

## Impact Assessment

Title: Border Security, Asylum and Immigration Bill

Type of measure: Primary Legislation

Department or agency: Home Office

IA number: HO IA 1003

Type of Impact Assessment: Final

RPC reference number: RPC-HO-24010-OA(1) - New offences to criminalise the possession, importing, making, adaptation, supply, and offering to supply of articles for use in serious crime.

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Date: 30 January 2025

# 1. Summary of proposal

1. Following the King's Speech on 17 July 2024,<sup>1</sup> the government is introducing the Border Security, Asylum and Immigration Bill ("the Bill") to create a framework of new and enhanced powers and offences to improve UK border security and to strengthen the asylum and immigration system.
2. Collectively, the provisions within the Bill reinforce, strengthen, and connect capabilities across the relevant government and law enforcement partners which make up the UK's border security system.
3. The Bill provides the framework which enables the Border Security Commander, and the Border Security Command (BSC), to fulfil their role as an effective border security system leader, cohering and driving improvements to the collective response to current and future threats, starting with organised immigration crime (OIC). The legislation puts the Border Security Commander's responsibilities on to a statutory footing.
4. The Bill creates an array of new, stronger powers for law enforcement agencies to deal with, investigate and prosecute OIC, and it provides additional deterrents and penalties for criminals involved in OIC. The Bill will:
  - Expand data-sharing capabilities to assist in developing the intelligence picture of OIC.
  - Enable smarter, faster and more effective interventions to protect UK border security and to bring those involved in OIC to justice.
  - Improve understanding of how and why OIC happens.
5. The Bill introduces new and enhanced tools which will allow for faster interventions against those suspected of being involved in serious and organised crime and enables restrictions to be placed on them. The expansion of Serious Crime Prevention Orders (SCPOs) will mean offenders will be more closely managed in UK communities, breaking known links to Organised Crime Groups (OCGs), and keeping the streets safe.
6. The Bill enables action to be taken against individuals who, whilst travelling to the UK by sea (without the requisite entry clearances, immigration permission or other necessary authorisations contrary to existing immigration offences set out in the Immigration Act 1971<sup>2</sup> (IA 1971)), act in a way which risks serious injury or death to others.
7. Finally, the Bill introduces new, additional measures to support and strengthen a properly functioning UK immigration and asylum system. The Bill repeals the Safety of Rwanda (Asylum and Immigration) Act 2024<sup>3</sup> and repeals parts within the Illegal Migration Act 2023.<sup>4</sup>
8. The measures in the legislation fall under four pillars:

## **Pillar 1: The framework within which the Border Security Command can operate**

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<sup>1</sup> The King's Speech 2024 – Background Briefing Notes - GOV.UK: [https://assets.publishing.service.gov.uk/media/6697f5c10808eaf43b50d18e/The\\_King\\_s\\_Speech\\_2024\\_background\\_briefing\\_notes.pdf](https://assets.publishing.service.gov.uk/media/6697f5c10808eaf43b50d18e/The_King_s_Speech_2024_background_briefing_notes.pdf)

<sup>2</sup> Immigration Act 1971: <https://www.legislation.gov.uk/ukpga/1971/77/contents>

<sup>3</sup> Safety of Rwanda (Asylum and Immigration) Act 2024: <https://www.legislation.gov.uk/ukpga/2024/8>

<sup>4</sup> Illegal Migration Act 2023: <https://www.legislation.gov.uk/ukpga/2023/37/contents>

- a) **Making the Border Security Commander a statutory office holder:** With the collective agreement of the Home Secretary and Prime Minister, and in collaboration with partners, the Border Security Commander will agree the government's strategic priorities for border security.
- b) The BSC will work closely with other government departments, including HM Revenue and Customs (HMRC) and the Foreign, Commonwealth and Development Office (FCDO), as well as operational partners, including Border Force, the National Crime Agency (NCA), Immigration Enforcement and policing, to achieve those priorities. This will ensure that the full range of capabilities, including that of the UK Intelligence Community, are maximised and brought to bear on those exploiting the UK border.

**Pillar 2: Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats**

- a) **Sharing of customs information by HMRC:** The removal of legal barriers and the simplification of data sharing processes from HMRC to the Home Office and other government departments. Data gathered under this provision may be used for purposes such as immigration, customs, law enforcement, national security, or human welfare.
- b) **Sharing of trailer registration information:** The Driver and Vehicle Licensing Agency (DVLA) will have the ability to share some or all of the trailer registration data held with the Home Office, HMRC, NCA and the police, enhancing each organisation's ability to identify trailers in connection with their functions and for a range of processing purposes (as applicable): law enforcement, policing, customs, immigration, national security and safeguarding vulnerable persons; and, for the desired effect of improving border security. Any information shared under this measure will be done so in accordance with UK Data Protection and Human Rights legislation.

**Pillar 3: New and enhanced powers to strengthen border security**

- a) **Enhanced OIC Powers:** The Bill introduces new powers for dealing with OIC.
  - 1) A new offence of supplying, offering to supply or handling items known or suspected of being for use in OIC, specifically, where the supplier knows or suspects that the item will be used in an offence under section 24 or section 25 of the IA 1971.
  - 2) A new offence of taking specified actions in circumstances giving rise to a reasonable suspicion of a connection with an offence under section 24 of the IA 1971, for example research into viable locations and departure points, dates and times and transport for a journey to the UK. These new offences and their lower suspicion thresholds will allow law enforcement to act earlier and faster to pursue, disrupt and deter OIC.
  - 3) New powers of search, seizure, retention and extraction will be introduced for Immigration Officers and/or police constables where there are reasonable grounds to suspect that a person, who is in the relevant "cohort" of people, has an electronic device that contains information or evidence relevant to facilitation offences under section 25 or 25A of the IA 1971.

- b) **Protecting life at sea (endangerment offence):** The Bill enables new powers to prosecute individuals whose actions whilst travelling to the UK by sea (which includes travel by small boats) contrary to existing section 24 IA 1971 offences, result in the risk of serious injury or death to others. The new offence is intended to disincentivise dangerous behaviour, including in the refusal of assistance, and be a strong deterrent for those contemplating travel to the UK. The offence takes the form of a new aggravated offence under section 24 of the IA 1971.
- c) **Serious Crime Prevention Orders (SCPOs):** SCPOs are a powerful tool for preventing and disrupting the activities of the highest-harm criminals involved in serious crime. SCPOs are not currently being used to maximum effect. This legislation improves law enforcement's ability to proactively manage those involved in serious crime, better protect communities and take preventative action. The provisions:
  - 1) Expand the list of agencies that can apply directly to the High Court for an SCPO in the absence of a conviction to increase their use.
  - 2) Ensure SCPOs impose a standardised list of notification requirements.
  - 3) Provide the courts with an express power to impose electronic monitoring as a condition of an SCPO.
  - 4) Enable Crown Courts to issue SCPOs on acquittal or when allowing an appeal.
- d) **Interim SCPOs:** The Bill creates interim SCPOs to ensure that law enforcement agencies can take immediate preventative action, while allowing the courts time to consider the evidence for a full SCPO application or to continue investigations in pursuit of a prosecution.
- e) **New criminal offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime:** The list of articles in scope of the legislation includes pill presses and encapsulators, vehicle concealments and templates used for printing 3D firearms compartments. The provision will include a delegated power to enable the Secretary of State for the Home Department (Home Secretary) to amend the list.
- f) **Counter-terrorism (CT) port powers in Scotland:** The Bill amends CT port powers to allow the police to take biometrics at a port in Scotland, bringing Scotland into alignment with the position across England, Wales, and Northern Ireland.

#### **Pillar 4: Measures to support and strengthen the UK's asylum and immigration system**

- a) **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024:** The Bill repeals the Safety of Rwanda (Asylum and Immigration) Act 2024 which came into force on 25 April 2024. It was passed under the previous government and along with the UK-Rwanda Treaty was intended to enable removals to Rwanda under the previous government's policy.
- b) **Repeal of parts within the Illegal Migration Act 2023:** The Bill repeals parts within the Illegal Migration Act 2023, including the duty to remove and associated provisions.

- c) **Detention and exercise of functions pending deportation:** The Bill confirms the Home Office's ability to detain someone from the point at which the Home Office serves notification that deportation is being considered. The powers to take biometrics and search for nationality documents in these circumstances is aligned with the power to detain.
- d) **Amendments to the governance arrangements for the Immigration Services Commissioner:** The Bill amends the governance arrangements of the Immigration Services Commissioner (ISC), ensuring it is a modern, efficient and flexible regulator equipped to meet the challenges of effective regulation of immigration advice.
- e) **Extension of personnel who can take biometric information:** The Bill enables contractors at short-term holding facilities to be able to take biometric information and allows for the Home Secretary to designate further authorised persons to take biometric information in the future, should the need arise. This will reduce the risk of delaying or missing the capture of biometric information.
- f) **Collection of biometrics outside of a visa application process:** The Bill creates a power to take biometrics without (and irrespective of) the need for an immigration application from persons not in the UK. This will enable the Home Secretary to understand whether the person might pose a risk of harm prior to facilitating their exit from a country.
- g) **Retrospective authority for fees relating to English language and UK and overseas qualifications:** The Bill provides retrospective statutory authority for fees charged in connection with the following three services provided by a third-party supplier on behalf of the Home Office and the Department for Education (DfE):
  - 1) The Home Office Visas and Nationality Service ("the HO V&N service")
  - 2) The DfE UK European Network of Information Centres (ENIC) Services ("the DfE UK ENIC services")
  - 3) The non-UK Early Years (EY) Qualifications Recognition Service ("the DfE EY service").

## 2. Strategic case for proposed regulation

### Border Security Command

9. The border is a vital strategic asset, protecting the UK from international threats, enforcing UK domestic laws and underpinning legitimate systems to enable British citizens to go about their lives freely and confidently. Border security is fundamental to both national and economic security.
10. Threats to the UK from serious and organised crime, including OIC, terrorism and hostile state actors are rapidly evolving alongside the techniques used to penetrate the UK border, bringing social and economic disruption to the UK and undermining public confidence. The first duty of government is to protect its citizens, and it must keep up with and stay ahead of these threats.
11. The BSC was established on 5 July 2024 and is being led by Martin Hewitt CBE QPM. The BSC is leading the required step change in the UK's approach to border security. For the first time there is a clear and long-term vision for border security, bringing together and providing leadership to all parts of the system that work to maintain the integrity of the border and immigration systems, domestically and internationally.

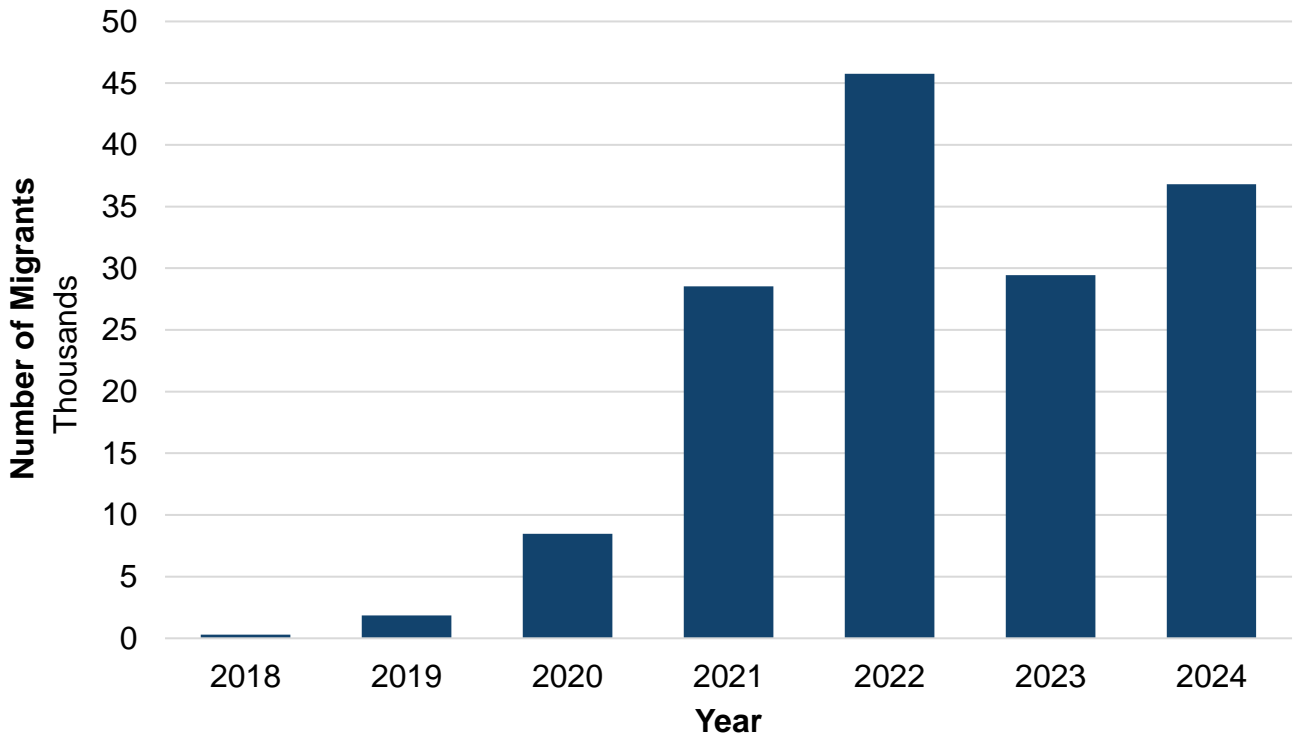
### Organised Immigration Crime

12. The BSC's first priority is preventing OIC and reducing irregular migration to the UK. The threat from OIC is increasing in scale and complexity, spanning multiple countries, nationalities, and criminal methodologies. While the techniques used by OCGs to facilitate irregular migration are growing increasingly sophisticated, the demand for their services also continues to rise as a result of global instabilities, ranging from conflict to climate and economic factors.
13. The UK's border security continues to be undermined, particularly by OCGs facilitating dangerous small boat crossings. Previous approaches to preventing OIC have led to OCGs adapting their methodology to circumvent controls, and despite enforcement action including arrests and convictions for people smuggling in the UK, dangerous small boat crossings have continued with the loss of life.
14. Small boats have been the predominant recorded method of entry for irregular arrivals since 2020. In the year ending September 2024, of the 36,949 detected irregular arrivals, 81 per cent arrived by small boat.<sup>5</sup>
15. The largest annual total of small boat arrivals occurred in 2022, with 45,755 migrants arriving by small boats. Latest figures for 2024 show 36,816 migrants arriving by small boats, an increase from 29,437 in 2023. These figures are illustrated in Figure 1, below.

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<sup>5</sup> Irregular arrivals – GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-people-come-to-the-uk-irregularly?>

**Figure 1: Total Number of Small Boat Arrivals, 2018 to 2024<sup>6</sup>**



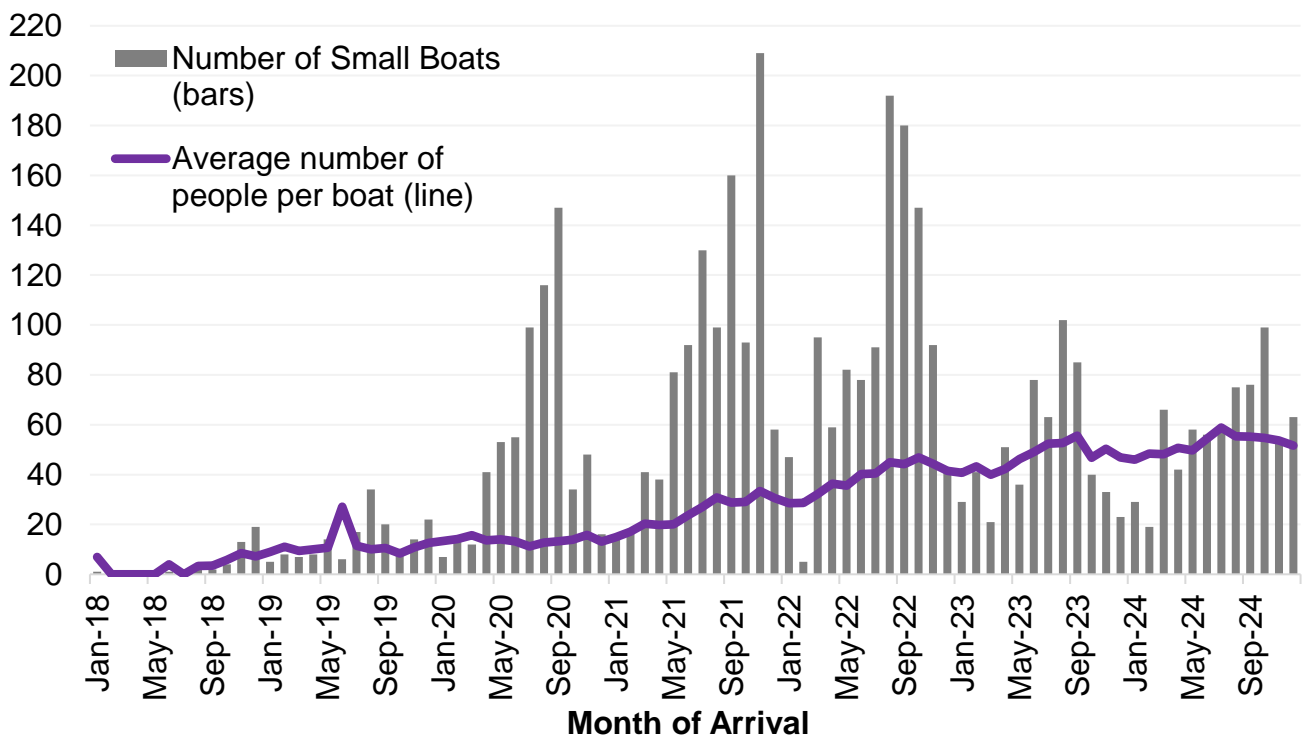
Source: Published HO Statistics

16. In 2024, 36,816 migrants arrived in the UK on 695 small boats. This increased from 29,437 migrants on 602 small boats in 2023. The average number of people per boat has also increased to 53 people per boat in 2024 compared with an average of 41 people per boat in 2022.<sup>7</sup> The high number of people per boat only serves to increase the danger of these crossings. These figures are illustrated in Figure 2, below.

<sup>6</sup> Small boat activity in the English Channel - GOV.UK: <https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats>

<sup>7</sup> Ibid.

**Figure 2: Number of small boats arriving and average number of people per boat, January 2018 to December 2024<sup>8</sup>**



Source: Published HO Statistics

17. Migrant fatalities continue to take place whilst trying to cross the Channel. The danger of crossings is highlighted by several reports which suggest that fatalities associated with small boat crossings were particularly high in 2024. The International Organisation for Migration (IOM), a UN agency, that tracks the number of people who die crossing the Channel, estimated that at least 78 migrants died whilst attempting to cross the Channel in 2024.<sup>9,10</sup>
18. There have been several cases of individuals using other methods of entry which are equally as dangerous. These include via concealment in freight vehicles, which led to the tragedy at Purfleet in October 2019 when 39 people died in a refrigerated trailer.<sup>11</sup>
19. To disrupt organised crime networks, deter irregular migration to the UK, and reduce the loss of life caused by OIC, the government must degrade the enablers that allow networks to operate and profit from conducting OIC in the UK and overseas. New legislation is required to create enhanced powers and ways of working to enable:
  - a) Better systems leadership and joined up working to strengthen border security.
  - b) Increased capability and powers to prevent OIC from taking place.

<sup>8</sup> Ibid.

<sup>9</sup> Europe | Missing Migrants Project: <https://missingmigrants.iom.int/region/europe>

<sup>10</sup> Missing Migrants Project data include the deaths of migrants who die in transportation accidents, shipwrecks, violent attacks, or due to medical complications during their journeys. It also includes bodies found at border crossings that are categorised as the bodies of migrants, on the basis of belongings and/or the characteristics of the death. Full details on methodology can be found here – Methodology | Missing Migrants Project: <https://missingmigrants.iom.int/methodology>

<sup>11</sup> Essex lorry deaths - Men jailed for killing 39 migrants in trailer - BBC News: <https://www.bbc.co.uk/news/uk-england-essex-55765213>



- c) Better information and data sharing to enable disruption of people smuggling networks and supply chains.
- d) Prevention of harm or loss of life at sea.

### **Immigration and asylum**

- 20. The UK continues to see increased numbers of individuals presenting themselves at the border through a variety of irregular routes. Since 2018, 94 per cent of the people arriving on a small boat have had an asylum claim recorded, with small boat arrivals accounting for 28 per cent of the total number of people claiming asylum in the UK in the year ending September 2024.<sup>12</sup> This has added pressure on to the UK asylum system, which has seen the number of overall cases in the system increase from 55,814 at the end of June 2014 to 224,742 at the end of June 2024, an increase of over fourfold in the last decade.<sup>13</sup>
- 21. It is a government priority to secure the UK's borders from immigration abuse, whilst simultaneously building a modern and effective immigration and asylum system which will protect those fleeing from danger alongside processing and returning those with no right to remain. New interventions are required to address the challenges the system faces.

### **Serious and Organised Crime**

- 22. The UK border is both a potential vulnerability and a critical intervention point against organised criminals. Many OCGs who engage in smuggling people across the border also see opportunities in using these activities to maximise profits by importing dangerous goods for use in organised crime in the UK. OCGs often engage in more than one form of criminality to mitigate risks, reduce operational costs, and increase profit margins.<sup>14</sup>
- 23. Serious and organised crime can lead to local-level criminal activity, as the distribution of illegal drugs and firearms contributes significantly to violence and disorder within communities. Disrupting the groups who carry out these illegal activities and those that enable them will help address the societal harm that occurs in communities. New interventions are required to strengthen civil orders to prevent and disrupt the activities of the highest harm offenders, including those who seek to carry out immigration offences.

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<sup>12</sup> Asylum claims from small boat arrivals – GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-people-come-to-the-uk-irregularly?>

<sup>13</sup> How many asylum cases are awaiting an initial decision? – GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-cases-are-in-the-uk-asylum-system>

<sup>14</sup> NSA 2024 - Overview of Serious and Organised Crime - National Crime Agency: <https://www.nationalcrimeagency.gov.uk/nsa-overview-of-soc-2024>

### **3. SMART objectives for intervention**

24. The proposals create legislation which will:
- a) Through the provision of new powers and data-sharing arrangements, enable law enforcement agencies to investigate, detect and disrupt OIC and serious and organised crime, in turn deterring irregular migration to the UK and reducing small boat crossings and loss of life in the Channel.
  - b) Establish the framework for the Border Security Command to provide systems leadership for border security to respond to current and future threats.
  - c) Strengthen the UK's wider immigration and asylum system, including protecting it against abuse, in turn rebuilding public confidence in the UK migration and borders system.

### **4. Description of proposed intervention options and explanation of the logical change process whereby this achieves SMART objectives**

25. To meet the objectives set out in Section 3 above, the preferred intervention option is to introduce the Bill.
26. The intended Theory of Change (ToC) outcomes of this option are:
1. The UK border is an effective intervention point for OIC and other threats.
  2. OCGs are disrupted and unable to operate effectively, both at the border and upstream.
  3. The UK immigration and asylum system is supported and strengthened.
27. The four pillars are as follows.

#### **Pillar 1 - The framework within which the Border Security Command can operate**

28. In support of objective b), the proposed intervention within Pillar 1 is set out in '1. Summary of proposal' above.
29. The Border Security Commander will be made a statutory office holder, exercising statutory functions directly conferred on them by this legislation. This legislative change will meet the objective of making the role of the Commander an enduring one, giving them the authority to be an effective system leader, cohering and driving cross-government systems to improve the collective response to cross-border threats.
30. This legislation will enable the BSC to provide enhanced leadership and coordination across the border security system, ensuring that the UK border is an effective intervention point (ToC outcome 1). This measure, in itself, is an enabler function for other measures contained within the Bill.

#### **Pillar 2 - Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats**

31. In support of objective a), the proposed interventions within Pillar 2 are set out in '1. Summary of proposal' above.

32. The expansion of data sharing capabilities between government departments and agencies will assist in developing the intelligence picture for OIC and other threats to UK border security. The improved sharing of data will enhance abilities to identify risks, whether for policing, customs, immigration, or wider law enforcement (OIC and/or serious and organised crime) purposes, as well as to prevent the loss of human life. This will support the effectiveness of the UK border as an intervention point (ToC outcome 1) as well as enabling disruption of OCG's (ToC outcome 2).

### **Pillar 3: New and enhanced powers to strengthen border security**

33. In support of objective a), the proposed interventions within Pillar 3 are set out in '1. Summary of proposal' above.
34. The proposed interventions create an array of new, stronger powers for law enforcement agencies to prevent, investigate and bring prosecutions against OIC activity, and provide additional deterrents and penalties for criminals involved in OIC. The interventions will strengthen the UK's border security beyond OIC, with additional powers for law enforcement and the justice system to disrupt and prevent other individuals and groups involved in serious and organised crime from harming the UK. The proposed interventions will enable:
- Interceptions of members of OCGs.
  - Improved legal powers to disrupt and deter serious and organised crime facilitators.
  - Prosecution of individuals who place any other person at risk of death or serious injury whilst travelling on a small boat.
  - Disruption of equipment supply chains.
35. Collectively, the measures will disrupt OCGs who pose a threat to the UK border (ToC outcome 2) and support the effectiveness of the UK border as an intervention point (ToC outcome 1).

