

# LEGISLATIVE CONSENT MEMORANDUM

## CRIME AND POLICING BILL

### Draft Legislative Consent Motion

1. The draft motion, which will be tabled by the Minister of Justice, is:

*“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Crime and Policing Bill, as introduced in the House of Commons on 25 February 2025, dealing with: an offence of cuckooing (contained in Part 4 Clauses 32 to 34 and 35(2), (3) and (4)(c) and Part 3 of Schedule 5); an updated offence to deal with advice or guidance on creating child sexual abuse material (contained in Part 5 Clause 37); management of sex offenders (contained in Part 5 Clauses 59, 61 to 63, 65, 66(1), 67 and 68 and Schedule 9); administering etc harmful substances (including by spiking) (contained in Part 7 Clause 73); encouraging or assisting serious self-harm (contained in Part 7 Clauses 74 and 75); electronic devices for use in vehicle offences (contained in Part 8 Clauses 78 and 79); proceeds of crime relating to confiscation (contained in Part 11 Clause 102(2) and Schedule 15); proceeds of civil recovery: costs and expenses (contained in Part 11 Clause 103); international law enforcement data sharing agreements (contained in Part 15 Clauses 127, 128 and 129); and criminal liability of bodies and partnerships (contained in Part 15 Clause 130).”*

### Background

2. This Memorandum has been laid before the Assembly by the Minister of Justice under Standing Order 42A(2). The Crime and Policing Bill (“the Bill”) was introduced by the UK Government into the House of Commons on 25<sup>th</sup> February 2025. This Memorandum, and the clause references within it, relate to the Bill as published at introduction on 25<sup>th</sup> February 2025. This version of the Bill and details on the Bill’s progress can be found at [UK Parliament Crime and Policing Bill](#)

### Summary of the Bill and its policy objectives

3. The Bill contains 15 parts, 137 clauses and 17 schedules, mostly relating to England and Wales. There are matters that are proposed to extend to Northern Ireland that engage the Legislative Consent Motion (LCM) process as well as matters that are reserved or excepted which do not engage the LCM process.

4. The UK Government has set out that the Bill is intended to support **the** delivery of the Government's Safer Streets Mission to halve knife crime and violence against women and girls ("VAWG") in a decade and increase public confidence in policing and the wider criminal justice system. It aims to support neighbourhood policing and give the police the powers they need to tackle anti-social behaviour, crime and terrorism, whilst introducing reforms to ensure that law enforcement agencies perform to the highest standards expected by the public and focus on front-line policing. Only some of these measures extend to Northern Ireland.
5. Specific elements of the Bill which are of relevance to Northern Ireland are detailed below.

**The following provisions relate wholly to excepted or reserved matters in Northern Ireland:**

- **Clause 13 (*Power to seize bladed articles etc: armed forces*)**  
provides the powers, equivalent to those granted to the civilian police in Clause 12 (which extends to England and Wales only), to seize, retain and destroy legally held bladed articles from premises when a member of the service police or a person subject to service law, is lawfully on any premises and they have reasonable grounds to suspect the bladed article will likely be used in connection with unlawful violence. The clause inserts a new section into the Armed Forces Act 2006.
- **Clauses 38 to 41(*Online facilitation of child sexual exploitation and abuse*)**  
*Clause 38* provides for a new offence of carrying out a "relevant internet activity" with the intention of facilitating child sexual exploitation and abuse. This is designed to cover individuals who are colloquially known as 'moderators' or 'administrators' of websites containing child sexual abuse material. The maximum penalty associated with this offence on summary conviction in Northern Ireland is imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both); or on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine (or both).

*Clause 39* provides for the Clause 38 offence to have extra-territorial application in certain circumstances.

*Clause 40* sets out the circumstances in which an offence under Clause

38 could be committed by a body corporate, partnership or unincorporated association.

*Clause 41* inserts the new Clause 38 offence into the lists of offences contained in Schedule 3 to the Sexual Offences Act 2003 which make a relevant offender subject to sex offender notification requirements (the ‘sex offenders register’).

**Clause 44** (*Power to scan for child sexual abuse images at the border*) establishes a power for Border Force to compel individuals reasonably suspected of posing a sexual risk to children to unlock their digital devices (such as a mobile phone or laptop) in furtherance of a search against the Child Abuse Image Database (“CAID”) to identify known child sexual abuse material.

