

Title: Crime and Policing Bill: Criminal Law Measures IA No: MoJ016/2024 RPC Reference No: N/A Lead department or agency: Ministry of Justice (MoJ) Other departments or agencies: Home Office, CPS	Impact Assessment (IA)			
	Date: [13/02/2025]			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
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Summary: Intervention and Options	RPC Opinion: Not applicable
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Cost of Preferred (or more likely) Option (2024/25 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
-£97.0m	-	-	Not a regulatory provision

What is the problem under consideration? Why is government action or intervention necessary?

It is important that the criminal law be updated to ensure that it provides sufficient protection and deals effectively with harmful behaviours. Advances in technology such as smartphones, laptops and tablets mean that intimate images can now easily be taken or shared without consent at the click of a button. Victims, campaigners and Parliamentarians from across the political spectrum have also raised concerns about the increased prevalence of spiking. The creation of a single modern offence of administering a harmful substance will increase public awareness of this crime and encourage victims to report such incidents to the police at the earliest opportunity. Finally, there are other important areas where the criminal law needs amendment to provide sufficient protection. These are: providing encouragement or assistance to seriously self-harm; the detention of a child outside the UK without appropriate consent; sexual activity in the presence of a child or an adult with a mental disorder; and sexual activity with a corpse. Government intervention via the Crime and Policing Bill is necessary to ensure that the criminal law covers these harmful acts, remains up to date as society and technology evolves, is well understood, adequately delivers justice to victims and protects the public.

What are the policy objectives of the action or intervention and the intended effects?

Legislative change is necessary to ensure that: i) the criminal law is capturing harmful behaviour that is currently not criminal; ii) the maximum penalty for a criminal offence is appropriate; and iii) the criminal law is clear and understood by the public. The changes described above are also necessary to protect the public, provide justice to victims and improve trust in the criminal justice system.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0: Do nothing. No changes are made to the criminal law or management of offenders. This does not meet the government's objective.

Option 1: Full implementation of the Criminal Law measures in the Crime and Policing Bill (see table 1, page 3 for detail).

The government's preferred approach is Option 1 as it meets strategic and policy objectives.

Will the policy be reviewed? It will not be reviewed. If applicable, set review date: N/A				
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	Micro No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded: N/A	Non-traded: N/A	

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 by the responsible Minister:  Date: 21.02.2025

Summary: Analysis & Evidence

Policy Option 1

Description: Full implementation of the Criminal Law measures in the Crime and Policing Bill (see table 1, page 3 for detail).

FULL ECONOMIC ASSESSMENT

Price Base Year 2024/25	PV Base Year 2024/25	Time Period 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -66.5	High: -133.1	Best Estimate: -97.0

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	6.8	1	7.2	66.5
High	27.7		12.7	133.1
Best Estimate	15.9		9.7	97.0

Description and scale of key monetised costs by 'main affected groups'

The total Net Present Cost (NPC) of the measures in this option is expected to be between £66.5m to £133.1m, with a central estimate of £97.0m over a 10-year appraisal period. Of this, HMPPS will incur costs with an NPC of between £6.8m to £27.7m to provide an additional 13 to 55 prison places. The police, HMCTS, HMPPS and the LAA will incur the additional costs associated with increasing numbers of police recorded crimes, prosecutions and convictions associated with the measures in this option. The average annual cost of this option is between £7.2m to £12.7m, with a best estimate of £9.7m.

Other key non-monetised costs by 'main affected groups'

Certain offenders may be subject to notification requirements, which is expected to require some additional police time and resource. There may also be some training costs to the police, which are expected to be minimal as the new offences are not expected to significantly alter police processes and structure. The Crown Prosecution Service will incur additional costs associated with the additional cases being prosecuted under these new offences.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NM	-	NM	NM
High	NM		NM	NM
Best Estimate	NM		NM	NM

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to identify any monetised benefits.

Other key non-monetised benefits by 'main affected groups'

The measures in this option will strengthen the criminal law, protect the public and provide justice to victims. Measure 1A will offer greater protection to victims by including notification requirements, where certain criteria are met, which will assist authorities manage offenders in the community. Criminalising these offences could deter individuals from engaging in these forms of behaviour, which should reduce victimisation and increase trust in the criminal justice system.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
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- We assume this option will be implemented in January 2026.
- Across all measures, our best estimate assumes there will be circa. 5,000 additional police recorded crimes per year, leading to more than 400 prosecutions and 300 convictions per year in steady state.
- 20% optimism bias has been applied to all costs.

BUSINESS ASSESSMENT

Direct impact on business (Equivalent Annual) £m: N/A			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

Evidence Base

A. Background

1. It is important that the criminal law be updated to ensure that it provides sufficient protection and deals effectively with harmful behaviours. The intention of the Crime and Policing Bill is to ensure that the criminal law remains up to date as society and technology evolves, is well understood, adequately delivers justice to victims and protects the public. Table 1 summarises the criminal law measures in the Crime and Policing Bill which are included in this Impact Assessment (IA). The rest of this section briefly describes each of the areas of the criminal law that will be subject to reform.

Table 1: Criminal Law Measures in the Crime and Policing Bill

Policy Measure	Policy Description
1A Intimate images	<ul style="list-style-type: none"> • Create a range of new offences to capture a person who intentionally takes an intimate image of a person without that person’s consent. • Create two new criminal offences to capture a person who installs, adapts, prepares, or maintains equipment with intent to enable themselves or others to commit any of these offences.
1B Encouraging or assisting serious self-harm	<ul style="list-style-type: none"> • The Online Safety Act 2023 includes an offence of encouraging or assisting serious self-harm by means of communication. This measure will repeal the existing offence and replace it with a broader offence to capture a person who intentionally encourages or assists, by any means, another person, or persons, to seriously self-harm.
1C Sexual activity with a corpse	<ul style="list-style-type: none"> • Replace section 70 of the Sexual Offences Act 2003 to expand the scope of the criminal law to include non-penetrative “sexual touching” of a corpse with a maximum penalty of 5 years and ensure that sexual penetration of a corpse will carry a higher maximum penalty of 7 years’ imprisonment.
1D Sexual activity in the presence of a child or adult with a mental disorder	<ul style="list-style-type: none"> • Amend various sections of the Sexual Offences Act 2003 to capture cases of intentionally engaging in sexual activity in the presence of a child or person with mental disorder regardless of whether the defendant knows, believes, or intends for the child or person with mental disorder to be aware of the sexual activity.
1E Exposure	<ul style="list-style-type: none"> • Amend section 60 of the Sexual Offences Act 2003 to expand the scope of the existing offence of exposure to include exposure with intent to cause humiliation and exposure with the purpose of sexual gratification.
1F Spiking	<ul style="list-style-type: none"> • Spiking is already captured by a range of offences, including specific offences under the Offence against the Person Act 1861 (1861 Act). This measure would repeal sections 22, 23 and 25 of the 1861 Act and replace section 24 with a single, modern administering a harmful substance (including by spiking) offence.