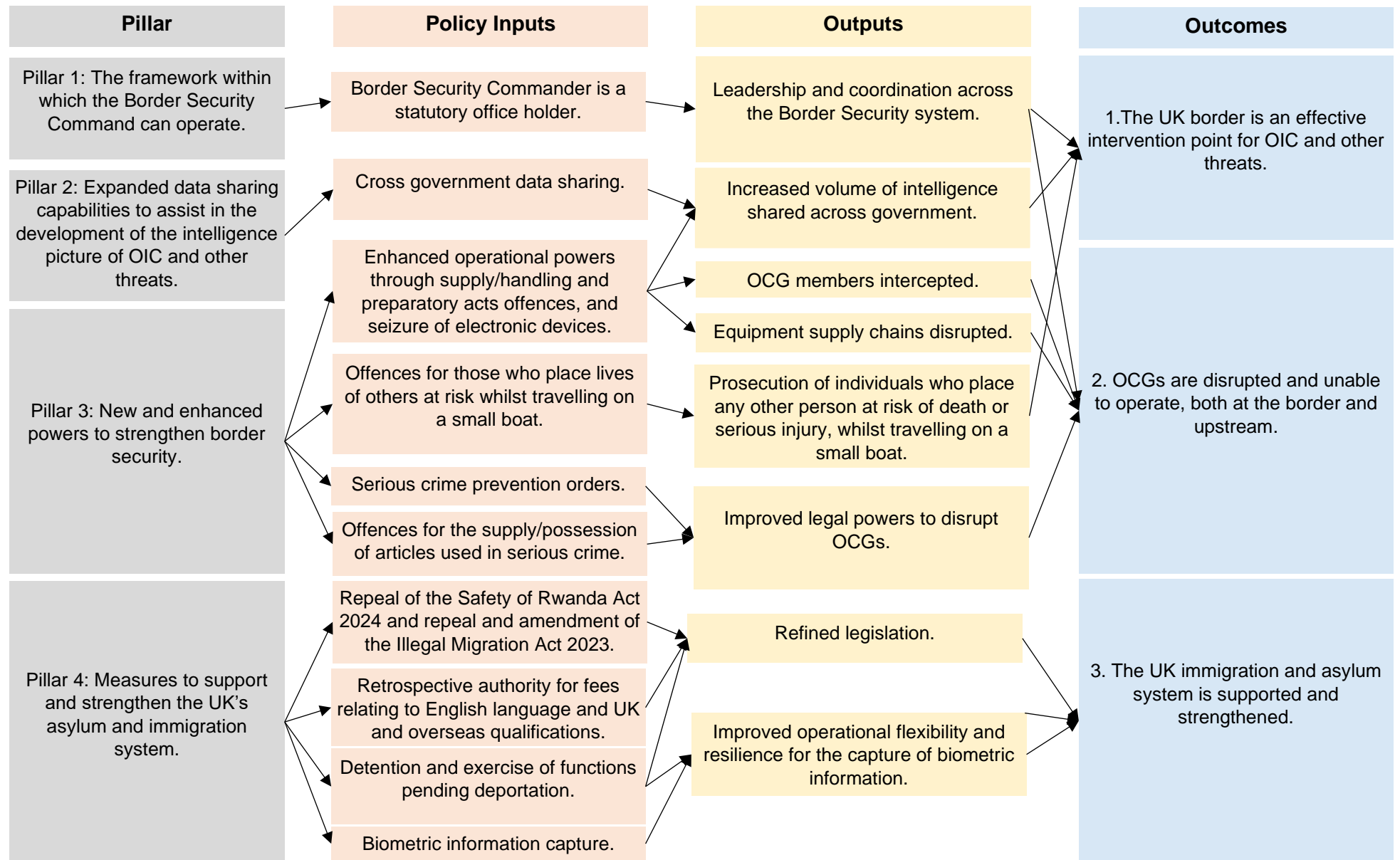
### **Pillar 4: Measures to support and strengthen the UK's asylum and immigration system**

36. In support of objective c), the proposed interventions for Pillar 4 are set out in '1. Summary of proposal' above. Pillar 4 includes a range of necessary interventions which will:
- Refine existing legislation.
  - Improve operational flexibility and resilience for the capture of biometric information.
37. Collectively, the measures allow the government to operate efficiently, to support and strengthen the UK's immigration and asylum system (ToC outcome 3).

### **Theory of Change**

38. A ToC sets out how policies have direct and indirect effects that contribute to achieving final intended outcomes and objectives. The Bill ToC, outlined in Figure 3, covers the preferred package of policies using economic principles and evidence of the impact of policies.
39. A ToC sets out how the measures outlined in the Bill will contribute towards the broader outcomes the Home Office is trying to achieve. This is demonstrated below through the flow from policy inputs (the measures), through to the outputs (the deliverables of the measures), and finally the outcomes which are a result of the collective impact.

**Figure 3: Theory of Change – Border Security, Asylum and Immigration Bill**



## 5. Summary of long-list and alternatives

40. The government's Manifesto set out several milestones for change that included delivery on the foundations of a stable economy, secure borders, and national security.
41. As this legislation forms part of a manifesto commitment to implement change linked to secure borders,<sup>15</sup> a long list of policy options was not developed for this impact assessment. Consideration was still given to non-regulatory options and the impacts to small and micro businesses.
42. In addition, alternatives to the legislation would not have been enough to achieve the government's objective of restoring the confidence needed to meet the commitments set out in the Manifesto and the government's Plan for Change,<sup>16</sup> as this required the creation of new offences and changes to existing legislation.

## 6. Description of shortlisted policy options carried forward

43. This impact assessment focuses on a limited number of options, given that the government's Manifesto sets out the government's objectives for border security. The Home Office has considered the preferred approach against a counterfactual 'do-nothing' option.
44. The government has taken forward two options:
  - **Option 0: 'Do nothing'**. Do not implement the proposals outlined in the Border Security, Asylum and Immigration Bill. The 'do-nothing' option would not deliver the desired policy objective. Previous and existing legislative interventions have failed to deter crossings or prosecute the people smugglers responsible for OIC, and the UK's immigration and asylum system is under pressure.
  - **Option 1: Full Implementation of the Bill** in which all measures outlined in this impact assessment are introduced. This includes establishing the framework in which the Border Security Commander can provide systems leadership for border security to respond to current and future threats, and enabling law enforcement agencies to investigate, detect, and disrupt OIC. The UK's wider immigration and asylum system will also be supported and strengthened under this option.

**Option 1 is the government's preferred option** as it meets the strategic and policy objectives for border security.

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<sup>15</sup> Labour's Manifesto / Strong foundations – The Labour Party: <https://labour.org.uk/change/strong-foundations/>

<sup>16</sup> Strong Foundations - GOV.UK: <https://www.gov.uk/missions/strong-foundations>

## 7. Regulatory scorecard for preferred option

### Part A: Overall and stakeholder impacts

(1) Overall impacts on total welfare		Directional rating
<p><b>Description of overall expected impact</b></p>	<p>The overall rating of the measures within the Bill is assessed to be <b>Positive</b>. This is based on the impact within each pillar being as follows:</p> <p>Pillar 1 – <b>Positive</b>, due to negligible costs of measures against its (non-monetised) benefits.</p> <p>Pillar 2 – <b>Positive</b>, also due to negligible costs of measures against non-monetised benefits.</p> <p>Pillar 3 – <b>Uncertain</b>. Although there is expected to be a positive impact from the serious and organised crime powers contained within this pillar, the impact of new and enhanced OIC powers introduced in this pillar cannot be assessed accurately. While non-monetised impacts are expected to be positive, their scale is uncertain and thus overall impacts remain uncertain. It has not been possible to make a well-evidenced assessment of the overall impact of this pillar.</p> <p>Pillar 4 – <b>Neutral</b>, benefits from measures in this pillar are either positive or negligible, meaning that overall, measures from this pillar will have a neutral expected impact against the cost of implementation.</p>	<p><b>Positive</b></p>
<p><b>Monetised impacts</b></p>	<p>A total -£10.4 million to -£20.0 million Net Present Social Value (NPSV) is expected from the measures contained within the Bill, with a central estimate of <b>£-13.6 million</b> over the 10-year appraisal period.</p> <p>These expected costs mostly come from measures contained within Pillar 3. It has not been possible to monetise costs for some measures, including criminal justice impacts, so it is possible that the full monetised impacts from the Bill could be greater than currently assessed.</p> <p>Due to the nature of these measures, and the limitation in methodology, it has not been possible to monetise the benefits associated with these measures. This is further expanded upon in the non-monetised impacts section.</p>	<p><b>Negative</b></p>

<p><b>Non-monetised impacts</b></p>	<p>The overall rating of the measures within the Bill is assessed to be <b>Positive</b>. This is based on the impact within each pillar being as follows:</p> <p>Pillar 1 – <b>Positive</b>, due to improved efficiency and greater strategic direction with the introduction of the Border Security Commander.</p> <p>Pillar 2 – <b>Positive</b>, coming from increases in the level and quality of data capture to support border security outcomes.</p> <p>Pillar 3 – <b>Positive</b>. Increased disruption and detection of OIC and OCG facilitators of OIC through new legislation and increased powers that will improve prosecution outcomes for serious and organised crime facilitators, disrupt equipment supply chains and intercept key members of OCG groups.</p> <p>Pillar 4 – <b>Neutral</b>. Where measures provide a benefit under this pillar, they are around the operational ability to capture biometrics, and avoided liability to provide refunds for fees charged.</p>	<p><b>Positive</b></p>
<p><b>Any significant or adverse distributional impacts?</b></p>	<p>Equalities considerations have been made in respect of the measures and are covered separately in the Equalities Impact Assessment (EIA) for the Bill.</p>	<p><b>Neutral</b></p>
<p><b>(2) Expected impacts on businesses</b></p>		
<p><b>Description of overall business impact</b></p>	<p>The business impact of the measures within the Bill is assessed to be <b>Negative</b>. The majority of impacts to business across the Bill are negligible.</p> <p>However, the serious and organised crime measures listed within <b>Pillar 3</b> may see some negative impacts to businesses, where private sector legal firms may have to familiarise themselves with the new legislation.</p> <p>Given there are no direct expected benefits to business from the measures in the Bill, there will be a small negative overall business impact.</p>	<p><b>Negative</b></p>
<p><b>Monetised impacts</b></p>	<p>Based on a likely Business £-0.1 million Net Present Value (NPV) and</p> <p>£-0.02 million Equivalent Annual Net Direct Cost to Business (EANDCB).</p>	<p><b>Negative</b></p>

	These expected costs come from measures where businesses must familiarise themselves with new legislation.	
<b>Non-monetised impacts</b>	It is not expected that there will be non-monetised impacts to businesses from this Bill.	<b>Neutral</b>
<b>Any significant or adverse distributional impacts?</b>	It is not expected that the measures contained within this Bill will cause any significant or adverse distributional impacts to businesses.	<b>Neutral</b>
<b>3) Expected impacts on households</b>		
<b>Description of overall household impact</b>	<p>The household impact of the measures within the Bill is assessed to be <b>Neutral</b>. The majority of impacts to households across the Bill are again negligible.</p> <p>The serious and organised crime measures listed within <b>Pillar 3</b> may see positive impacts to households, where serious crime is reduced due to monitoring of criminal with SCPOs and interim SCPOs, as well as fewer serious and organised crime articles being available for criminals to commit serious offences linked to organised crime.</p>	<b>Neutral</b>
<b>Monetised impacts</b>	A NPV for Household impacts has not been calculated. It is not expected that there will be any monetised impacts on households as a result of the measures in the Bill.	<b>Neutral</b>
<b>Non-monetised impacts</b>	It is expected that there will be minimal non-monetised impacts to households from the Bill, with potential impacts being stated only within Pillar 3, where serious crime is reduced as a result of measures within this pillar.	<b>Neutral</b>
<b>Any significant or adverse distributional impacts?</b>	It is not expected that the measures contained within the Bill will cause any significant or adverse distributional impacts to households.	<b>Neutral</b>



## Part B: Impacts on wider government priorities

Category	Description of impact	Directional rating
<b>Business environment:</b> Does the measure impact on the ease of doing business in the UK?	Most measures are not expected to have an impact on the business environment of the UK.	Neutral
<b>International Considerations:</b> Does the measure support international trade and investment?	Most measures are not expected to have an impact on trade.	Neutral
<b>Natural capital and Decarbonisation:</b> Does the measure support commitments to improve the environment and decarbonise?	It is not expected that the measures in the Bill will have any impact on the state of UK natural capital <sup>17</sup> and decarbonisation of the economy. It is also not expected that the measures in the Bill will have any effect on the environment or greenhouse gas emissions. <sup>18</sup>	Neutral

<sup>17</sup> The Green Book (2022) - GOV.UK: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#a1-non-market-valuation-and-unmonetisable-values>

<sup>18</sup> Green Book supplementary guidance - valuation of energy use and greenhouse gas emissions for appraisal - GOV.UK: <https://www.gov.uk/government/publications/valuation-of-energy-use-and-greenhouse-gas-emissions-for-appraisal>

## **8. Monitoring and evaluation of preferred option**

45. The Home Office will monitor and evaluate measures within the Bill. The department is establishing appropriate monitoring and evaluation strategies with programme stakeholders, for specific measures.
46. Given the importance of evaluating the future impact of the novel measures in the Bill, the BSC will monitor and evaluate activity once the measures contained in the Bill have been implemented. This will be supported by a new performance monitoring function being established within the BSC, in addition to investment in the data improvements necessary to effectively monitor performance.
47. The approach taken for each measure within the Bill may differ. The monitoring will involve collecting and analysing data from a range of indicators to monitor whether the measures introduced are meeting the objectives set.
48. Future evaluations will be conducted in line with HM Treasury Magenta Book<sup>19</sup> principles to provide detailed insight on the process, impact, and value for money of changes implemented. These will be integrated into the delivery of the Bill and evaluation reports published to provide an assessment of impact.
49. Following the placement of the Border Security Commander on a statutory footing, and as soon as reasonably practicable after the end of each financial year, the Border Security Commander will prepare an annual report. A copy of this report will be sent by the Border Security Commander to the Home Secretary who will lay it before Parliament ahead of publication.
50. The annual report will state how the Border Security Commander has carried out the functions of the Commander in the financial year, outlining the Commander's views on the performance of the border security system in the financial year, with reference to the strategic priorities identified by the Commander in that year.
51. The Home Office will, within three to five years after the legislation has received Royal Assent, submit to the relevant House of Commons departmental select committee a memorandum reporting on elements of the Act's implementation and operation.

## **9. Minimising administrative and compliance costs for preferred option**

52. The assumed administrative and compliance costs are expected to be minimal. They are one-off familiarisation costs where familiarisation time is minimal.
53. There will be set-up familiarisation costs to government and law enforcement agencies, who will need to familiarise themselves with the new legislation. These groups and individuals will need guidance, policy instructions, and training aligned with operational delivery and implementation for operational teams to follow to perform their duties.
54. One-off familiarisation costs for legal professionals are expected as the change in legislation will mean that lawyers, solicitors, and other legal professionals will have to

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<sup>19</sup> The Magenta Book - GOV.UK: <https://www.gov.uk/government/publications/the-magenta-book>

familiarise themselves with how the new legislation affects decisions during charges, court proceedings, prosecutions, convictions, and sentencing.

55. Ongoing costs to the private sector are expected to be minimal. The government will ensure that, where appropriate, guidance is published to ensure all stakeholders have the information required to make necessary adjustments.

## **9. Main assumptions / sensitivities and economic / analytical risks**

56. Assumptions which apply to the appraisal of all measures in this impact assessment are as followed:

- The appraisal period for measuring the impacts of the proposed new legislation is 10 years.
- The appraisal period starts in 2025/26, ending in 2034/35 and assumes operationalisation from September 2025.
- A 3.5 per cent annual social discount rate is used.<sup>20</sup>
- Annual costs and benefits are in 2025/26 prices.
- Present Values (PV) are in 2025/26 prices.
- All costs and benefits are relative to the 'do nothing' Option.

57. This impact assessment has considered the relevant evidence base across OIC and irregular migration in developing its modelling and analysis. This includes official Home Office published statistics such as the irregular migration to the UK, year ending September 2024 publication,<sup>21</sup> as well as other internal sources of data and expertise. Detailed assumptions and methodologies for individual measures that have been costed can be found in the Annex.

### **Risks**

58. In appraising the preferred option, consideration has been made to the potential risks that may impact across the entire legislation. The inclusion of these risks in the impact assessment does not assign a likelihood to these risks materialising, as it is not possible to accurately quantify them.
59. The main analytical risk is a lack of monetised analysis. The level of current available data and evidence meant it was not possible to monetise all costs and benefits. There is a risk that costs and benefits would be higher than it has been possible to estimate, due to this limited evidence base, meaning overall impact may differ. This will be mitigated by the rigorous monitoring and evaluation programme outlined in Section 8.

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<sup>20</sup> The Green Book (2022) - GOV.UK: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

<sup>21</sup> How many people come to the UK irregularly? - GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-people-come-to-the-uk-irregularly>

60. It has not been possible to obtain volume and unit cost estimates related to all individual measures. Where available evidence has allowed this, unit costs and volumes have been included. Else, these have been articulated in the supporting narrative.

## Declaration

Department:

Home Office

Contact details for enquiries:

BSCBillTeam@homeoffice.gov.uk

Minister responsible:

Secretary of State for the Home Department

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed:



Date:

30 January 2025

## Summary: Analysis and evidence

Price base year: 2025/26

PV base year: 2025/26

		0. Do Nothing (Baseline)	1. Preferred Option (Full Implementation)
<b>Costs (£m)</b>	Low	-	10.4
	High	-	20.0
	<b>Best</b>	-	<b>13.6</b>
(Distinguish between setup and ongoing costs, as well as private/public costs)		-	Of which: £4.0 million in set up costs £9.6 million in ongoing costs
<b>Benefits (£m)</b>	Low	-	-
	High	-	-
	<b>Best</b>	-	-
(Distinguish between setup and ongoing benefits, as well as private/public benefits)		-	-
<b>Net present social value (£m)</b>	Low	-	-10.4
	High	-	-20.0
	<b>Best</b>	-	<b>-13.6</b>

	<b>0. Do Nothing (Baseline)</b>	<b>1. Preferred Option (Full Implementation)</b>
<b>Public sector financial costs</b> (with brief description, including ranges)	-	-
<b>Significant un-quantified benefits and costs</b> (description, with scale where possible)	-	<p>Un-quantified benefits include:</p> <p>Pillar 1 - Improved efficiency and strategic direction from the introduction of the Border Security Commander, allowing for faster decision-making processes and operationalising of border security capability.</p> <p>Pillar 2 - Better data with which to investigate, detect and disrupt facilitators of OIC, as well as improved cross government relations, allowing Home Office to support border security outcomes related to OIC.</p> <p>Pillar 3 - Increased disruption and prosecution of OCGs that facilitate OIC with new legislation and increased powers for law enforcement, and potential reduction in serious crime.</p> <p>Pillar 4 – Avoidance of future costs and flexibility of governance and staff deployment at UK sites.</p> <p>The measures contained within the Bill aim to reduce the harm to the UK from OIC and other organised crime, and effectively disrupt OCGs that profit from facilitating it. Within the Bill, this is achieved directly by creating new legislation, and by enabling new or increased powers that enable law enforcement to better support interventions at the UK border against OIC and other serious crime.</p> <p>Un-quantified costs also exist around potential Criminal Justice System impacts. The scale and impact of these costs against the un-quantified benefits stated above is uncertain.</p>

<p><b>Key risks</b> (and risk costs, and optimism bias, where relevant)</p>	<p>-</p>	<p>Every effort has been made to ensure the analysis in this impact assessment presents the best possible estimate of the likely impact of the options. Several measures within the Bill are novel in their approach to strengthening border security. As such, it has not been possible to accurately estimate the full impact of these measures. Specific risks are outlined within the evidence base, including the application of optimism bias where relevant.</p>
<p><b>Results of sensitivity analysis</b></p>	<p>No sensitivity tests undertaken.</p>	<p>No sensitivity tests undertaken.</p>



## **Evidence base**

1. This impact assessment is a summary of the Home Office measures covered in the Bill which are intended for introduction. The measures appraised are listed earlier in the impact assessment in Section 1.

### **Strategic objective and policy overview**

2. The proposals create legislation which will:
  - Through the provision of new powers and data-sharing arrangements, enable law enforcement agencies to investigate, detect and disrupt OIC and serious and organised crime, in turn deterring irregular migration to the UK and reducing small boat crossings and loss of life in the Channel.
  - Establish the framework for the Border Security Command to provide systems leadership for border security to respond to current and future threats.
  - Strengthen the UK's wider immigration and asylum system, including protecting it against abuse, in turn rebuilding public confidence in the UK migration and borders system.
3. To do this, the Bill contains 16 headline interventions within four pillars, outlined in the next section.

### **Pillar 1: The framework within which the Border Security Command can operate**

#### **Measure 1: Making the Border Security Commander a statutory office holder**

##### **Background**

4. The border is a vital strategic asset, protecting the UK from international threats, enforcing UK domestic laws and underpinning legitimate systems to enable citizens to go about their lives freely and confidently. Border security is fundamental to both UK national security and economic security.

##### **Problem under consideration and rationale for intervention**

5. Threats to the UK from serious and organised crime, including OIC, terrorism and hostile state actors are rapidly evolving alongside the techniques used to penetrate the UK border, bringing social and economic disruption to the UK, and undermining public confidence. The first duty of government is to protect its citizens and it must keep up with and stay ahead of these threats.
6. The provision of making the Border Security Commander a statutory office holder ensures that the BSC will lead the required step change in the UK's approach to border security. It will, for the first time, provide a clear and long-term vision for border security, bringing together and providing leadership to all parts of the system that work to maintain the integrity of the border and immigration system, domestically and internationally.

##### **Policy objective**

7. With the collective agreement of the Home Secretary and Prime Minister, the Border Security Commander, in collaboration with partners, will agree the government's strategic priorities for border security. The BSC will work closely with other government departments and agencies, including HMRC and FCDO, as well as the UK Intelligence

Community and operational partners, including Border Force, the NCA, Immigration Enforcement and policing, to achieve those priorities.

8. This will ensure that the government's full range of capabilities, including that of the UK intelligence community, are maximised and brought to bear on those exploiting the UK border. The policy intention maintains the operational independence of partners whilst ensuring the Border Security Commander can agree and share strategic priorities with partners to improve the government's collective response to cross-border threats.

#### **Indicators of success**

9. Indicators of success will include improved border security system outcomes, with the Border Security Commander established as the system leader, as well as a more efficient collective response to current and future threats to the UK's border security.
10. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

### **Pillar 2: Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats**

#### **Measure 2: Sharing of customs information by HMRC**

##### **Background**

11. The Home Office, and partner agencies such as HMRC, the police, and the NCA, rely on information sharing to understand and to make evidence-based predictions (known as 'risking') about who and what is expected to cross the border, and who is enabling or causing people and commodities to cross. The main datasets are held by HMRC.
12. The Home Office and other partners need this data to be able to make fully informed decisions about risking and interventions. Without satisfactory data sharing, the Home Office is significantly less able to identify and thereby disrupt high risk crossings, which may be associated with serious organised criminality, including OIC, modern slavery, and human trafficking.

##### **Problem under consideration and rationale for intervention**

13. Existing statutory provisions to share HMRC data are complex, fragmented, and unhelpfully restrictive. There are a number of shared powers and duties, with different rules for different types of information. Where there is a statement in legislation that information may be shared, there are often complex caveats and a lack of clarity about how different provisions intersect.
14. This lack of clarity – coupled with the fact that it is a criminal offence for a person to share information unlawfully – means that information is not being shared and agencies are working in silos. Furthermore, existing gateways were not designed with modern big data analytic tools in mind, and their restrictions are incompatible with the Home Office's modern-day requirements.

##### **Policy objective**

15. The objective is to provide HMRC with a discretionary power to simplify the existing processes and remove legal barriers for HMRC to share any data it holds in connection with its customs functions with the Home Office, other government departments (within

the meaning of the Data Protection Act 2018)<sup>22</sup>, and other authorised persons (essentially the police).

16. The policy is driven by the Home Office's need to use big data analytics as well as a requirement from the Home Office Intelligence data analytics platform, for increased data sharing and analysis. Data shared with the Home Office in line with this provision may be used for the full range of Home Office functions. Similarly, data shared with other government departments and other authorised persons may be used for the full range of their own functions.
17. Onward disclosure of data shared with government departments, such as the Home Office, would generally be restricted to disclosure to another government department or to another authorised person for use for a range of purposes (including immigration, customs, law enforcement, national security, or human welfare purposes).
18. However, the Home Office will also be able to onwardly disclose the information (including internationally) to any authorised person, but only for specified purposes (including purposes connected with a criminal investigation or criminal or legal proceedings relating to an immigration function or a customs function). The new legislation will not revoke any existing gateways to how data is currently shared.
19. The creation of a new, consolidated provision to share information will provide an opportunity to make it easier for public bodies to understand the law and to share information lawfully. This will in turn support law enforcement activity to disrupt and dismantle OCGs, to prosecute offenders, and to safeguard vulnerable people. Data sharing will improve border security and border flow, delivering a world class border.

### **Indicators of success**

20. Indicators of success would entail HMRC being enabled to share large amounts of the data it holds for custom functions with the Home Office and other government departments, enabling the Home Office to analyse the data to identify suspicious patterns, activity, or other intelligence that would not be apparent if each dataset was considered in isolation.
21. Intelligence gathered because of this process will be of use for a wide range of purposes, including customs, law enforcement, national security, human welfare purposes, and immigration purposes, such as disrupting OIC groups and preventing the unlawful movement of people and goods into the country that fuels those groups.
22. The measure will support Border Force in their decision-making processes at the border to augment both border flow and national security, and provide stronger safeguarding for vulnerable people, particularly those who may otherwise become victims of modern slavery or human trafficking.
23. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

### **Measure 3: Sharing of trailer registration information**

#### **Background**

24. The DVLA data sharing provision intends to create a power for the DVLA to share some or all of the trailer registration data held (collected under Part 2 of the Haulage Permits

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<sup>22</sup> Data Protection Act 2018: <https://www.legislation.gov.uk/ukpga/2018/12/contents>

and Trailer Registration Act 2018)<sup>23</sup>, with the Home Office, HMRC, NCA, the police, and specified persons in the Crown Dependencies and Gibraltar (all with immigration, customs or law enforcement functions). It is intended to enhance each organisation's ability to identify trailers in connection with their functions and for a range of processing purposes (as applicable): law enforcement, policing, customs, immigration, national security and safeguarding vulnerable persons, and for the desired effect of improving border security.

25. The scope is designed to facilitate data sharing to enable operational co-operation between these bodies against threat actors abusing UK registered trailers, whether engaged in OIC, wider serious and organised crime concerned with goods, or both, and the onward sharing of information with other appropriate public bodies as required. For all organisations receiving the data, the intention is to enable the use of big data analytics.

### **Problem under consideration and rational for intervention**

26. In October 2019 an unaccompanied refrigerated trailer unit set-sail on a roll-on roll-off ferry journey from the Belgian port of Zeebrugge to the UK. When the trailer was opened shortly after arrival at Purfleet, 39 Vietnamese nationals were found dead. Improving the Home Office's ability to risk assess incoming (UK registered) trailers requires more permissive access to the DVLA's Trailer Registration Scheme<sup>24</sup> data for use for a wider range of processing purposes than legislation currently permits.
27. As with the HMRC data sharing provision, the Home Office and partner agencies such as HMRC, the police and the NCA, rely on information sharing to understand, and to risk assess, who and what is expected to cross the border, and who is enabling or causing people and commodities to cross.
28. This provision will establish an express power for the Secretary of State for Transport (DVLA acting on their behalf) to share some or all of the trailer registration data they hold with these bodies, further providing the Home Office and the police with a framework regulating the purposes for which they may process the data and to whom it may be further disclosed, while relying on existing governing statutes with respect to the NCA and HMRC for the same.
29. The overall effect will be to support the work of the Home Office, NCA, HMRC and the police to investigate and prosecute offenders and to safeguard vulnerable people. The measure will complement the HMRC measure, and other provisions in the Bill by enabling access to a key reference dataset aimed at improving border security.

