regulations; or
- (b) the Ministry of Defence Police Committee.”
- (14) In subsection (7), at the end insert –
- ““senior officer” has the same meaning as in section 4.” 40

General

75 Power 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) Regulations under subsection (1) may amend, repeal or revoke any legislation passed or made before, or in the same Session as, this Act. 5
- (3) 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 this Act of that Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act. 10

76 Regulations

- (1) A power to make regulations includes power to make—
 (a) consequential, supplementary, incidental, transitional or saving provision;
 (b) different provision for different purposes. 15
- (2) Regulations are to be made by statutory instrument.
- (3) A statutory instrument containing any of the following (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—
 (a) regulations under section 2, 7, 8 or 49; 20
 (b) regulations under section 29 or 75(1) which amend, repeal or revoke any provision made by primary legislation;
 (c) regulations under Schedule 5.
- (4) Any other statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament. 25
- (5) 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 78. 30

77 Extent

- (1) Subject as follows, this Act extends to England and Wales only.
- (2) The following provisions extend to England and Wales, Scotland and Northern Ireland— 35
 (a) sections 5 to 8;
 (b) section 10(1) and (4);
 (c) section 14;

- (d) section 20 (and Schedule 3);
 - (e) section 21;
 - (f) section 33 (and Schedule 5);
 - (g) sections 34 to 37;
 - (h) section 74(10) to (14); 5
 - (i) section 75(1) and (2);
 - (j) section 76;
 - (k) this section;
 - (l) sections 78 and 79.
- (3) Section 10(3) extends to England and Wales and Scotland. 10
- (4) Any amendment made by Schedule 4 has the same extent as the provision amended.

78 Commencement

- (1) Except as provided by subsections (2) and (3), this Act comes into force on such day as the Secretary of State may by regulations appoint. 15
- (2) The following provisions come into force on the day on which this Act is passed—
- (a) sections 15, 21 and 34, for the purposes of making regulations;
 - (b) section 74 to 77;
 - (c) this section; 20
 - (d) section 79.
- (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 14;
 - (b) sections 23 and 24; 25
 - (c) sections 30 and 31;
 - (d) section 33 (and Schedule 5);
 - (e) sections 35 to 37;
 - (f) section 73.
- (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. 30
- (5) Regulations under this section may make different provision for different purposes or areas.
- (6) Regulations under this section are to be made by statutory instrument.

79 Short title

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This Act may be cited as the Criminal Justice Act 2024.

SCHEDULES

SCHEDULE 1

Section 7

POSSESSION OR SUPPLY OF SIM FARMS: POWERS OF ENTRY ETC

PART 1

GENERAL

5

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; 10
- (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 15
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 section 5 or 6; 20
- (b) an attempt or conspiracy to commit an offence under section 5 or 6;
- (c) an offence under Part 2 of the Serious Crime Act 2007
(England and Wales and Northern Ireland: encouraging or 25
assisting crime) in relation to an offence under section 5 or 6;
- (d) an offence under the law of Scotland of inciting the commission of an offence under section 5 or 6;
- (e) aiding, abetting, counselling or procuring the commission 30
of an offence under section 5 or 6;

“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 35
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. 5

PART 2

POWERS OF ENTRY ETC

Power to enter and search vehicles

- 3 (1) This paragraph applies where— 10
- (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— 15
- (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— 20
- (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— 25
- (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). 30

Power to enter and search vessels or aircraft

- 4 (1) This paragraph applies where— 35
- (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 5
 - (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— 10
- (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. 15

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— 20
- (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 25
 - (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— 30
- (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; 35
 - (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; 40

- (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 – 5
 - (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. 10
- (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. 15
- (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. 20

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. 25
- (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 30
 - (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. 35

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 – 5
- (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 – 10
- (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 15

- 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 – 20
- (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. 25
- (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 – 30
- (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 35

- 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. 5
- (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 10
- (b) the person prevents any other person from complying with any such requirement or direction.
- (3) In this paragraph “constable” includes a person authorised under paragraph 7(2) to accompany a person who is executing a search warrant. 15
- (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. 20

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. 25
- (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, 30
- (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. 35
- (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, 5
 - (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. 10
- (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. 15

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 – 20
- (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 25
 - (e) identify, so far as is possible, the offence to which the relevant evidence suspected to be on the premises relates. 30

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. 35
- (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. 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 10

- 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. 15
- (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 – 20
 - (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 25

- 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. 30

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; 5
 - (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 – 10
- (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; 15
 - (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. 20

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

- 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 – 30
 - (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; 35
 - (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. 40

- (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 2

Section 13 5

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 (inserted by section 187 of the Online Safety Act 2023) insert – 10
“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, 15
 - (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, 20
 - (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. 25
 - (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, 30
 - (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). 5
- (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); 10
- (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). 15
- (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. 20

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 – 25
- (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), 30
- (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. 35 40

- (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 installs, 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 installs, 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) (inserted by section 188 of the Online Safety Act 2023) is amended as follows. 5
- (2) After subsection (5) insert –
- “(5A) Section 76 applies to an offence under subsection (1), (2) or (3).”
- (3) Omit subsections (6) and (11). 10
- 4 In section 66C (sharing or threatening to share intimate photograph or film: exemptions) (inserted by section 188 of the Online Safety Act 2023) –
- (a) in subsection (1) –
- (i) in paragraph (a), for “taken” substitute “, or A reasonably believes that it was, taken or recorded”, and 15
- (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) (inserted by section 188 of the Online Safety Act 2023) is amended as follows. 20
- (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.
- (5) “Film” means a moving image.
- (6) For the purposes of sections 66B and 66C, references to a photograph or film also include – 25
- (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 30
- (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) – 35
- (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 40

- (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 67 (voyeurism), omit subsection (3). 5
- 7 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).”
- 8 (1) Section 77 (sections 75 and 76: relevant acts) is amended as follows. 10
- (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. | 15 |
| 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. | 20 |
| 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.” | 25 |
- 9 In section 78 (meaning of “sexual”), for “66B” substitute “66AA”.
- 10 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.”
- 11 In section 136A(3A) (specified child sex offences), in paragraph (c), after “66A,” insert “66AA(2) and (3), 66AC(2),”.
- 12 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)”.
- 35

-
- 13 In Schedule 3 (sexual offences for purposes of Part 2), after paragraph 33A (inserted by paragraph 16(4) of Schedule 14 to the Online Safety Act 2023) 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 – 5
- (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 – 10
- (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 15
- (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 – 20
- (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. 25
- (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 – 30
- (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 35
- (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)

- 14 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,” (inserted by paragraph 13 of Schedule 14 to the Online Safety Act 2023) insert “66AA, 66AC,”. 5

Police and Criminal Evidence Act 1984 (c. 60)

- 15 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,” (inserted by paragraph 14 of Schedule 14 to the Online Safety Act 2023) insert “66AA(2) and (3), 66AC(2),”. 10

Criminal Justice Act 2003 (c. 44)

- 16 (1) The Criminal Justice Act 2003 is amended as follows. 15
- (2) In Part 2 of Schedule 15 (specified sexual offences for purposes of section 325), after paragraph 149A (inserted by paragraph 17(2) of Schedule 14 to the Online Safety Act 2023) 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). 20
- 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).” 25
- (3) In Schedule 34A (child sex offences for purposes of section 327A), in paragraph 10 –
- (a) after “66A,” (inserted by paragraph 17(3) of Schedule 14 to the Online Safety Act 2023) insert “66AA(2) or (3), 66AC(2),”, and 30
- (b) for the words from “(exposure” to “voyeurism)” substitute “(offences relating to exposure, voyeurism and intimate photographs or films)”.