1G Child abduction	<ul style="list-style-type: none"> • Criminalise the detention of a child outside the UK by a parent or person with similar responsibility without the appropriate consent to close an identified gap in the law.
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Measure 1A: Intimate images

4. Intimate image abuse is the non-consensual taking or sharing of photographs of film that shows the victim in an “intimate state” as defined in the Sexual Offences Act 2003 (that is with their breasts, genitals or buttocks (partially) exposed, or engaged in sexual or toileting behaviour. It is a gross violation of the victim’s bodily and sexual autonomy and can be highly intrusive, humiliating and distressing. These are crucial steps in delivering on our commitment to halve the prevalence of VAWG. We must ensure our criminal law enables us to tackle perpetrators, better protect victims and survivors, and deliver effective justice.
5. Some of the behaviour of taking of an intimate image without consent may in certain circumstances already be caught by existing offences, for example by the voyeurism offence at section 67(3) of the Sexual Offences Act 2003, but there are several limitations with the application of these offences. The Law Commission recommended a package of offences to update the laws relating to taking and sharing intimate images without consent¹.
6. The behaviour targeted by this measure is the intentional taking of an intimate photograph or film of a person without their consent. We are also targeting those who install, adapt, prepare or maintain equipment with the intention of enabling either themselves or someone else to do so.
2. The new offences in this Bill will strengthen the law in relation to the taking of intimate images without consent and the installation of equipment with the intention of enabling either themselves or someone else to do so. Where applicable, victims will be able to qualify for anonymity and special measures. Those convicted of offending for the purpose of sexual gratification may be subject to sexual offender notification requirements. Sharing offences were previously introduced via the Online Safety Act 2023.

Measure 1B: Encouraging or assisting serious self-harm

7. Encouragement of serious self-harm, whether that be fatal self-harm covered by the offence in section 2 of the Suicide Act 1961, or non-fatal self-harm introduced as an offence in the Online Safety Act, is an area of great concern. The existence of online content glorifying, encouraging, or promoting self-harm is also becoming increasingly prevalent.
8. In their Modernising Communications Offences report, published in July 2021² the Law Commission said, in reference to creating an offence of encouraging or assisting a person to non-fatally self-harm, that any criminal law solution in this complex area must be properly constrained to ensure that it does not disproportionately impact vulnerable people who harm themselves. They recommended a narrow offence with a robust fault element that targets the deliberate encouragement or assistance of serious non-fatal self-harm. The formulation of the recommended offence was very similar to the existing offence, under section 2 of the Suicide Act 1961, of encouraging or assisting suicide.

¹ Law Commission ‘Intimate image abuse: a final report’ July 2022.

² Law Commission ‘Modernising Communication Offences: A final report’ July 2021

9. In response to concerns raised in Parliament during the passage of the Online Safety Act 2023, a new offence of encouraging or assisting serious self-harm by means of verbal or electronic communications, publications or correspondence was created. This measure will repeal the offence in the Online Safety Act 2023 (“the communications offence”) and replace it with a broader offence that replicates the conduct and mental elements set out in the communications offence, but can be committed by any means of communication, and in any other way (including, for example, direct assistance through the provision of bladed articles with which to self-harm).

Measure 1C: Sexual activity with a corpse

10. Section 70 of the Sexual Offences Act 2003 criminalises the ‘sexual penetration of a corpse’, with a maximum penalty of two years imprisonment. It does not criminalise any other sexual activity with a corpse. Given the impact that both penetrative and non-penetrative activity with a corpse can have on the family of the deceased, the government intends to replace the existing offence with a revised offence that expands the scope of the criminal law to include non-penetrative sexual activity with a corpse with a maximum penalty of 5 years’ imprisonment at section 70 and to increase the maximum penalty for sexual penetration of a corpse from 2 to 7 years’ imprisonment.

Measure 1D: Sexual activity in the presence of child or person with a mental disorder

11. The Police and Crown Prosecution Service have reported difficulties in prosecuting a small number of cases where the suspect intentionally engaged in sexual activity in the presence of a child or a person with a mental disorder for the purpose of sexual gratification but there was insufficient evidence that they knew, believed or intended that the child was aware of the sexual activity (such knowledge, belief or intent is currently an element of the offence).
12. This Government intends to expand the criminal law so that those who engage in sexual activity without intent, knowledge or belief of the child’s (or a person with a mental disorder) awareness can be held criminally responsible for their behaviour. This might include cases involving children who are sleeping when the defendant engages in sexual activity such as masturbating whilst standing next to the child’s bed for the purposes of obtaining sexual gratification, where it cannot be proved that they knew or believed the child was aware of the sexual activity, or intended for the child should be aware of it.
13. This measure will amend sections 11,18, 32, 36 and 40 of the Sexual Offences Act 2003 to capture additional cases of intentionally engaging in sexual activity in the presence of a child or a person with mental disorder. The intention is to ensure that culpable behaviours are prosecuted, to manage offenders and prevent further escalation where there is the potential for more serious sexual offences against children or people with a mental disorder.
14. It is not the intention to criminalise those who engage in sexual activity in the presence of a child, who do not do so for the purposes of obtaining sexual gratification from the child’s presence, for example parents sharing a bedroom with a young baby. In those circumstances the presence of the child is incidental to the sexual activity. Therefore, the offences as amended will retain the requirement for there to be a link between the child’s presence and obtaining sexual gratification. This will exclude non-malicious behaviour from the offences.

Measure 1E: Exposure

15. The Government is amending section 66 of the Sexual Offences Act 2003 (“exposure”) to criminalise those who expose their genitals with the intent to cause the victim “humiliation”, or where they are acting for the purpose of obtaining sexual gratification whilst reckless as to whether the person who sees their genitals will be caused alarm, distress or humiliation. Currently, a person only commits this offence if they intentionally expose their genitals and intend that someone will see them and be caused alarm or distress.
16. Measure 1E will align the elements of the offence more closely with section 66A of the Sexual Offences Act 2003 which provides for the offence of “sending etc photograph or film of genitals” (colloquially known as the “cyberflashing offence”). Unlike the section 66 exposure offence, the section 66A offence criminalises those who intend that the victim will see the genitals and be caused alarm, distress or humiliation, or who send or give a photograph or film for the purpose of obtaining sexual gratification and are reckless as to whether the person will be caused alarm, distress or humiliation. The creation of the section 66A offence followed recommendations made by the Law Commission in their review ‘Modernising Communications Offences’.
17. Adding these additional elements to offence at section 66 would ensure consistency between these analogous offences and strengthen protection for victims.