- **Clause 55** (*Guidance about the disclosure of information by police for the purpose of preventing sex offending*) confers a power on the Secretary of State to issue statutory guidance to chief officers of police about the disclosure of police information by police forces in England and Wales (to include the Ministry of Defence in Northern Ireland) for the purposes of preventing relevant sexual offences.
- **Clauses 80 to 82 and Schedule 10** (*New offences relating to the possession and supply of SIM farms*)  
*Clause 80* creates a summary-only offence of possessing a SIM farm without a good reason or lawful authority. The maximum penalty associated with this offence on summary conviction in Northern Ireland is a fine not exceeding level 5 on the standard scale. The legislation provides a non-exhaustive list of ‘good reasons’ for possessing a SIM farm.

*Clause 81* creates an offence of supplying a SIM farm to another person. The penalty associated with this offence on summary conviction in Northern Ireland is a fine not exceeding level 5 on the standard scale. It also sets out the defences that are applicable if a person is charged with the offence and defines the term ‘SIM farm’ for the purposes of this legislation. The legislation also confers a power on the Secretary of State to amend this section by regulations (subject to the draft affirmative procedure).

Schedule 10 confers powers of entry and search in relation to the offences set out in Clauses 80 and 81.

- **Clauses 83 to 85 (*New offences relating to the possession and supply of specified articles used to facilitate fraud by electronic communication*)**

*Clause 83* creates an offence of possession of a specified article. The penalty associated with this offence on summary conviction in Northern Ireland is a fine not exceeding level 5 on the standard scale.

*Clause 84* creates an offence of supplying a specified article to another person. The penalty associated with this offence on summary conviction in Northern Ireland is a fine not exceeding level 5 on the standard scale. The legislation also set out the defences a person may use if they are charged with the offence.

*Clause 85* enables the Secretary of State to make regulations specifying articles that are considered of having a ‘significant risk’ of the article being used to commit fraud by means of an electronic communications network or an electronic communications service in relation to clauses 83 and 84.

- **Clause 92 and Schedule 12 (*Power to suspend internet domain names and Internet Protocol addresses*)** introduces Schedule 12 which provides for two new orders, one to suspend (Internet Protocol) (“IP”) addresses and one to suspend domain names linked to serious crimes.
- **Clause 94 (*Powers of entry to recover electronically tracked stolen goods: armed forces*)** gives the service police powers, equivalent to those granted to the civilian police by Clause 93 (which apply to England and Wales only), to enter premises without a warrant and search for stolen goods. The service police have jurisdiction over service personnel and civilians subject to service discipline. Service police may only exercise the power conferred by Clause 94 in relation to relevant residential premises, as defined by section 84(3) of the Armed Forces Act 2006. The clause inserts new sections into the Armed Forces Act 2006.
- **Clause 109(9) (*Appeals to the Police Appeals Tribunal insofar as they deal with the Ministry of Defence Police*)** inserts provisions into the Ministry of Defence Police Act 1987, in section 4A (appeals against dismissal etc) which sets out the process for appeals.

- **Part 4 Terrorism and National Security**

### **Chapter 1: Youth diversion orders**

*Clause 110* introduces a new power allowing police to apply to the courts for a youth diversion order, in respect of a young person aged between the age of criminal responsibility (10 years in Northern Ireland) and 21 years. The court, in making the order, must be satisfied, on the balance of probabilities, that the respondent has committed a terrorism offence, an offence with a terrorism connection or has been engaged in conduct likely to facilitate the commission of a terrorism offence. The court must also consider that the making of the order is necessary in order to protect the public from a risk of terrorism or other serious harm.

*Clause 111* provides a definition of “serious harm”.

*Clause 112* makes provision in relation to the content of youth diversion orders. The order may require the respondent to comply with requirements or prohibitions, or both, with examples provided in subsections (2) and (3). These should not, as far as practicable, interfere with the respondent’s education or work, or conflict with their religious beliefs or the requirements of any other court order which they are subject to. Subsection (6) requires the court to specify the period of the order which should not exceed 12 months.