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

- 17 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) – 35
- (a) after “66A,” (inserted by paragraph 18 of Schedule 14 to the Online Safety Act 2023) 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)

- 18 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 (inserted by paragraph 19 of Schedule 14 to the Online Safety Act 2023) insert – 5
- “section 66AA(2) (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation) 5
- section 66AA(3) (taking or recording intimate photograph or film for purpose of obtaining sexual gratification) 10
- 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

- 19 (1) The Sentencing Code is amended as follows.
- (2) After section 154 insert –
- “154A Photographs and films to be treated as used for purpose of certain offences”** 20
- (1) This section applies where a person commits an offence under section 66AA(1), (2) or (3) of the Sexual Offences Act 2003 (taking or recording of intimate photograph or film).
- (2) The photograph or film to which the offence relates, and anything containing it, is to be regarded for the purposes of section 153 (and section 157(3)(b)) as used for the purpose of committing the offence (including where it is committed by aiding, abetting, counselling or procuring).” 25
- (3) In Part 2 of Schedule 18 (specified sexual offences for purposes of section 306), in paragraph 38, after sub-paragraph (axa) (inserted by paragraph 20 of Schedule 14 to the Online Safety Act 2023) insert – 30
- “(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); 35
- (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 3

Section 20

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. 5
- (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 10

- 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 17). 15
- (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, 20
 - (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. 25
- (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. 30

Applications for domain name suspension orders

- 3 (1) An appropriate officer may make an application to a judge for a domain name suspension order. 35
- (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 5

- 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 17). 10
- (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— 15
 - (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 20
 - (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. 25
- (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. 30

Inclusion of non-disclosure requirements in suspension orders 35

- 5 (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 40

- (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 12(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. 5

Discharge and variation of suspension orders

- 6 (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. 10
- (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. 15
- (4) Sub-paragraph (1) is subject to paragraph 7.

Extension of suspension orders

- 7 (1) An appropriate officer may make an application to a judge for the extension of the specified period. 20
- (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. 25
- (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. 30
- (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. 35

Applications: further provision

- 8 (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 by an appropriate officer for the discharge, variation or extension of a suspension order must be made by an appropriate officer who is within the same sub-paragraph of paragraph 12(1)(a) or (b) as the appropriate officer who made the application for the existing order.

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Service of suspension orders

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- 9 (1) A suspension 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.
- (2) A suspension 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 suspension 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 (3)).
- (3) A suspension order may be served on a person outside the United Kingdom in the way mentioned in sub-paragraph (2)(c) only if –
- (a) it is not reasonably practicable for it to be served by any other means (whether as mentioned in sub-paragraph (2)(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.
- (4) The steps mentioned in sub-paragraph (3)(b) must be taken as soon as reasonably practicable after the order is made available for inspection.

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Rules of court

- 10 (1) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to suspension orders.

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- (2) In Scotland rules of court are, without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995, to be made by Act of Adjournal.

Effect of orders

- 11 In England and Wales and Northern Ireland, a suspension order has effect as if it were an order of the court. 5

“Appropriate officer” and “senior officer”

- 12 (1) In this Schedule “appropriate officer” –
- (a) in England and Wales, means –
 - (i) a constable,
 - (ii) a National Crime Agency officer, 10
 - (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; 15
 - (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; 20
 - (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 25 (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; 30
 - (e) a member of staff of the Gambling Commission of at least the grade of executive director.

“Judge”

- 13 In this Schedule “judge” means –
- (a) in England and Wales, a judge entitled to exercise the jurisdiction 35 of the Crown Court;
 - (b) in Northern Ireland, a judge of the Crown Court;
 - (c) in Scotland, a sheriff.

“IP address provider”

- 14 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”

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- 15 (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.

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- (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.

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- (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.

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- 16 (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.

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“Crime”, “serious crime” etc

- 17 (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.

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- (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

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- (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. 5

“UK person”

- 18 In this Schedule “UK person” means –
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, 10
 - (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 15
 - (f) an unincorporated association formed under the law of a part of the United Kingdom.

Further interpretation

- 19 (1) This paragraph applies for the interpretation of this Schedule. 20
- (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 – 25
 - (a) England and Wales,
 - (b) Scotland, or
 - (c) Northern Ireland.
 - (6) “Suspension order” means – 30
 - (a) an IP address suspension order, or
 - (b) a domain name suspension order.

SCHEDULE 4

Section 32

CONFISCATION ORDERS: ENGLAND AND WALES

PART 1

THE PRINCIPAL OBJECTIVE

- | | | |
|---|--|----|
| 1 | (1) The Proceeds of Crime Act 2002 is amended as follows. | 5 |
| | (2) At the beginning of Part 2 insert— | |
| | <i>“Exercise of powers: general</i> | |
| | 5A The principal objective | |
| | (1) This section applies to any power conferred by or under this Part on— | 10 |
| | (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. | 20 |
| | (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. | 25 |
| | (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). | 30 |
| | (6) In subsection (5) “relevant authority” has the meaning given by section 2A(2).” | |
| | (3) In the heading before section 69, after “of” insert “specific”. | |
| | (4) In section 69 (powers of court and receiver etc) — | 35 |
| | (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

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- 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))”; 10
 - (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 15
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”; 20
 - (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” 25
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

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- 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 35
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.”

