



HOUSE OF LORDS

Select Committee on the Constitution

---

11th Report of Session 2024–25

# Crime and Policing Bill

---

Ordered to be printed 23 July 2025 and published 24 July 2025

---

Published by the Authority of the House of Lords

### *Select Committee on the Constitution*

The Constitution Committee is appointed by the House of Lords in each session “to examine the constitutional implications of public bills coming before the House and to keep under review the operation of the constitution and the constitutional aspects of devolution”.

### *Membership*

The Members of the Constitution Committee are:

<a href="#"><u>Lord Anderson of Ipswich</u></a>	<a href="#"><u>Lord Griffiths of Burry Port</u></a>
<a href="#"><u>Baroness Andrews</u></a>	<a href="#"><u>Baroness Hamwee</u></a>
<a href="#"><u>Lord Beith</u></a>	<a href="#"><u>Baroness Laing of Elderslie</u></a>
<a href="#"><u>Lord Bellamy</u></a>	<a href="#"><u>Lord Murphy of Torfaen</u></a>
<a href="#"><u>Lord Burnett of Maldon</u></a>	<a href="#"><u>Lord Strathclyde</u></a> (Chair)
<a href="#"><u>Lord Foulkes of Cumnock</u></a>	<a href="#"><u>Lord Waldegrave of North Hill</u></a>

### *Declaration of interests*

Information about interests of Committee Members can be found in the last Appendix to this report.

### *Publications*

All publications of the Committee are available at:

<https://committees.parliament.uk/committee/172/constitution-committee/publications/>

### *Parliament Live*

Live coverage of debates and public sessions of the Committee’s meetings are available at:

<http://www.parliamentlive.tv>

### *Further information*

Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:

<http://www.parliament.uk/business/lords>

### *Committee staff*

The current staff of the committee are Kate Wallis (Clerk), Tom Pitt (Second Clerk), Alice Edmonston (Policy Analyst) and Samuel Smith (Committee Operations Officer).

Professor Stephen Tierney and Professor Roger Masterman are the legal advisers to the Committee.

### *Contact details*

All correspondence should be addressed to the Constitution Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 3871. Email [constitution@parliament.uk](mailto:constitution@parliament.uk)

### *X*

You can follow the Committee on X: [@HLConstitution](#).

# Eleventh Report

## CRIME AND POLICING BILL

---

### Introduction

1. The Crime and Policing Bill was introduced in the House of Lords on 19 June 2025. The date for second reading of the Bill is yet to be announced.

### Size and breadth of the Bill

2. The Bill contains 203 clauses and 21 schedules, covering a wide range of intersecting policy fields, including anti-social behaviour, sexual offences, public order, and anti-terrorism measures. This Bill, given its size and breadth, could be characterised as an omnibus bill. We have previously expressed concern about the ability of Parliament to effectively scrutinise such bills.
3. In our report on the Police, Crime, Sentencing and Courts Bill in 2021, we said: “[b]ills of this size and complexity impede proper legislative scrutiny in Parliament. This is not the first time the House has encountered this problem. It should not be repeated.”<sup>1</sup>
4. **We draw the size and breadth of this Bill to the attention of the House. We note that it will require a substantial amount of time and effort in this House to ensure that it receives sufficient and effective scrutiny.**

### Human rights and civil liberties

5. The Joint Committee on Human Rights (JCHR) carried out legislative scrutiny of the Crime and Policing Bill, publishing a report on the human rights implications of the Bill on 14 July.<sup>2</sup> **We draw the attention of the House to their work and support their recommendations.**