Measure 1F: Spiking

18. Spiking is a term used to describe the administration of a substance, whether by adding it to food or drink or otherwise, without a person’s consent, and usually with an intent to cause some harm to, or incapacitate, that person. It can include putting alcohol into a non-alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs (such as tranquillisers, amphetamines or GHB - also called liquid ecstasy) into an alcoholic or non-alcoholic drink, food or vape. In Autumn 2021, the police reported a surge in reports of drink-spiking incidents, as well as the emergence of a new practice known as “needle spiking” (surreptitiously injecting victims with a substance).
19. Spiking is currently illegal and can be prosecuted under a range of criminal offences depending on the circumstances of the case. In addition to general offences such as assault, there are specific offences relating to the administration of a substance at sections 22 to 24 of the Offences Against the Person Act 1861 (the 1861 Act) which capture all forms of spiking. Sections 23 and 24 of the 1861 Act also cover other non-spiking behaviours where a noxious substance may be administered, e.g., where a person is sprayed with CS gas (more commonly known as “tear gas” or pepper spray). The current offences target different levels of seriousness and carry relatively high maximum penalties. In cases where a substance is administered with the intention of engaging in sexual activity with the victim, there is also a separate offence at section 61 of the Sexual Offences Act 2003. This offence has a maximum penalty of 10 years’ imprisonment.
20. The Government, in its manifesto, gave a commitment to introduce a new criminal offence to help the police better respond to incidents of spiking. The Government is therefore bringing forward a new administering a harmful substance offence, which is designed to complement and enhance other policy work on spiking - such as providing training for staff in the night-time economy to ensure that staff have the skills to detect possible incidents of spiking,

encouraging victims to report incidents to the police and gathering better evidence to prosecute such crimes.

21. In seeking to create a new offence which continues to capture the range of criminal behaviours covered by the current offences at sections 23 and 24, consideration was given to a recommendation made by the Law Commission in its 2015 Report on Reform of the Offences against the Person Act. The proposed repeal of sections 22, 23 and 25 and replacement of section 24 of the 1861 Act with a single, modernised offence is based on the Law Commission's proposal. The new offence would be triable either way and have a 10-year maximum penalty.

Measure 1G: Child abduction

22. It is currently an offence for persons other than parents or persons with similar responsibility to take or detain a child out of the control of any person entitled to lawful control, whether or not the child is taken out of the UK. It is also an offence for a parent or persons with similar responsibility to take or send a child out of the UK without the consent of the other parent or other persons with similar responsibility or of the court. It is not, however, an offence for a parent who has lawfully removed a child from the UK, to detain that child outside the UK for longer than the permitted period. This 'gap' in the law was confirmed in the case of *R (on the application of Nicolaou) v Redbridge Magistrates' Court* [2012] EWHC 1647 (Admin).
23. Reunite International, the leading UK charity, who specialise in international child abduction cases, claim there is an increasing trend away from wrongful taking or sending to wrongful retention of a child abroad. They believe that some parents see this as an 'easier route' to permanently keeping their child abroad, with no criminal charges or police involvement, and are therefore using this method to circumvent the law. As a result, they are supportive of legislative change. This matter was also debated by Parliament in March 2023 and on 30 April 2024.
24. In their report, "Simplification of the Criminal Law: Kidnapping and Related Offences"⁴, published in November 2014, the Law Commission recommended that "...*the offence under section 1 of the Child Abduction Act 1984 should be amended to include the case where the connected person, having taken or sent the child out of the UK with the appropriate consent, keeps or retains that child outside the UK without the appropriate consent or in breach of the conditions of the consent given*". The Government did not publish a formal response to this Law Commission report.
25. Disputes involving children retained abroad without appropriate consent are usually resolved through civil dispute and family custody processes, rather than by the criminal law. The UK is a contracting State to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Hague Convention). The 1980 Hague Convention provides judicial and administrative procedures which aim to: (i) secure the prompt return of children wrongfully removed to or retained in any Contracting State; and (ii) ensure that rights of custody and access under the law of one Contracting State are effectively respected in the other Contracting States. In effect, the court in the country where the child has been taken will decide whether the child should be returned to the country where they were habitually resident. There are limited exceptions to the obligation to return the child. Unlike under the existing domestic criminal law in England and Wales, the 1980 Hague Convention treats the removal and retention of a child abroad equally.

26. Amending the Child Abduction Act 1984 (1984 Act) to cover detention of a child outside the UK without appropriate consent may help deter parents from detaining children abroad in the first place, as they could face extradition to the UK and a criminal sanction if, or when, they returned to the UK.
27. Measure 1G will close the legislative gap by amending the 1984 Act to make it an offence for a parent or person with similar responsibility for a child, to detain that child outside the UK without the appropriate consent, at any time after the child is taken or sent out of the UK with the appropriate consent. DPP consent will be required for the new offence, which will have a maximum penalty of 7 years' imprisonment. This is the penalty which applies to the existing offences at sections 1 and 2 of the 1984 Act. The proposed new offence will apply in England and Wales only.

B. Rationale and Policy Objectives

Rationale

28. The conventional economic approaches to government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or if there are strong enough failures in existing government interventions (e.g. waste generate by misdirected rules) where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more vulnerable groups in society).
29. The rationale for intervention in this instance relates to both efficiency and equity: Government intervention is necessary to ensure that the criminal law covers these harmful acts, remains up to date as society and technology evolves, is well understood, adequately delivers justice to victims and protects the public.

Policy Objectives

30. The associated overall policy objectives are that i) the criminal law is capturing harmful behaviour that is currently not criminal; ii) the maximum penalty for a criminal offence is appropriate; and iii) the criminal law is clear and understood by the public. The measures assessed in this IA are also necessary to protect the public, provide justice to victims and improve trust in the criminal justice system.
31. The policy objectives for each measure are outlined below:

Measure 1A: Intimate Images

- Ensure the criminal law is adequately equipped to protect the public from the disturbing and distressing behaviour of intimate image abuse.
- Effectively manage these offenders through notification requirements where specific criteria are met.

Measure 1B: Encouraging or assisting serious self-harm

- Ensure the criminal law is adequately equipped to protect people from those who intend to encourage or assist another person to seriously self-harm.

- Ensure that vulnerable people who share their experiences of self-harm are not disproportionately affected.
- Ensure those who intentionally encourage or assist others to seriously self-harm can be brought to justice.

Measure 1C: Sexual activity with a corpse

- Ensure the criminal law adequately protects the public.
- Ensure the criminal law captures those people who commit these harmful acts so that they can be brought to justice.

Measure 1D: Sexual activity in the presence of a child or adult with a mental disorder

- Ensure the criminal law adequately protects the public, particularly children and those with a mental disorder.
- Ensure that the criminal law captures people who commit these harmful acts and that they can be brought to justice.

Measure 1E: Exposure

- Ensure consistency in the criminal law's approach to exposure offences with the 'cyberflashing' offence at section 66A of the Sexual Offences Act 2003.
- Provide more victims of in-person exposure with protection under the criminal law.

Measure 1F: Spiking

- Ensure that the criminal law clearly captures people who commit acts of spiking and that individuals committing such offences are brought to justice.

Measure 1G: Child abduction

- Close a known gap in the criminal law on child abduction.

32. Affected Stakeholder groups, organisations and sectors

33. The following groups would be affected by the options considered in this IA:

- Victims and potential witnesses;
- The Police;
- The Judiciary
- The Crown Prosecution Service (CPS);
- His Majesty's Courts and Tribunals Service (HMCTS);
- The Legal Aid Agency (LAA);
- His Majesty's Prison and Probation Service (HMPPS);
- The Ministry of Justice;
- The Home Office;
- The public.