Criminal lifestyle offences

- 4 (1) Schedule 2 to the Proceeds of Crime Act 2002 (criminal lifestyle offences) is amended as follows. 5
- (2) In paragraph 8(1) (offences in connection with brothels), after “section 33” insert “, 33A”. 5
- (3) Before paragraph 9A insert – 10
- “Offences involving gangmasters”.*
- (4) After paragraph 9A insert – 10
- “Environmental offences*
- 9B (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). 15
- (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).” 20
- (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. 25

PART 3

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PROVISIONS CONCERNING AMOUNT TO BE PAID UNDER CONFISCATION ORDER

Recoverable amount

- 5 (1) Section 7 of the Proceeds of Crime Act 2002 (recoverable amount) is amended in accordance with sub-paragraphs (2) and (3). 30
- (2) In subsection (2), for “shows” substitute “proves or the court is otherwise satisfied”. 30
- (3) In subsection (4) – 35
- (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, 5
 - (f) any property that has been handed over to an appropriate officer within the meaning given by section 41A(3) or 47A(1), 10
 - (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, 15has 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.” 20
- (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;” 25
 - (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— 30
 - (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.” 35

Hidden property

- 6 (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” 5

- (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 10
 - (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. 15
- (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; 20
 - (b) changes in the value of the property held by the defendant.”

Tainted gifts 25

7 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 30
 - (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 35

- 8 (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

- 9 (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 realised or destroyed

- (1) Section 80 of the Proceeds of Crime Act 2002 (value of property obtained from conduct) is amended as follows.

- (2) After subsection (3) insert –

“(3A) But if the property has been realised or destroyed by virtue of a court order under section 51(2)(e) or section 67AA, the value of the property at the material time is –

- (a) where it has been realised, the value of the property at the time when it was realised adjusted to take account of later changes in the value of money;
 (b) where it has been destroyed by virtue of a court order, the value of the property at the time when the order was made adjusted to take account of later changes in the value of money.”

- (3) In subsection (4), after “(2)(a) and (b)” insert “and subsection (3A)(a) and (b)”.

PART 4

PRIORITY ORDERS

Priority orders

- 11 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 13 (effect of order on court’s other powers), for subsections (5) and (6) substitute— 5
- “(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 direct that so much of the amount payable under the priority order (or orders) as is found under subsection (7) is to be paid out of any sums recovered under the confiscation order. 10
- (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— 15
- (a) a confiscation order, and
- (b) one or more priority orders.
- (7) The amount found under this subsection is as follows— 20
- (a) the whole of the amount payable under the priority order (or orders) that remains unpaid, or
- (b) if that amount exceeds the amount payable under the confiscation order, the whole of the amount payable under the confiscation order.
- (8) Where a court makes an order that has the effect of changing what the amount found under subsection (7) would be, the court must vary the direction made under subsection (5) so that the amount directed to be paid is the amount found under subsection (7) immediately following the making of the order.” 25
- (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). 30
- (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)— 35
- (a) in subsection (5), omit paragraphs (c) and (d);
- (b) omit subsection (6).
- (7) In section 55 (sums received by designated officer)—
- (a) in subsection (5), for “section 13(6)” substitute “section 13(5)”; 35

(b) after subsection (5) insert—

“(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

5

PROCEDURAL MATTERS

Timing of confiscation proceedings and effect on sentencing

12 (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

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(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—

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(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,

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(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

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(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.

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(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.

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(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. 5
 - (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. 10
 - (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), 15the 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* 20
- 13 (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).” 25
 - (3) After section 15A insert –
 - “**15B Early resolution meeting**
 - (1) This section applies where –
 - (a) the Crown Court is proceeding under section 6, and 30
 - (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. 35
 - (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. 5
- (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 – 10
- (i) any person who it appears to the court holds, or may hold, an interest in key property (within the meaning of section 13ZA(3));
- (ii) an accredited financial investigator;
- (iii) any other person that the court considers appropriate; 15
- (c) may be varied or revoked.

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 20
- (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. 25
- (3) In this section “EROC meeting” has the meaning given by section 15B.”

PART 6

RECONSIDERATION AND PROVISIONAL DISCHARGE 30

Order made: reconsideration

- 14 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) After section 22 insert –

“22A Order made: decrease in value of property

- (1) This section applies if – 35
- (a) a court has made a confiscation order,
- (b) an application to vary the order under this section is made to the Crown Court by –

- (i) the defendant,
 - (ii) the prosecutor,
 - (iii) a receiver appointed under section 50, or
 - (iv) the designated officer for a magistrates' court,
 - (c) property, the value of which was taken into account in any calculation by a court for the purposes of determining the amount required to be paid under the order, decreased in value between the time when it was most recently taken into account and the relevant time, 5
 - (d) the court believes that a proportionate decrease in the value of the property at the time when it was most recently taken into account would have resulted in a decrease in the amount the defendant would have been required to pay under the order at that time, and 10
 - (e) at the time of making the application the property – 15
 - (i) has been realised, or
 - (ii) has been destroyed by virtue of a court order under section 51(2)(e) or section 67AA (orders for the destruction of cryptoassets).
- (2) The court may vary the confiscation order by substituting for the amount required to be paid such amount as it believes is just to take account of the decrease in the value of the property. 20
- (3) Where –
 - (a) the order is varied under subsection (2), and
 - (b) the property that decreased in value was taken into account when finding the amount of the defendant's benefit from the conduct concerned, 25

the court must determine whether the property decreased in value between the time when the defendant's benefit was found and the relevant time. 30
- (4) If the property did decrease in value between those times, the court may vary the order by substituting for the amount found as the defendant's benefit from the conduct concerned such amount as it believes is just to take account of the decrease in the value of the property. 35
- (5) In determining under this section whether and by how much property decreased in value between two times, the court must compare –
 - (a) the value of the property at the earlier time adjusted to take account of changes in the value of money between the two times, with 40
 - (b) the value of the property at the later time.

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- (6) The court may for the purposes of this section disregard any decrease in the value of property which it believes is attributable (wholly or partly) to anything done or omitted to be done by or on behalf of the defendant for the purpose of decreasing the value of the property. 5
- (7) 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.
- (8) The relevant time in relation to property is—
- (a) if the property has been realised, the time when the property was realised; 10
 - (b) if the property has been destroyed by virtue of a court order under section 51(2)(e) or section 67AA, the time when the order was made.
- (9) The amount found as the defendant’s benefit from the conduct concerned is— 15
- (a) the amount so found when the confiscation order was made, or
 - (b) if one or more new calculations of the defendant’s benefit have been made under subsection (4) or section 21, the amount found on the occasion of the last such calculation.” 20
- (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.”; 25
 - (b) in subsection (13)—
 - (i) in paragraph (a), for “this section has not” substitute “neither this section nor section 22A(4) has”;
 - (ii) in paragraph (b), after “section” (in both places) insert “or section 22A(4)”. 30
- (4) In section 22 (order made: reconsideration of available amount)—
- (a) in subsection (1)—
 - (i) for paragraph (b) substitute—
 - “(b) the amount required to be paid under the order is less than the amount found as the defendant’s benefit from the conduct concerned;”; - (ii) in paragraph (c), omit “new”; 35 - (b) in subsection (3)— 40
 - (i) for “the new calculation”, in the first place it occurs, substitute “a calculation of the available amount”;
 - (ii) omit “new”, in the second and third places it occurs;

- (c) in subsection (4) –
 - (i) omit “new”;
 - (ii) for “relevant amount” substitute “amount required to be paid under the order”;
- (d) after subsection (7) insert – 5
“(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.”;
- (e) omit subsection (8);
- (f) in subsection (9), in paragraph (b), after “section 21” insert “or section 22A(4)”. 10

Provisional discharge of confiscation order

15 (1) The Proceeds of Crime Act 2002 is amended as follows.