*Clause 113* places a duty on the police to consult with certain authorities before applying for a youth diversion order, or for a variation or discharge of an order. In Northern Ireland, the duty is on the PSNI to consult with the Youth Justice Agency, where the respondent is under 18 years.

*Clause 114* allows the police to apply for a youth diversion order without giving notice to the respondent, in exceptional circumstances. In these cases, the duty on the police to consult with other authorities is removed, but they must consult with them before the first “full hearing”. Options available to the court following an application without notice include: adjourning proceedings and making an interim youth diversion order; adjourning proceedings without making an interim order; and dismissing the application.

*Clause 115* provides that where a court is considering an application for a youth diversion order, it may make an interim order which can be in place until the determination of the application. The respondent can be subject to prohibitions whilst under an interim

youth diversion order, but the only requirement which may be imposed is the requirement to provide information, such as the respondent's name and address.

*Clause 116* provides for the police or the respondent to apply to the court to vary or discharge a youth diversion order. Following an application, the court may add additional measures to the order, extend the period for which a prohibition or requirement has effect, or extend the period for which the order has effect by 6 months. Subsection (4) provides that the period for which an order has effect may be only extended a maximum of two occasions.

*Clause 117* makes provision for the parties to appeal. The applicant may appeal the decision to refuse to make a youth diversion order and the respondent may appeal the making of an order, an interim order or a decision concerning the varying or discharge of an order.

*Clause 118* creates an offence of breaching a youth diversion order. Subsection (2) sets out the penalty for breaching an order if aged under 18 years. In Northern Ireland, this translates into a maximum 6 month custodial sentence or a fine not exceeding level 5 on the standard scale (or both). Subsection (3) provides for the maximum penalty where the offender is 18 or over. On conviction on indictment the maximum penalty is two years' imprisonment, a fine, or both.

*Clause 119* confers a power on the Secretary of State to issue, and subsequently revise, guidance to the police for exercising their functions in relation to youth diversion orders. There is a duty on the police to have regard to such guidance. In issuing or revising guidance, the Secretary of State must consult with specified persons (including the chief constable of the PSNI and the Director of Public Prosecutions for Northern Ireland).

*Clause 120* makes provision for rules of court relating to youth diversion order proceedings to allow for the making of anonymity orders. This is to enable the respondent's identity or information leading to his identify to be protected from disclosure.

*Clause 121* makes provision for applications for youth diversion orders to be made by complaint, to a youth court or other magistrate's court, and in any other case, made in accordance with the rules of court.

## **Chapter 2: Other provisions about terrorism and national security**

*Clause 122* amends the Terrorism Prevention and Investigation Measures Act 2011 to update the weapons and explosive measure, clarifying the wording around the possession of unapproved articles capable of being used as a weapon (such as knives or bladed articles).

*Clause 123* amends Section 13 of the Terrorism Act 2000 by creating an offence of wearing or displaying articles in support of proscribed organisations to cover the same conduct on “relevant premises”, relating to prisons and other premises associated with the custody of offenders. Subsection (5) also amends the Terrorism Act 2000 to provide police with powers of seizure of such articles displayed in a public place, without an investigation into a suspected offence.

*Clause 124* introduces Schedule 16 which amends Part 4 of the Counter-Terrorism Act 2008 (notification requirements) and section 43B of the Terrorism Act 2000 (terrorist offenders releases on licence without warrant pending recall decision).

*Clause 125* introduces Schedule 17 which contains amendments about sentences for an offence under paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 (breach of foreign travel restriction order).

*Clause 126* amends Article 7 of the Criminal Justice (Northern Ireland) Order 2008 in relation to the length of terrorism sentence with fixed licence period: Northern Ireland.

**The following measures relate either to a mix of excepted or reserved and transferred matters or exclusively to transferred matters:**

- **Clauses 32 to 34 and 35(2), (3) and (4)(c) and Part 3 of Schedule 5 (Offence of cuckooing)**

*Clause 32* creates an offence of cuckooing if three conditions are met; a person exercises control over another person’s dwelling; they do so for the purposes of enabling that dwelling to be used in connection with specific offences; and the person whose dwelling it is does not consent to the activity. In Northern Ireland, the maximum penalty on summary conviction is six months’ imprisonment, or a fine not exceeding the statutory maximum or both. The maximum penalty on conviction on indictment is five years’ imprisonment, or a fine, or both.