C. Description of options considered

34. To meet the policy objectives, the following options are assessed in this IA:

- **Option 0:** Do nothing: No changes are made to the criminal law, management of offenders, or wider criminal justice processes. This does not meet the government's objective.
- **Option 1:** Full implementation of the Criminal Law measures in the Crime and Policing Bill.

35. The Government's preferred option is Option 1 as it meets the strategic and policy objectives.

Option 0

36. Under this Option, no changes would be made to the criminal law. This option would mean that the criminal law would not cover the harmful acts described above and so would not remain up to date, be well understood, adequately deliver justice to victims nor protect the public.

Option 1

37. Option 1 comprises of the following legislative measures:

Measure 1A: Intimate images

38. Under this measure three new criminal offences will be created to capture:

- A person (A) who intentionally takes or records an intimate image of a person (B), without their consent (or a reasonable belief in consent). This will be a summary only offence with a maximum sentence of imprisonment of 6 months imprisonment or a fine (or both).
- A person (A) who intentionally takes or records an intimate image of a person (B), without their consent, and intends that the person (B) is caused alarm, distress, or humiliation. This offence will be triable either way with a maximum of 6 months imprisonment or a fine (or both) on summary conviction; and on indictment of imprisonment for 2 years.
- A person (A) who intentionally takes or records an intimate image of a person (B), without their consent (or a reasonable belief in consent), for the purpose of the defendant (A), or a third person (C), obtaining sexual gratification. This offence will be triable either way with a maximum of six months imprisonment or a fine (or both) on summary conviction; and on indictment of imprisonment for 2 years, and will, subject to certain caveats, attract sexual offender notification requirements.

39. If a person is convicted of one of these offences, but is additionally found not guilty of the offence by reason of insanity, or found to be under a disability and to have done the act charged against him, or cautioned in respect of the offence, and one of the following criteria are met, then the sexual offender notification requirements will be imposed:

- where the offender was under 18, they are or have been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- in any other case—
 - the victim was under 18, or
 - the offender, in respect of the offence or finding, is or has been—
 - 1) sentenced to a term of imprisonment,

- 2) detained in a hospital or
 - 3) made the subject of a community sentence of at least 12 months.
40. Under this measure, two new criminal offences to capture a person who installs, adapts, prepares or maintains equipment to enable themselves or another to commit a taking offence will also be created:
- a. A person (A) who installs, adapts, prepares or maintains equipment to enable themselves or another person (C) to intentionally take an intimate image of another person (B) without their consent or a reasonable belief in their consent. This offence will be summary only with a maximum 6-month prison sentence.
 - b. A person (A) who installs, adapts, prepares or maintains equipment to enable themselves or another person (C) to intentionally take an intimate image of another person (B) without their consent and with either the intention of causing B alarm, distress or humiliation or for the purpose of sexual gratification of A or (C).
41. These specific intent offences will be triable either way with a maximum sentence of 2 years imprisonment.
42. When convicted of this offence with the intent to enable the sexual gratification offence, sexual offender notification requirements will apply in the same way as they would for the relevant “taking” offence when the same seriousness threshold is met.
43. All five offences will apply to England and Wales.

Measure 1B: Encouraging or assisting serious self-harm

44. The Online Safety Act 2023 includes an offence of encouraging or assisting serious self-harm by means of communication. Under this measure, the Government will create a broader offence to capture a person who intentionally encourages or assists, by any means, another person or persons to seriously self-harm.
45. The new offence, like the communications offence, is designed to capture only the most serious behaviour and includes essentially the same two key constraints. The first is that the defendant must do an act capable of encouraging or assisting the serious self-harm of another person. The second is that the defendant’s act must be intended to encourage or assist the serious self-harm of another person. “Serious self-harm” means self-harm amounting to, in England and Wales, grievous bodily harm within the meaning of the Offences Against the Person Act 1861, and it includes successive acts of self-harm which cumulatively reach that threshold. An offence may be committed regardless of whether serious self-harm occurs.
46. The offence will be triable either way and have a 5-year maximum prison sentence following conviction on indictment, or 6 months’ imprisonment following summary conviction.
47. The offence will extend to England and Wales.

Measure 1C: Sexual activity with a corpse

48. Measure 1C will replace section 70 of the Sexual Offences Act 2003 with a revised offence that expands the scope of the criminal law to include non-penetrative sexual activity with a corpse with a maximum penalty of 5 years at section 70 and to increase the maximum penalty for sexual penetration of a corpse from 2 to 7 years’ imprisonment.

49. This offence will extend to (and apply in) England and Wales.

Measure 1D: Sexual activity in the presence of a child or adult with a mental disorder

50. Measure 1D will amend existing offences 11, 18, 32, 36 and 40 of the Sexual Offences Act 2003 to remove the current requirement that the perpetrator must know, believe or intend for the child (or person with a mental disorder) to be aware of the sexual activity.

51. These amendments will mean the offences capture cases of intentionally engaging in sexual activity in the presence of a child or person with mental disorder (B), or when B is in a place from which they can observe the defendant, where the defendant acts for the purpose of obtaining sexual gratification from the mere presence or observation of B regardless of whether the defendant knows, believes or intends for B to be aware.

52. All these offences will continue to extend to (and apply in) England and Wales.

Measure 1E: Exposure

53. Measure 1E will amend section 66 of the Sexual Offences Act 2003 (the “exposure offence”) to also criminalise those who expose their genitals with the intent to cause the victim “humiliation”, or where they are acting for the purpose of obtaining sexual gratification whilst reckless as to whether the person who sees their genitals will be caused alarm, distress or humiliation.

54. The legislative changes will extend to (and apply in) England and Wales.

Measure 1F: Spiking

55. Measure 1F will repeal sections 22, 23 and 25 of the Offences against the Person Act 1861 and replace section 24 with a single, modernised offence of administering a harmful substance, which would be triable either way. The new offence will continue to criminalise broadly the same behaviour that is currently criminalised under sections 23 and 24 of the 1861 Act.

56. The maximum penalty proposed for the new offence is 10 years’ imprisonment, and it will not affect the current sentencing regime.

57. These legislative changes will extend to (and apply in) England and Wales and Northern Ireland.

Measure 1G: Child abduction

58. Measure 1G will criminalise the detention of a child outside the UK without the appropriate consent. It will cover the situation where one parent or person with similar responsibility, with the consent of the other parent or persons with similar responsibility, takes or sends the child out of the UK, but detains the child overseas beyond the time agreed and without the appropriate consent.

59. The legislative change will extend to England and Wales only.

D. Cost Benefit Analysis

60. This IA follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with His Majesty’s Treasury Green Book guidance.

61. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in Great Britain with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
62. The costs and benefits of the options are compared to Option 0, the counterfactual or 'do nothing' option. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present value (NPV).
63. The impacts in this IA have been estimated as follows:
 - Price base year of 2024/25
 - 10-year appraisal period beginning 2024/25
 - Discounting base year of 2024/25
 - Option 1 is assumed to be implemented in January 2026.
 - 20% Optimism Bias has been applied to all unit costs (excluding the one-off cost of constructing a prison place).
64. As is the convention in Ministry of Justice IAs, we do not estimate the direct impact of the options considered on offenders.