(2) For sections 24 and 25 substitute –

“24A Provisional discharge of order” 15

- (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. 20
- (3) The persons are –
 - (a) the prosecutor;
 - (b) the designated officer for a magistrates’ court; 25
 - (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; 30
 - (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; 35
 - (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. 40

-
- (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— 5
- (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. 10
- (8) In subsection (1), the “relevant two-year period” means the period of two years beginning with— 15
- (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. 20
- (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, 22, 22A or 23. 25
- (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. 30
- (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). 35
- (8) 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. 40

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, 5
 - (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, 22, 22A or 23.
- (2) The court may order the defendant to give the court, before the end of the period specified in the order – 10
- (a) any information about the defendant’s assets and other financial circumstances, and
 - (b) any documentary or other evidence in support of that information, 15
- that the court may require in connection with the exercise of its functions under section 24A or 24B.”
- (3) In the heading before section 19, at the end insert “and discharge”.

PART 7

ENFORCEMENT

20

Enforcement plans

16 (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

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- (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 – 30
 - (i) through wilful refusal or culpable neglect,
 - (ii) as a result of a person other than the defendant having an interest in key property, or
 - (iii) for some other reason, or
 - (b) the court otherwise believes it is appropriate to do so for the purpose of ensuring that the confiscation order is effective. 35

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- (3) Key property is property held by the defendant that the court believes will need to be realised or otherwise used to satisfy the confiscation order.
- (4) 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. 5
- (5) 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; 10
- (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 15
- (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)).
- 13ZB Enforcement plan: initial enforcement hearing** 20
- (1) This section applies where the court prepares an enforcement plan for a confiscation order.
- (2) The court must, as part of the plan, 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 enforcing court after the due date. 25
- (3) If the Crown Court makes an order under section 11(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 enforcing court after the new due date.” 30
- (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)”.

Court responsible for enforcement

- 17 (1) The Proceeds of Crime Act 2002 is amended as follows. 35
- (2) In the heading before section 35, omit “as fines etc”.
- (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.

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- (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.

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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

15

- (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 defendant appears to the court to have sufficient means to pay the amount forthwith,
 - (b) it appears to the court 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).

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- (5) The Secretary of State may by order –

- (a) amend subsection (3) so as to provide for minimum terms of imprisonment or detention in respect of amounts required to be paid under a confiscation order;
- (b) amend the Table in subsection (3) so as to remove, alter or replace any entry (including one inserted by virtue of the power in paragraph (a)) or to add any entry. 5

35B Venue for initial and subsequent enforcement hearings

- (1) Enforcement proceedings in respect of a confiscation order are to be dealt with by the Crown Court if the court that made the order, on doing so— 10
 - (a) also prepared an enforcement plan for the confiscation order (see section 13ZA), or
 - (b) determined that the Crown Court should be responsible for enforcing the order.
- (2) Otherwise, enforcement proceedings in respect of a confiscation order are to be dealt with by a magistrates’ court. 15
- (3) The Crown Court may by order transfer any enforcement proceedings before it to a magistrates’ court specified in the order if it considers it appropriate to do so for the purpose of securing the efficient and effective enforcement of the confiscation order. 20
- (4) A magistrates’ court may by order transfer any enforcement proceedings before it to the Crown Court if it considers it appropriate to do so for the purpose of securing the efficient and effective enforcement of the confiscation order.
- (5) The defendant has no right of appeal against an order made under subsection (3) or (4). 25
- (6) For the purposes of this Part, “the enforcing court”, in relation to a confiscation order, means—
 - (a) in a case where enforcement proceedings have not yet begun, the court that is to deal with those proceedings as provided for by subsection (1) or (2), or 30
 - (b) in a case where enforcement proceedings have already begun, the court that has those proceedings before it (including as a result of a transfer by virtue of subsection (3) or (4)).
- (7) In this section “enforcement proceedings”, in respect of a confiscation order, means any proceedings in connection with the enforcement of the order. 35

35C Enforcement by magistrates’ court

- (1) This section applies if—
 - (a) a court has made a confiscation order, and 40

- (b) a magistrates’ court is the enforcing court (see section 35B).
- (2) The amount required to be paid by 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 5
 - (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. 10
- (3) Subsection (4) applies where a magistrates’ court issues a warrant of commitment on a default in the payment of an amount required to be paid under 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— 15
 - (a) the default term fixed under section 35A(2), or
 - (b) if that term has been reduced under section 79(2) of the Magistrates’ Courts Act 1980 (part payment), that term as so reduced. 20
- (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); 25
 - (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; 30
 - (d) 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); 35
 - (e) 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). 40
- (6) In this section and section 35D, “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.

35D Enforcement by Crown Court

- (1) Subsection (2) applies if –
 - (a) a court has made a confiscation order, 5
 - (b) the Crown Court is the enforcing court (see section 35B),
and
 - (c) there is an unpaid amount.
- (2) The Crown Court may exercise any of its confiscation enforcement functions in relation to the order. 10
- (3) “Confiscation enforcement functions” are functions conferred on the Crown Court by regulations made by the Secretary of State.
- (4) Regulations under subsection (3) may confer a function on the Crown Court only if it corresponds to a function that is, by virtue of section 35C, exercisable by a magistrates’ court for the purposes of collection of any unpaid amount and enforcement of a confiscation order.” 15
- (4) In section 459 (orders and regulations) –
 - (a) in subsection (4) –
 - (i) in paragraph (a), for “35(2C)” substitute “35A(5)”; 20
 - (ii) in paragraph (aza), after “under section” insert “35D(3),”;
 - (b) in subsection (6)(a), for “35(2C)” substitute “35A(5)”;
 - (c) in subsection (6ZB), after “under section” insert “35D(3),”.

Enforcement plans: initial enforcement hearing

- 18 After section 35D of the Proceeds of Crime Act 2002 insert – 25
- “35E Confiscation order with enforcement plan: initial enforcement hearing**
- (1) This section applies where –
 - (a) a court has made a confiscation order,
 - (b) on doing so, the court also prepared an enforcement plan for the order (see section 13ZA), and 30
 - (c) the defendant defaults on the confiscation order (within the meaning given by section 13ZA(5)).
 - (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”). 35

- (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 5
 - (b) the interests of justice do not require any initial enforcement order not to be made. 10
- (5) In this section “the initial enforcement hearing” means the hearing held pursuant to section 13ZB.”