*Clause 33* specifies the interpretive provisions that apply to the cuckooing offence contained in Clause 32.

*Clause 34* confers power on the Secretary of State to amend, by regulations, the list of relevant offences in Schedule 5, with the exception of offences that relate to a devolved or transferred matter which can only be amended by the relevant devolved administration. The Northern Ireland Department of Justice may amend relevant offences in Part 3 of Schedule 5 respectively within its legislative competence. This will ensure that the legislation can be adapted to reflect any future changes to the types of criminality associated with cuckooing.

*Clause 35* amends the Criminal Evidence (Northern Ireland) Order 1999 to provide for the cuckooing offence to be added to the list of offences which provide for victims and witnesses of the listed offences to be automatically eligible for special measures when giving evidence to court. It also provides for the cuckooing offence to be included in the list of 'lifestyle offences' 4 of the Proceeds of Crime Act 2002.

- ***Clause 37 (Possession of advice or guidance about creating child sexual abuse images)*** amends the current section 69 of the Serious Crime Act 2015 (which extends to England and Wales and Northern Ireland) to make it an offence to possess any item that contains advice or guidance about creating child sexual abuse (CSA) images. This augments the so-called 'paedophile manual' offence contained in section 69, which criminalises possession of any item that possesses advice or guidance about abusing children sexually. The current offence excludes pseudo-photographs and thereby excludes guidance on producing AI generated CSA material. The penalty for this offence remains as: on summary conviction, imprisonment for a term not exceeding 6 months or to a fine, or both; on conviction on indictment, to imprisonment for a term not exceeding 3 years or a fine, or both.

- ***Clause 59, 61 to 63, 65, 66(1) and 68 and Schedule 9 (Management of sex offenders)***

*Clause 59* amends section 83 of the Sexual Offences Act 2003 by inserting additional notification requirements relating to name changes. A registered sex offender will be required to notify no less than seven days in advance of using a new name, which replaces the current requirement to notify within three days of using a new name.



While *Clause 60* extends to England and Wales and Scotland only, on the basis that this statutory provision already exists in Northern Ireland and will bring the other UK jurisdictions into line with that provisions, *Clause 60(2)* is a consequential amendment for Northern Ireland. It amends section 85 of the Sexual Offences Act 2003 by providing a regulation making power (negative resolution) to the Department of Justice in Northern Ireland in relation to notification requirements for absence from notified residence.

*Clause 61* amends section 86 of the Sexual Offences Act 2003 by inserting additional requirements on child sex offenders who will be required to notify if entering premises at which children are present.

*Clause 62* amends section 87 of the Sexual Offences Act 2003 to enable the police to publish a list of prescribed stations at which a registered sex offender can notify. This will replace the current requirement of the Department to make a Statutory Rule each time there are any changes needed to the prescribed list.

*Clause 63* inserts alternative methods of notification after section 87 of the Sexual Offences Act 2003, specifically the ability of a person to notify the police virtually in certain circumstances.

*Clause 65* extends provision contained at Schedule 3A to the Sexual Offences Act 2003 to enable the police to review a relevant offender's indefinite notification requirements of its own motion, without the need for an application to be made by the relevant offender which is the current process which must be undertaken. The own motion scheme will run in tandem with the current application based review scheme.

*Clause 66(1)* inserts new sections 93A to 93H in the Sexual Offences Act 2003 to prevent offenders from applying for certain replacement identity documents, namely: an immigration document; a passport or a driving licence issued under the Road Traffic (Northern Ireland) Order 1981, in a new name, unless authorised to do so by the Chief Constable of the PSNI. There is a statutory requirement on the Department of Justice to issue guidance to the PSNI on the determination of applications made by offenders for such authorisation. The provision includes the creation of an offence if a person fails, without reasonable excuse, to comply with the new requirements. In Northern Ireland, the maximum penalty on

summary conviction is to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both); or on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

*N.B. Clause 66(2) does not extend to Northern Ireland at this point given its cross-cutting nature with the Department for Infrastructure. Subject to in principle agreement from DfI, the intention is to introduce clause 66(2) for Northern Ireland at Lords Committee Stage of the Bill. This would be subject to a second LCM procedure.*