### **Policy objective**

30. The objective is to enable the DVLA to share with the Home Office, NCA, HMRC and the police the information it holds under Part 2 of the Haulage Permits and Trailer Registration Act 2018, to be used in connection with the full range of those bodies' functions and specified purposes, including (for the Home Office) law enforcement<sup>25</sup> and human welfare purposes respectively.

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<sup>23</sup> Haulage Permits and Trailer Registration Act 2018: <https://www.legislation.gov.uk/ukpga/2018/19>

<sup>24</sup> Check if you need to register a trailer before towing it abroad - GOV.UK: <https://www.gov.uk/guidance/trailer-registration>

<sup>25</sup> "Law enforcement purposes" within the meaning of section 31 of the Data Protection Act 2018.

31. Sharing and onward disclosure with law enforcement bodies is not provided for under the Haulage Permits and Trailer Registration Act 2018. This legislation will enable this sharing by granting the DVLA a discretionary power capable of meeting the Home Office, NCA, HMRC, and police requirements; inter-agency data sharing to facilitate operational co-operation, and onward disclosure to other public bodies for specified purposes.
32. When matched by the Home Office with HMRC's customs data such as Safety and Security Declarations,<sup>26</sup> alongside other information and any HMRC, NCA and police referrals following their own investigations, it will enable these bodies to better understand, and to make evidence and intelligence-based risk assessments regarding who and what is expected to cross the border, and who is enabling or causing people and commodities to cross.
33. As the Home Office moves into big data analytics, real business benefits will arise by combining disaggregated datasets to provide a more holistic picture of trailer movements, and assessing related risks, at pace. With respect to the Home Office and the police – where it is necessary to further prescribe the processing purposes,<sup>27</sup> those specified are expressly intended meet the challenges of OIC/serious and organised crime threat actors operating across both people and goods smuggling.

#### **Indicators of success**

34. Indicators of success will include trailer registration information being provided to, and operationalised by, each of the Home Office, the police, NCA and HMRC, use of the data in connection with the prevention, investigation, detection and prosecution of criminal offences associated with the abuse of trailer movements across the border and in the UK by those engaged in the smuggling of people and goods, and the detection of people being transported in UK-registered trailers wherever possible.
35. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

### **Pillar 3: New and enhanced powers to strengthen border security**

#### **Measure 4: Enhanced OIC Powers**

##### **Background**

36. The Home Office intends to introduce new measures to disrupt OIC. These measures will enable law enforcement to search, seize, extract and retain information from electronic devices based on the reasonable grounds suspicion that the individual encountered is an illegal entry/arrival and will have information on their phone regarding OIC gangs.
37. These measures will also create two new offences of supplying, offering to supply, remove or dispose of articles that the individual knows or believes are to be used in OIC, and a research offence that will make it an offence to collect, possess, view or access information where law enforcement has reasonable suspicion that this has been done for the purposes of OIC.

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<sup>26</sup> The submission of Safety & Security Declarations for goods imported from the EU into GB will commence on 31 January 2025.

<sup>27</sup> For NCA and HMRC, the department can rely on the Crime and Court Act 2013, and the Commissioners for Revenue and Customs Act 2005, to regulate their use of the data in-line with their prescribed statutory functions respectively.

38. These measures are designed for law enforcement to be able to gather evidence on OIC gangs and enable the disruption of OIC gang activity earlier and faster.

### **Problem under consideration and rationale for intervention**

39. The absence of specific OIC powers undermines law enforcement's ability to secure an outcome, intervention, or disruption.

### **Policy objective**

40. The objective is to create new, stronger powers for law enforcement agencies to pursue, disrupt and deter OIC. Lower suspicion thresholds associated with the package of powers allows law enforcement to act earlier and faster, leading to increased disruptions and prosecutions under measures 4a and 4b and an improved strategic and operational intelligence picture from measure 4c. The package will make it as difficult as possible for OIC to take place or be facilitated in the UK, deterring further OIC. The package of OIC powers is made up of the following:

**a) A new offence of supplying, offering to supply or handling items where the supplier knows or suspects the item will be used in a section 24 or section 25 IA 1971 offence.**

41. The Bill creates a specific offence to supply, or offer to supply, articles that the supplier knows or suspects are to be used by any person for the purposes of an offence under section 24 (Illegal Entry and Similar Offences) or section 25 (Assisting Unlawful Immigration to the UK) of the IA 1971. The offence will cover other acts carried out for, or to assist, other people. It will have elements similar to the offence under section 57 of the Terrorism Act 2000<sup>28</sup> (TACT 2000): possession of articles for use in terrorism. The penalty for the new offence will be up to 14 years imprisonment.

42. The objective is to strengthen UK law enforcement's ability to target supply chains of prerequisite equipment, items, or vessels to facilitate illegal entry to the UK. "Supply" does not require proof of payment or reward. A "reasonably suspects" threshold (which is lower than intention or belief) will make it easier to catch those acting at too much distance from the people smuggling to be prosecuted under section 25 of the IA 1971 and where there is insufficient evidence of belief or intention to prosecute an individual under the Serious Crime Act 2007<sup>29</sup> (SCA 2007) or for conspiracy.

**b) A new offence measure of taking specified actions in circumstances giving rise to a reasonable suspicion of a connection with an offence under section 24 IA 1971.**

43. It will be an offence to collect, possess, view or access information where law enforcement has reasonable suspicion that it is for the purpose of OIC. For example, research into viable locations and departure points, dates and times, and transport for a journey to the UK where entry or arrival to the UK would be contrary to section 24 of the IA 1971. The offence includes a lower bar for prosecution of preparatory acts than in existing legislation. The offence will cover other acts carried out for, or to assist, other people. It will have elements similar to the offence under section 58 of the TACT 2000: collection of information useful for terrorism. The penalty for this offence is up to five years imprisonment.

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<sup>28</sup> Terrorism Act 2000: <https://www.legislation.gov.uk/ukpga/2000/11/contents>

<sup>29</sup> Section 45 of Serious Crime Act 2015: <https://www.legislation.gov.uk/ukpga/2015/9/section/45>

44. The objective is to provide a defence where the individual can demonstrate a reasonable excuse for researching this information, for example, use of the information for search and rescue purposes, to provide emergency or urgent care to those on the vessel, or where the information was for journalistic or academic research.
  45. Current legislation doesn't enable law enforcement to act at this early, preparatory stage in relation to collecting, possessing, viewing or accessing information for the purposes of OIC. The lower bar will mobilise investigations sooner than is currently possible when targeting section 24 IA 1971 offences and provides the tactical option of prosecuting sooner and disrupting OIC, before an irregular arrival has been facilitated – removing financial gain for facilitators and OCGs.
- c) New powers of search, seizure, retention and extraction for Immigration Officers and/or a police constable where there are reasonable grounds to suspect that a person has an electronic device that contains information or evidence relevant to facilitation offences under section 25 or 25A of the IA 1971.**
46. The powers can be applied to a “relevant person” who is someone who has arrived in or entered the UK without the required leave to enter or entry clearance, or in breach of a deportation order, or without a required electronic travel authorisation. This means the application of the powers will be based on a narrow cohort, predominantly consisting of irregular arrivals by small boat or lorry drop, for example.
  47. This measure will enhance law enforcement's ability to prevent OIC by providing stronger powers to search, seize, retain, and extract information from electronic devices based on reasonable grounds of suspicion that the individual is in possession of an article containing information relating to a facilitation offence. Information from electronic devices can be retained for evidence as part of court proceedings to improve prosecutions against OIC.
  48. The objective is to enable law enforcement to seize electronic devices based on reasonable grounds of suspicion, compared to current powers via the Police and Criminal Evidence Act 1984,<sup>30</sup> where the individual would need to be arrested, and the officer must believe there is information on the electronic device. The information secured will improve law enforcement's understanding of OCG activity and inform the strategic approach to preventing irregular and/or illegal means of travel. The power's use and extraction of information from a device is solely for recovering information about facilitation offences.
  49. Furthermore, the power will provide a new and important capability for law enforcement to use where there are currently no other powers in legislation other than voluntary disclosure by irregular migrants. Voluntary disclosure does not enable the intelligence-led profiling of irregular arrivals from whom device seizure may lead to further intelligence gathering and prevention, prosecution and disruption opportunities of facilitators and OCGs.

### **Indicators of success**

50. A key indicator of success will be increased operational prosecution of those involved in OIC. An increase in arrests and convictions as a direct result of this intervention may also cause disruptions to OCGs as there may be fewer members available to facilitate

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<sup>30</sup> Police and Criminal Evidence Act 1984: <https://www.legislation.gov.uk/ukpga/1984/60/contents>

irregular migration. The seizure of electronic devices leading to increased information collection on OCG activity, will support convictions of criminal facilitators and the disruption of criminal finances.

51. Linked ToC Outcome: 2. OCGs are disrupted and unable to operate, both at the border and upstream.

### **Measure 5: Protecting life at sea (endangerment offence)**

#### **Background**

52. Under the existing legislative framework, individuals who enter or arrive in the UK in a small boat or through any other irregular means are potentially within scope of section 24 of IA 1971 (illegal entry and similar offences). Individuals who knowingly facilitate illegal entry or arrival into the UK may be prosecuted under the separate, more serious offence of section 25 IA 1971 (facilitating the commission of a breach of immigration law). In practice, the public interest test in prosecuting individuals contrary to section 24 IA 1971 is subject to close scrutiny in line with guidance published by the Crown Prosecution Service (CPS).

#### **Problem under consideration and rationale for intervention**

53. Individuals are put at risk of serious injury, including of death, during sea crossings in the Channel which are inherently dangerous journeys. In the context of small boats specifically, due to the poor construction of these make-shift vessels, there are an increasing number of fatalities occurring in the waters. Therefore, there is an urgent need to deter people from taking these journeys and reduce the risk to life posed at sea. There are a number of specific endangering actions which take place at sea which need to be discouraged – for example; physical aggression towards other persons (both migrants on the boat or third parties such as rescue authorities), overcrowding of small boats where the vulnerable are placed in the middle and are more susceptible to being trampled, and continuing to travel to UK shores without accepting assistance from rescue authorities where there has been a fatality or serious harm done to a passenger on board.

#### **Policy objective**

54. As above, the policy objective is, in short, to deter people from (i) making extremely dangerous sea journeys to the UK and entering/arriving in the UK illegally, and (ii) acting in a way which causes a risk of serious injury or death during those journeys. Illegal entry/arrival offences exist under section 24 of the IA 1971, the emphasis of this new offence is on criminalising acts which have placed another person at risk of serious injury or death.
55. There does not need to be a fatality or actual harm caused for the offence to take effect. The measure will take the form of an aggravated offence section 24 of the IA 1971, meaning that there will be an increased sentence for those who are successfully prosecuted. The offence aims to reduce the number of people attempting to cross the Channel as well as the fatalities and injuries of those who do attempt it.

#### **Indicators of success**

56. The primary measure of success against this objective would be fewer fatalities at sea due to fewer people taking those journeys and a reduction in dangerous behaviour as a result.



57. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

## **Measure 6: Serious Crime Prevention Orders**

### **Background**

58. SCPOs are provided for under Part 1 of the SCA 2007. SCPOs are civil preventative orders which impose tailored prohibitions, restrictions and requirements on a person for a period of up to five years to prevent or disrupt their involvement in serious crime.
59. The terms of an SCPO might relate to business and financial dealings, use of premises or items, provision of goods or services, employment of staff, association with individuals, means of communication, or travel. Breach of an SCPO is a criminal offence carrying a maximum penalty of five years' imprisonment.
60. An SCPO can be made either by the Crown Court following a conviction or by the High Court in the absence of a conviction. Either court may only make an SCPO if it has reasonable grounds to believe that an order would protect the public by preventing, restricting or disrupting the individual's involvement in serious crime. In England and Wales, an application for an SCPO can only be made by the CPS, the Serious Fraud Office (SFO) or, in terrorism-related cases only, the police.
61. The harm caused by serious and organised crime, including through drugs and firearms trafficking, child sexual abuse and exploitation, modern slavery, OIC, cyber-crime, money laundering and fraud is significant and ongoing. The NCA data on ancillary orders indicates that individuals managed under SCPOs offend over the entire range of serious and organised crime types, with greatest concentration of offences occurring in drug crime, money laundering, fraud, and firearms offences.<sup>31</sup>
62. Improvements to the SCPO regime may help to disrupt a wide range of threat types and harms, which will positively affect the organisations, businesses, communities and individuals currently impacted by serious and organised crime and may help to reduce the economic and social costs of serious and organised crime.
63. The main stakeholders affected by the proposed measures are the agencies responsible for applying for, monitoring, and enforcing SCPOs. Any improvements to the processes for obtaining an SCPO, and the monitoring and enforcement of SCPOs once they are in place, will help to ensure that these agencies have the right tools to effectively manage the risk to the public posed by dangerous individuals involved in serious crime.

### **Problem under consideration and rationale for intervention**

64. SCPOs are a powerful tool for disrupting the activities of the highest-harm serious and organised criminals. However, SCPOs are not currently being used to maximum effect.
65. Applications to the High Court for SCPOs have been significantly lower than Parliament anticipated when it passed the SCA 2007. Between 2011 and 2021, only two applications were made to the High Court for an SCPO in the absence of a conviction,

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<sup>31</sup> Offenders with SCPOs reflect the priorities of law enforcement when they were obtained. The concentration of SCPOs in these areas may be owing to the fact that the legacy of past priorities is a large concentration of SCPOs granted against offenders with a history of drug crime and associated, fraud, money laundering, and firearms offences.

of which only one was successful. In the same period, a total of 1,057 SCPOs were made by the Crown Court on conviction.<sup>32</sup>

66. Monitoring and enforcement of SCPOs is currently inconsistent across different police forces in England and Wales. For example, the 2016 HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) PEEL Police Effectiveness report found that only 13 of the 43 police forces had clear arrangements in place for monitoring SCPOs.<sup>33</sup>
67. Government intervention will result in an improvement to the monitoring and enforcement of SCPOs by standardising the personal information which law enforcement agencies (LEAs) record in relation to individuals subject to an SCPO, leading to improved consistency of case management and information sharing between LEAs. The measures will also enhance LEAs' ability to closely monitor and disrupt the activities of persons subject to an SCPO, which will help to prevent serious crime from taking place.
68. Without government intervention to amend the current legal regime for SCPOs, the volume of High Court SCPOs may continue to be lower than Parliament anticipated when it passed the SCA 2007 and SCPOs may continue to be inconsistently monitored and enforced across LEAs, meaning that the public may be left inadequately protected from the threat of serious crime.

### **Policy objective**

69. The strategic objective is to disrupt those involved in serious and organised crime and reduce serious crime. Policy objectives are to improve: 1) the application process for SCPOs and thereby ensure more SCPOs are made in the full range of appropriate circumstances and 2) the ongoing monitoring and enforcement of SCPOs to enable closer management of those involved in serious crime.
70. This policy objective includes making it easier for frontline agencies (for example, those leading the investigation into the conduct which gave rise to the need for an SCPO, but not to any criminal proceedings) to apply to the High Court for an SCPO. A measure of success against this objective would be an increase in the number of applications made to the High Court for an SCPO.
71. This policy objective also includes allowing the Crown Court to make an SCPO following an acquittal for a serious offence, so that SCPOs are more easily available to frontline practitioners in these circumstances as appropriate. This would be based on evidence to satisfy the Crown Court that the offender was involved in serious crime, despite the acquittal (or successful appeal) in that specific case and that imposing the SCPO would protect the public and prevent further serious criminality. A measure of success against this objective would be an increase in the number of applications made for an SCPO following acquittal or successful appeal for a serious offence.
72. Improving the application process for SCPOs should lead to a reduction in serious crime as it will lead to greater use of SCPOs. The greater number of SCPOs should prevent future serious crime by placing restrictions on those likely to commit serious offences.

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<sup>32</sup> Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs): <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/impact-assessment-accessible#fn:15>. These figures are experimental, based on HMCTS management information and are not equivalent to official statistics published by the Ministry of Justice.

<sup>33</sup> PEEL - police effectiveness 2016 - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services: <https://hmicfrs.justiceinspectors.gov.uk/publications/peel-police-effectiveness-2016/>

An indicator of success for this policy measure would be an increase in the number of SCPOs successfully applied for and enforced.

73. This policy objective includes increasing LEAs ability to closely and proactively monitor the activities of the highest-harm serious and organised criminals through electronic monitoring, and to provide well-informed evidence to the court in the event that the conditions of the SCPO are breached. A measure of success against this objective would be an increase in the use of electronic monitoring as a condition of an SCPO, and a subsequent increase in the number of detected breaches of an SCPO which are responded to by LEAs, as well as an increase in the number of prosecutions taken forward for breach of an SCPO.
74. This policy objective also includes ensuring greater consistency in the way individuals subject to an SCPO are managed and risk assessed by LEAs by standardising the information which they record in relation to the subject of an SCPO.

### **Indicators of success**

75. A measure of success is that all LEAs with ownership of monitoring and enforcing SCPOs record the same information in relation to the subject of an SCPO. A further indicator of success would be a higher rate of compliance by individuals subject to these orders and a measurable reduction in serious criminal activities among those targeted.
76. Improving the ongoing monitoring and enforcement of SCPOs should lead to a reduction in serious crime as it will have a deterrent effect on individuals subject to an SCPO from breaching their order and will also lead to increased detection of breaches and prosecutions for breach.
77. Following the implementation of these legislative measures, the Home Office will work closely with relevant agencies to track the effectiveness of SCPOs, including gathering data on application success rates, compliance, and enforcement actions. The Home Office will continually review the SCPO regime and consider any necessary updates to ensure the measures remain robust and fitted to the evolving nature of serious crime.
78. Linked ToC Outcome: 2. OCGs are disrupted and unable to operate, both at the border and upstream.

## **Measure 7: Interim Serious Crime Prevention Orders**

### **Problem under consideration and rationale for intervention**

79. SCPOs issued by the High Court are not currently being used to maximum effect. Operational partners have emphasised that one reason for this underuse is the current time it takes to impose a High Court SCPO can be too slow in circumstances that require an urgent response, allowing offenders the opportunity to reorganise their criminal undertakings and destroy evidence. There is a gap in the current legislative framework in instances that require fast-paced action to prevent and disrupt serious and organised crime.

### **Policy objective**

80. The policy objective of introducing an interim SCPO (ISCPO) is to provide immediate mitigation of potential risks and prevent harm to the public before criminal activities take place.

81. By imposing immediate restrictions on an individual, law enforcement agencies have additional time to gather further evidence for an application for a “full” order, or to continue their investigations in pursuit of a prosecution, whilst mitigating the threat posed by that individual and enable the disruption and/ or prevention of serious crime.

### **Indicators of success**

82. Indicators of success include ISCPOs being successfully applied for and enforced, a higher rate of compliance by individuals subject to these orders, and a measurable reduction in serious crime activities among those targeted. These improvements should contribute to a decrease in serious crime, enhancing public safety, and reducing associated economic and social harms.
83. Following the implementation of ISCPOs, the Home Office will work closely with relevant agencies to track the effectiveness of the interim orders, including gathering data on application success rates, compliance, and enforcement actions. The Home Office will continually review the ISCPO regime and consider any necessary updates to ensure the measure remains robust and fitted to the evolving nature of serious crime.
84. Linked ToC Outcome: 2. OCGs are disrupted and unable to operate, both at the border and upstream.

### **Measure 8: New criminal offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

#### **Background**

85. The harm caused by serious and organised crime, including through drugs and firearms trafficking, child sexual abuse and exploitation, modern slavery, OIC, cyber-crime, money laundering and fraud is significant and ongoing. This measure improves the ability of law enforcement agencies to target those who facilitate serious criminality, leading to a reduction in offending, and ultimately a reduction in the economic and social costs of serious crime.

#### **Problem under consideration and rationale for intervention**

86. Law enforcement agencies are increasingly encountering individuals possessing tools or “articles” where there is a strong suspicion that they are being used for the purpose of serious crime.
87. It is not always possible to pursue individuals who make, modify, supply, offer to supply or possess such articles for use in serious crime under existing legislation, due to the difficulties in proving that the individual has the relevant state of mind to commit an offence. For instance, Part 2 of the SCA 2007 created a number of offences targeting acts that encourage or assist crime, however these offences require that it is proven that the accused believed or intended that an offence be committed – this can be difficult to do where suppliers keep a deliberate distance from the crimes they are facilitating.
88. Examples of such articles include vehicle concealments used to conceal and transport illicit goods, templates for 3D-printing firearms components and pill presses used in the supply of illegal drugs.
89. The manufacture and use of sophisticated vehicle concealments is a growing threat. These vehicle concealments are being used to transport illicit commodities such as drugs and firearms. In the three-year period from 2020 to 2023, the NCA seized 438

vehicles, about 150 of those were at the border. For those not at the border, the NCA had to demonstrate that there was criminal activity (drugs or guns found in them)<sup>34</sup>.

90. It has been reported that it is highly likely that hybrid firearm designs, where 3D printed components are combined with easily accessible metal non-firearms parts, represent the most significant threat from 3D printing technologies in criminal firearms manufacture.<sup>35</sup> The number of UK law enforcement cases involving 3D printed firearms including metal parts increased from six in 2021 to 17 in 2022 and 25 in 2023.<sup>36</sup> As the quality of 3D printed weapons improves, it is highly likely that viable hybrid firearms will increasingly feature in UK criminality.<sup>37</sup>
91. It has also been identified that OCGs are using pill presses to manufacture illicit benzodiazepines. Reports of benzodiazepine availability and related harm in England have been increasing in recent years, notably in the Northeast, Northwest, and Southwest. The NCA seized 40 million illicit pills in a single raid in 2020, and the Metropolitan Police seized 150,000 pills of fentanyl in late 2023.<sup>38</sup> Such crimes are harmful and costly. The total cost of drugs to society is estimated to be £20 billion a year in England alone.<sup>39</sup>
92. Without intervention law enforcement agencies would continue to be limited in their ability to disrupt individuals who exploit technology, such as templates for 3D printed firearms, vehicle concealments, or pill presses, to facilitate serious crime.

### **Policy objective**

93. The offences seek to improve law enforcement's ability to target those who facilitate serious criminality by exploiting evolving technologies to support and profit from serious crime.
94. These offences are designed to strengthen how law enforcement agencies confront rapidly evolving tools and technologies which have few legitimate purposes and are being exploited by serious criminals. This offence would include a power under secondary legislation to amend and add to the list of specified articles to ensure that the list can be updated as serious crime evolves.
95. The offences will deter individuals from being involved in these activities, provide law enforcement with improved legal powers to disrupt individuals facilitating serious crime and reduce the associated societal damage caused by serious crime.

### **Indicators of success**

96. Indicators of success would include an increase in convictions of individuals who are involved in the possession or supply of the specific articles for use (or intended use) in

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<sup>34</sup> Figures provided by the NCA.

<sup>35</sup> Criminal Justice Bill, Public Bill Committee First Sitting, 12/12/23: [https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010\\_Criminal\\_1st-th\\_Compilation\\_14\\_12\\_2023.pdf](https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010_Criminal_1st-th_Compilation_14_12_2023.pdf)

<sup>36</sup> Figures provided by the NCA.

<sup>37</sup> This is an operational assessment provided by law enforcement partners.

<sup>38</sup> Criminal Justice Bill, Public Bill Committee First Sitting, 12/12/23.

<sup>39</sup> The total cost of harms related to illicit drug use in England was estimated at £19.3 billion in 2017 to 2018 - Dame Carol Black review of drugs (2020): [https://assets.publishing.service.gov.uk/media/5eafffed3bf7f65363e4fda/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/media/5eafffed3bf7f65363e4fda/Review_of_Drugs_Evidence_Pack.pdf). The updated figure only accounts for changes in inflation since 2017/18 and does not take into account any other changes, such as changes in prevalence.

serious crime, leading to a reduction in serious criminal offences being committed, and ultimately a reduction in the economic and social costs of serious crime.

97. Following implementation of this measure, the Home Office will engage with partners to monitor the implementation and effectiveness of the new measures, including taking steps to add to the list of specified articles under secondary legislation, to ensure that the measures can be updated and remain relevant as serious crime evolves.
98. Linked ToC Outcome: 2. OCGs are disrupted and unable to operate, both at the border and upstream.

## **Measure 9: Amending CT port powers to allow the police to take biometrics at a port in Scotland**

### **Background**

99. Schedule 7 to TACT 2000 and Schedule 3 of the Counter-Terrorism and Border Security Act 2019<sup>40</sup> provide counter-terrorism police officers with powers to detect, disrupt and deter terrorism and hostile activity at the border. An officer can stop, question, search and detain a person at a port or the border area in Northern Ireland for the purpose of determining whether the person appears to be a person who is, or has been, engaged in terrorism and hostile activity respectively. An officer can stop and question a person whether or not there are grounds for suspecting that person is, or has been, involved in terrorism or hostile activity.
100. Schedules 7 and 3 allow counter-terrorism police officers to take biometrics (non-intimate samples and fingerprints) to help confirm the identity of the individual stopped. Currently, the legislation restricts officers to taking biometrics at a police station in Scotland, a restriction that does not apply in England, Wales, and Northern Ireland where biometrics can be taken at port where a person is detained under these powers.

### **Problem under consideration and rationale for intervention**

101. Currently, biometrics can only be taken at a police station in Scotland and not at port, where a person will be detained under the powers. The requirement means that examination time (restricted to six hours) can be spent transporting an individual from port to the nearest custody suite, which can be a significant distance away and may not have available space. This can reduce the time available for questioning to determine the individual's involvement in terrorism or hostile activity. It also can mean individuals are detained for longer than necessary.
102. Following this change, counter-terrorism police in Scotland are likely to take more biometrics from those detained under the powers. These biometrics can be run against other biometrics holdings which could benefit wider criminal investigations. The Independent Reviewer of Terrorism Legislation (IRTL) made a recommendation to amend the powers to allow the taking of biometrics at port in a 2020 report.<sup>41</sup>

### **Policy objective**

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<sup>40</sup> Counter-Terrorism and Border Security Act 2019: <https://www.legislation.gov.uk/ukpga/2019/3/contents>

<sup>41</sup> Independent Reviewer of Terrorism Legislation - The Terrorism Acts in 2020: <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2022/04/Terrorism-Acts-in-2020.pdf>

103. Amend the legislation to remove any discrepancy between Scotland and the rest of the UK so that examining officers in Scotland can take biometrics at ports during Schedule 7 or Schedule 3 examinations.

#### **Indicators of success**

104. The primary indicator of success will be biometrics being taken at ports rather than at police stations as part of Schedule 7 and 3 examinations.
105. A secondary indicator will be counter-terrorism police in Scotland taking more biometrics from those detained as a result of the removal of the requirement to take biometrics at police stations.
106. Linked ToC Outcome 1. Making the UK border an effective intervention point for OIC and other threats.