Option 1: Full implementation of the Criminal Law measures in the Crime and Policing Bill.

Measure 1A: Intimate images

Method

65. The Online Safety Act 2023 brought forth a range of new offences into the Sexual Offences Act 2003 to target those who share or threaten to share intimate images.
66. Measure 1A will introduce new offences targeted at taking intimate images without consent: a base offence of taking of an intimate image without consent and two more serious offences of taking such images to cause alarm, distress or humiliation, or for sexual gratification. Two further offences will capture persons who instal, adapt, prepare or maintain equipment with the intention of enabling themselves or another to commit a taking offence.
67. Our analysis is derived from the Law Commission's impact assessment (IA)³ on the proposed reforms to the criminal law around intentionally taking and sharing intimate images without consent. For a detailed breakdown of the baseline figures, please refer to the Law Commission's IA.
68. The Law Commission estimated that 40% of the base offences will apply solely to the 'taking' of intimate images offences being estimated under this option, the remaining 60% was captured by those who share or threaten to share an image in the Online Safety Act.
69. In addition, the Law Commission estimated the impact that a new offence would have on widening the scope of the existing voyeurism offence and we have applied this to our analysis.

³ The Law Commission Intimate Image Abuse Impact Assessment July 2022

70. As such, two elements of the Law Commission’s Impact Assessment have been used as the basis for our analysis, the 40% of the base offences and the additional impact of the widened scope of voyeurism offences.
71. Table 2 breaks down the estimated additional annual police reports, prosecutions and convictions that we expect through the introduction of this measure.

Table 2: Additional police reports, prosecutions, convictions for base offence and the widening cope of voyeurism offence per year⁴

	Base Offence	Widened Scope	Total
Police recorded cases	3,900	700	4,600
Prosecutions	360	40	400
Convictions	270	40	310

Costs of Measure 1A

Monetised Costs

Police

72. The 4,600 additional police recorded cases estimated as the impacts of the base offence and additional voyeurism offences respectively will result in an increased caseload for the police.
73. By applying the unit police investigation cost (£1,584 in 24/25 prices) of violence without injury offences (deemed to be the most similar offence group) from The Home Office report on the Economic and Social Cost of Crime⁵, we estimated the police costs for both the New Base Offence, and for the widened scope of the Voyeurism offence.
74. The average annual cost to police is estimated to be £7.2m
- c. The New Base Offence is expected to have an annual cost to the police of £6.1m.
 - d. The widened scope of the Voyeurism Offence is expected to have an annual cost to the police of between £1.1m.

HMCTS

75. The additional 400 additional prosecutions estimated will result in an increased caseload for HMCTS.
76. As a summary only offence, the 360 additional prosecutions arising from the base offence will be heard in a magistrates’ court only. Conversely, voyeurism is triable either way, so the 40 additional prosecutions from widening the scope of this offence will be heard in both and magistrates’ courts and Crown Court. We assume that 30% of these cases will be heard in the Crown Court and 70% in the magistrates’ courts, in line with the 3-year average (2017-2019) and post covid data for Voyeurism offences. On this basis, the additional voyeurism offences will be between 10 in the Crown Court and 30 in the magistrates’ courts.

⁴ Figures rounded to the nearest 10

⁵ [The economic and social costs of crime second edition - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414442/the-economic-and-social-costs-of-crime-second-edition.pdf)

77. The additional prosecutions under the base offence and the new voyeurism offence are estimated to result in an annual cost to the HMCTS of £0.3m across the magistrates' and Crown courts.

LAA

78. The additional prosecutions will also result in an increased caseload for the LAA.
79. It is assumed that 75% of defendants are eligible for Legal Aid in the Crown Court and 50% are eligible in the magistrates' courts. There is, therefore, estimated to be an additional 200 legal aid cases across both courts (180 in the magistrates, 20 in the Crown Court).
80. The average annual cost to the LAA is estimated to be £0.25m.

HMPPS

81. The additional 310 convictions will have an impact on HMPPS as offenders will receive custodial or community sentences.
82. The Law Commission's analysis assumed 30% of those sentenced will receive a custodial sentence. For the base offence they assumed the sentence length received will be 5 months, and for the widening scope of voyeurism offences they assumed the sentence length would be 12 months. The same assumptions have been applied to assess the impacts on prisons for this measure. It is assumed the remaining 70% of convictions will lead to a community order or suspended sentence.
83. On this basis, it is estimated that the additional convictions for the base offence will result in 200 months of additional prison time per year meaning that an additional 17 prison places will be required. The additional convictions for the voyeurism offence will result in 70 months of additional prison time per year meaning that 6 additional prison places will be required.
84. The published annual cost of a prison place per year, uplifted to 24/25 prices, is £52,418. Applying a 20% OB uplift to this figure increases this cost to £62,900. Therefore, the additional months of prison time is estimated to result in an annual average resource cost of £1.4m.
85. Given capacity constraints, we have assumed that additional prison places will need to be constructed at a cost of £500,000 per place to accommodate the additional prison demand. Therefore, the additional prison places required will result in a cost of £11.6m.
86. Assuming the remainder of convictions lead to a community order, approximately 220 cases will be managed in the community by the Probation services per year. Alongside this, we estimate that the probation caseload will increase by 70 per year for those who are released from custody and managed in the community. This is equivalent to an average annual cost of £1.1m to HMPPS.

Non-monetised Costs

Police

87. There may also be some familiarisation costs for the police for the new offences. These impacts have not been monetised but are assumed to be minimal.
88. The new offences will mean that some offenders may be subject to notification requirements. The notification requirements, responding to any breaches and the police-administered voluntary tagging scheme, are expected to require some additional police time

and resource. In the absence of robust evidence, however, these potential additional impacts have not been quantified.

CPS

89. There will be costs to the CPS associated with the additional cases being prosecuted under these offences, however, it has not been possible to monetise these due to lack of information on CPS unit costs.

Benefits of Measure 1A

Monetised benefits

90. It has not been possible to identify any monetised benefits associated with this measure.

Non-monetised benefits

Victims

91. This measure will strengthen the criminal law so that it more adequately captures the intrusive and distressing practice of taking intimate photographs or films without consent. It will offer greater protection to victims, and where certain criteria are met, trigger notification requirements in any individual case, which will assist the authorities to manage the offender in the community.
92. Further, the expected deterrent effect of criminalisation in the new base offence should see a reduction in abusive conduct; this should result in the avoidance of emotional distress and adverse physical health impacts due to being a victim of such abuse.
93. Overall, this should result in enhanced confidence in the Criminal Justice System.

Net Present Value (NPV)

94. The Net Present Value (NPV) of Option 1 across 10 years, with an implementation date of January 2026, is estimated to be **-£82.3m**. The NPV is negative as there are no monetised benefits.

