

SPECIALIST PRINTING EQUIPMENT AND MATERIALS (OFFENCES) BILL

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Specialist Printing Equipment and Materials (Offences) Bill, which was brought from the House of Commons on 8th December 2014. They have been provided by the Home Office, with the consent of Baroness Berridge, the Member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
2. The Notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Metropolitan Police Service's Project Genesisius works together with the specialist printing equipment industry to prevent the supply of such equipment to criminals for its use in the manufacture of false documents. Project Genesisius has identified that the police find it difficult to prosecute those who knowingly supply this equipment to criminals, because of the absence of a targeted offence. This Bill creates a specific criminal offence of knowingly supplying specialist printing equipment to criminals.

BACKGROUND

4. Identity fraud was estimated to cost individual UK adults £3.3 billion during 2012. False documents are a key enabler of this crime, allowing organised criminals to escape monitoring mechanisms and maintain the profits from their activity. Criminals require specialist printing equipment to make false documents such as passports, driving licences and credit cards. While the possession and use of such false documents is illegal, there is currently no specific offence of supplying such equipment to criminals and it is difficult to prosecute those who knowingly supply equipment to them for use for criminal purposes. The Specialist Printing Equipment and Materials (Offences) Bill provides such a specific offence.

5. The Metropolitan Police's Project Genesis was set up in 2007 and operates jointly with the specialist printing industry to prevent the supply of such equipment to criminals. The Project agreed a voluntary Code of Conduct for suppliers of specialist printing equipment, and that Code forms the basis of the advisory guidance published alongside this legislation.
6. The Specialist Printing Equipment and Materials (Offences) Bill creates a new criminal offence of knowingly supplying specialist printing equipment to criminals. This would act as a deterrent to such supply and therefore make it more difficult for criminals to obtain the necessary equipment to create false documents, thus helping to reduce identity crime.

TERRITORIAL EXTENT

7. The Bill extends to England and Wales only and includes a permissive extent clause to the Isle of Man.

COMMENTARY ON CLAUSES

Clause 1: Offence of supplying specialist printing equipment knowing it will be used for criminal purposes

8. Clause 1 creates a new offence of supplying specialist printing equipment knowing that it will be or is intended to be used for the purposes of criminal conduct.
9. Subsection (2) of clause 1 defines "criminal conduct" as that which constitutes a criminal offence under the law of England and Wales or of a country outside England and Wales if the conduct involved would constitute an offence in England and Wales.
10. Subsection (3) of clause 1 sets out that the offence is triable on indictment, and that the maximum penalty is imprisonment for up to 10 years or a fine, or both.
11. By subsection (4), if any other person (i.e. a body corporate or a partnership) is convicted of the offence, the maximum penalty is a fine.
12. Subsection (5) provides a defence if the conduct was necessary for a purpose related to the prevention or detection of crime.

Clause 2: Meaning of "specialist printing equipment"

13. Subsection (1) of clause 2 defines "specialist printing equipment" as any equipment which is designed or adapted for, or is otherwise capable of being used for, the making of relevant documents, including any material or article that is used in the making of such documents.

14. Subsection (2) of clause 2 defines a “relevant document” as anything that is or purports to be: an identity document; a travel document; an entry document; a document used for verifying the holder’s age or national insurance number; a currency note or protected coin; a debit or credit card; and any other instrument to which section 5 of the Forgery and Counterfeiting Act 1981 applies.

15. Subsection (3) of clause 2 further defines the meaning of an “identity document”. Subsection (4) further defines the meaning of a “travel document”. Subsection (5) further defines the meaning of an “entry document”. Subsection (6) defines various other terms used in the section.

Clause 3: Offences by bodies corporate and partnerships

16. Clause 3 provides for situations where the offence is committed by a body corporate or a partnership. Subsection (1) provides that the body is to be treated as having the requisite knowledge that the equipment will be or is intended to be used for the purposes of criminal conduct if a person who has responsibility within the body has that knowledge. Subsections (2) and (8) provide (respectively) that where the offence is committed by a body corporate or partnership, and it is proved that an officer or partner either:-

a) consented or connived to the offence, or

b) that the offence was attributable to neglect on the part of the officer or partner,

then that person is guilty of the offence (as well as the body itself) and may be prosecuted and dealt with accordingly. By subsection (9), such neglect can only be attributed if the officer or partner ought reasonably to have known of the facts giving rise to the offence.

Clause 4: Application to Crown

17. Clause 4 provides that the Act applies to individuals in the public service of the Crown.

COMMENCEMENT

18. Subsection (3) of clause 5 provides that this Act comes into force two months after the day on which the Act is passed.

FINANCIAL EFFECTS OF THE BILL

19. There would be some costs to the public sector, through costs to the Criminal Justice System (CJS), of an increased number of prosecutions and custodial sentences, although these costs are not estimated to be significant.

EFFECTS OF THE BILL ON PUBLIC SECTOR MANPOWER

20. The provisions of the Bill are not expected to have an impact on public sector manpower further to those on the CJS referred to in paragraph 19 above.

SUMMARY OF IMPACT ASSESSMENTS

21. As the proposed policy changes are unlikely to lead to costs for business, civil society organisations, regulators or consumers, a full impact assessment has not been completed.
22. An initial screening has been undertaken by the Home Office, which confirmed that a full Equality Impact Assessment is not necessary because there are not likely to be any adverse impacts resulting from the legislation. No impacts on the grounds of gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation were identified. Any impacts are likely to be positive but indirect and unquantifiable on the grounds of age and disability, because older people and people with some disabilities (e.g. learning difficulties) are less likely to be able to deal with the effects of identity crime. This legislation will reduce identity crime by reducing the number of false documents in circulation.

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as brought from the House of Commons on 8th December 2014
[HL Bill 68]*

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