*Clause 67 amends section 96B of the Sexual Offences Act 2003 to enable a police officer of the rank of inspector or above to authorise applications to the court for warrants to enter and search a relevant offender's home. Currently, such warrants must be authorised by a police officer of the rank of superintendent or above.*

*Clause 68 introduces Schedule 9 which contains minor and consequential amendments relating to these provisions.*

- **Clause 73 (Offence of spiking)** repeals sections 22, 23 and 25 of the Offences Against the Person Act 1861 and replaces section 24 with a single, new administering a harmful substance (including by spiking) offence. In Northern Ireland, the maximum penalty on summary conviction is to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum (or both); or on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine (or both).
- **Clause 74 and 75 (offence of encouraging or assisting serious self-harm)**  
*Clause 74 creates an offence of intentionally doing an act capable of encouraging or assisting the serious self-harm of another person by any means, including through direct assistance, such as giving a person a blade with which to self-harm. In Northern Ireland the maximum penalty on summary conviction is imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum (or both); or on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine (or both).*

*Clause 75 makes provision supplementary to Clause 74 and provides that a person who arranges for someone else to do an act capable of encouraging or assisting the serious self-harm of another person will also be committing an offence if the other person does that act.*

- **Clauses 78 and 79 (offences relating to electronic devices for use in vehicle theft)**

*Clause 78* introduces new offences to criminalise the possession, importation, manufacture, adaptation, supply or offer to supply and possession of electronic devices, such as signal jammers, signal amplifiers and devices used to access a vehicle's wiring system, to commit a relevant offence such as stealing a vehicle, stealing anything in a vehicle or taking a vehicle without authority. A person who commits an offence in Northern Ireland on summary conviction is liable to a maximum of 6 months imprisonment or a fine not exceeding the statutory maximum (or both); on indictment the maximum sentence is 5 years imprisonment or a fine (or both).

*Clause 79* defines that for the purposes of Clause 78 the burden of proof that a person will need to discharge to be regarded as having shown that they did not intend nor suspect an article would be used for vehicle theft, or that they did not know of its presence or have control over it.

- **Clause 102(2) and Schedule 15 (confiscation of the proceeds of crime)**

*Clause 102(2)* introduces *Schedule 15* to the Bill, which reforms the confiscation regime in respect of proceeds of crime in Northern Ireland, principally by amending Part 4 of the Proceeds of Crime Act 2002.

Schedule 15 sets out a series of reforms to the existing confiscation regime.

**Clause 103 (proceeds of crime relating to proceeds for civil recovery: costs and expenses)** inserts a new provision after section 288 of the Proceeds of Crime Act 2002 which sets out costs and expenses protections for enforcement agencies in civil recovery proceedings in the High Court.

- **Clauses 127 to 129 (Implementation of international law enforcement information sharing agreements)**

*Clause 127* provides the 'appropriate national authority' (as defined in Clause 128) with the power to make regulations (subject to the negative procedure) to implement the technical and, where appropriate operational detail, of any new legally binding international law enforcement information-sharing agreements.

Clause 128 defines the “appropriate national authority” by which regulations may be made under Clause 127 as the Secretary of State or, where a provision falls within devolved competence, the Northern Ireland Department of Justice.

Clause 129 requires the Secretary of State, before making regulations under Clause 127, to consult devolved governments about any provision in the regulations which would be within the legislative competence of the relevant devolved legislature.

- **Clause 130 (*Criminal liability of bodies corporate and partnerships where senior manager commits offence (Identification Doctrine)*)** repeals sections 196 to 198 of the Economic Crime and Corporate Transparency Act 2023 and enables a corporate body or partnership to be held criminally liable where a senior manager commits any offence while acting within the actual or apparent authority granted by the organisation.

### General Clauses

- **Clause 131 (*power to make consequential amendments etc.*)** makes provision in relation to the making of regulations. Subsection 4 provides that the Department of Justice in Northern Ireland may by regulations make such transferred provision as it considers appropriate in consequence of:
  - Chapter 3 of Part 4
  - Chapter 4 of Part 5
  - Sections 73 to 75
  - Section 102(2) and Schedule 15
- **Clause 133(5) and (6) (*Regulations made by the Department of Justice*)** sets out that the following regulations may not be laid unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly:
  - a) Regulations under section 34(3) (cuckooing);
  - b) Regulations under section 131(4) that amend primary legislation (confiscation reforms).