Measure 1B: Encouraging or assisting serious self-harm

Method

95. The Online Safety Act 2023 introduced a new offence of encouraging or assisting serious self-harm by means of verbal or electronic communications, publications or correspondence. This measure repeals the Online Safety Act offence and replaces it with a broader offence that covers encouraging or assisting serious self-harm by means of communication and in any other way including, for example, direct assistance through the provision of bladed articles with which to self-harm. Therefore, this IA presents the full list of impacts of encouraging or assisting serious self-harm by all means.
96. However, this IA assumes that the encouraging or assisting serious self-harm by means of verbal or electronic communication will be the most prevalent way the offence could be committed, such that the difference between the impact of the offence under the Online Safety Act 2023 and this measure are negligible.
97. There is currently no reliable measure of the prevalence of encouraging or assisting self-harm and consequently significant uncertainty of the number of additional prosecutions that

will arise under this new offence. Therefore, a range is presented. The existing offence of 'intentionally doing an act of capable of encouraging or assisting the suicide or attempted suicide of another' under section 2 of the Suicide Act 1961, has been used as the best available proxy for this new offence.

98. This offence had an annual average of 1 prosecution between 2017-2022. Thus the 'low' scenario assumes 1 additional prosecution per year for the new offence. The 'high' scenario presents an additional annual prosecution volume of 10 to reflect the likely higher prevalence of this new offence to its proxy of encouraging or assisting suicide. Therefore, the estimate for the additional prosecutions under this new offence is between 1-10 per year.
99. The encouraging or assisting suicide or attempted suicide offence had an annual average of 46 police recorded cases between 2017-2022, thus forming the 'low' scenario of additional police recorded cases of the new offence. To estimate the 'high' scenario, the proportion of cases of our proxy offence that were recorded by the police and went on to be proceeded against was applied to the estimated 10 additional prosecutions, to provide an estimate of 460 police recorded cases.

Costs of Measure 1B

Monetised costs

Police

100. The additional 46-460 police recorded cases per annum will result in an increased caseload for the police. The unit police investigation cost (£3829 in 24/25 prices) of violence with injury offences from the Home Office report on the Economic and Social Costs of Crime (2015) has been used as the best available estimate for the cost of an 'encourage or assisting self-harm' case. This is because 'Violence with injury' offences include offences which are similar in behaviour to this new offence such as malicious communication and stalking and harassment.
101. Multiplying the estimated additional police recorded cases by this unit cost gives an estimated annual cost of £0.2-1.8m, for the low and high scenarios respectively.

HMCTS

102. The additional 1-10 prosecutions per year will result in an increase in caseload for HMCTS, it is estimated that 80% of cases will be heard in the Crown Court and the remaining 20% in the magistrates' courts. This proportional split only applies to the 'high' scenario, as it is assumed that the single case in the 'low' scenario will be heard in the Crown Court only.
103. The total additional cost, per year, to HMCTS is estimated to be between £4-31k.

LAA

104. The additional 1-10 prosecutions will also result in a higher caseload for the LAA. It is assumed that 75% of defendants are eligible for Legal Aid in the Crown Court and 50% are eligible in the magistrates' courts.
105. The total additional cost, per year, to the LAA is estimated to be between £10-84k.

HMPPS

106. The additional prosecutions will also result in additional convictions and convicted offenders will receive custodial sentences, this will result in an additional cost for HMPPS.
107. The conviction rate and the proportion of convicted offenders sentenced to immediate custody are both assumed to be 100%, and the Average Custodial Sentence Length (ACSL) for the offence is assumed to be 15 months.
108. On this basis, it is estimated that the additional 1-10 prosecutions will result in between 15-150 months of additional prison time per year, requiring 2-13 additional prison places.
109. The published cost of a prison place per year, uplifted to 24/25 prices, is £52,418. Applying a 20% OB uplift to this figure increases it to £62,900. Therefore, the additional 15-150 months of prison time is estimated to result in an average annual resource cost of £0.1-0.8m per year.
110. However, due to current capacity constraints, additional prison places will need to be constructed at a cost of £500,000 per place to accommodate the additional prison demand. Therefore, the 2-13 additional prison places are estimated to result in a one-off transitional cost of £1.0-6.6m.

Non-monetised Costs

Police

111. There may also be some familiarisation costs for the police for the new offence. These impacts have not been monetised but are assumed to be minimal.

CPS

112. There will be costs to the CPS associated with the additional cases being prosecuted under this offence, however, it has not been possible to monetise these due to lack of information on CPS unit costs.

Benefits of Measure 1B

Monetised benefits

113. It has not been possible to identify any monetised benefits associated with this measure.

Non-monetised benefits

Victims & Victims' Families

114. This measure will strengthen the criminal law so that it is adequately equipped to protect people from deliberate encouragement or assistance to seriously self-harm thereby potentially reducing the number of victims of self-harm and associated issues.
115. This measure will also benefit victims' families who are negatively impacted by this offence, particularly in cases involving children and young people.

Net Present Value (NPV)

116. The Net Present Value (NPV) of Option 2 across 10 years, with the implementation date of January 2026, is estimated to be between -£2.8m and -£24.7m.

117. Our best estimate takes the mid-point of the low and high scenarios, which is **-£13.7m**. The NPV is negative as there are no monetised benefits.

Measure 1C: Sexual activity with a corpse

Costs of Measure 1C

Monetised Costs

118. In the past 10 years, one person has had section 70 of the Sexual Offences Act 2003 (sexual penetration of a corpse) recorded as their principal offence (most serious offence). The number of convictions for section 70 is higher, but in the remaining cases the defendant was convicted of a more serious offence alongside one or more section 70 convictions so that section 70 was not recorded as the principal offence.

119. Therefore, we assume the net impact of extending the section 70 offence and increasing the sentence length will be negligible.

120. It has not been possible to monetise the costs of Measure 1C, due to the infrequency of the offence.

Non-monetised Costs

Criminal Justice System (HMCTS, HMPPS, LAA, CPS)

121. There may be some costs to the criminal justice system if the number of individuals convicted of a section 70 offence, as their principal offence, increases over the appraisal period. Given the likely number of cases, we assume the associated costs will be negligible.

Police

122. There may also be some familiarisation costs for the police for the amended offences. These impacts have not been monetised but are assumed to be minimal.

Benefits of Measure 1C

Monetised Benefits

123. For the reasons stated above, it has not been possible to monetise the benefits of Measure 1C.

Non-monetised benefits

Victims & Victims' Families

124. This measure will increase confidence in the criminal justice system for the public and ensure offenders who engage in non-penetrative sexual activity with a corpse are captured under this offence and held criminally accountable for this behaviour.

Measure 1D: Sexual activity in the presence of a child or adult with a mental disorder

125. The National Police Chiefs' Council (NPCC) have provided the MoJ and the HO with the details of six incidents from the past three years from different police forces, which were

referred to the CPS by the police for a charging decision and for which a decision to take 'no further action' was subsequently made. This was because there was insufficient evidence the suspect knew, believed or intended that the child was (or should be) aware that they were engaging in sexual activity.

126. We have assumed that no additional crimes will be reported to, or investigated by, the police because of this measure.

127. We assume the six incidents provided by the NPCC represent all cases which were reported for a charging decision over the past three years, equivalent to two cases per year. Our best estimate assumes two cases per year will lead to a conviction and flow through the criminal justice system each year.