### **Pillar 4: Introducing measures to support and strengthen the UK's Asylum and Immigration System**

#### **Measure 10: Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

##### **Background**

107. The Safety of Rwanda (Asylum and Immigration) Act 2024 was introduced following the Supreme Court judgement in *AAA and others* on 15 November 2023. That judgment concluded that the Migration and Economic Development Partnership (MEDP) into which the previous government had entered with Rwanda, and under which individuals who entered the UK via dangerous, irregular, or unnecessary means would be relocated to Rwanda for asylum processing, was unlawful.
108. In response to this judgement, the previous government agreed the UK-Rwanda Treaty, which replaced the commitments agreed under the previous Memorandum of Understanding that had been considered by the Courts. The Act relied upon the protections agreed under the Treaty, which were intended to address the findings of the Supreme Court judgement and to advance the evidential position from that considered by the Court.
109. Ending the Treaty will formally bring an end to the MEDP with Rwanda, delivering on the government's manifesto commitment.

##### **Problem under consideration and rationale for intervention**

110. The Act, which this Bill will repeal, was passed based on the assurances set out in the UK-Rwanda Treaty, which featured as a key part of the rationale for departing from the Supreme Court's assessment in *AAA and others*. The government is not proceeding with removals to Rwanda, noting the exorbitant cost of the scheme as well as its significant operational challenges, as such the Act is no longer needed, and it is proper that it should be repealed.

##### **Policy objective**

111. To repeal the Act in its entirety, with the intention of formally terminating the UK-Rwanda Treaty and ending the MEDP.

##### **Indicators of success**

112. Repeal of previous legislation, in line with current Home Office objectives.

113. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

### **Measure 11: Repeal of parts within the Illegal Migration Act 2023**

#### **Background**

114. The previous government introduced the Illegal Migration Act, which received Royal Assent in July 2023. Its key provisions can be found on GOV.UK.<sup>42</sup>

#### **Problem under consideration and rationale for intervention**

115. The Act includes provisions which prevent asylum decision-making, increase the backlog of asylum cases awaiting an outcome and put impossible pressure on asylum accommodation with significant costs to taxpayers. The Act has largely not been commenced, nor will it be under this government's policy.

116. The clauses to be retained enable the Home Secretary to determine how long to detain an individual for, disapply certain modern slavery provisions, provide flexibility for the deployment of First-Tier Tribunal and Upper Tribunal judges to meet demand, make certain asylum and human rights claims inadmissible for those from safe countries, provide for the ability to create a legislative cap on number of entrants using safe and legal routes, and clarify the additional behaviours that should be considered damaging to the credibility of an asylum or human rights claimant.

#### **Policy objective**

117. The objective is to amend the legislation to repeal the duty to remove and associated provisions whilst retaining, including with amendment, measures which have operational benefit in support of a robust immigration and asylum system.

#### **Indicators of success**

118. The indicator of success is a statute book that reflects government policy and supports a robust immigration and asylum system.

119. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

### **Measure 12: Detention and exercise of functions pending deportation**

#### **Background**

120. Specific powers to detain a person who is subject to deportation action are set out in paragraph 2 of Schedule 3 to the IA 1971, and section 36 of the UK Borders Act 2007 (Automatic Deportation)<sup>43</sup>. The power to capture their biometrics is set out in section 7(c)(ii) of the Immigration Act 1999 and Regulation 2 of The Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021.<sup>44</sup> The power to search a person for nationality documents is set out in section 51 of the Immigration Act 2016.<sup>45</sup>

121. Deportation decision making is split into two parts: stage 1 and stage 2. A stage 1 deportation decision to make a deportation order notifies the individual that the Home

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<sup>42</sup> Illegal Migration Act 2023 – Collection: <https://www.gov.uk/government/collections/illegal-migration-bill>

<sup>43</sup> UK Borders Act 2007: <https://www.legislation.gov.uk/ukpga/2007/30/contents>

<sup>44</sup> The Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021: <https://www.legislation.gov.uk/uksi/2021/772/contents/made>

<sup>45</sup> Immigration Act 2016: <https://www.legislation.gov.uk/ukpga/2016/19/contents>



Office has decided to make a deportation order against them and sets out the reasons why deportation is conducive to the public good. The stage 1 decision invites the person to raise any representations against deportation with the Home Office. The power to detain a person who has been given notice of a decision to make a deportation order against them, pending the making of a deportation order, is under paragraph 2(2) of Schedule 3 to the IA 1971. This is provided that the Home Office has served written notice of that decision in accordance with regulations made under section 105 of the Nationality, Immigration and Asylum Act 2002<sup>46</sup> (NIAA 2002).

122. Following the service of a stage 1 decision to make a deportation order and the consideration of any representations received in response, the Home Office will, where it is appropriate, serve a stage 2 deportation decision which will notify the person of the Home Office's conclusions on any representations made, including refusal of any Human Rights or Asylum claims and advising on any appeal rights. A deportation order will be made following the Stage 2 decision (albeit in certain circumstances the deportation order may be served simultaneous with a stage 2 decision). The power to detain a person who has a deportation order made against them is under paragraph 2(3) of Schedule 3 to the IA 1971.
123. The requirement to take biometrics is necessary to effect removal. The amendments in this provision are aligned with the power to detain so that biometrics can be taken at the earliest opportunity.
124. The power to search a person for nationality documents is being amended so that the reference to the written notice which triggers it, where the Secretary of State is considering deportation action, is aligned with the power to detain.

#### **Problem under consideration and rationale for intervention**

125. Prior to the commencement of the Immigration Act 2014<sup>47</sup> (IA 2014), regulations made under section 105 of the NIAA 2002 required the giving of notice of an "immigration decision" to trigger the power to detain under paragraph 2(2) of Schedule 3 to the IA 1971. However, following changes brought in under the IA 2014, those regulations required the giving of notice of an "appealable" decision. This does not accord with the current practice in deportation case-working, where an initial decision to deport is made ('stage 1') and following any human rights or protection claim thereafter, a final decision to make a deportation order provided ('stage 2'). It is the stage 2 decision that carries a right of appeal. This clause clarifies that the trigger for the power to detain is at the earlier stage in the deportation process and is not tied to the appeals framework.
126. The clause provides retrospective statutory authority to the power to detain and to capture biometrics pending deportation. This is to preserve the consistency of decision making for historic and contemporary uses of the powers.

#### **Policy objective**

127. The Home Office considers it is operationally necessary in the interests of effective immigration control and public protection to retain and clarify the power to detain people liable to deportation on conducive grounds and capture their biometrics from the point the Home Office is considering making a deportation order against them. The current

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<sup>46</sup> Nationality, Immigration and Asylum Act 2002: <https://www.legislation.gov.uk/ukpga/2002/41/contents>

<sup>47</sup> Immigration Act 2014: <https://www.legislation.gov.uk/ukpga/2014/22/contents>

drafting of the detention and biometric capture power does not clearly reflect the two-stage process when making a deportation order. The legislative amendment will provide comprehensive cover to permit use of the deportation detention power, subject to the Home Office giving written notice, from the point of considering making a deportation order, to having decided to make the order. As before, however, any such use of the power will be case specific.

### **Indicators of success**

- 128. Amendment of existing power, in line with Home Office objectives.
- 129. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

### **Measure 13: Amendments to the governance arrangements for the Immigration Services Commissioner**

#### **Background**

- 130. The ISC is a non-departmental arms' length body of the Home Office, established by the Immigration and Asylum Act 1999<sup>48</sup> (IAA 1999) to regulate the provision of immigration advice and services. The IAA 1999 specifies that no one can provide immigration advice and services unless they are a qualified person. Qualified persons are those registered by the Office of the ISC (from 16 January 2025 the Office of the ISC will be branded as the Immigration Advice Authority), or those who are authorised to provide immigration advice and services by other regulators or professional bodies such as the Solicitors Regulation Authority (SRA), the Law Society of Scotland, the Law Society of Northern Ireland, the Bar Standards Board (or Scottish and Northern Ireland equivalents), or the Chartered Institute of Legal Executives. A qualified person is also someone acting under the supervision of one of the above.
- 131. The ISC assesses those who provide immigration advice to ensure they are fit and competent to provide immigration advice and services, by inspecting the organisations, and investigating complaints. They also enforce the regulatory regime by investigating and, where appropriate, prosecuting those providing immigration advice illegally. The ISC protects the vulnerable from the risks and dangers of illegal advice or poor service and works to improve the quality of advice.

#### **Problem under consideration and rationale for intervention**

- 132. In relation to the governance structure for the ISC, the IAA 1999 provides that the Commissioner and Deputy Commissioner term of office is for five years. There is currently no power to extend any existing term on a short-term basis, should the need arise, or to appoint for a term of less than five years. This limits opportunities to respond to changing events, by way of any interim appointment. The whole regime is based upon there being an Immigration Services Commissioner and Deputy in post, and should both the roles be vacant simultaneously, the majority of regulatory activities would have to be stopped.

#### **Policy objective**

- 133. To ensure the ISC has a more flexible governance structure and enable the organisation to continue to effectively regulate immigration advice. The ISC plays a vital role to help

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<sup>48</sup> Immigration and Asylum Act 1999: <https://www.legislation.gov.uk/ukpga/1999/33/contents>

safeguard the integrity of the immigration system, protect advice seekers from poor advice and ensure good standards of advice which in turn improves the quality of applications received by the Home Office.

134. Measures in the Bill are necessary to amend the ISC governance arrangements to provide greater flexibility in the appointment length of the Commissioner and Deputy Commissioner. They will also reduce the risk of a gap in regulatory oversight should the Commissioner and Deputy Commissioner be unable to fulfil their duties.

### **Indicators of Success**

135. The regulatory regime continues to function in the event there is a gap in recruitment of a permanent Commissioner or Deputy Commissioner.
136. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

### **Measure 14: Extension of personnel who can take biometric information**

#### **Background**

137. Section 141(5) of the IAA 1999 sets out who is authorised to enrol the biometrics of certain foreign nationals in the UK. This is currently limited to police officers, immigration officers, prison officers, an officer of the Home Secretary authorised for the purpose, or a person who is employed by a contractor in connection with the discharge of the contractor's duties under a removal centre contract. This restricts who is authorised to take biometric information in the form of facial images and fingerprints.

#### **Problem under consideration and rationale for intervention**

138. There have been situations where the Home Office has needed to enrol the biometrics of many foreign nationals, over a short period of time. For example, enrolling biometrics of foreign nationals arriving in the UK on small boats. The department has been unable to use contractually employed staff at Short-Term Holding Facilities (STHFs) to assist in enrolling the biometrics of foreign nationals arriving in the UK on small boats because the current legislation only allows those on the list of authorised persons to do so. Those arriving via irregular means are often taken to STHFs to enable the department to process them before deciding whether to bail or detain them. Similarly, during the evacuation from Afghanistan in August 2021, the current limits on who could enrol biometrics created delays at arrival ports when processing new arrivals.

#### **Policy objective**

139. To ensure Detention Custody Officers (DCO) at STHFs take biometric information and to provide greater flexibility on who can be asked to enrol biometrics in times of crises or where circumstances require new cohorts to be covered.

#### **Indicators of success**

140. Indicators of success would include improved management of future demand surges and a measurable reduction in the time migrants spend in Immigration Removal Centres or STHFs. It would also enable the government to better prepare for future situations where there is a need to capture biometrics from large numbers of people in a short timeframe.
141. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

## **Measure 15: Collection of biometrics outside of a visa application process**

### **Background**

142. The IA 1971 subjects certain foreign nationals to a permission-based regime for entering and remaining in the UK. Current legislation requires a person to apply for an immigration permission before the collection of biometric information (for example, fingerprints and facial features) becomes engaged.

### **Problem under consideration and rationale for intervention**

143. In considering whether to facilitate a person's exit from a country, the government currently faces three options: refusing unless they complete a visa application form and submit biometrics at a visa application centre (which may not be available in that location), proceeding without conducting those checks, or providing no support at all. This limitation creates border security risks whereby individuals are supported to exit without biometric checks being undertaken in advance. There are also operational challenges with the current framework where timelines and infrastructure in a crisis situation do not support individuals completing online visa application forms, particularly when timely identification of individuals is essential to mitigate risks to national security or border security, and diplomatic relationships.

144. Under the current framework, biometric data collection is tied to an application for entry clearance, which needs to be completed online. This process is not usually practical during evacuations, or other critical situations where decisions need to be made at pace on the risk to individuals and the government. It also does not account for those who, whilst wishing to be supported to exit a country, have no intention to travel on to the UK. It can also hinder the government's ability to make informed decisions about providing support or facilitating movement. The requirement to link biometric enrolment to a visa application could result in:

- Insufficient time to capture and check biometrics;
- Increased risks to UK personnel and operations;
- A person who presents a known risk to the UK, or UK interests being supported to exit a country, or travel to the UK;
- Potential reputational damage if individuals of concern are inadvertently supported; and
- Challenges in preventing the exploitation of evacuation operations for irregular migration.

### **Policy Objective**

145. The proposed policy seeks to establish a legislative power that decouples biometric collection from the need for an immigration application. This will allow the UK government to gather and analyse biometric data during evacuations or other crisis situations, irrespective of the individual's intention to travel to the UK. The objective is to enhance risk management by identifying individuals of concern early and ensuring informed decisions are made about facilitating their movement.

146. This measure directly supports the UK's broader immigration and national security goals, particularly in safeguarding evacuation operations and protecting diplomatic

relationships. The introduction of this measure would have significant operational and strategic benefits, including:

- **Strengthened Border Security:** Enabling real-time biometric checks against UK and international databases, providing a robust mechanism to identify individuals with adverse histories or risks, even if they are not applying for entry to the UK. By enabling biometrics collection outside the visa process, the UK can proactively identify individuals who may pose security or immigration risks. This will reduce the likelihood of high-risk individuals exploiting evacuation operations or other government support.
- **Operational Efficiency:** Decoupling biometrics from immigration applications will streamline processes, reduce delays, and ensure timely identification of individuals, improving the UK's response capabilities during crises.
- **Diplomatic Safeguards:** Early identification of individuals of concern will mitigate risks of reputational damage and ensure the UK maintains strong diplomatic relationships during sensitive operations.

### **Indicators of success**

147. Success would be measured through the increased collection of biometrics during an evacuation or other appropriate event where government needs to facilitate the movement of foreign nationals. The ambition would be the collection of the biometrics of 100 per cent of those physically able to do so in these circumstances, subject to operational capacity on the ground. This will include the identification of anyone with adverse biometric results.

148. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

### **Measure 16: Retrospective authority for fees relating to English language and UK and overseas qualifications**

#### **Background**

149. The HO V&N service assesses the comparability of overseas qualifications with those obtained in the UK and assesses whether a qualification obtained overseas meets English language requirements for certain work and study visa routes and citizenship applications. The requirement to use these services has been set out in the Immigration Rules and certain nationality legislation for a number of years. The Home Office Immigration Rules require an applicant applying for a visa to demonstrate proficiency in English Language at a specified level. This can be demonstrated in a number of ways, one of which is to use an academic qualification taught in English awarded by a university or an educational establishment outside of the UK. Certain individuals making applications under Appendix Skilled Worker or Appendix High Potential Individual are required by the Immigration Rules to obtain verification that their qualification meets the required standard, using a service operated by a third-party supplier on behalf of the Home Office.

150. The third-party supplier also provides the following two services on behalf of the DfE:  
The DfE UK ENIC Services ("The DfE UK ENIC services")

151. The UK is required under international law to provide: a) a national information centre that facilitates access to information about higher education and qualifications, and b) a recognition service that evidences the comparability of overseas qualifications with those of the UK. The UK ENIC service fulfils these functions. A range of sectors in the UK economy recruit qualified staff from overseas and require a means of understanding and verifying applicants' overseas qualifications. The UK ENIC service also provides information about, and the recognition of, UK qualifications.

The non-UK Early Years Qualifications Recognition Service ("The DfE EY Service")

152. The DfE EY service assesses early years (EY) qualifications obtained outside of the UK against qualifications criteria applicable to EY providers in England. This service is mandatory for those seeking to rely on non-UK qualifications to work within staff:child ratios in EY settings in England.

153. Note: Both individuals and organisations (such as universities, professional bodies and Early Years providers) access these three services.

### **Problem under consideration and rationale for intervention**

154. During a recent re-procurement exercise, it was identified that there is a lack of statutory authority for the fees charged for the HO V&N service and the DfE EY service. DfE considers the UK ENIC services to be 'commercial' (as defined in 'Managing Public Money')<sup>49</sup> and not requiring statutory authority. However, DfE has concluded that there is a legitimate alternative analysis. As such, it has been decided to make statutory provision for charging for relevant services, and to include them within this measure. In the absence of any intervention to ensure the validity of these fees, the government may be liable to refund the cost of fees charged to date.

### **Policy objective**

155. The proposed legislation would mitigate the risk that service users who have been charged fees - for which there was no statutory authority - would bring restitution claims against the government, which could result in those historic costs being transferred to the taxpayer. The proposal is justified on the basis that the service users have received the benefit of the services for which they have been charged, and which have been evaluated as being of a high standard. Service users will incur no additional burden from this measure but will be unable to recover fees paid for the services in the past.

156. This is justified as a proportionate means of achieving the legitimate aims of ensuring that the legislative position is clear and certain. This ensures that taxpayer funding is not diverted from government priorities to repay these fees (the levels of which were agreed by the government, and are in line with future charges), and protects the taxpayer from the risk of successful restitution claims for fees paid for services that users have received. Specifically given the practical difficulties and significant financial impacts associated with the alternative of establishing a repayment scheme. Any repayment scheme would require each request to be assessed and verified before any payment can be processed which, given the volume of applications, would require substantial resource over a prolonged period to manage effectively. The proposal is also consistent with guidance on 'Managing Public Money', which makes clear that government should, where possible, recover the costs of the services it provides.

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<sup>49</sup> Managing public money: <https://www.gov.uk/government/publications/managing-public-money>

157. In respect of the HO V&N service, there is a risk that without this legislation, resources and substantial taxpayer funding would need to be diverted from priorities to strengthen the UK's wider immigration and asylum system, including measures to protect it against abuse, to operate and fund a repayment scheme.

### **Indicators of success**

158. An indicator of success would be that no taxpayer funding is diverted from government priorities to repay the fees charged for the HO V&N service, the DfE UK ENIC Services and the DfE EY service.

159. Linked ToC Outcome: 3. The UK immigration and asylum system is supported and strengthened.

### **Groups affected**

160. The Bill will impact a variety of groups, including:

#### **Individuals**

- Irregular migrants.
- Past service users of the Home Office Visas and Nationality Service, the DfE UK ENIC Services and the non-UK Early Years Qualifications Recognition Service.
- Members of the public involved in serious crime.
- Individuals subject to a Serious Crime Prevention Order.

#### **Businesses**

- Suppliers of articles with links to serious and organised crime, including OIC.
- Organisations, businesses and communities impacted by serious and organised crime.
- Businesses and individuals who legitimately make, modify, supply, possess, or are otherwise involved in the use of articles which may be captured by the serious and organised crime article offence.
- Businesses, educational institutions, and professional bodies that have used the Home Office Visas and Nationality Service, the DfE UK ENIC Services or the non-UK Early Years Qualifications Recognition Service in the past.

#### **Public Sector**

- Home Office
  - Immigration Enforcement.
  - UK Border Force.
- National Crime Agency.
- Ministry of Justice (MoJ)
  - HM Courts & Tribunals Service.
  - Crown Prosecution Service.
  - His Majesty's Prisons and Probation Service.
  - All other organisations within the Criminal Justice System.

- Serious Fraud Office
- Law Enforcement Agencies (LEAs) across the UK and members of these agencies.
- UK intelligence agencies and members of the UK intelligence agencies.
- Devolved governments.
- HM Revenue & Customs.
- Foreign Commonwealth and Development Office.
- Department for Work and Pensions.
- Department for Education.
- Department for Transport (DfT).
- Driver and Vehicle Licensing Agency.
- Ministry of Defence.
- Department for Environment, Food and Rural Affairs.
- Department for Health and Social Care.
- The Cabinet Office.
- Legal Aid Agency.
- Businesses, educational institutions, and professional bodies that have used the Home Office Visas and Nationality Service, the DfE UK ENIC Services or the non-UK Early Years Qualifications Recognition Service in the past.

## Public consultation

161. Public consultation was undertaken for the following measures:

162. **Sharing of trailer registration information:** In 2021, DfT undertook a formal public consultation on the collection of an additional data field on 'trailer types' as part of the trailer registration scheme. Their consultation document<sup>50</sup> made explicit mention of trailer registration data providing an improved link between the registration and the trailer, making clear that it will also help when trailer registration information is used for the purposes of 'detecting crimes such as goods or people smuggling'. Analysis of the responses to that consultation suggested support for the measure. In their Explanatory Memorandum<sup>51</sup> to the Statutory Instrument<sup>52</sup> implementing the changes in 2021, DfT reiterated the point about trailer information being used for the purposes of 'detecting crimes such as goods or people smuggling'.

163. The Home Office followed that with informal engagement with a targeted group of trailer-user representative organisations (with members drawn from across the UK) who were either contacted by, and/or were respondents to, the DfT's consultation. It ran for five

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<sup>50</sup> Amending the UK trailer registration scheme - GOV.UK: <https://www.gov.uk/government/consultations/amending-the-uk-trailer-registration-scheme-altering-inspector-location-removing-further-inspection-fee-and-addition-of-trailer-type-information/amending-the-uk-trailer-registration-scheme>

<sup>51</sup> The Trailer Registration (Amendment) Regulations 2021: [https://www.legislation.gov.uk/uksi/2021/1043/pdfs/uksiem\\_20211043\\_en.pdf](https://www.legislation.gov.uk/uksi/2021/1043/pdfs/uksiem_20211043_en.pdf)

<sup>52</sup> The Trailer Registration (Amendment) Regulations 2021: <https://www.legislation.gov.uk/uksi/2021/1043/made>



weeks, 6 Sept - 11 Oct 2021. A document was shared with the latter group setting out the proposition. Responses were encouraging, raising no issues of concern or opposition to the measure.

164. In parallel, the Home Office consulted with the Information Commissioner's Office (ICO) in accordance with Article 36(4) UK General Data Protection Regulation (GDPR) to take their advice on data protection regulatory matters arising out of the creation of a new data sharing gateway. The ICO advised in writing (Spring 2022) that they were comfortable that the risks associated with the data processing activity proposed had been sufficiently managed and that no further consultation with the ICO was required unless there was a high-risk change to the proposal.
165. As regards to the bodies that would be proposed for the disclosure and use of the trailer data, the Home Office has regularly and positively consulted with the DVLA and lead policy officials in the DfT since 2020. The Home Office has also engaged with the National Police Chiefs' Council, HMRC, NCA, the sponsor departments for (and with) the Civil Nuclear Constabulary (BEIS/DESNZ), Ministry of Defence Police and the Service Police (MOD), British Transport Police (DfT), and ports police (DfT). Since 2021 engagement has been undertaken with Police Scotland and Scottish Government officials, Police Service of Northern Ireland and the Department of Justice (NI) officials, the Crown Dependencies and Gibraltar.
166. **SCPOs and serious and organised crime articles offence:** At the beginning of 2023, the previous government launched a public consultation to seek views on the serious and organised crime-related proposals.<sup>53</sup> During the 8-week public consultation, the government heard from those who may be impacted by these proposals should they become law, including law enforcement agencies, businesses, legal professionals and members of the general public, as well as non-governmental organisations with a focus on civil liberties and human rights. The previous government published its response to this consultation in November 2023.<sup>54</sup>

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<sup>53</sup> Consultation document (accessible) - GOV.UK: <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/consultation-document-accessible>

<sup>54</sup> Summary of consultation responses and conclusion (accessible) - GOV.UK: <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/outcome/summary-of-consultation-responses-and-conclusion-accessible>

## Description of options considered

167. The **government** has two options:

**Option 0:** 'Do nothing': Do not implement the proposals outlined in the Border Security, Asylum and Immigration Bill.

In the do-nothing option the Bill is not implemented and the existing Home Office plans to manage irregular migration will be continued. There would be no additional costs for either setting up or running the proposed Bill processes.

**Option 1:** Full implementation of the Bill in which all measures outlined in this impact assessment are introduced. **This is the government's preferred option**, as it meets the strategic and policy objectives to disrupt OIC groups and strengthen the Home Office response to border security. A full set of options is set out in Section 1 of the impact assessment.

### Preferred option and implementation date:

168. The government's preferred option is **Option 1**: full implementation of the Bill, as appraised in this impact assessment. The NPSV Section sets out the approach to appraisal. This appraisal considers the impact of the Bill measures within the existing operating system.

169. Subject to Parliamentary approval, the measures contained within the Bill will be implemented following Royal Assent expected in summer 2025.

## NPSV: monetised and non-monetised costs and benefits of each shortlist option (including administrative burden)

### COSTS

#### Set-Up Costs

Table 1: Outline of the set-up costs (£ millions, 2025/26 prices)

	Low	Central	Upper
<b>Pillar 1 Total</b>	-	-	-
Statutory Footing	-	-	-
<b>Pillar 2 Total</b>	-	-	-
Sharing of customs information by HMRC	-	-	-
Sharing of trailer registration information	-	-	-
<b>Pillar 3 Total</b>	<b>2.7</b>	<b>4.0</b>	<b>7.2</b>
Enhanced OIC powers	0.02	0.02	0.03
Seizure of Electronic Devices	-	-	-
Protecting life at sea (endangerment offence)	-	-	-
SCPOs	0.1	0.5	1.8
Interim SCPOs	0.0	0.2	1.1
Serious and organised crime articles	2.5	3.2	3.9
Amending CT port powers to allow the police to take biometrics at a port in Scotland	0.1	0.1	0.4
<b>Pillar 4 Total</b>	-	-	-
Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024	-	-	-
Repeal of parts within the Illegal Migration Act 2023	-	-	-
Detention and exercise of functions pending deportation	-	-	-
Amendments to the governance arrangements for the Immigration Services Commissioner	-	-	-
Extension of personnel who can take biometric information	-	-	-
Collection of biometrics outside of a visa application process	-	-	-
Retrospective authority for fees relating to English language and UK and overseas qualifications	-	-	-
<b>Total</b>	<b>2.7</b>	<b>4.0</b>	<b>7.2</b>

Source: Home Office Internal Calculations

170. The total monetised set up costs for the entire Bill is £4 million in the central scenario. Set up costs from Pillars 1, 2 and 4 have not been monetised. This cost will cover the measures set out below.