Any other regulations made by the Department of Justice in Northern Ireland under this Act are subject to negative resolution.

- **Clause 134 (*extent*)** deals with extent provisions and notes those relevant to Northern Ireland.

- ***Clause 135 (commencement)*** provide for the commencement. *Clause 135(2)* provides for the following provisions to come into force on Royal Assent:
  - *Clause 44* (power to scan for child sexual abuse images at the border);
  - *Clause 109* (appeals to police appeals tribunals) for the purpose of making rules;
  - *Clauses 127 to 129* (international law enforcement data-sharing agreements) and
  - *Clauses 131 to 137* (final provisions).

*Clause 135(3)* provides for the following provisions to come into force two months after Royal Assent:

- *Clause 103* (proceedings for civil recovery: costs and expenses);
- *Clause 122* (prevention of terrorism and state threats: weapons etc);
- *Clause 125* (sentences for breaching foreign travel order restriction order)
- *Clause 126* (length of terrorism sentence with fixed licence period: Northern Ireland); and
- *Clause 130* (criminal liability of bodies corporate and partnerships where senior manager commits offence).

*Clause 135(7)(b) and (8)* provides for the following provisions to come into force insofar as they apply to Northern Ireland by commencement order made by the Department of Justice:

- Chapter 4 of Part 5 (except *Clause 66(2)*) (management of sex offenders);
- *Clause 73* (administering etc harmful substance (including by spiking));
- *Clauses 74 and 75* (offence of encouraging or assisting serious self-harm); and
- *Clause 102(2) and Schedule 15* (confiscation reforms).

*Clause 135(1)* provides for the remaining measures to come into force on such a day as the Secretary of State may appoint.

## **Provisions which deal with a Devolution Matter**

6. The devolved areas for which legislative consent is sought through this Memorandum for Westminster to legislate on our behalf are set out below and relate to devolution matters dealing with a transferred matter. There are

ten broad areas covered, under headings in the Westminster Crime and Policing Bill, dealing with:

- Offence of cuckooing;
- Possession of advice or guidance about creating etc. child sexual abuse images;
- Management of sex offenders;
- Offence of spiking;
- Offence of encouraging or assisting serious self-harm;
- Offences relating to electronic devices for use in vehicle theft;
- Confiscation of the proceeds of crime;
- Proceeds of civil recovery: costs and expenses;
- Implementation of international law enforcement information sharing agreements;
- Criminal liability of bodies corporate and partnerships where senior manager commits offence (Identification Doctrine).

7. The Assembly may wish to note that the Bill as introduced. includes a devolved provision in *Clause 95* for Northern Ireland, relating to access to DVLA driving licensing information. This provision is still under policy development, therefore legislative consent is not being sought from the Assembly in this Motion. Subject to finalisation, the provision may be included in a future legislative consent motion.

### **Reasons for making the Provisions**

8. The provisions in the Crime and Policing Bill that would be extended to Northern Ireland deal with a number of issues that would tackle serious and organised crime and economic crime and increase public safety across Northern Ireland. While the provisions that would extend to Northern Ireland are primarily in the criminal justice sphere, creating new offences and more effectively dealing with serious and organised crime, there are also a number of measures that importantly deal with the protection of victims.
9. The measures that are covered by this Memorandum will see a number of positive changes in terms of strengthening the law to protect the public from economic and serious organised crime; enabling law enforcement agencies to respond to changing technology deployed by criminals; equipping law enforcement agencies with the necessary powers to address emerging crime types and threats; and ensure appropriate sentencing for those convicted of new offences.
10. Taken together the measures will further deal with and respond to serious crime, theft and fraud; make it an offence to encourage or assist serious self

-harm; clarify the legislation in relation to spiking offences; and ensure that corporate bodies are held liable where a senior manager commits an offence acting on the authority of that organisation.

11. Through this, increased safeguards will be in place against criminal activity and the impact that this can have across all communities.