Costs of Measure 1D

Monetised Costs

HMCTS

128. These cases are triable either way, and the costs to HMCTS are estimated to be £9K.

LAA

129. The associated legal aid costs of this measure are estimated to be £9K per year.

HMPPS

130. Of those currently convicted of section 11, 18, 32, 36 and 40 offences, 46% are sentenced to community or suspended sentence orders and 51% to custody⁶ with an average custodial sentence length of 23 months.

131. The published cost of a prison place per year, uplifted to 24/25 prices, is £52,418. Applying a 20% OB uplift to this figure increases it to £62,900. We assume that, due to current capacity constraints, additional prison places will need to be constructed at a cost of £500,000 per place to accommodate the additional prison demand.

132. The associated annual costs to HMPPS to manage offenders in custody and the community are estimated to be £60K per year, with the one-off prison build cost estimated to be £0.5m.

Non-monetised Costs

CPS & Police

133. There will be costs to the Police and CPS associated with the additional cases being prosecuted under these offences. However, it has not been possible to monetise these due to lack of information on CPS unit costs.

Benefits of Measure 1D

Monetised benefits

⁶ Calculated using the outcomes by offence tool. Average for past 5 years

134. It has not been possible to identify any monetised benefits associated with Measure 1D.

Non-monetised benefits

Victims

135. This measure will benefit victims by providing justice and ensuring that offenders can be held criminally accountable for this harmful behaviour. This measure could also help identify offenders who pose a risk of going on to commit more serious offences.

136. This could increase confidence in the criminal justice system for the public and victims.

Net Present Value (NPV)

137. The net present value (NPV) of Measure 1E across 10 years, with an implementation date of January 2026, is estimated to be -£1.0m. The NPV is negative as there are no monetised benefits.

Measure 1E: Exposure

Costs of Measure 1E

Monetised Costs

138. It has not been possible to monetise the costs of Measure 1E.

Non-monetised costs

139. We are not aware that the CPS has faced any difficulties in prosecuting section 66 of the Sexual Offences Act 2003 (the “exposure offence in the Sexual Offences Act 2003,”), or of any cases in which a person has been acquitted (or has not been charged) because they were acting for the purpose of obtaining sexual gratification, or solely with the intent of causing their victim humiliation (as opposed to alarm or distress).

140. On this basis we have assumed that it is unlikely that there will be additional cases prosecuted or convicted and therefore the impact on the criminal justice system will be negligible.

Benefits of Measure 1E

Monetised Benefits

141. It has not been possible to monetise the benefits of Measure 1E.

Non-monetised benefits

142. Parity between the section 66 offence and the section 66A offence will improve consistency in the criminal law and provide victims of in-person exposure with greater protection from this behaviour.

Measure 1F: Spiking

Costs of Measure 1F

Monetised Costs

143. It has not been possible to monetise the costs of Measure 1F.

Non-monetised costs

HMCTS

144. It is difficult to quantify the costs, given that the number of spiking cases prosecuted and convicted are difficult to determine. While data is available about prosecutions and convictions under sections 23 and 24 of the 1861 Act (as shown in Table 3 below), these do not all represent ‘spiking’ cases, as the two offences cover a wider range of other criminal behaviours.

Table 3: Sections 23-24, Offences against the Person Act 1861– Prosecutions and Outcomes: 1 July 2017 to 30 June 2024

Section 23, Offences against the Person Act 1861 (HO Code 00510) Maliciously administering Poison, &c. so as to endanger Life or inflict grievous bodily Harm.	2017	2018	2019	2020	2021	2022	2023	2024
Proceeded against	10	5	6	6	3	2	2	1
Convicted	4	7	1	7	2	2	1	2
Sentenced	4	7	1	7	2	2	1	2
Section 24, Offences against the Person Act 1861 (HO Code 00802)- Administering poison with intent to injure or annoy								
Proceeded against	19	58	96	91	94	43	56	64
Convicted	18	35	75	69	90	37	47	49
Sentenced	18	32	75	70	90	38	47	49

Police

145. There may be increased costs to the police if the number of cases reported increase. The likely costs are difficult, however, to determine. There may also be costs associated with updating guidance, etc although this is anticipated to be minimal.

CPS

146. It is possible that there may be some additional costs to the CPS associated with any increase in the number of cases prosecuted in relation to spiking, but it has not been possible to monetise these due to lack of information on CPS unit costs. There may also be costs associated with updating guidance etc, although this is anticipated to be minimal.

Benefits of Measure 1F

Monetised Benefits

147. It has not been possible to monetise the benefits of Measure 1F.

Non-monetised benefits

Police/Victims & Victims' Families

148. Creates a single modern offence of administering a harmful substance (including by spiking), the aim of which is to increase public awareness of this crime and encourage victims to report such incidents to the police at the earliest opportunity. Equally, increased awareness of the illegality of spiking may aid prevention of spiking but will also enable those working in the nighttime economy to provide better support and help to victims who are spiked.

Measure 1G: Child abduction

Costs of Measure 1G

Non-monetised costs

149. It has not been possible to identify any monetisable costs associated with Measure 1G.

150. There may be costs to the police, CPS, LAA, HMCTS and HMPPS if this measure were to lead to an increase in extraditions, prosecutions, convictions and sentences.

151. Although the UK would bear the cost of issuing a warrant, preparing an extradition request and transporting the parent back to the UK for trial, we do not expect these costs to be significant given these cases are not high in volume. These costs, however, could potentially be offset by savings resulting from a reduction in family proceedings under the 1980 Hague Convention on International Child Abduction.

Benefits of Measure 1G

152. It has not been possible to monetise any benefits associated with Measure 1G.

Non-monetised benefits

153. Amending the Child Abduction Act 1984 to cover detention of a child outside the UK without the appropriate consent may deter parents from detaining children abroad, as they could be extradited to the UK and be subject to a criminal sanction if, or when, they returned to the UK.

154. The offence might put pressure on or make it more likely for foreign authorities to enforce an order for the return of the child under existing civil procedures – for example, under the 1980 Hague Convention if the child is taken to a contracting state. Where the UK has extradition or other agreements in place, and if an international arrest warrant were issued, local police and Interpol could be used to help locate the abducting parent and child. Even where there is no extradition agreement with the country concerned, the risk of arrest and imprisonment on return or interception in international travel, may make the parent more likely to return the child voluntarily in return for not pursuing charges.