**Enhanced OIC Powers**

171. The creation of the new offences is estimated to have £24,053 in familiarisation costs to the NCA. Approximately 350 officers will need to spend 90 minutes each familiarising themselves with the new legislation through training sessions. Wages have been uplifted by 22 per cent to account for non-wage costs such as National Insurance (NI) contributions and pension contributions by the employer. Lower and upper bounds have also been estimated, where familiarisation time is 60 minutes or 120 minutes respectively. For the lower bound, familiarisation costs to the NCA are estimated to be £16,036 and for the upper bound, £32,071 (2025/26 prices, PV).

**Seizure of Electronic Devices**

172. There are no monetisable set up costs resulting from this policy.

**Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs)**

173. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.2, and A.1.6.

**Familiarisation Costs**

174. There will be private sector familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. There will also be public sector familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation.

**Table 2: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.01	0.00	0.01
Central	0.06	0.00	0.06
High	0.21	0.02	0.23

Source: Home Office Internal Calculations

175. Total familiarisation costs (private and public sector) are estimated to be between **£0.01 million and £0.23 million**, with a central estimate of **£0.06 million** (2025/26 prices).

**Prison Construction Costs**

176. Prison capacity is limited, and the prison population is expected to rise in the future. The Ministry of Justice (MoJ) is expanding the prison estate to try to meet anticipated demand; however, if there is a new policy to send more people to prison, increasing prison population projections above their current level, the MoJ would need to build additional prison places on top of existing expansion plans. These costs are estimated below.

177. It is estimated that between zero and three prison places, with a central estimate of one prison place will be required per year once the steady state is reached.

178. The cost is estimated to be between **£0.1 million** and **£1.6 million** with a central estimate of **£0.4 million** (2025/26 prices, PV).

**Total Setup Costs**

179. The total set up costs due to familiarisation costs and prison set up costs are between **£0.1 million** and **£1.8 million**, with a central estimate of **£0.5 million**.

**Introducing an interim Serious Crime Prevention Orders (SCPO)**

180. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.3, and A.1.7.

**Familiarisation Costs**

181. There will be private sector familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. There will also be public sector familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation.

**Table 3: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	<b>Private Sector</b>	<b>Public Sector</b>	<b>Total Cost</b>
Low	0.00	0.00	0.00
Central	0.03	0.00	0.03
High	0.11	0.02	0.13

Source: Home Office Internal Calculations

182. Total familiarisation costs (private and public sector) are estimated to be between **£0** and **£0.13 million**, with a central estimate of **£0.03 million** (2025/26 prices).

**Prison Construction Costs**

183. It is estimated that between 0 and 1.54 prison places, with a central estimate of 0.2 prison place will be required per year once the steady state is reached.

184. The cost is estimated to be between **£0** and **£1.0 million** with a central estimate of **£0.13 million** (2025/26 prices, PV).

**Total Setup Costs**

185. The total set up costs due to familiarisation costs and prison set up costs are between **£0** and **£1.1 million**, with a central estimate of **£0.2 million**.

**Serious and organised crime articles**

186. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.4, and A.1.8.

**Familiarisation Costs**

187. There are expected to be private sector familiarisation costs associated with legal professionals having to familiarise themselves with the new legislation. There are also expected to be public sector familiarisation costs associated with law enforcement agencies (LEAs) reading guidance on the new legislation.

**Table 4: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	<b>Private Sector</b>	<b>Public Sector</b>	<b>Total Cost</b>
Low	0.01	0.00	0.01
Central	0.05	0.00	0.06
High	0.16	0.02	0.17

Source: Home Office Internal Calculations

188. Total familiarisation costs (private and public sector) are estimated to be between **£0.01 million and £0.17 million**, with a central estimate of **£0.06 million** (2025/26 prices).

### **Prison Construction Costs**

189. It is estimated that between four and six prison places, with a central estimate of five prison places will be required per year once the steady state is reached.

190. The cost is estimated to be between **£2.5 million** and **£3.7 million** with a central estimate of **£3.1 million** (2025/26 prices, PV).

### **Total Setup Costs**

191. The total set up costs due to familiarisation costs and prison set up costs are between **£2.5 million** and **£3.9 million**, with a central estimate of **£3.2 million** (2025/26 prices, PV).

### **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

192. The total set up costs of installing biometric machines at port are between **£0.12 million** and **£0.37 million**, with a central estimate of **£0.14 million** (2025/26 prices, PV).

## Ongoing Costs

**Table 5: Outline of the Ongoing Costs (£ millions, 2025/26 prices)**

	Low	Central	Upper
<b>Pillar 1 Total</b>	-	-	-
Statutory Footing	-	-	-
<b>Pillar 2 Total</b>	-	-	-
Sharing of customs information by HMRC	-	-	-
Sharing of trailer registration information	-	-	-
<b>Pillar 3 Total</b>	<b>7.7</b>	<b>9.6</b>	<b>12.8</b>
Enhanced OIC powers	-	-	-
Seizure of Electronic Devices	2.6	2.6	2.6
Protecting life at sea (endangerment offence)	-	-	-
SCPOs	0.2	0.7	1.8
Interim SCPOs	-	0.2	1.2
Serious and organised crime articles	4.7	5.9	7.1
Amending CT port powers to allow the police to take biometrics at a port in Scotland	0.2	0.2	0.2
<b>Pillar 4 Total</b>	-	-	-
Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024	-	-	-
Repeal of parts within the Illegal Migration Act 2023	-	-	-
Detention and exercise of functions pending deportation	-	-	-
Amendments to the governance arrangements for the Immigration Services Commissioner	-	-	-
Extension of personnel who can take biometric information	-	-	-
Collection of biometrics outside of a visa application process	-	-	-
Retrospective authority for fees relating to English language and UK and overseas qualifications	-	-	-
<b>Total</b>	<b>7.7</b>	<b>9.6</b>	<b>12.8</b>
	<b>Low</b>	<b>Central</b>	<b>Upper</b>

Source: Home Office Internal Calculations

193. The monetised total ongoing cost for legislation is £9.6 million in the central scenario. Ongoing costs from measures in Pillars 1, 2 and 4 have not been monetised. This cost covers the measures below.

## Seizure of Electronic Devices

### Kiosk Capability

194. Immigration Officer discretion will be exercised in determining the devices which will be seized from migrants from each event. Once seized the devices will be connected to a kiosk to download relevant data to be used to develop a better understanding of irregular migration and facilitation offenders. There will be a cost to the public sector of providing the staff to resource the kiosks. Under the assumptions used for the purposes of this analysis (Annex A.1.5), this is estimated to cost £2.6 million, including 10 per cent optimism bias (2025/26 prices, PV). As it is assumed that this level of FTE is a fixed cost regardless of how many phones have been seized, no upper or lower bounds have been estimated for this cost and the costs remain constant across all three scenarios.
195. The costs also reflect the resource that has already been recruited for these powers, and without the data to inform how the resource requirement might respond to a change in volumes of device seizures, it has not been possible to estimate these at this stage. However, as the policy will be scaled beyond the powers dedicated to Immigration Officers, to wider Law Enforcement Agencies including police constables, there is a high possibility that kiosk capability and further resources may be required to cope with additional demand. Without a clear understanding of the operational implications of this amendment, it has not been possible to monetise the impact beyond current kiosk capability.
196. Optimism bias has been applied to costs to reflect the uncertainty around potential costs which may be realised over the appraisal period. Whilst the costs of FTE are understood, the potential requirement of resource is uncertain given that costs have only been estimated for Immigration Enforcement staff and not the police, who will also be able to use the powers. Therefore, in line with Green Book Guidance, 10 per cent has been applied to all monetised costs.

### Total Ongoing Costs

197. Over the appraisal period, ongoing costs of operationalising this policy are estimated to be **£2.6** million, including 10 per cent optimism bias (2025/26 Prices, PV). There may be additional costs involved in operationalising the policy, however, due to limited available data on the volumes of devices which might be seized, these costs have not been monetised.

## Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders

### Criminal Justice System Costs

198. For details on the assumptions and methodology used to estimate the below figures, please see Annex: A.1.1, A.1.2, and A.1.6.
199. The table below covers the costs incurred by the Criminal Justice System due to the increase in offenders.



**Table 6: Criminal Justice System Costs by area (£ million, 2025/26 Prices PV)**

	Low	Central	High
<b>CPS</b>	0.01	0.02	0.03
<b>HMCTS</b>	0.09	0.18	0.28
<b>Legal Aid</b>	0.04	0.07	0.10
<b>HM Prison and Probation Service (HMPPS)</b>	0.07	0.38	1.36
<b>Total CJS Costs</b>	<b>0.20</b>	<b>0.65</b>	<b>1.78</b>

Source: Internal Home Office Calculations

200. It is estimated that between zero and three prison places, with a central estimate of one prison place will be required per year once the steady state is reached.

### Notification Requirements

201. Measure 4 is likely to incur resource costs from police for managing the notification requirements. The total cost of this is estimated to be between **£900 and £0.01 million** with a central estimate of **£4,000 (2025/26 prices, PV)**.

### Total Ongoing Costs

202. Total ongoing costs are estimated to be between **£0.2 million and £1.8 million**, with a central estimate of **£0.7 million (2025/26 prices, PV)**.

### Introducing an interim Serious Crime Prevention Order

#### Criminal Justice System Costs

203. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.3 and A1.7.

204. The table below covers the costs incurred by the Criminal Justice System due to the increase in offenders.

**Table 7: Criminal Justice System Costs by area (£ million, 2025/26 Prices PV)**

	Low	Central	High
<b>CPS</b>	-	0.01	0.02
<b>HMCTS</b>	-	0.08	0.22
<b>Legal Aid</b>	-	0.02	0.06
<b>HMPPS</b>	-	0.11	0.85
<b>Total CJS Costs</b>	-	<b>0.22</b>	<b>1.15</b>

Source: Internal Home Office Calculations

205. It is estimated that between zero and two prison places, with a central estimate of zero prison places will be required per year once the steady state is reached.

### Notification Requirements

206. Measure 4 of the standard SCPO proposals is likely to incur resource costs from police for managing the notification requirements of any interim SCPOs as well. The total cost of this is estimated to be between **£0 and £100** with a central estimate of **£30 (2025/26 prices, PV)**.

## Total Ongoing Costs

207. Total ongoing costs are estimated to be between **£0 and £1.2 million**, with a central estimate of **£0.2 million (2025/26 prices, PV)**.

## New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

### Criminal Justice System Costs

208. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.4, and A.1.8.

209. The table below covers the costs incurred by the Criminal Justice System due to the increase in offenders.

**Table 8: Criminal Justice System Costs by area (£ million, 2025/26 Prices PV)**

	Low	Central	High
<b>Police</b>	0.02	0.02	0.03
<b>CPS</b>	0.18	0.22	0.27
<b>HMCTS</b>	0.70	0.87	1.04
<b>Legal Aid</b>	0.75	0.94	1.13
<b>HMPPS</b>	3.07	3.84	4.61
<b>Total CJS Costs</b>	<b>4.71</b>	<b>5.89</b>	<b>7.07</b>

Source: Internal Home Office Calculations

210. It is estimated that between four and six prison places, with a central estimate of five prison places will be required per year once the steady state is reached.

## Total Ongoing Costs

211. Total ongoing costs are estimated to be between **£4.7 million and £7.1 million**, with a central estimate of **£5.9 million (2025/26 prices, PV)**.

## Amending CT port powers to allow the police to take biometrics at a port in Scotland

212. Based on estimates made by Counter Terrorism Policing, total ongoing costs are estimated to be £0.02 million per year. This is the cost of maintaining the devices. As the only change is the location of where the biometrics are being obtained, there are no additional costs relating to the obtaining of biometrics. Over the ten-year appraisal period, discounted cost is **£0.2 million (2025/26 prices, PV)**.

## Non-Monetised Costs

213. Many of the measures incur costs that have not been monetised due to uncertainty and an absence of data on the quantifiable impact of the policies.

214. Expected costs in Pillars 1, 2 and 4 are expected to be negligible, with the only costs attributed to measures in these pillars being around familiarisation costs for relevant bodies.

215. Measures in Pillar 3 are expected to incur costs around familiarisation with new policies, as well as anticipated criminal justice system costs where measures will lead to increased arrests and convictions. Costs around resource increases and staff training

also need to be considered for measures in these pillars. A description of these non-monetised costs is outlined below.

## **Pillar 1: The framework within which the Border Security Command can operate**

### **Making the Border Security Commander a statutory office holder**

#### **Familiarisation Costs**

216. Familiarisation costs are assumed to be negligible as a result of making the Border Security Commander a statutory office holder. There will be a time commitment for BSC and Home Office Legal Advisors (HOLA) staff to familiarise themselves with these changes, but this does not amount to a significant additional number of words to read and interpret. As such familiarisation costs have not been included in the NPSV for this policy.

## **Pillar 2: Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats**

### **Sharing of customs information by HMRC**

217. Costs may be incurred by HMRC to supply data to the Home Office if new data, that is currently not shared, is required. However, in the absence of more specific detail on data sets that fall within this scope, no monetised costs have been estimated to HMRC or the Home Office.

### **Sharing of trailer registration information**

218. Incorporation of the data into the Home Office Intelligence data analytics platform has been identified for the schedule of work planned for 2025. DVLA are not charging the Home Office to connect to the trailer data from DVLA systems.

219. No monetised costs have been estimated to policing, NCA or HMRC to acquire and operationalise the data sharing.

## **Pillar 3: New and enhanced powers to strengthen border security**

### **Enhanced OIC Powers**

#### **Familiarisation Costs**

220. Whilst familiarisation costs for the NCA have been outlined, there may be familiarisation costs to other agencies also. It has not been possible to estimate which agencies may also fall into scope, and how many staff within these agencies may require familiarisation as the details of full operationalisation have not yet been confirmed.

#### **Criminal Justice Costs**

221. It is anticipated that this measure will lead to additional arrests and convictions. This would result in costs to the Justice System, either through the provision of legal aid, prison places or court costs. However, there are no robust estimates at this stage for likely estimates of individuals that may be arrested or prosecuted under these offences, so these impacts have not been monetised.

### **Seizure of Electronic Devices**

#### **Familiarisation Costs**

222. There will be a time commitment for Immigration Enforcement staff and the police to familiarise themselves with these changes, but the guidance documents which will be

shared are uncertain at this stage. As such familiarisation costs have not been included in the NPSV for this policy.

### **Home Office Intelligence Resource**

223. The data that is processed from the seized devices will be shared with Home Office partners who will analyse it to develop improved understanding of threats related to irregular migration and/or illegal entrants on OIC methodologies and activities. It has not been possible to monetise the cost of Home Office Intelligence resource at this stage, as there is not enough evidence about how many devices will be seized under these powers. However, it is anticipated that dependent on requirements, there will be a cost for the Home Office to review and analyse the extracted data and information retrieved from the devices.

### **Criminal Justice Costs**

224. Whilst the principle aim of the policy is to collect intelligence from seized devices, there is potential for this to lead to additional arrests and convictions. If this impact does materialise there will be a financial burden on the public sector, in terms of legal costs or providing prison places. It is not possible to monetise this, given the lack of data to construct scenarios on possible arrests and convictions resulting from this policy.

225. Any resulting convictions may also result in custodial sentences, which would have an impact on prison places. Whilst a second order impact of the legislation, there would be a cost to HMPPS of facilitating these sentences. However, there is not enough data about the impacts of this policy on arrests to be able to estimate this cost.

### **Electronic Device Data Storage and Analysis System Costs**

226. Data which has been downloaded from the seized devices will be stored in a cloud storage capability ahead of analysis by Home Office Intelligence. Each terabyte (TB) of storage costs the public sector £12 (see Annex A.1.5), and the storage required depends on the size of the device seized, the number of access points and how long the data is retained for. Due to a lack of data around requirements, it has not been possible to monetise this cost.

### **Protecting life at sea (endangerment offence)**

#### **Familiarisation Costs**

227. There will be familiarisation costs associated the introduction of this legislation with a need for all related agencies to understand how this offence will be enforced – this includes Border Force, Immigration Enforcement, Criminal and Financial Investigation (CFI) and the CPS.

#### **Resource Costs**

228. There are likely to be some additional costs associated with meeting the evidential requirement for prosecution of offences, through evidence gathering and related administrative costs which also includes working with French authorities.

#### **Criminal Justice System Costs**

229. The introduction of this offence is expected to lead to an increase in arrests, charges and convictions associated with dangerous behaviour on small boats. For reasons of operational sensitivity, the Home Office is unable to publish specifics on the likely volume of affected individuals or groups.

## **Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders**

### **Training Costs**

230. There are likely to be training costs for the NCA, HMRC, British Transport Police (BTP) and the police, as they will need to know that they can apply to the High Court for an SCPO and that they must consult the CPS regarding their application. There are also likely to be training costs for the CPS as they will need to know that they must be consulted by these agencies before making an application to the High Court for an SCPO.
231. There are also likely to be training costs for His Majesty's Courts and Tribunal Services (HMCTS) operational staff involved in running the High Court proceedings to hear the applications for SCPOs. These costs are likely to be negligible as only a subset of NCA, HMRC, police, BTP, CPS and HMCTS staff would be involved in using SCPOs.

### **Resource Costs**

232. Allowing HMRC, the NCA, BTP and the police (in all cases, not just cases which are terrorism-related) to apply for a High Court SCPO themselves rather than the CPS making the application on their behalf may lead to an increased resource burden for these organisations. It has been assumed that this increase in resource burden is similar to the current resource burden on the CPS in relation to applying for SCPOs. However, as there have been so few High Court SCPO applications to date, it is possible that this burden on HMRC, the NCA, BTP and the police might increase if these changes encourage greater use of High Court SCPOs by these agencies.

### **Introducing an interim SCPO**

233. The same non-monetised costs covered in the standard SCPO proposal also apply for Interim SCPOs.

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

### **Civil Seizure/Forfeiture Costs**

234. There are expected to be costs associated with the availability to law enforcement of civil seizure and forfeiture powers alongside the proposed criminal offences. These costs are likely to impact police/NCA/law enforcement and the courts.

### **Costs to business**

235. The consultation IA<sup>55</sup> references the potential impact of legitimate firms who produce and sell specific articles that as a result of the proposal may be deterred from doing so. This impact could extend to individuals who legitimately purchase these items that may be deterred from purchasing them.
236. Responses from the consultation have not returned any suggestions as to the size of the legitimate market and the impact the proposals may have. No businesses voiced concerns about the potential impact the proposals would have on their operations,

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<sup>55</sup> Home Office, Possession Offence Consultation Impact Assessment, 2022 – GOV.UK: <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/possession-offence-impact-assessment-accessible>

costs, and revenue. The non-monetised costs to businesses who produce and sell specific articles is assumed to be negligible.

#### **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

237. All expected costs from this measure have been monetised above. There are no training or familiarisation costs as examining officers are trained in taking biometrics.

#### **Pillar 4: Measures to support and strengthen the UK's asylum and immigration system**

##### **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

238. There are no expected costs of this measure.

##### **Repeal of parts within the Illegal Migration Act 2023**

239. There are no expected costs of this measure.

##### **Detention and exercise of functions pending deportation**

240. There are no expected costs of this measure.

##### **Amendments to the governance arrangements for the Immigration Services Commissioner**

241. There are no expected costs of this measure.

##### **Extension of personnel who can take biometric information**

242. There are no expected costs of this measure. Staff already trained to capture biometrics will not be affected and this measure will not seek to train additional staff. Any additional training required will be on the basis that this is needed for the individual to perform their normal role.

##### **Collection of biometrics outside of a visa application process**

243. There are no expected costs of this measure. This measure grants the Home Office the power to delegate the collection of capturing biometric information to authorised persons (such as US military personnel). It is currently unclear to what extent that power will be used and if it will result in a requirement for more staff or technology.

##### **Retrospective authority for fees relating to English language and UK and overseas qualifications**

244. There are no expected costs of this measure.

#### **BENEFITS**

245. It has not been possible to monetise the benefits of the provisions set out in this Bill as there is limited evidence to quantify their economic impact. Many of the measures have intended benefits that have not been monetised due to uncertainty and a lack of data on the quantifiable impact of the policies. These intended benefits are listed in the section 4 of the IA, and as indicators of success within the strategic overview section of the evidence base. In totality, these benefits contribute to achieving the following outcomes:

- The UK border being an effective intervention point for OIC and other threats.
- OCGs being disrupted and unable to operate, both at the border and upstream.
- Supporting and strengthening the UK immigration and asylum system.

246. Irregular migration is associated with a range of socioeconomic costs to the UK. Irregular migration can facilitate wider serious and organised crime, with associated social and economic costs to the UK.<sup>56</sup> In addition, irregular migrants who remain in the UK can be associated with social and economic costs including, but not limited to, the use of public services, adverse labour market impacts, and the cost of the asylum system. Should the Bill achieve its intended outcomes, these costs are likely to reduce, leading to a positive impact on UK prosperity.
247. The following summaries explain the way in which each measure could lead to one or more of these outcomes, with descriptions of other measure specific benefits outlined below. These non-monetised benefits should be considered when assessing the overall impact of the Bill.

## **Pillar 1: The framework within which the Border Security Command can operate**

### **Making the Border Security Commander a statutory office holder**

248. There are several non-monetised benefits that may be realised because of the legislation. These are as follows:

#### **Strategic Direction**

249. The Border Security Commander will convene a Board with regular meetings, with the purpose of setting the government's strategic priorities for border security and providing monitoring and oversight of activity undertaken to meet these priorities. The legislation establishes the Commander as the First Amongst Equals, giving them the authority to be an effective system leader, cohering and driving cross-government systems to improve the collective response to current and future cross-border threats to the UK's border security.

#### **Efficiency Improvements**

250. Equipped with authority to commission partners on border security measures and coordinate a response to emerging threats, the Commander would be able to accelerate decision-making processes and consequently operationalising of border security capabilities.

## **Pillar 2: Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats**

### **Sharing of customs information by HMRC**

251. Clearly defined legal gateways for data sharing will improve relations between HMRC and Home Office when requests for such data are made. As a result of this, access to the prescribed datasets will support the Home Office and Border Force in decision making processes at the Border to support both border security and border flow. Additionally, a further benefit may be realised as access to better information may slow the unlawful movements of people or good into the country. This would serve to safeguard vulnerable people, particularly those who may otherwise become victims of modern slavery or human trafficking.

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<sup>56</sup> Home Office, Understanding organised crime 2015/16 second edition: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/782656/understanding-organised-crime-mar16-horr103-2nd.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/782656/understanding-organised-crime-mar16-horr103-2nd.pdf)

252. Access to this additional data will feed into targeting processes, with the aim of increasing targeting effectiveness (intercepting more harmful goods or irregular migrants with the same resource) or efficiency (intercepting the same volume of harmful goods or irregular migrants with fewer resources). This in turn could reduce the social and economic costs of organised crime and/or irregular migration to the UK.

### **Sharing of trailer registration information**

253. This is a necessary first step towards supporting Home Office and law enforcement partners' work by allowing them to access to the trailer registration data held by the DVLA, and for the range of processing purposes required. It also bolsters the transparency and governance regime around access to the Trailer Registration Scheme data set. These benefits have not been quantified or monetised.

254. Specific benefits to the Home Office and law enforcement partners include allowing Home Office access to the prescribed datasets will support both the Home Office and Border Force in decision making processes at the border to support border security and border flow. Access to this data will support the prevention, investigation and detection of criminal offences associated with trailer movements both in the UK and across Borders. This may then support in the prosecution of criminal offences and the execution of criminal penalties relating to criminal activity involving trailer movements.

255. This measure may also safeguard or prevent threats to public security and preserve public order. Additionally, a further benefit may be realised as access to better information may slow the unlawful movements of people or good into the country. This would serve to safeguard vulnerable people, particularly those who may otherwise become victims of modern slavery or human trafficking. Access to this additional data will feed into targeting processes, with the aim of increasing targeting effectiveness (intercepting more harmful goods or irregular migrants with the same resource) or efficiency (intercepting the same volume of harmful goods or irregular migrants with fewer resources). This in turn could reduce the social and economic costs of organised crime and/or irregular migration to the UK.

## **Pillar 3: New and enhanced powers to strengthen border security**

### **Enhanced OIC Powers**

#### **Increased prosecution of OIC facilitators**

256. The aim of these offences is to enable earlier and faster interventions for operational decisions and criminal investigations through lower suspicion thresholds. An increase in arrests and convictions as a direct result of this intervention may cause disruptions to OCGs as there may be fewer members available to facilitate irregular migration. This in turn could lead to a reduction in the social and economic costs of organised crime in the UK.

#### **Increased disruptions to OCGs**

257. Increased prosecutions may also inherently result in increased disruption of OCGs. This may disrupt the business models of OCGs and increase the barriers to facilitate irregular migration, for example, increasing the cost to business. This may make activities less viable and by consequence decrease criminality. Overall, this may contribute to degrading the capability of organised criminal networks moving goods or people.



## **International comparators of similar enhanced powers**

258. This measure is the first of its kind amongst the international community: as a result, there is no baseline evidence to estimate the potential success of the policy. There are no international comparators that could support the evidence base and develop the understanding of the potential benefits of the policy.

## **Seizure of Electronic Devices**

### **Increased Information on OCG activity**

259. The principal aim of this policy is to seize electronic devices for the purpose of enhancing the information around facilitation offences. Seized devices, once processed, will provide data which will be analysed by Home Office Intelligence. Intelligence reports will help to identify patterns in OCG behaviour and the involvement of OCGs in facilitation offences. Developing an understanding of this will be crucial to addressing this issue. This data can also be used to share with other agencies involved in the process of preventing facilitation offences to strengthen the information in this area. In the absence of more quantitative data in measuring this outcome, it has not been possible to monetise this benefit.

### **Increased disruptions to OCGs**

260. Immigration Officers and police can use the intelligence collected from devices to learn more about business models under which OCGs conduct irregular migration facilitation offences. This information can be used to inform subsequent operational activities which aim to disrupt viable methods by which OCGs operate in trafficking irregular migrants. By consequence this supports a decrease in criminality. Overall, this contributes to degrading the capability of organised criminal networks moving goods or people. In the absence of more data in measuring the monetary impacts of this benefit, it has not been included in the monetised benefits.

### **Increased prosecution of irregular migration facilitators**

261. The aim of the operationalisation of this provision is to gather data from electronic devices to enhance the information available for operational decisions. Devices may also be seized for the purposes of providing evidence for facilitation offences. An increase in arrests and convictions would be a second order impact of these powers, depending on the quality and quantity of information collected. As a result, it has not been possible to quantify those impacts in the absence of this data.

## **Protecting life at sea (endangerment offence)**

### **Fewer fatalities at sea**

262. The introduction of an offence which criminalises behaviour that endangers the life of other migrants aims to deter the type of behaviour which we have seen has led to fatalities in the Channel. The extent to which the offence will have the desired behavioural impact is uncertain. A reduction in dangerous behaviour could lead to fewer fatalities in the Channel from migrants attempting to cross via small boat.