Power to compel defendant to attend court at any stage of enforcement proceedings

- 19 After section 35E of the Proceeds of Crime Act 2002 insert—
- “35F Power to compel defendant to attend court for enforcement purposes 15**
- (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 20
 - (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. 25
 - (4) A warrant issued under this section by a magistrates’ court 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.” 30

Financial status order

- 20 After section 35F of the Proceeds of Crime Act 2002 insert—
- “35G Financial status orders 35**
- (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.” 5

Confiscation assistance advisers

21 After section 35G of the Proceeds of Crime Act 2002 insert –

“35H Confiscation assistance advisers

- (1) This section applies if a court has made a confiscation order. 10
- (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.” 15

Extension to Crown Court of powers in relation to money, cryptoassets and personal property

22 (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”; 20
 - (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 a magistrates’ court, to the designated officer for the court; 25
 - (b) in a case where the enforcing court is the Crown Court, into court.”;
 - (c) in subsection (5B), for “a magistrates’ court” substitute “the enforcing court”; 30
 - (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”. 35
- (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 a magistrates’ court, to the designated officer for the court; 5
 - (b) in a case where the enforcing court is the Crown Court, into court.”;
 - (c) in subsection (5), for “a magistrates’ court” substitute “the enforcing court”; 10
 - (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”. 15
- (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”. 20
- (7) In section 67D (proceeds of realisation)—
 - (a) in subsection (2), for paragraph (c) substitute—
 - “(c) third, they must be paid—
 - (i) in a case where the enforcing court is a magistrates’ court, to the designated officer for the court, or 25
 - (ii) in a case where the enforcing court is the Crown Court, into court, on account of the amount payable under the confiscation order.”; 30
 - (b) in subsection (6), omit the definition of “appropriate designated officer”.
- (8) In section 69(2A) (powers of court and receiver etc), in paragraph (c) for “a magistrates’ court” substitute “the enforcing court”. 35

Extension to Crown Court of enforcement powers under Schedule 5 to Courts Act 2003

- 23 (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(1) (application of Schedule)—

- (a) after “pay a sum” insert “–
(a)”;
- (b) at the end insert “, or
(b) required to be paid by a confiscation order in a case where the Crown Court is the enforcing court within the meaning given by section 35B(6) of the Proceeds of Crime Act 2002.” 5
- (3) In paragraph 2(1) (meaning of “sum due”), omit “adjudged to be paid as”.
- (4) In paragraph 7 (application of provisions about attachment of earnings orders and applications for benefit deductions) – 10
- (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 – 15
- (a) in a case where the sum due is required to be paid by a confiscation order, the court that is the enforcing court within the meaning given by section 35B(6) of the Proceeds of Crime Act 2002;
- (b) in any other case, the magistrates’ court responsible for enforcing the payment of the sum due.” 20

Collection orders in respect of confiscation orders

- 24 (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 – 25
- ““a sum required to be paid by a confiscation order” means any sum required to be paid by 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) – 30
- (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 by the confiscation order.”.
- (4) At the beginning of Part 10 (supplementary provision) insert – 35
- “Application of provisions about collection orders to sum required to be paid by a confiscation order*
- 42B In the application of this Schedule to a sum required to be paid by a confiscation order –
- (a) in paragraph 22, ignore sub-paragraphs (2)(a), (3), (4), (4A) and (9)(a) (power of fines officer to vary payment terms),

- (b) in paragraph 23, ignore sub-paragraph (2)(a) and (c) (appeals against decisions under paragraph 22),
- (c) in paragraph 30, ignore paragraph (c) (right to apply for variation in reserved terms),
- (d) ignore paragraphs 31 and 32 (power of fines officer to vary reserved terms), 5
- (e) in paragraph 37, ignore sub-paragraph (1)(c)(i) and (ii) (power of fines officer to vary reserved terms),
- (f) in paragraph 39, ignore sub-paragraphs (3)(a) and (c) and (4)(c) and (d) (power of court to vary payment terms or reserved payment terms or discharge order), and 10
- (g) in paragraph 42, ignore sub-paragraphs (2)(a) and (2A) (power of court to vary payment terms or discharge order).”

PART 8

15

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) –
- (a) for subsection (1) substitute – 20
 - “(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. 25
 - (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; 30
 - (b) a reference to relevant realisable property being “dissipated” is to it ceasing to be available for that purpose. 35
 - (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; 40

- (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; 5
 - (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; 10
 - (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),”.
- 15

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) – 20
- (a) omit subsections (2A) and (2B);
 - (b) in subsection (3) –
 - (i) omit “other”;
 - (ii) after paragraph (b) insert –
 - “(c) be made subject to conditions.”; 25
 - (c) in subsection (4), for the words before paragraph (a) substitute “Section 41ZA applies if an exception to a restraint order makes provision for any reasonable legal expenses which –”;
 - (d) omit subsections (5A) and (5B);
 - (e) omit subsection (10). 30
- (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 – 35
- (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 40

- (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 – 5
 - (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. 10
 - (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 – 15
 - (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 – 20
 - (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. 25
 - (6) Before making regulations under this section, the Lord Chancellor must consult such persons as the Lord Chancellor considers appropriate.” 30
- (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) – 35
- (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 – 40
 - (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; 5
 - (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.”; 10
- (b) at the end insert—
- “(11) In this section—
- “applicable standard of living”, in relation to a specified person, means— 15
- (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; 20
- “relevant realisable property” has the same meaning as in section 40.”
- Discharge of restraint order etc: proceedings not started within reasonable time* 25
- 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— 30
- (a) the length of time that has passed since the making of the restraint order; 35
 - (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; 40
 - (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.” 5
- (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— 10
- (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; 15
 - (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; 20
 - (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 25

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— 30
- (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; 35
 - (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 40 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). 5
- (4) Following that review the court may vary the restraint order, whether or not an application has been made under section 42(3).” 10

Restraint proceedings: costs orders

30 After section 46 of the Proceeds of Crime Act 2002 insert—

“46A Costs orders

- (1) This section applies in the following cases—
- (a) an application for a restraint order or for an order under section 41(7) has been made by the prosecutor or an accredited financial investigator; 15
 - (b) an application for the discharge or variation of a restraint order or an order under section 41(7) has been made by the prosecutor, an accredited financial investigator or a person affected by the order concerned; 20
 - (c) the Crown Court of its own motion has exercised a power to discharge or vary a restraint order or an order under section 41(7);
 - (d) an application has been made for permission to appeal in relation to— 25
 - (i) an order or decision made in relation to an application mentioned in paragraph (a) or (b), or
 - (ii) anything done as mentioned in paragraph (c).
- (2) The court may not make an order that any costs of proceedings relating to a case to which this section applies (including appeal proceedings) are payable by the prosecutor or an accredited financial investigator to a respondent in respect of the involvement of the respondent in the proceedings, unless the prosecutor or accredited financial investigator— 30
- (a) acted unreasonably in making or opposing the application to which the proceedings relate, or in supporting or opposing the making of the order to which the proceedings relate, or 35
 - (b) acted dishonestly or improperly in the course of the proceedings.” 40

PART 9

MANAGEMENT RECEIVERS

Appointment of management receiver

- 31 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 48 (appointment of management receiver) – 5
- (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 – 10
- (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”; 15
- (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).” 20
- (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”)”; 25
- (b) in subsections (2), (5) and (6)(a), for “restraint order” substitute “relevant order”.