Summary

155. The net present value of each of the measures in Option 1 are set out in Table 4 below:

Table 4: Summary of the monetised costs of Option 1 (Best Estimates)

Policy Measure	10-year NPV (£m)
Measure 1A: Intimate Images	-£82.3m
Measure 1B: Encouraging or assisting serious self-harm	-£13.7m
Measure 1C: Sexual activity with a corpse	Not monetised
Measure 1D: Sexual activity in the presence of a child or adult with a mental disorder	-£1.0m
Measure 1E: Exposure	Not monetised
Measure 1F: Spiking	Not monetised
Measure 1G: Child abduction	Not monetised
TOTAL	-£97.0m

E. Risks, Assumptions & Sensitivity Analysis

156. The key assumptions behind the cost benefit analysis presented in this IA are described below.

Assumptions & Risks

Assumption	Risk / uncertainties
The Implementation date of the new offence is assumed to be January 2026.	Were the date of implementation to change, this would impact on the NPV reported in this IA.
Uncertainty in volumes	There is uncertainty in the volume of police recorded crimes, prosecutions and convictions for all of the measures in Option 1. Sensitivity analysis has been conducted for Measures 1A, 1B and 1D, see paragraphs 167-175. Any changes to the volumes will necessarily impact the NPV of Option 1.
Specific assumption for a measure	There is degree of uncertainty in this assumption. This carries a degree of risk as the NPV of the policy is dependent on the volume of cases which flow through the justice system.
The unit costs for the offences of 'Violence with/without injury' are £1,056/£1,473, and multipliers of 1.5/2.6 are used to get from all crimes to recorded crimes only, has been used to estimate the cost to Police.	This unit cost is a published figure from the Home Office ⁷ . The multiplier is applied to calculate the direct costs to the police of each measure. The unit costs capture the cost of all crimes included those which are unreported and do not incur police costs. Running costs and incidents per year may vary year on year, impacting the unit cost.
Prosecution & conviction rates	Conviction and custody rates in the future may vary from assumptions for Measures 1A, 1B and 1D. These rates have been estimated using historic data and we consider the uncertainty here to be low.
Average Custodial Sentence Length (ACSL)	Any differences between the assumed average custodial sentence lengths for these measures and actual sentencing will affect the NPV. Any increase in ACSL will increase the number of prison places required and associated costs, and vice versa.
Offenders will serve half of their sentence in prison	This reflects business as usual arrangements for these types of offences.
The average annual cost of providing a prison place is £52,418 and, is based on overall resource expenditure and includes staffing and estate cost.	Prison estate unit costs cover the day-to-day running costs of a prison only, and do not incorporate any capital costs associated with construction, investment and costs associated with any developing or contracted out services or rehabilitative activities these prisoners might undertake while in custody.
The construction cost of an additional prison place is £500,000.	The exact construction profile will vary depending on when additional prison capacity is needed. This depends on a range of factors, primarily natural changes in the prison population and future policy changes that increase or decrease the prison population. Because of this, it is not possible to allocate precise prison places and costs for each additional place at this point.

157. Where we have monetised impacts for policy measures 1A, 1B and 1D we have considered sensitivity analysis to illustrate the range of impacts where assumptions vary.

Sensitivity Analysis: Measure 1A

158. For Measure 1A we adjusted the key assumptions from the Law Commissions IA to demonstrate uncertainty in our results and estimate high and low scenarios. These are set out in the table 5 below.

Table 5: Measure 1A assumption sensitivity

	Low Assumption (%)	Best Estimate (%)	High Assumption (%)
Base Offence			
<i>Increase in reports submitted</i>	25%	35%	45%
<i>Reports leading to prosecutions in yrs 1-4</i>	6%	7%	8%
<i>Reports leading to prosecutions from year 5 onward</i>	10%	11%	12%
Widening Scope of Voyeurism			
<i>Increase in prosecutions</i>	20%	30%	40%

159. Table 6 illustrates how adjusting these assumptions impacts the volumes of police recorded crime, prosecutions, convictions, prison places, transition costs, average annual costs and NPV for Measure 1A.

Table 6: Sensitivity Analysis for Measure 1A

	Low	Best Estimate	High
Police recorded cases	4,000	4,600	5,100
Prosecutions	320	400	480
Convictions	250	310	370
Prison Places	10	23	40
Transition Cost (£m)	£5.5m	£11.6m	£20.2m
Average Annual Cost (£m)	£6.9m	£8.4m	£10.3m
NPV (£m)	-£63.2m	-£82.3m	-£106.4m

Sensitivity Analysis: Measure 1B

160. Low and high scenarios have been estimated for Measure 1B, the midpoint of which was used as it is the best estimate for transition costs, average annual costs and NPV.

Sensitivity Analysis: Measure 1D

161. As per paragraph 135, we assume the six incidents provided by the NPCC represent all cases which were reported for a charging decision over the past three years, equivalent to two cases per year.

162. Due to the uncertainty of this assumption, we have used high and low scenarios which change the number of cases flowing through the system by 50% respectively.
163. Our low and high scenarios assume that one or four additional cases will be prosecuted by the CPS and flow through the criminal justice system.
164. Table 7 illustrates the impact of changing these assumptions for our analysis.

Table 7: Measure 1D Sensitivity Analysis

	Low	Best Estimate	High
Prosecutions	1	2	4
Convictions	1	2	4
Prison Places	0.5	1	2
Transition Cost (£m)	£0.2m	£0.5m	£1.0m
Average Annual Cost (£m)	<£0.05m	<£0.1m	£0.1m
NPV (£m)	-£0.5m	-£1.0m	-£2.1m

Option 1 Sensitivity Analysis

165. Table 8 summarises the sensitivity analysis for Option 1 and each policy measure which has been monetised.

Table 8: Option 1 Sensitivity Analysis Summary

	Low	Best Estimate	High
Transition Cost (£m)	£6.8m	£15.9m	£27.7m
<i>Measure 1A</i>	<i>£5.5m</i>	<i>£11.6m</i>	<i>£20.2m</i>
<i>Measure 1B</i>	<i>£1.0m</i>	<i>£3.8m</i>	<i>£6.6m</i>
<i>Measure 1D</i>	<i>£0.2m</i>	<i>£0.5m</i>	<i>£1.0m</i>
Average Annual Cost (£m)	£7.2m	£9.7m	£12.7m
<i>Measure 1A</i>	<i>£6.9m</i>	<i>£8.4m</i>	<i>£10.3m</i>
<i>Measure 1B</i>	<i>£0.2m</i>	<i>£1.2m</i>	<i>£2.2m</i>
<i>Measure 1D</i>	<i><£0.05m</i>	<i><£0.1m</i>	<i>£0.1m</i>
NPV (£m)	- £66.5m	- £97.0m	- £133.1m
<i>Measure 1A</i>	<i>- £63.2m</i>	<i>- £82.3m</i>	<i>- £106.4m</i>
<i>Measure 1B</i>	<i>- £2.8m</i>	<i>- £13.7m</i>	<i>- £24.7m</i>
<i>Measure 1D</i>	<i>- £0.5m</i>	<i>- £1.0m</i>	<i>- £2.1m</i>

F. Wider Impacts

Equalities

166. An Equalities Impact Assessment has been carried out in addition to this IA.

Better Regulation

167. These proposals are out of scope of the government's Better Regulation Framework.

Environmental Impact Assessment

168. We expect there to be no environmental impacts as a result of the options within this IA.

International Trade

169. There are no international trade implications from the options considered in this IA.

G. Monitoring and Evaluation

170. The Crime and Policing Bill will be subject to post-legislative review three to five years after Royal Assent. In addition, the Government keeps this area of the criminal law under review. This includes engagement with stakeholders including the Police and Crown Prosecution Service.