### **Reasons for utilising the Bill rather than an Act of the Assembly**

12. First, from a *policy perspective*, the criminal behaviour that the Bill seeks to address includes criminality which may be cross jurisdictional in nature and which therefore needs to be tackled in a consistent fashion across the UK. Organised crime knows no boundaries and it is considered that matters relating to tackling serious organised crime and economic crime should, as far as possible, be handled consistently across the jurisdictions and not least in broad parity with England and Wales which has historically been the case in this area.
13. Second, in addition to policy reasons, there are *timing factors*. The nature of the provisions is such that it would be important for judicial and law enforcement consistency that they should come into force as early as possible. While it is of course preferable that the Assembly legislate on what are devolved matters the constraints on the legislative programme in this mandate mean that it would not be possible to achieve equivalent legislation via an Assembly Bill within the same timescale as can be achieved in the Westminster Bill. Indeed, the failure to secure an LCM, or for agreement to be sought to the prospective provisions being included within the Crime and Policing Bill, would mean it would likely be into the next mandate before legislation could be brought forward. It is therefore considered in the best interests of Northern Ireland, and all of our people (particularly those that are affected by these heinous crimes) that provisions are brought forward in a timely fashion.
14. It is worth noting that in relation to dealing with serious organised crime and economic crime in recent times Westminster, with the Assembly's agreement, has legislated for Northern Ireland. This has ensured that a consistent approach is maintained across the UK, ensuring that Northern Ireland does not become a loophole where serious criminal activity can be carried out while it is legislated against in other regions.
15. Third, there are *procedural advantages*. There would be considerable complications in managing the combination of reserved and devolved measures by legislating at both Westminster and in the Assembly on the same general subject.

16. It is therefore recommended that the most appropriate approach is to request legislative consent from the Assembly for Westminster to legislate on behalf of Northern Ireland in relation to the specific provisions of the Crime and Policing Bill as set out above.

## **Consultation**

17. The Department of Justice has engaged with stakeholders and operational partners across the justice sector on these proposals who are supportive for the measures to be introduced and in particular the maintenance of parity with England and Wales as far as possible. For a number of organisations, where they operate across the UK this provides operational consistency. The new provisions are considered particularly important in relation to those aspects where offences may occur throughout the UK. There will of course need to be time following the passage of the legislation for operational arrangements, relevant guidance, and any associated technological changes to be put in place in order that the measures can be used as effectively as possible by operational partners. The Department will continue to engage with operational partners as the additional measures are introduced.

## **Human Rights and Equality**

18. The Home Secretary made a statement under section 19(1)(a) of the Human Rights Act 1998 that, in her view, the provisions of the Bill are compatible with the Convention rights. A copy of the Government's Human Rights Memorandum can be found at: [ECHR Memo.pdf](#).
19. The Department's assessment is that the proposals are considered to be compliant. The Department has liaised with the Northern Ireland Human Rights Commission in relation to the Bill.
20. An equality screening exercise was carried out and the proposals were not considered to require an equality impact assessment.
21. A screening exercise has also been considered in relation to Article 2 of the Windsor Framework implications. It is considered that the provisions in the Crime and Policing Bill which will extend to Northern Ireland will not result in a diminution of rights, safeguards and equality of opportunity provisions or discrimination protections. The provisions in the Bill which will extend to Northern Ireland are considered to be compliant with Article 2(1).

## **Financial Implications**



22. There are not considered to be significant financial implications arising from the measures contained in the Bill that it is proposed would extend to Northern Ireland. The confiscation reform provisions could lead to an increase in assets recovery.

### **Summary of Regulatory Impact**

23. There is not considered to be a regulatory impact in terms of the provisions dealing with devolved matters as regards employment as well as costs to businesses, charities, social economy and the voluntary sector.

### **Engagement to date with the Committee for Justice**

24. The Department has briefed and are continuing to engage with the Committee for Justice in relation to the measures that the Minister wishes to be extended to Northern Ireland, in order to provide detail on the proposed changes as well as answer any queries raised. Officials will continue to engage with the Committee as the Bill progresses.

### **Conclusion**

25. The view of the Minister of Justice is that, in the interests of an improved ability to deal with serious organised crime and economic crime, as well as provide increased protection for victims, that so far as the provisions of the Bill deal with a devolution matter, they should extend to Northern Ireland.

**Department of Justice**  
**15 May 2025**