PART 10

APPEALS

Appeal rights in relation to confiscation proceedings

- 32 (1) The Proceeds of Crime Act 2002 is amended in accordance with sub-paragraphs (2) and (3). 30
- (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. 35

-
- (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, 5
- 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 10
 - (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 – 15
 - (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. 20
- (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. 25
- (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 30
 - (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. 35

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. 5
- (3) Subsections (4) to (9) apply if a court makes a confiscation order pursuant to section 67E. 10
- (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. 15
- (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 – 20
 - (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; 25
 - (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 – 30
 - (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. 35
- (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; 40

- (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. 5
- (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. 10

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 – 15
- (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. 20
- (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. 25
- (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, 30
- (b) such an application has been made but not yet determined, or
- (c) a receiver has been appointed under section 50. 35
- (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. 40

- (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. 5
- (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 – 10
 - (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 – 15
 - (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 – 20
 - (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. 25
- (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). 30
- (3) On an appeal under subsection (1) the Court of Appeal – 35
 - (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. 5
- (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. 10
- (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** 15
- (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 – 20
- (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 – 25
- (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. 30
- (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** 35
- (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; 5
 - (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; 10
 - (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. 15
- (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 – 20
- (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 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. 25
- (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)). 30
- (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 35
 - (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— 5
 (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— 10
 (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. 15
- (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— 20
 “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; 25
 “appropriate officer” has the same meaning as in section 41A.”
- (3) 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); 30
 (d) sections 65 and 66 (receivers: appeals);
 (e) section 67C (orders in relation to seized property: appeals).
- (4) 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; 35
 (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). 40

- (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).”

SCHEDULE 5

Section 33

5

SUSPENDED ACCOUNTS SCHEME

Suspended accounts scheme

- 1 The Secretary of State may by regulations establish a scheme (the “suspended accounts scheme”) under which—
- (a) financial institutions, or financial institutions of a specified description, may transfer to a scheme administrator funds held by the financial institution which represent the amounts of the balances (or part of the amounts of the balances) of suspended accounts, and
 - (b) the scheme administrator uses those funds for expenditure relating to economic crime.

“Financial institution”

- 2 (1) In this Schedule “financial institution” means—
- (a) a business which engages in the activity of accepting deposits;
 - (b) an electronic money institution as defined in regulation 2 of the Electronic Money Regulations 2011 (S.I. 2011/99);
 - (c) an authorised payment institution or a small payment institution, each as defined in regulation 2 of the Payment Services Regulations 2017 (S.I. 2017/752);
 - (d) any other person specified, or of a description specified, in the regulations.
- (2) The reference in sub-paragraph (1)(a) to the activity of accepting deposits is a reference to that activity so far as it is, for the time being, a regulated activity for the purposes of the Financial Services and Markets Act 2000 by virtue of an order under section 22 of that Act.

“Suspended account”

- 3 (1) In this Schedule a “suspended account”, in relation to a financial institution, is an account—
- (a) which a person (“the customer”) holds, or held, with the financial institution, and
 - (b) which meets conditions specified in regulations under paragraph 1.
- (2) The conditions must include a condition to the effect that—

- (a) the operation of the account was suspended or partially suspended,
or
 - (b) the account was closed,
- by the financial institution because it knew or suspected the account was connected (or connected in a specified way) with criminal activity (or criminal activity of a specified kind). 5
- (3) “Criminal activity” may include criminal activity in a country or territory outside the United Kingdom.
- (4) Regulations under paragraph 1 may make provision about—
- (a) the meaning of suspending, or partially suspending, the operation of an account; 10
 - (b) how the amount of the balance of a suspended account is to be determined.

“Scheme administrator”

- 4 (1) In this Schedule the “scheme administrator” means a person appointed by the Secretary of State to administer the suspended accounts scheme. 15
- (2) Regulations under paragraph 1 may provide that the Secretary of State may only appoint as the scheme administrator a person who meets conditions specified in the regulations.

Legal effect of transfers 20

- 5 (1) Regulations under paragraph 1 must make provision—
- (a) for the transfer of funds representing the amount of the balance (or part of the amount of the balance) of a suspended account to the scheme administrator not to affect any rights of the customer or third parties against the transferring financial institution in respect of the account; 25
 - (b) for the scheme administrator not to be liable to the customer who holds or held the suspended account or to third parties with rights in respect of the suspended account;
 - (c) for the scheme administrator to compensate the transferring financial institution, to such extent as may be provided by the regulations, for payments made by the institution pursuant to the rights of customers and third parties in respect of the suspended account after the transfer. 30
- (2) The regulations may make provision capping the amount of compensation payable by the scheme administrator to a financial institution in any period. 35
- (3) “Third party” means a person other than the customer, the transferring financial institution, or the scheme administrator.

Use of transferred funds

- 6 (1) Regulations under paragraph 1 must provide for the scheme administrator to manage the transferred funds in such a way as to enable it to—
- (a) meet whatever claims for compensation made by virtue of paragraph 5(1)(c) it is prudent to anticipate, 5
 - (b) comply with any requirement with regard to its financial resources that is imposed on it by or under any legislation, and
 - (c) defray its expenses.
- (2) The regulations must provide that (subject to provision made under sub-paragraph (1)) the scheme administrator is to use the transferred funds for expenditure relating to economic crime. 10
- (3) The regulations may require the scheme administrator to comply with directions given by the Secretary of State as to the kinds of such expenditure for which the scheme administrator is to use the transferred funds.
- (4) In this paragraph “transferred funds” means funds transferred to the scheme administrator under the regulations. 15

“Economic crime”

- 7 In this Schedule “economic crime” means an act which—
- (a) constitutes an offence listed in Schedule 11 to the Economic Crime and Corporate Transparency Act 2023 (“a listed offence”), 20
 - (b) constitutes an attempt or conspiracy to commit a listed offence,
 - (c) constitutes an offence—
 - (i) under Part 2 of the Serious Crime Act 2007 (England and Wales and Northern Ireland: encouraging or assisting crime) in relation to a listed offence, or 25
 - (ii) under the law of Scotland of inciting the commission of a listed offence,
 - (d) constitutes aiding, abetting, counselling or procuring the commission of a listed offence, or
 - (e) would constitute a listed offence or an offence specified in paragraph (b), (c) or (d) if done in the United Kingdom. 30

SCHEDULE 6

Section 68

POLICE POWERS TO MAKE PUBLIC SPACES PROTECTION ORDERS AND EXPEDITED ORDERS

- 1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows. 35
- 2 (1) Section 59 (power to make public spaces protection orders) is amended as follows.