## **International leadership**

263. Given the novel nature of such an offence, this could demonstrate leadership within the international community, particularly with our European partners, and signal the need for tangible action to disincentive the hazardous nature of these small boat journeys. A coordinated and proactive approach to OIC with international partners could help to disrupt OIC OCGs further upstream.

## **Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders**

### **Reduction in serious crime**

264. There is insufficient data with which to construct estimates of the monetary value of the benefits from this legislation. Measures 1 and 2 (expanding the range of organisations that are able to apply for a SCPO and allowing a SCPO application upon acquittal to be made in Crown Court) are designed to streamline the process of applying for SCPOs. These measures may lead to a reduction in serious crime if they lead to increased use of SCPOs, and accordingly if SCPOs are effective at preventing future serious crime through placing restrictions on those likely to commit serious offences.

265. Serious and organised crime is estimated to cost the UK at least £47 billion annually.<sup>57</sup> The increased use of SCPOs can help disrupt and deter serious criminal activity. Measures 3 and 4 could lead to improved monitoring and enforcement of SCPOs by creating an express power for electronic monitoring and standardising the notification requirements for SCPOs. This allows law enforcement to monitor SCPOs more consistently, given that the information which they record will be standardised for all SCPOs. Where there is improved monitoring and including increased detection of breaches and more prosecutions being brought forward for a breach, there may be a reduction in serious crime. Individuals prosecuted and convicted for a breach will be prevented from carrying out further crime. Better monitoring and enforcement may also act as a deterrent to breach.

## **Introducing an interim SCPO**

### **Reduction in serious crime**

266. By imposing immediate restrictions on an individual, law enforcement agencies have additional time to gather further evidence for an application for a “full” order, or to continue their investigations in pursuit of a prosecution, whilst mitigating the threat posed by that individual and enable the disruption and/or prevention of serious crime. This means interim orders should lead to a reduction in serious crime.

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

### **Reduction in serious crime**

267. There is insufficient data with which to construct estimates of the monetary value of the benefits from this legislation. It is possible that by making these articles illegal to possess/supply, there will be a deterrent effect on serious crime. Additionally, if

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<sup>57</sup> The social and economic costs of organised crime to the UK is estimated to be approximately £37 billion in FY 2015 to 2016, based on Home Office, ‘Understanding Organised Crime Estimating the scale and the social and economic costs’, November 2018. This figure is inflated using November 2023 HMT GDP Deflator which produces a cost estimate of £47 billion in 2023/24 prices.

individuals do commit a crime under this new offence, there will be an incapacitation effect of these individuals being convicted, which will reduce crime.

268. The effect may depend on the specific article targeted:

- **Vehicle Concealments:** In the three-year period from 2020 to 2023, the NCA seized 438 vehicles, about 150 of those were at the border.<sup>58</sup> A ban on vehicle concealments may allow more interceptions to occur at the border, preventing serious crimes.
- **3D Printed Firearms:** The number of UK Law Enforcement cases involving 3D printed firearms including metal parts increased from 6 in 2021 to 17 in 2022 and 25 in 2023.<sup>59</sup> As the quality of 3D printed weapons improves, it is highly likely that viable hybrid firearms will increasingly feature in UK criminality.<sup>60</sup> Criminalising the possession and supply of these devices could prevent these firearms from proliferating as much as they would if there was no ban, potentially reducing crime.
- **Pill Presses:** Pill Presses can be used to mass produce illicit drugs. The NCA seized 40 million illicit pills in a single raid in 2020, and the Metropolitan Police seized 150,000 pills of fentanyl in late 2023.<sup>61</sup> By criminalising the possession / supply of pill presses, OCGs may find it more difficult to mass produce illicit pills, reducing the harm to society brought by illicit drugs.

269. As none of the benefits associated with potential reductions in serious crime have been able to be monetised, breakeven analysis has been conducted using the Home Office's cost of crime.<sup>62,63</sup> Serious and organised crime is multifaceted and there is no one value that can be used in this analysis. Some scenarios based on each article are provided below.

- **Vehicle Concealments:** If restrictions on vehicle concealments prevents illegal goods, such as firearms, from entering the UK, and this reduces the number of homicides by even just two to three homicides over 10 years,<sup>64</sup> this would result in benefits exceeding costs over the appraisal period.
- **3D Printed Firearms:** If restrictions on 3D printed firearms reduce the number of homicides by one to two homicides over 10 years,<sup>65</sup> this would result in benefits exceeding costs over the appraisal period.

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<sup>58</sup> Figures provided by the NCA.

<sup>59</sup> Figures provided by the NCA.

<sup>60</sup> This is an operational assessment provided by law enforcement partners.

<sup>61</sup> Criminal Justice Bill, Public Bill Committee First Sitting, 12/12/23: [https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010\\_Criminal\\_1st-th\\_Compilation\\_14\\_12\\_2023.pdf](https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010_Criminal_1st-th_Compilation_14_12_2023.pdf)

<sup>62</sup> Home Office, The economic and social costs of crime, 2018: <https://assets.publishing.service.gov.uk/media/5b684f22e5274a14f45342c9/the-economic-and-social-costs-of-crime-horr99.pdf>

<sup>63</sup> This breakeven analysis assumes no setup period and does not report in Present Values, so potentially may be an underestimate of the required number of offences to breakeven.

<sup>64</sup> The Home Office social and economic costs of crime report outlined in previous footnotes reports a homicide unit cost of £3,217,740 in 2015/16 Prices. Uplifting to 2025/26 Prices using the GDP Deflator results in a new unit cost of £4,246,935. Dividing the total cost of the proposal (between £7.2 million and £11.0 million with a central estimate of £9.1 million) by this new unit cost results in between 1.7 and 2.6 homicides, with a central estimate of 2.1 homicides needing to be prevented for the Net Present Social Value to become positive.

<sup>65</sup> Ibid.

- **Pill Presses:** There are no unit costs of drug crime available, however it has been estimated that were the total socioeconomic harm of drugs to England be reduced by 0.04 per cent, the harm saved would exceed the costs of the policy.<sup>6667</sup>

## **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

### **Reduced labour costs to law enforcement**

270. These are time savings for examining officers who, under the new legislation, will not have to visit a police station to take biometrics. By not travelling, there will be reduced fuel and labour costs for the police. This results in a benefit (cost saving) of between £200 and £450 per year, with a central estimate of £325 per year. In 2023/24, six fingerprints were taken by CT port officers using Schedule 7 powers.<sup>68</sup> As a result, the savings that this measure is expected to provide ranges between £30 and £75 per fingerprint, assuming the number of fingerprints remain constant.

### **Increased time to conduct other activities**

271. There is insufficient data with which to construct estimates of the monetary value of the risk management benefit from this legislation. Examining officers will have greater time to question and search an individual's involvement in terrorism or hostile activity as they no longer need to transport the individual to examine them. Under current legislation, examination time is limited to six hours which includes transport time. Transport time does not provide any additional management of terrorist risk and is simply a cost incurred to the police. By eliminating transport time, officers can use the examination time to its' full benefit in managing the terrorist risk posed by individuals at port.

## **Pillar 4: Measures to support and strengthen the UK's asylum and immigration system**

### **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

272. There are indirect monetised benefits of this measure flowing from the formal cessation of the UK-Rwanda treaty after repealing the Safety of Rwanda (Asylum and Immigration) Act 2024. As set out in the Breakdown of Home Office costs associated with the MEDP with Rwanda and the Illegal Migration Act 2023,<sup>69</sup> £220 million in scheduled future payments will not have to be paid due to the partnership ending.

<sup>66</sup> The total socioeconomic cost to England from drug crime was estimated at £19.3 billion (17/18 prices). Uplifting to 25/26 prices using the GDP Deflator leads to a total socioeconomic cost to England of £24.5 billion (2025/26 prices). Source: Dame Carol Black Review: Phase One. The updated figure only accounts for changes in inflation since 2017/18 and does not take into account any other changes, such as changes in prevalence] Dividing this figure by the total cost of the proposal (between £7.2 million and £11.0 million with a central estimate of £9.1 million) results in between 0.03 per cent and 0.04 per cent, with a central estimate of 0.04 per cent.

<sup>67</sup> Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks (2019) – GOV.UK: [https://assets.publishing.service.gov.uk/media/5eaaffedd3bf7f65363e4fda/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/media/5eaaffedd3bf7f65363e4fda/Review_of_Drugs_Evidence_Pack.pdf)

<sup>68</sup> Terrorism Act 2000: <https://www.legislation.gov.uk/ukpga/2000/11/schedule/7>

<sup>69</sup> Breakdown of the Home Office costs associated with the MEDP with Rwanda and the Illegal Migration Act 2023 – GOV.UK: <https://www.gov.uk/government/publications/medp-with-rwanda-and-the-illegal-migration-act-associated-costs/breakdown-of-home-office-costs-associated-with-the-medp-with-rwanda-and-the-illegal-migration-act-2023>

## **Repeal of parts within the Illegal Migration Act 2023**

273. There are no monetised benefits of this measure. The measures from the Act being retained have no additional benefit as they already exist in legislation. Through the Illegal Migration Act 2023 (Amendment) Regulations 2024,<sup>70</sup> the government has already acted to remove the blockers to asylum processing caused by the Act, thus avoiding extra asylum accommodation and support costs to the Home Office while claims were not being processed. This regulation was estimated to save £7.7 billion.<sup>71</sup> The decision to cancel the operation of removals to Rwanda under the Act has already been taken, so there are no additional benefits of repealing measures from this legislation.

## **Detention and exercise of functions pending deportation**

274. There are no monetised benefits of this measure. This measure strengthens the power to detain individuals liable to deportation on conducive grounds and protects the Home Office against claims of unlawful detention in such cases.

## **Amendments to the governance arrangements for the Immigration Services Commissioner**

275. It is not possible to monetise the benefit of flexible and continuous governance.

## **Extension of personnel who can take biometric information**

276. This measure will allow flexibility of the deployment of staff trained to capture biometrics between sites in the UK. This will ease the burden of demand surges and could contribute to a reduction in the time migrants spend in IRCs.

## **Collection of biometrics outside of a visa application process**

277. This measure will improve the security of the UK by collecting and checking biometric information of more foreign nationals during an evacuation or other event where government needs to facilitate the movement of foreign nationals without extant permission to enter the UK. This measure, once technical capability is built, will allow for the biometric checks of 100 per cent of foreign nationals in these circumstances, subject to operational capacity on the ground. The extent to which this measure could lead to more adverse matches and the refusal of those not conducive to the public good is not clear, meaning it is not possible to quantify the benefit.

## **Retrospective authority for fees relating to English language and UK and overseas qualifications**

278. The main benefit of this measure is the avoidance of potential future costs that would be incurred through refunds of fees charged for services provided to date. The value of this is inherently uncertain and depends upon behavioural factors of those who have paid for these services.

279. There is uncertainty around when fees were first charged for these services, but it is possible that the fees may have been in place from at least 2014, and in the case of the Home Office V&N service from at least 2008. For the purposes of this impact assessment, figures have been provided on the liability for potential claims which could

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<sup>70</sup> The Illegal Migration Act 2023 (Amendment) Regulations 2024: <https://www.legislation.gov.uk/uksi/2024/815/made>

<sup>71</sup> The Illegal Migration Act 2023 (Amendment) Regulations 2024 – Impact Assessment: [https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia\\_20240119\\_en.pdf](https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia_20240119_en.pdf)

be brought (for fees charged from any time until the Bill comes into force), if retrospective legislation were not enacted.

280. It is estimated that the Home Office could be liable for claims totalling approximately £87 million for V&N services for the period of 2008 to 2024.
281. It is estimated that DfE could be liable for claims totalling approximately £2 million for the non-UK Early Years Qualifications Recognition service for the period of 2014 to end of 2024. This is an estimate only and has been calculated by extrapolating available data from 2023 to apply to previous years, but the absence of more specific data on previous contracts means the total may be lower.
282. DfE also estimates that the UK ENIC Services have generated approximately £45 million in revenue for the period of 2014 to 2024. There is uncertainty as to whether this figure represents an appropriate estimate of liable refunds and the benefit of this Bill, as the UK ENIC Services are considered to be commercial and not requiring statutory authority. However, DfE has concluded that there is a legitimate argument for this service to require statutory provision, as such, it has been decided to include this service within this measure to put beyond doubt the authority for the charges.
283. These figures have not been included in the monetised benefits section above because the extent to which they will occur is highly uncertain, as it depends on whether individuals and businesses would have made claims to receive a refund for the services they have received.

### Value for Money (VfM)

284. It has not been possible to undertake a full VfM assessment of the Bill using a NPSV approach. The tables below display a NPSV, BNPV and EANDCB comprising the costs of implementation of relevant measures. There are significant non-monetisable benefits that might happen from introduction of this Bill, which may impact on overall value for money.

### NPSV, Business Net Present Value (BNPV), EANDCB

285. Table 9 shows the NPSV of each Pillar.

**Table 9: NPSV, £ million, 2025/26 prices, Present Value**

	Low	Central	High
<b>Pillar 1 Total</b>	-	-	-
<b>Pillar 2 Total</b>	-	-	-
<b>Pillar 3 Total</b>	-10.4	-13.6	-20.0
<b>Pillar 4 Total</b>	-	-	-
<b>Total</b>	<b>-10.4</b>	<b>-13.6</b>	<b>-20.0</b>

Source: Internal Home Office Calculations

286. Table 10 shows the BNPV of each Pillar. Costs included are those contained within serious and organised crime-related measures in Pillar 3 (serious and organised crime articles, SCPOs, and interim SCPOs).

**Table 10: BNPV, £ million, 2025/26 prices, Present Value**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Pillar 1 Total</b>	-	-	-
<b>Pillar 2 Total</b>	-	-	-
<b>Pillar 3 Total</b>	-0.02	-0.14	-0.48
<b>Pillar 4 Total</b>	-	-	-
<b>Total</b>	<b>-0.02</b>	<b>-0.14</b>	<b>-0.48</b>

Source: Internal Home Office Calculations

287. Table 11 shows the EANDCB of each Pillar. Costs included are those contained within serious and organised crime-related measures in Pillar 3 (serious and organised crime articles, SCPOs, and Interim SCPOs).

**Table 11: EANDCB, £ million, 2025/26 prices**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Pillar 1 Total</b>	-	-	-
<b>Pillar 2 Total</b>	-	-	-
<b>Pillar 3 Total</b>	-	-0.02	-0.05
<b>Pillar 4 Total</b>	-	-	-
<b>Total</b>	-	<b>-0.02</b>	<b>-0.05</b>

Source: Internal Home Office Calculations

## **Costs and benefits to business calculations**

288. Most measures are not expected to have business impacts, however measures within this Bill that do are discussed below.

### **Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs)**

289. The only monetised impact on business was the cost to private sector legal firms who have to familiarise themselves with the change in legislation. As covered in Table 9, the cost to the private sector is estimated to be between **£0.01 million and £0.21 million**, with a central estimate of **£0.06 million** (2025/26 Prices, PV).

290. The Business Net Present Value (BNPV) is between **-£0.01 million and -£0.21 million**, with a central estimate of **-£0.06 million** (2025/26 Prices, PV).

291. The EANDCB is estimated to be between **£1,000 and £0.02 million**, with a central estimate of **£0.01 million** (2025/26 Prices, PV).

**Table 12: BNPV and EANDCB for proposal F.1 (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.01	-0.06	-0.21
<b>EANDCB</b>	-0.00	-0.01	-0.02

Source: Internal Home Office calculations, rounded to nearest £1,000

### Introducing an interim SCPO

292. The only monetised impact on business was the cost to private sector legal firms who have to familiarise themselves with the change in legislation. As covered in Table 3, the cost to the private sector is estimated to be between **£4,000 and £0.11 million**, with a central estimate of **£0.03 million** (2025/26 Prices, PV).
293. The Business Net Present Value (BNPV) is between **-£4,000 and -£0.11 million**, with a central estimate of **-£0.03 million** (2025/26 Prices, PV).
294. The EANDCB is estimated to be between **£400 and £0.01 million**, with a central estimate of **£3,000** (2025/26 Prices, PV).

**Table 13: BNPV and EANDCB for proposal F.2 (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.00	-0.03	-0.11
<b>EANDCB</b>	-0.00	-0.00	-0.01

Source: Internal Home Office calculations, rounded to nearest £1,000

### New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

295. The only monetised impact on business was the cost to private sector legal firms who have to familiarise themselves with the change in legislation. As covered in Table 11, the cost to the private sector is estimated to be between **£0.01 million and £0.16 million**, with a central estimate of **£0.05 million** (2025/26 Prices, PV).
296. The Business Net Present Value (BNPV) is between **-£0.01 million and -£0.16 million**, with a central estimate of **-£0.05 million** (2025/26 Prices, PV).
297. The EANDCB is estimated to be between **£1,400 and -£0.02 million**, with a central estimate of **-£0.01 million** (2025/26 Prices, PV).

**Table 14: BNPV and EANDCB for proposal F.3 (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.01	-0.05	-0.16
<b>EANDCB</b>	-0.00	-0.01	-0.02

Source: Internal Home Office calculations

298. This regulation may impact businesses who legitimately sell/manufacture/import articles used in serious and organised crime, as they will incur a cost/loss of revenue associated with no longer being able to supply these articles.



299. At the consultation stage, the argument was made that under Option 1 there could be an impact on small and micro businesses that make, adapt, supply, or offer to supply the specific articles listed, as they may be deterred from doing so.
300. It is unclear how many businesses legitimately provide these items currently and what proportion of these firms would be small or micro businesses. There were only seven responses to the consultation from industry. However, providing an exemption to small and micro businesses would not allow this option to meet policy objectives.
301. During the consultation stage (2023), officials presented Option 1 at a roundtable event hosted by techUK, where industry professionals had the opportunity to deliberate and provide valuable comments and considerations. Additionally, officials reached out to trade bodies, such as the pharmaceutical and motor industries, inviting them to respond to the consultation and share any feedback. From the responses the department received, the Home Office found that the proposed offense is expected to have a minimal impact on industry and business, reflecting a balanced approach that aligns with both public safety needs and commercial interests.
302. The consultation did not return any responses from businesses voicing concerns about the potential impact the proposals would have on their operations, costs, and revenue. On the balance of evidence, the impact on small and micro-businesses and medium-sized businesses is assumed to be negligible.

### **Costs and benefits to households' calculations**

303. Most measures are not expected to have impacts on the households or regional impacts. There are not expected to be any direct impacts to households as a result of this legislation.
304. Households may benefit from reduced crime, including OIC, however this is not a direct impact, so the Equivalent Annual Net Direct Cost to Households (EANDCH) is zero.
305. Areas that face more serious crime, including OIC will likely benefit more from this policy compared to areas that do not. This would cover urban areas and ports among other potential locations.

### **Business environment**

306. Most measures are not expected to have impacts on the business environment. Measures that do are discussed below:

#### **Sharing of customs information by HMRC**

307. The proposal would only negatively influence traders who, wholly or partly, deal in illicit goods and are fearful of potential prosecution or penalties. The UK only supports legitimate trade, and the measures should have no impact on legitimate traders.

#### **Sharing of trailer registration information**

308. The proposal would only negatively influence traders who, wholly or partly, deal in illicit goods and are fearful of potential prosecution or penalties. The UK only supports legitimate trade, and the measures should have no impact on legitimate traders.

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

309. This regulation may impact businesses who legitimately sell/manufacture/import articles used in serious and organised crime, as they will incur a loss in revenue associated with no longer being able to supply these articles. However, the proposal would only negatively influence businesses who, wholly or partly, deal in the specified articles used in serious and organised crime. The UK supports legitimate trade, and the measures should have no impact on businesses selling these goods for legitimate use. However, well evidenced data on the size of the market for these articles, and whether businesses would be impacted, is unavailable. Initial consultation responses indicate the market to be small and the impact negligible.

## **Trade implications**

310. Most measures included in the Bill are not expected to have an impact on trade. The measures that are expected to have an impact are discussed below.

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

311. For these offences the prosecution would need to show that the accused had reasonable grounds to suspect the article they are making, modifying, importing, supplying, offering to supply, or possessing will be used in serious crime.

312. Responses from the consultation have not returned any suggestions as to the size of the legitimate market and the impact the proposals may have. There were only seven industry responses from trade bodies and a small number of responses from businesses, suggesting the proposed offence can be expected to have a minimal impact on industry, trade, and business. As a result, there are likely to be negligible trade impacts.

## **Secondary legislation**

313. Having a delegated power enables the government and law enforcement agencies to respond to changes in criminal tactics and technological advances, keeping law enforcement one step ahead of OCGs.

314. Should additional articles be added, the Home Office will re-assess the trade implications of these. The secondary power will only be exercised, and articles added, if there is a significant risk of such an article being used in connection with any serious offence.

## **Environment: Natural capital impact and decarbonisation**

315. No measures included in the IA are expected to have an impact on Natural capital impact and decarbonisation. However, should additional amendments or changes in legislation be added a future stage, the Home Office will re-assess the environmental implications of these.

## **Other wider impacts**

316. An Equalities Impact Assessment has been carried out in addition to this impact assessment.

317. The measures included in the impact assessment may also have a wider range of impacts. Those that are expected to have an impact are discussed below.

### **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

318. **Operational impact on OCGs:** Increasing the difficulty of supplying and possessing the proposed list of articles used in serious and organised crime could impact on the operations of OCGs. In turn this could impact the revenues and profits achieved from organised crime.

319. The increased policing of these articles could shape organised criminal behaviour into adopting the use of other articles for serious organised crime. As the nature of serious crime evolves, adding/removing to the list of specified articles will be a requirement to ensure policing of this offence remains fit for purpose.

320. **Other harm reductions:** The economic and social cost of a homicide is £4.2 million (uplifted to 2025/26 prices)<sup>72</sup>. If the intervention is successful in reducing the availability of viable 3D printed firearms, the number of homicides may reduce. It is important to note that this potential impact is expected to be small, as the number of 3D printed firearms as a proportion of the UK's illegal firearms market is understood to be small yet has grown in recent years. This trend is expected to continue as availability and reliability improves over the appraisal period.

321. A lesser availability of benzodiazepines could lead to decreased drug use and a reduction in drug-related harm.<sup>73</sup> However, there could be an unintended consequence whereby domestic production of illicit benzodiazepines could be substituted with an increased importation from foreign suppliers. This would limit any impact on organised crime group and any potential harm reductions.

### **Unintended Consequences**

322. This legislation may result in a change in migrant and/or OCG behaviour, which seeks to get around the new offences creating within the Bill. The risk is that the impact may not be as large as expected. However, with available evidence it has not been possible to account for the likelihood, nor the potential scale, within this analysis.

### **Risks and Assumptions**

323. Risks and uncertainties are identified and tested in the appropriate section of the impact assessment. At time of writing the implementation plans for the Bill process is under development and specific details not yet available.

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<sup>72</sup> The economic and social costs of crime (2nd Edition), July 2018: <https://assets.publishing.service.gov.uk/media/5b684f22e5274a14f45342c9/the-economic-and-social-costs-of-crime-horr99.pdf>

<sup>73</sup> The under-18 substance misuse treatment statistics for England in 2018 to 2019 demonstrated a 53 per cent increase in young people reporting a problem with benzodiazepines than reported in 2017/18 and a 3-fold increase against what was reported in 2016/17. Public Health England, Young people's substance misuse treatment statistics 2018 to 2019: report, November 2019, <https://www.gov.uk/government/statistics/substance-misuse-treatment-for-young-people-statistics-2018-to-2019/young-peoples-substance-misuse-treatment-statistics-2018-to-2019-report>. The ACMD also highlights the potential polydrug impacts, as benzodiazepines can be mixed in heroin as 'extenders'. Advisory Council on the Misuse of Drugs, Novel Benzodiazepines: A review of the evidence of use and harms of Novel Benzodiazepines, April 2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/881969/ACMD\\_report\\_-\\_a\\_review\\_of\\_the\\_evidence\\_of\\_use\\_and\\_harms\\_of\\_novel\\_benzodiazepines.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881969/ACMD_report_-_a_review_of_the_evidence_of_use_and_harms_of_novel_benzodiazepines.pdf)

324. There are also unknowns in terms of the consequential impacts these plans might have on the OIC and behavioural change of irregular migrants.

325. The analysis does not attempt to estimate all costs of implementing the Bill process and does not attempt to estimate any changes in behaviour of future OCGs or migrants following commencement of the Bill.

### **Proportionality**

326. Every effort has been made to ensure the analysis in this impact assessment presents the best possible estimate of the likely impact of the options, given the time, resource and data available. These have been quantified where data is available, with risks highlighted below.

### **Risks**

#### **Pillar 1: The framework within which the Border Security Command can operate**

327. As the legislation aims to enable the function of the Border Security Command, very few costs and benefits have been identified for this measure. As a result, minimal analytical risks have been identified.

#### **Pillar 2: Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats**

##### **Sharing of customs information by HMRC**

328. As this is an extant practice, being regularised, there are minimal risks associated. The benefits of the policy may not be realised if data is not shared in a timely fashion or is not suitable for further usage by Home Office staff.

329. Additionally, no benefits or costs have been monetised due to lack of data or methodology in determining the monetisable impacts of data sharing.

##### **Sharing of trailer registration information**

330. If data is not shared in a timely fashion or is not useful for further analysis by the Home Office and wider law enforcement, the benefits of the policy may not be realised.

331. Additionally, no benefits or costs have been monetised due to lack of data or methodology in determining the monetisable impacts of data sharing.

#### **Pillar 3: New and enhanced powers to strengthen border security**

##### **Enhanced OIC Powers**

332. This measure is the first of its kind amongst the international community; as a result, there is no baseline evidence to estimate the potential success of the policy. Similarly, there are no international comparators that could support the evidence base and develop the understanding of the potential benefits of the policy. The new offences could lead to a change in methodologies employed by OCGs to facilitate OIC, impacting how law enforcement and the courts use this offence in practice.

333. Additionally, there may be familiarisation costs to other law-enforcement agencies besides the NCA. It has not been possible to understand which agencies may also be impacted as operationalisation details have not yet been determined. However, this risk is expected to be minimal, given the relatively short nature of the legislation (four pages).

## **Seizure of Electronic Devices**

334. There is an evidence gap in regard to whether the seizure of electronic devices may lead to behavioural changes of migrants, or less reliance on the use of mobile devices for communications.
335. The impacts outlined in this document only capture the policy if it is operationalised by Immigration Officers exclusively. If the powers are extended to police, there will be additional costs and potentially benefits.
336. Until there is further understanding of the requirements of this policy, it is not possible to fully define the impacts.

## **Protecting life at sea (endangerment offence)**

337. Due to the novel nature of the offence, impacts are based on similar offences. This is due to a known evidence gap on the associated criminal justice system impacts.
338. There is limited understanding of the behavioural impact of this intervention, so the deterrence effect on dangerous behaviour may not be realised as intended.
339. This analysis hasn't accounted for any unintended consequences which may materialise as a cost to the system, due to the limitations outlined above.