- (2) In subsection (1), after “A local authority” insert “, or a senior police officer,”.
- (3) In subsection (2), for “The” substitute “In the case of a public spaces protection order made by a local authority, the”.
- (4) After subsection (2) insert – 5
- “(2A) In the case of a public spaces protection order made by a senior police officer, the first condition is that –
- (a) activities carried on in a public place within the officer’s area have had a detrimental effect on the quality of life of those in the locality, or 10
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.”
- (5) In subsections (4), (5)(a), and (7)(a), after “(2)” insert “or (2A)”.
- 3 (1) Section 59A (power to make expedited public spaces protection orders) is amended as follows. 15
- (2) In subsection (1) –
- (a) after “A local authority” insert “, or a senior police officer,”;
- (b) for the words from “the local authority’s area” to the end substitute “ –
- (a) the local authority’s area, where a local authority is making the order, or 20
- (b) the senior police officer’s area, where a senior police officer is making the order,
- if satisfied on reasonable grounds that three conditions are met.” 25
- (3) In subsection (2) –
- (a) in paragraph (a), for “the local authority’s area, or” substitute “ –
- (i) the local authority’s area, where a local authority is making the order, or
- (ii) the senior police officer’s area, where a senior police officer is making the order, or”; 30
- (b) in paragraph (b), for “the local authority’s” substitute “that”.
- 4 (1) Section 60 (duration of public spaces protection orders) is amended as follows.
- (2) In subsection (2) – 35
- (a) after “order”, in the first place it appears, insert “made by a local authority”;
- (b) for “the local authority that made the order” substitute “that authority”.

- (3) After subsection (2) insert—
- “(2A) Before the time when a public spaces protection order made by a senior police officer is due to expire, any senior police officer of the same police force may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- 5
- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.”
- 10
- 5 (1) Section 60A (duration of expedited orders) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Subsections (2) and (3) apply in relation to an expedited order made by a local authority.”
- (3) In subsection (2), for “local authority that made an expedited order” substitute “authority”.
- 15
- (4) In subsection (3), for “Where a local authority has made an expedited order, the” substitute “The”.
- (5) After subsection (3) insert—
- “(3A) Subsections (3B) and (3C) apply in relation to an expedited order made by a senior police officer.
- 20
- (3B) Subject to subsection (1), any senior police officer of the same police force may, before the time when the order is due to expire, extend the period for which the order has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- 25
- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.
- (3C) Any senior police officer of the same police force may, at any time before the order is due to expire, reduce the period for which the order is to have effect if satisfied on reasonable grounds that the reduced period will be sufficient having regard to the degree of risk of an occurrence, recurrence or increase such as is mentioned in subsection (3B)(a) or (b).”
- 30
- 35
- 6 (1) Section 61 (variation and discharge of orders) is amended as follows.
- (2) In subsection (1)—
- (a) for “or expedited order” substitute “, or an expedited order, made by a local authority”;
- (b) for “the local authority that made the order” substitute “that authority”;
- 40

- (c) in subsection (2A), after “that area” insert “(reading the reference in section 59A(2)(a)(i) to a local authority making the order as a reference to a local authority varying the order)”.
- (3) After subsection (3) insert –
- “(3A) Where a public spaces protection order, or an expedited order, made by a senior police officer is in force, any senior police officer of the same police force may vary it –
- (a) by increasing or reducing the restricted area;
- (b) by altering or removing a prohibition or requirement included in the order, or adding a new one.
- (3B) An officer may under subsection (3A)(a) make a variation to a public spaces protection order that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2A) and (3) are met as regards activities in that area.
- (3C) An officer may under subsection (3A)(a) make a variation to an expedited order that results in the order applying to an area to which it did not previously apply only if the conditions in section 59A(2) to (4) are met as regards that area (reading the reference in section 59A(2)(a)(ii) to a senior police officer making the order as a reference to a senior police officer varying the order).
- (3D) An officer may make a variation under subsection (3A)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) or 59A(6) (as the case may be) allows to be imposed.”
- (4) In subsection (4), after “it” insert “or any senior police officer of the same police force as the officer who made it (as the case may be)”.
- In section 63 (consumption of alcohol in breach of prohibition in order), in subsection (1), for “that made the order (or authorised by virtue of section 69(1))” substitute “in whose area the restricted area is situated”.
- (1) Section 64 (orders restricting public right of way over highway) is amended as follows.
- (2) In subsection (1), after “authority” insert “or senior police officer”.
- (3) In subsection (1A), after “authority” insert “or senior police officer”.
- (4) In subsection (1B) –
- (a) after “authority” insert “or senior police officer”;
- (b) for “it” substitute “the authority or officer”.
- (5) In subsection (8), after “authority” insert “or a constable”.
- In section 66 (challenging the validity of orders), in subsections (2)(a) and (5)(a), after “authority” insert “or senior police officer”.

- 10 In section 67 (offence of failing to comply with order), in subsection (3), after “authority” insert “or senior police officer”.
- 11 (1) Section 68 (fixed penalty notices) is amended as follows.
- (2) In subsection (2), for “to a local authority specified in the notice.” substitute “–
- 5
- (a) if a local authority made the order, to that local authority, or
- (b) if a senior police officer made the order, to a person designated by the Secretary of State.”
- (3) For subsection (3) substitute –
- 10
- “(3) That local authority or designated person must be specified in the notice.”
- (4) In subsection (10)(a), for “the chief finance officer of the local authority concerned,” substitute “–
- “(i) the chief finance officer of the local authority concerned, or
- (ii) the person designated by the Secretary of State under subsection (2)(b),”.
- 15
- 12 (1) Section 71 (bodies other than local authorities with statutory functions in relation to land) is amended as follows.
- 20
- (2) In subsection (4), after “authority” insert “or senior police officer”.
- (3) In subsection (5), after “authority” insert “or senior police officer”.
- (4) After subsection (6), insert –
- “(7) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land
- 25
- in relation to which it has power to make byelaws, to the chief officer of police for the police area in which the land is situated –
- (a) no part of the land may form, or fall within, the restricted area of any public spaces protection order or expedited order made by a senior police officer;
- 30
- (b) if any part of the land –
- (i) forms the restricted area of a public spaces protection order, or an expedited order, already made by a senior police officer, or
- (ii) falls within such an area,
- 35
- the order ceases to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).”