## **Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs)**

340. The estimate of the range of additional SCPOs that will be made was decided by experts from the NCA and HMRC. There is a risk that the number of additional SCPO's may be higher than expected. This would lead to increased criminal justice costs due to a higher number of SCPO applications and potentially due to a higher number of breaches of SCPO's. A range of potential additional SCPO's has been employed in this impact assessment to reflect this uncertainty.
341. The estimate of the range of additional SCPOs which employ electronic monitoring (EM) as decided by experts from the Metropolitan Police Service (MPS). There is a risk that a larger proportion of SCPOs will impose EM than has been anticipated. This could lead to an increase in criminal justice costs due to a higher number of breaches being detected.
342. The breach rates employed in this impact assessment are based on historical breach rates for SCPOs. However, breach rates associated both with additional SCPOs and with the use of EM could be higher than expected. This would lead to increased criminal justice costs, especially if this leads to an increased use of custodial sentences.
343. There is a risk that the implementation of all new SCPOs imposing a prescribed set of notification requirements cannot be absorbed within existing workloads if law enforcement partners do not have existing arrangements already in place for monitoring and enforcing the SCPOs which they already own. This could result in increased costs to law enforcement.

## **Introducing an interim SCPO**

344. Similar risks and assumptions apply to interim SCPOs as do to standard SCPOs. The estimate for the range of SCPOs made is based on stakeholder feedback from the NCA and HMRC, and there is a risk the actual number of interim SCPOs made may be higher than expected.

345. The estimate of the range of additional SCPOs which employ EM was decided by experts from the MPS. There is a risk that a larger proportion of SCPOs will impose EM than has been anticipated. This could lead to an increase in criminal justice costs due to a higher number of breaches being detected.
346. The breach rates employed in this impact assessment are based on historical breach rates for SCPOs. However, breach rates associated both with additional interim SCPOs and with the use of EM could be higher than expected. This would lead to increased criminal justice costs, especially if this leads to an increased use of custodial sentences.

**New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

347. There is significant uncertainty regarding the volume of offences/offenders each year. These results have been triangulated with other data sources, which suggest these estimates should be considered an upper bound, although there remains a possibility that law enforcement agencies may actively target these devices upon the creation of the new offences. Due to significant uncertainty and limited data, it has not been possible to separate out the volume of offences between an offence of making, modifying, importing, supplying, offering to supply a specified article, versus only possessing a specified article. Another aspect to this risk is that this offence may be subsumed in the courts and treated as a sub-offence (such as drug trafficking or possession of a firearm).
348. Prevalence of these articles are assumed to remain constant over time. This assumption, however, is unlikely to hold. In the case of 3D printing firearm templates, there is a strong expectation that the technology, reliability, and accessibility to 3D firearms/templates is likely to improve over the appraisal period as the technology becomes more mainstream to OCGs. Without reliable volumes for each individual article, it has not been possible to account for this in the analysis. Conversations with NCA subject matter experts suggest the volume of such cases involving 3D printing firearm templates is expected to be low. This means the potential impact of an increase in related offences is expected to be small. Increased policing of these articles could shape organised criminal behaviour into adopting the use of other articles for serious and organised crime. The volume of offences is also dependent on the government taking steps to add to the list of specified articles under secondary legislation, to ensure that the list can be updated as serious crime evolves.
349. There is uncertainty regarding how law enforcement and the courts will use this offence in practice. The charge rate of offences going to court has a significant impact on costs. Similarly, the proportion of those convicted where the sentencing outcome is an immediate custodial sentence impacts significantly on prison places and prison-associated set up and ongoing costs. There is also uncertainty surrounding the split in offenders going through either Crown or Magistrates' Courts, which has an impact on costs. This has been partially mitigated in the impact assessment with the approach that has been taken to use a weighted average of offences to estimate law enforcement and CJS outcomes.
350. It has not been possible to monetise all costs associated with this proposal. This may have an impact on Option 2's NPSV. It has not been possible to obtain volume and unit cost estimates for the use of civil seizure and forfeiture powers.

## **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

351. For the appraisal, it is assumed that the number of biometrics taken by CT port officers will stay the same. However, if the number of biometrics taken by CT port officers increases, the monetised efficiency saving will increase. Although, the number of biometrics taken must increase significantly before it has any significant impact on the NPSV. Assuming that taking biometrics incurs zero additional cost, examining officers must take 430 to 850 biometrics per year with a central estimate of 480 before the resource efficiency savings alone provide value for money. As the number of biometrics taken in the future is unknown, it is assumed that CT port officers will take the same number of biometrics.

352. The cost of installing and maintaining the biometric machines at port includes optimism bias in line with Green Book guidance. As a result, costs may have been overestimated for this measure.

## **Pillar 4: Measures to support and strengthen the UK's asylum and immigration system**

### **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

353. This measure has no identified analytical risks.

### **Repeal of parts within the Illegal Migration Act 2023**

354. This measure has no identified analytical risks.

### **Detention and exercise of functions pending deportation**

355. There is an analytical risk that this measure will lead to the savings of litigation costs which could have been incurred if the Home Office did not proceed with this legislation. This has been raised in the non-monetised section above, and as yet cannot be quantified or monetised.

356. This measure has no identified analytical risks.

### **Extension of personnel who can take biometric information**

357. This measure has no identified analytical risks.

### **Collection of biometrics outside of a visa application process**

358. It is currently unclear how this power will be used in future. There is potential for this measure to result in the requirement for more biometric information collection technology to be procured which is not yet planned for. This has been discussed in the non-monetised costs section above.

### **Retrospective authority for fees relating to English language and UK and overseas qualifications**

359. As set out in the non-monetised benefits section above, there is a potential that this measure could save refund costs which otherwise would have been incurred. The extent to which these costs would have materialised is dependent on the behaviour of individuals, businesses, and organisations who have paid for services to date.

360. Assumptions have been listed in the Annex for completeness.

# Annex

Mandatory specific impact test - Statutory Equalities Duties	Complete
<p data-bbox="233 398 644 434"><b>Statutory Equalities Duties</b></p> <p data-bbox="233 510 1260 741">The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. This consideration has been made in development of the measures in the Bill and an Equalities Impact Assessment has been produced for the Bill.</p> <p data-bbox="233 819 1260 1128">The only direct discrimination that has been identified relates to ensuring proportionate differential application for children. Some indirect impacts on the basis of protected characteristics have been identified. These impacts, and any available mitigations, are set out in the EIA. The potential impacts identified are considered to be justified as proportionate for the legitimate aims of the measures, including border security, disruption and prevention of crime, and maintaining a functioning immigration system.</p> <p data-bbox="233 1207 938 1243"><b>The SRO has agreed these summary findings.</b></p>	<p data-bbox="1286 831 1347 866"><b>Yes</b></p>



## A.1 Measure specific methodologies and assumptions

### A.1.1. ASSUMPTIONS – Serious and organised crime-specific general assumptions and data

361. There are several general assumptions which apply to all serious and organised crime measures (Articles for use in serious and organised crime, SCPOs, and interim SCPOs) in this impact assessment. These are:

- The appraisal period for measuring the impacts of the proposed new legislation is 10 years.
- The appraisal period starts in 2025/26. It is assumed the implementation date is September 2025, and so first year volumes are multiplied by 58 per cent (seven months out of 12) to account for an incomplete year.
- A 3.5 per cent annual social discount rate is used<sup>74</sup>.
- Values are presented in 2025/26 prices.
- All costs and benefits are relative to the ‘Do nothing’ Option 0

362. In addition to these assumptions, there are several assumptions and unit values relevant to the Criminal Justice System (CJS) which are applied across all measures. These are covered in the table below. Further CJS assumptions and unit values specific to each measure are covered within the relevant sections.

**Table 15: Common CJS Assumptions / Unit Values**

Type	Description	Value	Source
Assumption	Court Legal Aid take up rate.	<u>Magistrates Court</u> 50 per cent  <u>Crown Court</u> 100 per cent	Internal discussions with MoJ.
Unit Values	Ongoing prisoner resource cost.	£52,000 per prisoner per year (2024/25 prices).  Uplifted to 2025/26 prices using GDP Deflator <sup>75</sup> and Optimism Bias applied	Internal discussion with MoJ.

<sup>74</sup> HM Treasury, The Green Book, November 2022: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#:~:text=The%20Green%20Book%20is%20guidance,before%2C%20during%20and%20after%20implementation.>

<sup>75</sup> Office for Budget Responsibility (OBR), March 2024 Economic and fiscal outlook – detailed forecast tables: economy, Table 1.7: Inflation: <https://obr.uk/download/march-2024-economic-and-fiscal-outlook-detailed-forecast-tables-economy/?tmstv=1730118909>

Unit Values	Setup cost of a prison place.	£500,000 per prisoner (2023/24 prices).  Uplifted to 2025/26 prices using BCIS Deflator <sup>76</sup> and Optimism Bias applied.	Internal discussion with MoJ.
Unit Values	Ongoing probation caseload unit cost.	£4,474 per probation per year (2023/24 prices).  Uplifted to 2025/26 prices using Office for Budget Responsibility (OBR) Forecast of average earnings <sup>77</sup> and Optimism Bias applied.	<a href="https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546">https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546</a>
Unit Values	Ongoing cost of Community Order / Suspended Sentence Order.	£3,146 per offender serving sentence per year (2023/24 prices).  Uplifted to 2025/26 prices using OBR Forecast of average earnings <sup>78</sup> and Optimism Bias applied.	<a href="https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546">https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546</a>

363. Further CJS assumptions and unit values specific to each serious and organised crime measure are covered within their specific sections below.

364. In addition, there are common assumptions around familiarisation costs across all serious and organised crime measures. These are outlined in the table below:

**Table 16: Common Familiarisation Assumptions / Unit Values**

Type	Description	Value	Source
Assumption	Volume of legal professionals to familiarise themselves.	<u>Solicitors</u> Low: 2,940 Central: 5,880 High: 8,820	Based off the 2018/19 estimate for solicitors working in Criminal Legal Aid (CLA) (11,760) and the 2019/20 estimate for volume of

<sup>76</sup> This is an internal deflator and was provided by MoJ.

<sup>77</sup> OBR, March 2024 Economic and fiscal outlook – charts and tables: Chapter 2, Table 2.15: Nominal and real earnings growth: <https://obr.uk/download/march-2024-economic-and-fiscal-outlook-charts-and-tables-chapter-2/?tmstv=1736263548>

<sup>78</sup> Ibid.

		<u>Barristers:</u> Low: 673 Central: 1,345 High: 2,018	barristers in full time practice (2,690) <sup>79</sup> .  Around half of CLA firms have business in other legal areas, so 50 per cent of the annual figure is used (25 per cent to 75 per cent in lower/upper bounds).
Assumption	Volume of LEA staff required to familiarise themselves.	<u>Police Officers</u> Low: 129 Central: 215 High: 430  <u>NCA</u> Low: 77 Central: 152 High: 227	For police, assumed to be 3 to 10 per force.  For NCA, between sum of Grade 1 and 2 NCA investigative officers and sum of Grades 1 to 3 NCA investigative officers, with central being the midpoint.
Assumption	Non-wage labour uplift factors.	Public Sector: 16.5 per cent Private Sector: 21.2 per cent	Index of Labour Costs per Hour: level (£) by sector. <sup>80</sup>
Unit Values	Hourly labour cost of legal professionals.	Solicitors: £34.67 / hour Barrister: £32.35 / hour  Provided in 25/26 prices, with uplift to account for private sector non-wage labour costs.	Annual Survey of Household Earnings. <sup>81</sup>
Unit Values	Hourly labour cost of Law Enforcement Agencies.	<u>Police</u> Low: £49.70 / hour	<u>Police</u> Internal Home Office data.

<sup>79</sup> MoJ, Independent Review of Criminal Legal Aid, November 2021: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1041117/clar-independent-review-report-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041117/clar-independent-review-report-2021.pdf)

<sup>80</sup> Office for National Statistics (ONS), Index of Labour Costs per Hour, seasonally adjusted, December 2020: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/indexoflabourcostsperhourichseasonallyadjusted>

<sup>81</sup> ONS, Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14, October 2024: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitso c2010ashtable14>

		<p>Central: £51.32 / hour</p> <p>High: £55.53 / hour</p> <p>Provided in 25/26 prices. Already includes non-wage labour costs.</p> <p><u>NCA</u></p> <p>£43.35 / hour</p> <p>Provided in 25/26 prices, with uplift to account for public sector non-wage labour costs.</p>	<p><u>NCA</u></p> <p>Weighted average of Grades 1,2,3 salaries weighted by number of staff at each grade.</p>
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365. Further familiarisation assumptions and unit values specific to each measure are covered within their specific sections.

### A.1.2. ASSUMPTIONS - Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs)

#### General assumptions and data

366. It is assumed that the steady state for additional custodial sentences is not reached until year two of the appraisal period, the total expected additional prison place capacity will not be required until 2025/26. It is assumed that in the initial year following royal assent (2025/26) the increase in breach hearings and convictions will be half of that in following years.

367. In addition to section A.1.1, further specific assumptions are provided below.

**Table 17: Specific CJS Assumptions / Unit Values - SCPOs**

Type	Description	Value	Source
Assumption	Proportion of court cases held in Magistrates / Crown Court	<p><u>Magistrates Court</u></p> <p>64 per cent</p> <p><u>Crown Court</u></p> <p>36 per cent</p>	2019 to 2023 Average of court volumes by type of court <sup>82</sup> for Home Office Offence Code 06694. <sup>83,84</sup>

<sup>82</sup> MoJ, Magistrates Court Tool 2023, December 2023 – GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023>

<sup>83</sup> Offence group classification – GOV.UK: <https://assets.publishing.service.gov.uk/media/6644d29bf34f9b5a56adc88c/offence-group-classification-2023.xlsx>

<sup>84</sup> 06694 - Failure to comply with a Serious Crime Prevention Order

Assumption	Proportion of SCPO applications heard within a Crown / High Court	<u>Low</u> 100 per cent Crown / 0 per cent High  <u>Central</u> 50 per cent Crown / 50 per cent High  <u>High</u> 0 per cent Crown / 100 per cent High	Internal assumption.
Assumption	Proportion of cases resulting in a conviction	93 per cent	5-year average for Home Office Offence code 06694. <sup>85</sup>
Assumption	Proportion of convictions which receive a sentence	100 per cent	5-year average for Home Office Offence code 06694. <sup>86</sup>
Assumption	Proportion of sentences which receive a custodial sentence	55 per cent	5-year average for Home Office Offence code 06694. <sup>87</sup>
Assumption	Proportion of sentences which receive a community sentence / suspended sentence	16 per cent	5-year average for Home Office Offence code 06694. <sup>88</sup>
Assumption	Average Custodial Sentence Length (Years)	Low: 0.25 Central: 0.81 High: 2.50	Central estimate based off of 5-year average custodial sentence length for Home Office Offence code 06694. <sup>89</sup> Low/High estimates based off Stakeholder feedback.

<sup>85</sup> MoJ, Outcome by offence data tool, December 2023 – GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2023-html>

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

Assumption	Proportion of custodial sentence spent in custody	50 per cent	Standard MoJ assumption.
Assumption	Time to review an SCPO application within courts	2 hours of court time	Standard MoJ assumption.

**Table 18: Specific Familiarisation Assumptions / Unit Values - SCPOs**

Type	Description	Value	Source
Assumption	Volume of HMRC Officers / Lawyers	Low: 3 Central: 5 High: 10	Same as individual police force.
Unit Values	Hourly labour cost of HMRC Officers / Lawyers	£30.49 / hour  Provided in 25/26 prices and uplifted to account for public sector non-wage labour costs.	Annual Survey of Household Earnings <sup>90</sup> - "Legal Professionals".
Assumption	Total word count needed to familiarise with proposed measures	<u>For Legal Professionals</u> Low: 2,975 Central: 4,200 High: 5,425  <u>For Law Enforcement Agencies</u> Low: 1,925 Central: 2,900 High: 3,875	Combination of legislation, explanatory notes and police guidance.

## Volumes

368. There are expected to be an increase in the number of SCPO applications and as a result, more breaches of an SCPO as well. These are explained below.

369. Applications: There are expected to be an increase in the number of SCPO applications due to allowing crown court applications upon acquittal and increasing the number of

<sup>90</sup> ONS, Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14, October 2024: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitoc2010ashtable14>

agencies who could apply to the court for a SCPO. This is assumed to be between **4 and 12**, with a central estimate of **8 applications per year**. This is based off discussions with NCA and HMRC. Due to data limitations, it is not possible to break this down by specific measure.

370. **Breaches:** It is estimated that there will be an increase in the number of breach hearings from additional SCPOs of between one and four, with a **central estimate of three per year**. This estimate was obtained by multiplying the estimated additional SCPOs by the historical breach rate for SCPOs since 2017 of 36 per cent.<sup>91</sup>
371. It is also estimated that there will be an increase in the proportion of SCPOs with electronic monitoring as a condition, between **1 and 2 per cent** with a central estimate of **1.5 per cent**. This is assumed to lead to an increase in the number of breach hearings of **between 0.2 and 0.4**, with a central estimate of **0.3 per year**. This estimate was obtained by using the ratio between the breach rate of Domestic Abuse Prevention Orders (DAPOs) with electronic monitoring attached and the historical rate of breaches for Domestic Violence Prevention Orders (DVPOs) without electronic monitoring to inflate the historical SCPO breach rate to 46 per cent.
372. This gives an estimated total increase of breach hearings between **two and five** with a central estimate of **three breach hearings per year**.

### A.1.3. ASSUMPTIONS - Introducing an interim SCPO

#### General assumptions and data

373. This proposal uses the same assumptions found in sections A.1.1 and A.1.3 for its appraisal, except for the word count in section A.1.3.

**Table 19: Specific Familiarisation Assumptions / Unit Values - Interim SCPOs**

Type	Description	Value	Source
Assumption	Total word count needed to familiarise with proposed measures	<p><u>For Legal Professionals</u></p> <p>Low: 1,725</p> <p>Central: 2,300</p> <p>High: 2,875</p> <p><u>For Law Enforcement Agencies</u></p> <p>Low: 2,925</p> <p>Central: 3,900</p> <p>High: 4,875</p>	Combination of legislation, explanatory notes and police guidance.

Source: Internal Home Office calculations

<sup>91</sup> This is the first release of this data and it is a subset of the published Accredited Official Statistics series Criminal Justice Statistics Quarterly (CJSQ) which are available here: <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>. The data is unpublished management information and has not been quality assured to the same standards as the wider CJSQ release but is important to the impact assessment.

## Volumes

374. In addition to interim SCPO applications, there are expected to be an increase in the number of SCPO applications and as a result, more breaches of an SCPO as well. These are explained below.
375. **Applications:** There are expected to be an increase in the number of interim SCPO applications of between **0 and 5**, with a central estimate of **2 applications per year**. This is based off discussions with NCA and HMRC. In addition, each interim SCPO application will be complemented with a standard SCPO application. This means in total there will be additional SCPO applications of between **0 and 10 per year**, with a central estimate of **4 applications per year**.
376. **Breaches:** As interim SCPOs are a new order, it is unknown what the breach rate for them would be. It is assumed the breach rate will be lower than standard SCPOs, with a low of 4 per cent and a high of 36 per cent with a central estimate of 18 per cent. Multiplying this by the estimated number of additional SCPO applications results in an additional number of interim SCPO breach hearings of between **0 and 1.8 hearings**, with a central estimate of **0.4 breach hearings** per year. Of the interims that do not breach, it is assumed the remaining interim SCPOs progress to full SCPOs. The standard breach rate of 36 per cent is then applied, resulting in additional SCPO breach hearings of between **0 and 1.2 hearings**, with a central estimate of **0.6 hearings** per year.
377. It is also estimated that there will interim / additional SCPOs with electronic monitoring (EM) as a condition, between **1 and 2 per cent** with a central estimate of **1.5 per cent**. This is assumed to lead to an increase in the number of breach hearings of **between 0 and 0.03**, with a central estimate of **0.01 per year**. This estimate was obtained by using the ratio between the historical breach rates of Domestic Violence Protection Orders (DVPOs) without EM and Domestic Abuse Prevention Orders (DAPOs) with EM attached to inflate the interim SCPO breach rate to between four and thirty-six per cent, with a central rate of eighteen per cent.
378. This gives an estimated total increase of breach hearings between **zero and three** with a central estimate of **one breach hearing per year**.

### A.1.4. ASSUMPTIONS - New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

#### General assumptions and data

379. It is assumed that the steady state for additional custodial sentences is not reached until year three of the appraisal period, the total expected additional prison place capacity will not be required until 2027/28. It is assumed that in the initial year following royal assent (2025/26) the increase in court cases and convictions will be 25 per cent of the steady state, with 50 per cent of steady state in year 2.
380. In addition to the above general tables, further specific assumptions are provided in below.

**Table 20: Specific CJS Assumptions / Unit Values – Serious and organised crime articles**

Type	Description	Value	Source
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Assumption	Proportion of police recorded offences resulting in an Out of Court Disposal	3 per cent	Average proportion of police recorded outcomes <sup>92</sup> recorded as either “Community Resolution” or “Caution” for Home Office Offence codes <sup>93</sup> 05343 and 05344 <sup>94</sup> in 2023/24.
Assumption	Proportion of police recorded offences resulting in a Charge	11 per cent	Average proportion of police recorded outcomes <sup>95</sup> recorded as “Charged/Summoned” for Home Office Offence codes <sup>96</sup> 05343 and 05344 in 2023/24.
Assumption	Police Station Legal Aid take up rate	60 per cent	Internal discussions with MoJ. Legal Aid applied to all police recorded outcomes except “No Further Action.”
Assumption	Age split of charges	<u>Under 18s</u> 1 per cent <u>Over 18s</u> 99 per cent	2019 to 2023 Average of prosecutions for under/over 18s <sup>97</sup> for Home Office Offence Codes 05343, 05344 and 06801. <sup>98</sup>
Assumption	Proportion of court cases held in Magistrates / Crown Court	<u>Magistrates Court</u> 71 per cent <u>Crown Court</u> 29 per cent	2019 to 2023 Average of court volumes by type of court <sup>99</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Proportion of prosecutions resulting in a conviction	<u>Under 18s</u> 70 per cent <u>Over 18s</u>	<u>Under 18s</u> Based on 2019 to 2023 average of volumes proceeded

<sup>92</sup> Police recorded crime and outcomes open data tables – Outcomes open data, year ending March 2024 – GOV.UK: <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>93</sup> Offence group classification – GOV.UK: <https://assets.publishing.service.gov.uk/media/6644d29bf34f9b5a56adc88c/offence-group-classification-2023.xlsx>

<sup>94</sup> Home Office Offence Code – 05343: Possession of articles for use in frauds Fraud Act 2006 (section 6); Home Office Offence Code – 05344: Making or supplying articles for use in frauds Fraud Act 2006 (section 7)

<sup>95</sup> Police recorded crime and outcomes open data tables – Outcomes open data, year ending March 2024 - GOV.UK: <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>96</sup> Police recorded crime and outcomes open data tables – Outcomes open data, year ending March 2024 - GOV.UK: <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>97</sup> MoJ, Outcome by offence data tool, December 2023 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2023-html>

<sup>98</sup> Home Office Offence Code – 06801: Participation in the criminal activities of an organised crime group.

<sup>99</sup> MoJ, Magistrates Court Tool 2023, December 2023 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2023-html>

		84 per cent	against/convicted <sup>100</sup> for Home Office Offence Code 05343 <b>only</b> <u>Over 18s</u> Based on 2019 to 2023 average of volumes proceeded against/convicted <sup>101</sup> for Home Office Offence Codes 05343 and 05344
Assumption	Proportion of convictions resulting in a sentence	<u>Under 18s</u> 100 per cent  <u>Over 18s</u> 99 per cent	<u>Under 18s</u> Based on 2019 to 2023 average of volumes convicted/sentenced <sup>102</sup> for Home Office Offence Codes 05343 <b>only</b> . <u>Over 18s</u> Based on 2019 to 2023 average of volumes convicted/sentenced <sup>103</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Proportion of sentences which receive a community / suspended sentence	<u>Under 18s</u> 69 per cent  <u>Over 18s</u> 59 per cent	<u>Under 18s</u> Based on 2019 to 2023 average of sentence outcomes <sup>104</sup> for Home Office Offence Codes 05343 <b>only</b> . <u>Over 18s</u> Based on 2019 to 2023 average of sentence outcomes <sup>105</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Proportion of sentences which receive a custodial sentence	<u>Under 18s</u> 0 per cent	<u>Under 18s</u> Based on 2019 to 2023 average of sentence

<sup>100</sup> MoJ, Outcome by offence data tool, December 2023 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2023-html>

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

		<u>Over 18s</u> 23 per cent	outcomes <sup>106</sup> for Home Office Offence Codes 05343 <b>only</b> . <u>Over 18s</u> Based on 2019 to 2023 average of sentence outcomes <sup>107</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Average Custodial Sentence Length (Years)	1.1 years	Estimate based off of weighted 5-year average custodial sentence length for Home Office Offence codes 05343 and 05344. <sup>108</sup> Weighted by volume of convictions for same offence codes.
Unit Value	Ongoing cost of Out of Court Disposals (OOCs) per outcome	Community Resolution: £122 Conditional Caution: £269 (14/15 prices) Uplifted to 25/26 prices using GDP Deflator. <sup>109</sup>	Average cost by OOC type across all manners of disposal. <sup>110</sup>

**Table 21: Specific Familiarisation Assumptions – Serious and organised crime articles**

Type	Description	Value	Source
Assumption	Volume of LEA staff required to familiarise themselves	<u>Regional Organised Crime Units (ROCs)</u> Low: 53 Central: 53	For ROCs, assumed 1 per police force and 10 additional ROC units.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> OBR, March 2024 Economic and fiscal outlook – detailed forecast tables: economy, Table 1.7: Inflation: <https://obr.uk/download/march-2024-economic-and-fiscal-outlook-detailed-forecast-tables-economy/?tmstv=1730118909>

<sup>110</sup> MoJ, Adult Out of Court Disposal Pilot Evaluation – Final Report, 2018: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf)

		High: 53	
Unit Values	Wages of Law Enforcement Agencies	<u>ROCUs</u> Low: £49.70 / hour Central: £51.32 / hour High: £55.53 / hour Provided in 25/26 prices. Already includes non-wage labour costs.	<u>ROCUs</u> Internal Home Office staff data.
Assumption	Total word count needed to familiarise with proposed measures	4,200	Sum of word count for legal text / Ex Notes / Supplementary provisions of relevant Fraud Act proxies.

## Volumes

381. This policy adds two new offences, based on possessing/supplying a defined list of articles that can be used in serious and organised crime. It is unknown to what extent any additional offences with either be via the possession offence or the supply offence, so volumes have been costed in aggregate.