- 13 After section 71 insert –
- “71A Relationship between local authority and police orders**
- (1) A public spaces protection order or an expedited order made by a local authority may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order or an expedited order made by a senior police officer. 5
- (2) Where a public spaces protection order or an expedited order made by a senior police officer regulates, in relation to a particular public space, an activity that a public spaces protection order or an expedited order made by a local authority already regulates, the order made by the local authority ceases to have that effect. 10
- (3) References in this section to a local authority are to a local authority that is not a person or body designated under section 71(1).”
- 14 (1) Section 72 (public spaces protection orders: Convention rights etc) is amended as follows. 15
- (2) In subsections (1) and (3), after “local authority” insert “or senior police officer”.
- (3) In subsection (4) –
- (a) in the definition of “the necessary consultation”, after “consultation” insert “, in relation to a local authority,”; 20
- (b) after the definition of “the necessary consultation” insert –
- ““the necessary consultation”, in relation to a senior police officer, means consulting with –
- (a) the local authority for the area that includes the restricted area; 25
- (b) whatever community representatives the senior police officer thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;” 30
- (4) In subsection (5), after “requirement” insert “on a local authority”.
- (5) After subsection (5) insert –
- “(5A) The requirement on a senior police officer to consult with the owner or occupier of land within the restricted area –
- (a) does not apply to land that is owned and occupied by the local policing body that maintains the senior police officer’s police force; 35
- (b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.”
- 15 (1) Section 72A (expedited orders: Convention rights etc) is amended as follows. 40

- (2) In subsections (1) and (3), after “local authority” insert “or senior police officer”.
- (3) In subsection (4), after “to be made,” insert “by a local authority”.
- (4) After subsection (4) insert –
- “(4A) If the order referred to in subsection (3) was made, or is proposed to be made, by a senior police officer in reliance on section 59A(2)(a), “the necessary consents” means the consent of –
- (a) the local authority for the area that includes the restricted area, and
 - (b) a person authorised (whether in specific or general terms) by the appropriate authority for the school or 16 to 19 Academy.”
- (5) In subsection (5), after “to be made,” insert “by a local authority”.
- (6) After subsection (5) insert –
- “(5A) If the order referred to in subsection (3) was made, or is proposed to be made, by a senior police officer in reliance on section 59A(2)(b), “the necessary consents” means the consent of –
- (a) the local authority for the area that includes the restricted area, and
 - (b) a person authorised by the appropriate NHS authority.”
- 16 (1) Section 72B (consultation and notifications after making expedited order) is amended as follows.
- (2) In subsections (1), after “local authority” insert “or senior police officer”.
- (3) In subsection (2), after “consultation” insert “, in relation to a local authority,”.
- (4) After subsection (2) insert –
- “(2A) In subsection (1) “necessary consultation”, in relation to a senior police officer, means consulting with the following about the terms and effects of the order –
- (a) the local authority for the area that includes the restricted area;
 - (b) whatever community representatives the senior police officer thinks it appropriate to consult;
 - (c) the owner or occupier of land within the restricted area.”
- (5) In subsection (3), after “local authority” insert “or senior police officer”.
- (6) In subsection (5), after “requirement” insert “on a local authority”.
- (7) After subsection (5) insert –
- “(6) The requirement on a senior police officer to notify the owner or occupier of land within the restricted area –

- (a) does not apply to land that is owned and occupied by the local policing body that maintains the senior police officer’s police force;
- (b) applies only if, and to the extent that, it is reasonably practicable to notify the owner or occupier of the land.” 5
- 17 (1) Section 74 (interpretation of Chapter 2) is amended as follows.
- (2) In subsection (1), at the appropriate places insert—
- ““senior police officer” means a police officer of at least the rank of inspector.”
- (3) After subsection (3) insert— 10
- “(4) In this Chapter, a reference to a police officer’s area is to the police area for which the officer’s police force is maintained.
- (5) In this Chapter, a reference to the police force of, or the same police force as, a senior police officer who has made a public spaces protection order or an expedited order is to the officer’s police force when they made the order.” 15

SCHEDULE 7

Section 69

CLOSURE OF PREMISES BY REGISTERED SOCIAL HOUSING PROVIDER

- 1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows. 20
- 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”),”; 25
- (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”; 30
- (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); 35

- (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.”; 5
- (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.”; 10
- (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 – 15
 - (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 20
 - (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”; 25
 - (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), 30must 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”; 35
 - (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) – 40

- (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— 5
- “(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.” 10
- 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)— 15
- (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— 25
- “(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. 30
- An RSH provider is “relevant” if it owns or manages the premises.” 35
- 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;” 40

- (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.” 5
- 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 10
- (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)”; 15
- (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— 20
- ““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— 30
- (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.” 35

SCHEDULE 8

Section 72

LPB CASE REVIEWS: SUPPLEMENTARY PROVISION

This is the Schedule to be inserted as Schedule 4A to the Anti-social Behaviour, Crime and Policing Act 2014 –

“SCHEDULE 4A

Section 104A

5

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. 10

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. 15
- (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. 20

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 – 25
- (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 – 30
- (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. 5
- (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 10

- 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. 15
- (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— 20
- (a) any obligation of confidence owed by the person making the disclosure, or
- (b) any other restriction on the disclosure of information (however imposed). 25
- (5) This paragraph does not require or authorise—
- (a) a disclosure which would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty imposed or (as the case may be) the power conferred by this paragraph), or 30
- (b) a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

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. 5
- (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— 10
- (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. 15

PART 4

GENERAL

Different review procedures for different parts of an area 20

- 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— 25
- (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.” 30

Criminal Justice Bill

[AS INTRODUCED]

A

B I L L

TO

Amend the criminal law; to make provision about criminal justice (including the powers and duties of the police) and about dealing with offenders; to make provision about confiscation and the use of monies in suspended accounts; to make other provision about the prevention and detection of crime and disorder; to make provision about begging, rough sleeping and anti-social behaviour; to make provision about the police; and for connected purposes.

*Presented by Secretary James Cleverly
supported by the Prime Minister,
the Chancellor of the Exchequer,
Secretary Alex Chalk, Secretary Michael Gove,
the Attorney General, Chris Philp and
Edward Argar.*

Ordered, by The House of Commons, to be
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