382. The estimated number of expected annual offences as a result of these new offences are based on several estimates.

- **Estimated volume of vehicle concealments seized by the NCA per year<sup>111</sup>:** This is based off discussions during the consultation impact assessment where LEAs suggested they seize between six to seven vehicle concealments per week.
- **Volume of PRC offences for making, adaptation, import, supply, offering to supply, and possession of articles for use in fraud:** This uses the 2023/24 estimate for Police Recorded Crime under section 7 of the Fraud Act 2006.

383. In total, it is estimated between **361 and 541 offences**, with a central estimate of **451** offences will be recorded each year under these new offences. It is assumed each of these would not be recorded under another offence during the time period, to provide an upper bound.

### A.1.5. ASSUMPTIONS - Seizure of Electronic Devices

## Volumes

384. The policy provides new powers to IE officers to seize devices without requiring suspicion of criminal activity. Resource to operationalise this has already been procured

<sup>111</sup> This number is likely an underestimate as this only includes encrypted devices and vehicle concealments, and it is not currently an offence to possess such articles for the use in serious crime. This figure also excludes the London Region, Scotland and Northern Ireland. The estimate for vehicle hides excludes discovery of hides by uniform policing and so is likely to be a large underestimate.

through previous programmes and it is unknown how many devices will get seized annually.

385. Further specific assumptions are documented in Table 19.

**Table 22: Specific Assumptions / Unit Values - Seizure of Electronic Devices**

Type	Description	Value	Source
Unit Cost	Storage costs for the processed data of a device	c. £12 per terabyte (156 gigabyte storage per device)	Internal modelling by DDaT.
Assumption	FTE commitment to processing device seizures is held constant over the appraisal period	7 FTE in total per year	Internal modelling by IE.
Unit Cost	Salary costs (wage and non-wage)  Includes 22 per cent uplift to account for non-wage costs	EO – c. £36,000  HEO – c. £45,500	Staff costs provided by IE.
Assumption	Optimism Bias weight applied to costs to anticipate uncertainty	10 per cent optimism bias reflects the relatively low uncertainty around costs of electronic device seizures.	

#### A.1.6. METHODOLOGY - Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs)

##### COSTS

##### Setup Costs

##### Private Sector

##### Familiarisation Costs

386. There will be familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.3, familiarisation costs to the private sector are provided in the table below.

**Table 23: Familiarisation Costs for solicitors and barristers, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Solicitors Low	0.1	2,940	34.67	6,115

Solicitors Central	0.2	5,880	34.67	48,923
Solicitors High	0.6	8,820	34.67	174,290
Barristers Low	0.1	673	32.35	1,305
Barristers Central	0.2	1,345	32.35	10,442
Barristers High	0.6	2,018	32.35	37,199

Source: Internal Home Office calculations

## Public Sector

### Familiarisation Costs

387. There will be familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.2, familiarisation costs to the public sector are provided in the table below.

**Table 24: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Police Low	0.1	129	49.70	385
Police Central	0.3	215	51.32	3,090
Police High	0.6	430	55.53	15,042
HMRC Low	0.1	3	30.49	5
HMRC Central	0.3	5	30.49	43
HMRC High	0.6	10	30.49	192
NCA Low	0.1	77	43.35	202
NCA Central	0.3	152	43.35	1,850
NCA High	0.6	227	43.35	6,206

Source: Internal Home Office calculations

388. Total familiarisation costs are estimated to be between **£0.01 million and £0.23 million**, with a central estimate of **£0.06 million** (2025/26 prices).

**Table 25: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.01	0.00	0.01
Central	0.06	0.00	0.06
High	0.21	0.02	0.23

Source: Internal Home Office calculations

### Prison Construction Costs

389. Based off the number of SCPO breach hearings, and the CJS pathway assumptions outlined in sections A.1.1 and A.1.2, it is estimated that between zero and three prison places, with a central estimate of one prison place will be required per year once the steady state is reached.

390. A prison place is estimated to cost £500,000 per prisoner (2023/24 prices). This was uplifted to 2025/26 prices using the BCIS Deflator and then a 20 per cent Optimism Bias was applied. This generated a prison place unit cost of **£635,294 (2025/26 Prices)**.

391. Following MoJ guidance, the specific unit cost applied to the volume of prison places required is the nominal midpoint over the period prison places are constructed in. This represents a cost equivalent to 1.5 years through the policy (midway between 2026/27 and 2027/28). To estimate this, the BCIS deflator was used to model nominal unit costs over 10 years, and the midpoint was obtained between the nominal values of 2026/27 and 2027/28. This generates an overall unit cost of **£670,782**.

392. Following MoJ guidance, it is assumed construction costs are split equally over a three-year period, until the steady state of offender volumes is reached. The unit cost was divided by three and applied to years 1, 2 and 3 of the policy. Multiplying the divided unit cost by the volume of prison places required resulted in nominal prison construction costs between £23,853 and £686,731 annually, for three years, with a central estimate of £149,499 annually. The total nominal cost is between **£0.1 million and £1.6 million** with a central estimate of **£0.4 million**.

393. These values were then converted to 2025/26 Prices using the GDP Deflator, as per MoJ guidance, before converting into Present Value terms. This cost was nominally split over three years and then deflated using the GDP Deflator. The cost is estimated to be between **£0.1 million and £1.6 million** with a central estimate of **£0.4 million** (2025/26 prices, PV).

### Total Setup Costs

394. The total set up costs due to familiarisation costs and prison set up costs are between **£0.1 million and £1.8 million**, with a central estimate of **£0.5 million**.

### Ongoing Costs

#### Private Sector

395. This measure is not expected to lead to any ongoing costs to the private sector.

#### Public Sector

## CPS Costs

396. There are expected to be resource costs to the CPS in supporting and prosecuting cases for breaches of SCPOs. In total, this cost is estimated to be between **£0.01 million and £0.03 million**, with a central estimate of **£0.02 million** (2025/26 prices, PV).

## HMCTS Costs

397. There are expected to be costs to the courts from having to hold breach hearings. It is assumed that a breach hearing is four hours long. In addition, there are costs to courts from processing SCPO applications. It is assumed that it takes two hours to complete an SCPO application.

398. In total, resource costs to courts are estimated to be between **£0.1 million and £0.3 million**, with a central estimate of **£0.3 million** (2025/26 prices, PV).

## Legal Aid Costs

399. There are expected to be costs to the Legal Aid Agency from supporting cases. It is assumed 55 per cent of cases in the Magistrates Court require Legal Aid, and 100 per cent of cases in the Crown Court. The total resource cost to the Legal Aid Agency is estimated to be between **£0.04 million and £0.10 million**, with a central estimate of **£0.07 million** (2025/26 prices, PV).

## HMPPS Costs

400. There are expected to be costs from custodial and community / suspended sentences, as well as costs to the probation service. Using the assumptions in sections A.1.1 and A.1.3, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.

401. As per section A.1.1, the unit cost for an ongoing prison place is £52,000 per prisoner per year (2024/25 prices). The running costs are based on the current cost of running public sector prisons. Future running costs will vary between specific sites and may change due to MoJ policy changes. This unit cost was uplifted to 2025/26 prices using the GDP Deflator and an Optimism Bias of 20 per cent was applied. This resulted in a unit cost of £63,241 per prison place per year or £5,270 per prison place per month (2025/26 Prices).

402. Multiplying the volume of people given custodial sentences by the number of months estimated to be spent in custody and the monthly unit cost results in a total ongoing cost over 10 years of between £62,688 and £1,443,812, with a central estimate of £392,890 in 2025/26 Prices. After adjusting for PV terms, this becomes between **£0.1 million and £1.2 million**, with a central estimate of **£0.3 million** (2025/26 Prices PV).

403. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions in sections A.1.1 and A.1.2 to the volumes of offenders results in a total resource cost to HMPPS of between **£0.1 million and £1.4 million**, with a central estimate of **£0.4 million** (2025/26 prices, PV).

## Notification Requirements

404. Measure 4 is likely to incur resource costs from police for managing the notification requirements. It is assumed that between 6 per cent and 10 per cent, with a central



estimate of 8 per cent of total SCPOs will have notification requirements. Applying this to the total number of SCPOs (Historical average of annual SCPOs plus new additional SCPOs) results in between 14 and 24 SCPOs, with a central estimate of 19 SCPOs having notification requirements. The amount of time assumed to update each SCPO is assumed to be between 10 and 45 minutes, with a central estimate of 30 minutes. The cost per police officer is taken from section A.1.1. Combining this provides an estimated total cost of between **£900 and £0.01 million** with a central estimate of **£4,000 (2025/26 prices, PV)**.

### Total Ongoing Costs

405. Total ongoing costs are estimated to be between **£0.20 million and £1.79 million**, with a central estimate of **£0.66 million (2025/26 prices, PV)**.

**Table 26: Total ongoing costs breakdown (£ million, 2025/26 prices PV)**

	Low	Central	High
CPS	0.01	0.02	0.03
HMCTS	0.09	0.18	0.28
Legal Aid	0.04	0.07	0.10
HMPPS	0.07	0.38	1.36
Notification Requirements	0.00	0.00	0.01
<b>Total</b>	<b>0.20</b>	<b>0.64</b>	<b>2.04</b>

Source: Internal Home Office calculations

### A.1.7. METHODOLOGY - Introducing an interim SCPO

#### Setup Costs

#### Private Sector

#### Familiarisation Costs

406. There will be familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1 and A.1.3, familiarisation costs to the private sector are provided in the table below.

**Table 27: Familiarisation Costs for solicitors and barristers, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Solicitors Low	0.0	2,940	34.67	3,058
Solicitors Central	0.1	5,880	34.67	24,462
Solicitors High	0.3	8,820	34.67	91,732
Barristers Low	0.0	673	32.35	653
Barristers Central	0.1	1,345	32.35	5,221
Barristers High	0.3	2,018	32.35	19,578

Source: Internal Home Office calculations

## Public Sector

### Familiarisation Costs

407. There will be familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1 and A.1.3, familiarisation costs to the public sector are provided in the table below.

**Table 28: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Police Low	0.1	129	49.70	321
Police Central	0.2	215	51.32	2,207
Police High	0.5	430	55.53	12,416
HMRC Low	0.1	3	30.49	5
HMRC Central	0.2	5	30.49	30
HMRC High	0.5	10	30.49	159
NCA Low	0.1	77	43.35	168
NCA Central	0.2	152	43.35	1,321
NCA High	0.5	227	43.35	5,123

Source: Internal Home Office calculations

408. Total familiarisation costs are estimated to be between **£0 and £0.13 million**, with a central estimate of **£0.03 million** (2025/26 prices).

**Table 29: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.00	0.00	0.00
Central	0.03	0.00	0.03
High	0.11	0.02	0.13

Source: Internal Home Office calculations

### Prison Construction Costs

409. Based off the number of SCPO breach hearings, and the CJS pathway assumptions outlined in sections A.1.1 and A.1.3, it is estimated that between 0 and 1.9 prison places, with a central estimate of 0.2 prison place will be required per year once the steady state is reached.

410. A prison place is estimated to cost £500,000 per prisoner (2023/24 prices). This was uplifted to 2025/26 prices using the BCIS Deflator and then a 20 per cent Optimism Bias was applied. This generated a prison place unit cost of **£635,294 (2025/26 Prices)**.

411. Following MoJ guidance, the specific unit cost applied to the volume of prison places required is the nominal midpoint over the period prison places are constructed in. This represents a cost equivalent to 1.5 years through the policy (midway between 2026/27 and 2027/28). To estimate this, the BCIS deflator was used to model nominal unit costs over 10 years, and the midpoint was obtained between the nominal values of 2026/27 and 2027/28. This generates an overall unit cost of **£670,782**.
412. Following MoJ guidance, it is assumed construction costs are split equally over a three-year period, until the steady state of offender volumes is reached. The unit cost was divided by three and applied to years 1, 2 and 3 of the policy. Multiplying the divided unit cost by the volume of prison places required resulted in nominal prison construction costs between £0 and £429,357 annually, for three years, with a central estimate of £44,778 annually. The total nominal cost is between **£0** and **£1.0 million** with a central estimate of **£0.1 million**.
413. These values were then converted to 2025/26 Prices using the GDP Deflator, as per MoJ guidance, before converting into Present Value terms. This cost was nominally split over three years and then deflated using the GDP Deflator. The cost is estimated to be between **£0** and **£0.98 million** with a central estimate of **£0.1 million (2025/26 prices, PV)**.

#### **Total Setup Costs**

414. The total set up costs due to familiarisation costs and prison set up costs are between **£0** and **£1.1 million**, with a central estimate of **£0.2 million**.

#### **Ongoing Costs**

##### **Private Sector**

415. This measure is not expected to lead to any ongoing costs to the private sector.

##### **Public Sector**

##### **CPS Costs**

416. There are expected to be resource costs to the CPS in supporting and prosecuting cases for breaches of SCPOs. In total, this cost is estimated to be between **£0** and **£0.02 million**, with a central estimate of **£0.01 million (2025/26 prices, PV)**.

##### **HMCTS Costs**

417. There are expected to be costs to the courts from having to hold breach hearings. It was assumed that a breach hearing is four hours long. In addition, there are costs to courts from processing SCPO applications. It is assumed it takes two hours to complete an SCPO application. In total, resource costs to courts are estimated to be between **£0** and **£0.2 million**, with a central estimate of **£0.1 million (2025/26 prices, PV)**.

##### **Legal Aid Costs**

418. There are expected to be costs to the Legal Aid Agency from supporting cases. It is assumed 55 per cent of cases in the Magistrates Court require Legal Aid, and 100 per cent of cases in the Crown Court. It is estimated that the total resource cost to the Legal Aid Agency is between **£0** and **£0.06 million**, with a central estimate of **£0.02 million (2025/26 prices, PV)**.

##### **HMPPS Costs**

419. There are expected to be costs from custodial and community / suspended sentences, as well as costs to the probation service. Using the assumptions in sections A.1.1 and A.1.3, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.
420. As per section A.1.1, the unit cost for an ongoing prison place is £52,000 per prisoner per year (2024/25 prices). The running costs are based on the current cost of running public sector prisons. Future running costs will vary between specific sites and may change due to MoJ policy changes. This unit cost was uplifted to 2025/26 prices using the GDP Deflator and an Optimism Bias of 20 per cent was applied. This resulted in a unit cost of £63,241 per prison place per year or £5,270 per prison place per month (2025/26 Prices).
421. Multiplying the volume of people given custodial sentences by the number of months estimated to be spent in custody and the monthly unit cost results in a total ongoing cost over 10 years of between £0 and £902,698, with a central estimate of £117,678 in 2025/26 Prices. After adjusting for PV terms, this becomes between **£0 and £0.77 million**, with a central estimate of **£0.10 million (2025/26 Prices PV)**.
422. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions in Annex A.1.1 and A.1.3 to the volumes of offenders results in a total resource cost to HMPPS of between **£0 and £0.85 million**, with a central estimate of **£0.11 million (25/26 prices, PV)**.

### Notification Requirements

423. Measure 4 of the standard SCPO proposals is likely to incur resource costs from police for managing the notification requirements of any interim SCPOs as well. It is assumed that between 6 per cent and 10 per cent, with a central estimate of 8 per cent of interim SCPOs that progress to full SCPO status will have notification requirements. This results in between 0 and 0.3 SCPOs, with a central estimate of 0.1 SCPOs having notification requirements per year. The amount of time assumed to update each SCPO is assumed to be between 10 and 45 minutes, with a central estimate of 30 minutes. The cost per police officer is taken from Annex A.1.1. Combining this provides an estimated total cost of between **£0 and £100** with a central estimate of **£30 (2025/26 prices, PV)**.

### Total Ongoing Costs

424. Total ongoing costs are estimated to be between **£0 and £1.2 million**, with a central estimate of **£0.2 million (25/26 prices, PV)**.

**Table 30: Total ongoing costs breakdown (£ million, 2025/26 prices PV)**

	Low	Central	High
CPS	0.00	0.01	0.02
HMCTS	0.00	0.08	0.22
Legal Aid	0.00	0.02	0.06
HMPPS	0.00	0.11	0.85
Notification Requirements	0.00	0.00	0.00

<b>Total</b>	<b>0.00</b>	<b>0.22</b>	<b>1.15</b>
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Source: Internal Home Office calculations

## A.1.8. METHODOLOGY - New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

### COSTS

#### Setup Costs

#### Private Sector

425. There will be familiarisation costs associated with legal professionals reading the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.4, familiarisation costs to the private sector are provided in the table below.

**Table 31: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Solicitors Low	0.1	2,940	34.67	10,192
Solicitors Central	0.2	5,880	34.67	44,847
Solicitors High	0.4	8,820	34.67	131,482
Barristers Low	0.1	673	32.35	2,175
Barristers Central	0.2	1,345	32.35	9,572
Barristers High	0.4	2,018	32.35	28,062

Source: Internal Home Office calculations

#### Public Sector

#### Familiarisation Costs

426. There will be familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.4, familiarisation costs to the public sector are provided in the table below.

**Table 32: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Police Low	0.1	129	49.70	641
Police Central	0.2	215	51.32	2,428
Police High	0.4	430	55.53	10,267
ROCU Low	0.1	53	49.70	158

ROCU Central	0.2	53	51.32	347
ROCU High	0.4	53	55.53	678
NCA Low	0.1	77	43.35	334
NCA Central	0.2	152	43.35	1,450
NCA High	0.4	227	43.35	4,231

Source: Internal Home Office calculations

427. Total familiarisation costs are estimated to be between **£0.01 million and £0.17 million**, with a central estimate of **£0.06 million** (2025/26 prices).

**Table 33: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.01	0.00	0.01
Central	0.05	0.00	0.06
High	0.16	0.02	0.17

Source: Internal Home Office calculations

### Prison Construction Costs

428. Based off the number of estimated offences, and the CJS pathway assumptions outlined in sections A.1.1 and A.1.4, it is estimated that between four and six prison places, with a central estimate of five prison places will be required per year once the steady state is reached.

429. A prison place is estimated to cost £500,000 per prisoner (2023/24 prices). This was uplifted to 2025/26 prices using the BCIS Deflator and then a 20 per cent optimism bias was applied. This generated a prison place unit cost of **£635,294 (2025/26 Prices)**.

430. Following MoJ guidance, the specific unit cost applied to the volume of prison places required is the nominal midpoint over the period prison places are constructed in. This represents a cost equivalent to 1.5 years through the policy (midway between 2026/27 and 2027/28). To estimate this, the BCIS deflator was used to model nominal unit costs over 10 years, and the midpoint was obtained between the nominal values of 2026/27 and 2027/28. This generates an overall unit cost of **£670,782**.

431. Following MoJ guidance, it is assumed construction costs are split equally over a three-year period, until the steady state of offender volumes is reached. The unit cost was divided by three and applied to years 1,2 and 3 of the policy. Multiplying the divided unit cost by the volume of prison places required resulted in nominal prison construction costs between £870,504 and £1,305,755 annually, for three years, with a central estimate of £1,088,129 annually. The total nominal cost is between **£2.6 million and £3.9 million** with a central estimate of **£3.3 million**.

432. These values were then converted to 2025/26 Prices using the GDP Deflator, as per MoJ guidance, before converting into Present Value terms. The cost is estimated to be between **£2.5 million and £3.7 million** with a central estimate of **£3.1 million** (2025/26 prices, PV).

### Total Setup Costs

433. The total set up costs due to familiarisation costs and prison set up costs are between **£2.5 million** and **£3.9 million**, with a central estimate of **£3.2 million** (2025/26 prices, PV).

## Ongoing Costs

### Private Sector

434. This measure is not expected to lead to any ongoing costs to the private sector.

### Public Sector

#### Police Costs

435. There are expected to be costs to the police associated with Out of Court Disposals (OOCs). Multiplying the unit cost for OOCs by the estimated volume of offenders anticipated to receive one, generates a total cost of between **£17,800** and **£26,700** with a central estimate of **£22,300** (2025/26 prices, PV).

#### CPS Costs

436. There are expected to be resource costs to the CPS in supporting and prosecuting cases. In total, this is estimated to be between **£0.18 million** and **£0.27 million**, with a central estimate of **£0.22 million** (2025/26 prices, PV).

#### HMCTS Costs

437. There are expected to be costs to the courts from an increased number of people going through the CJS. Using the pathway assumption and values in sections A.1.1 and A.1.2, total resource costs are estimated to be between **£0.7 million** and **£1.0 million**, with a central estimate of **£0.9 million** (2025/26 prices, PV).

#### Legal Aid Costs

438. There are expected to be costs associated with the usage of Legal Aid both at the police stage and at the court stage.

439. At the police stage, police legal aid is accounted for in all cases that didn't result in No Further Action. Total police station legal aid cost is estimated to be between **£0.12 million** and **£0.19 million**, with a central estimate of **£0.16 million** (2025/26 prices, PV).

440. At the court stage, magistrates and crown court legal aid costs are applied to the estimated number of people taking up legal aid in each court. Total legal aid cost is estimated to be between **£0.63 million** and **£0.94 million**, with a central estimate of **£0.78 million** (2025/26 prices, PV).

441. Total legal aid cost is estimated to be between **£0.75 million** and **£1.13 million**, with a central estimate of **£0.94 million** (2025/26 prices, PV).

#### HMPs Costs

442. There are expected to be operating costs from custodial and community / suspended sentences, as well as operating costs of the probation service. Using the assumptions in sections A.1.1 and A.1.2, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.

443. As per section A.1.1, the unit cost for an ongoing prison place is £52,000 per prisoner per year (2024/25 prices). The running costs are based on the current cost of running public sector prisons. Future running costs will vary between specific sites and may

change due to MoJ policy changes. This unit cost was uplifted to 2025/26 prices using the GDP Deflator and an Optimism Bias of 20 per cent was applied. This resulted in a unit cost of £63,241 per prison place per year or £5,270 per prison place per month (2025/26 Prices).

444. Multiplying the volume of people given custodial sentences by the number of months estimated to be spent in custody and the monthly unit cost results in a total ongoing cost over 10 years of between £2.8 million and £4.2 million, with a central estimate of £3.5 million in 2025/26 Prices. After adjusting for PV terms, this becomes between **£2.3 million and £3.5 million**, with a central estimate of **£2.9 million (2025/26 Prices PV)**.
445. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions in sections A.1.1 and A.1.4 to the volumes of offenders results in a total resource cost to HMPPS of between **£3.1 million and £4.6 million**, with a central estimate of **£3.8 million (2025/26 prices, PV)**.

### Total Ongoing Costs

446. Total ongoing costs are estimated to be between **£4.7 million and £7.1 million**, with a central estimate of **£5.9 million (2025/26 prices, PV)**.

**Table 34: Total ongoing costs breakdown (£ million, 2025/26 prices PV)**

	Low	Central	High
Police	0.02	0.02	0.03
CPS	0.18	0.22	0.27
HMCTS	0.70	0.87	1.04
Legal Aid	0.75	0.94	1.13
HMPPS	3.07	3.84	4.61
<b>Total</b>	<b>4.71</b>	<b>5.89</b>	<b>7.07</b>

Source: Internal Home Office calculations

### A.1.9. METHODOLOGY - Seizure of Electronic Devices

#### COSTS

##### Set Up Costs

447. No set up costs have been monetised for this policy.

##### Ongoing Costs

##### FTE Costs

448. To calculate the FTE costs for the policy, the analysis uses the existing resource that has been recruited to operationalise the kiosks which will download data from devices. This is split across 7 FTE, including 6 Executive Officers (EOs) and 1 Higher Executive Officer (HEO). As it is assumed that this level of FTE is a fixed cost regardless of how many phones have been seized, no upper or lower bounds have been estimated for this cost and the costs remain constant across all three scenarios. Salary estimates include a non-wage uplift of 22 per cent to account for non-wage costs.

**Table 35: Home Office FTE annual costs (£, 2025/26 prices PV)**



Grade	Salary (£)	Non Wage Uplift (%)	Total Annual Cost (£)
EO	30,000	22	36,000
HEO	37,300	22	45,500

Source: Internal Home Office calculations

449. Combining the number of staff with the salary costs produces estimates of the cost of operationalising the kiosks, which is estimated to be £2.99 million over the appraisal period.
450. If the policy is scaled beyond the powers dedicated to Immigration Officers, to wider Law Enforcement Agencies, there is a high possibility that kiosk capability and further resources may be required to cope with additional demand. Without a clear understanding of the operational implications of this amendment, it has not been possible to monetise the impact beyond current kiosk capability.

#### **A.1.10. METHODOLOGY - Amending counter-terrorism port powers to allow the police to take biometrics at a port in Scotland**

##### **COSTS**

##### **Set up Costs**

451. There are no training or familiarisation costs for this measure, as examining officers are already trained to take biometrics. There is a cost to Counter Terrorism Policing (CTP) in installing the new machines at four locations. Installation is expected to cost between £31,000 and £92,000 per device, with a central estimate of £34,000. As the exact costs of installation are unknown, the central and high estimate includes a 10 per cent and 200 per cent uplift to account for optimism bias in estimating costs. This is line with Green Book guidance. The installation cost is exclusively incurred in the first year of the appraisal period. The total set up costs of installing biometric machines at port are between £0.12 million and £0.37 million, with a central estimate of £0.14 million (2025/26 prices, PV).

##### **Ongoing Costs**

452. Based on estimates made by CTP, the cost of maintaining the devices is estimated to be £0.02 million per year (2025/26 prices, PV).

##### **Benefits**

##### **Efficiency savings**

453. To calculate the efficiency savings of the measure, fuel and labour savings have been calculated separately.

##### **Fuel savings**

454. The analysis has calculated fuel savings by estimating the average cost of fuel used to transport individuals to police stations from port. The average cost of fuel used has been estimated by multiplying the average price of fuel in Scotland by the average fuel efficiency of vehicles and the weighted average distance between a port and a police station. The average distance between a port and police station is weighted by the number of passengers that arrive at an individual port, such as Glasgow Airport. The

total fuel saving is estimated by multiplying the average cost of fuel by the annual number of fingerprints taken.

### **Labour savings**

455. The analysis has calculated labour savings by estimating the average cost of labour used to transport individuals to police stations from port. The average cost of labour has been estimated by multiplying the average number of hours needed to transport an individual by the number of border officers needed to transport an individual and the average labour cost of a border officer. It is assumed that two EO border officers will be needed to transport an individual to the nearest police station. The hourly labour cost of two border officers is estimated to be £53.29 (2025/26 prices). The average time taken to transport an individual is based on the weighted average distance between a port and a police station multiplied by two. The average distance between a port and police station is weighted by the number of passengers that arrive at an individual port, such as Glasgow Airport. The total labour savings is estimated by multiplying the average cost of labour by the annual number of fingerprints.