### Fixed Penalty Notices

6. Clause 4 increases the upper limit for Fixed Penalty Notices (FPNs) for breaches of anti-social behaviour-related orders from £100 to £500. It also extends the categories of person who may issue an FPN, allowing chief police officers the power to grant accreditation to the employees of certain organisations, including authorised officers of local authorities. This enables an authorised person to issue an FPN to anyone who that person has reason to believe has breached a Community Protection Notice (CPN) or a Public Spaces Protection Order (PSPO) as an alternative to prosecution.
7. The JCHR report considered the role of the Fixed Penalty Notice in managing anti-social behaviour. They expressed concern that the imposition of penalties for breaches of CPNs and PSPOs by FPN by authorised persons employed by local authorities, results in a lack of oversight. They further questioned whether an increase in the fines that can be imposed by way of FPN will have the effect of deterring individuals from engaging in anti-social

---

1 Constitution Committee, *Police, Crime, Sentencing and Courts Bill* (7th Report, Session 2021–22, HL Paper 64), para 5

2 Joint Committee on Human Rights, *Legislative Scrutiny: Crime and Policing Bill* (Fifth Report, Session 2024–25, HC 830, HL Paper 156)

behaviour, and whether the ability to impose fines on the spot without clearer justification may potentially be in breach of the proportionality requirements of the Human Rights Act. The JCHR recommends that the Government conducts an urgent review of the use of FPNs for breach of CPNs and PSPOs.

8. From a constitutional perspective, we have specific concerns about the extension of formal powers to issue FPNs beyond police officers. Because of the breadth of the statutory definition of “anti-social behaviour”<sup>3</sup>, FPNs can be issued with some degree of subjectivity. In light of this, in our view this power should remain with trained police officers.
9. ***The House should consider if the extension of powers to issue FPNs beyond police officers to employees of certain organisations, including authorised officers of local authorities, is appropriate.***

### **Uncertain scope of offences**

10. Clause 107 makes it an offence to engage in threatening, abusive or insulting behaviour towards emergency workers. A person convicted of the offence could face up to two years in prison. There are four conditions, all of which must be met to constitute the offence:
  - (1) The offender must behave in a way that is threatening, abusive or insulting towards emergency workers;
  - (2) The offender must intend to be threatening, abusive or insulting;
  - (3) The conduct must be racially or religiously hostile; and
  - (4) The recipient must believe that immediate unlawful violence will be used against them, or the behaviour is intended to provoke, or is likely to provoke, the immediate use of unlawful violence against that person or is intended to cause harassment, alarm or distress.
11. Clause 108 makes it an offence to engage in behaviour that is threatening or abusive behaviour likely to harass, alarm or distress emergency workers. This offence comes with a specific defence where it is shown that the potential offender had no reason to believe that there was an emergency worker within hearing or sight who was likely to be caused harassment, alarm or distress, or where the potential offender’s conduct was reasonable. This offence carries a fine.
12. Both clauses make use of subjective terms. Clause 107 criminalises “insults” and clause 108 introduces the term “distress”. This potentially leaves people open to criminal sanction on a subjective basis. In addition, clause 108 includes a defence for “reasonable conduct”, which is not defined. As a result, the precise scope of these clauses, and the criminal offences contained within them, is uncertain.
13. **We draw the attention of the House to the use of subjective and undefined terms within clauses 107 and 108. We are concerned that these clauses, which govern the imposition of criminal sanctions, are too broad. These clauses should be drawn more narrowly and the Government should more clearly define the terminology within the Bill.**

---

3 Anti-Social Behaviour, Crime and Policing Act 2014, [section 2](#)

### Guidance and Codes of Practice

14. Clause 83 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 for the purposes of preventing relevant sexual offences.
15. The Explanatory Notes to the Bill say that this clause means that “the police must take this statutory guidance into account when exercising relevant functions” and that “if they depart from the statutory guidance, they must have good reasons for doing so”.<sup>4</sup> This suggests that the guidance ought to be followed unless there are good reasons not to do so. As such, the guidance appears intended to have stronger effects than are apparent on the face of the Bill.
16. **We draw this provision to the attention of the House. *If the Government does intend that there should be a duty to follow the guidance issued under powers included in clause 83, this requirement should be detailed on the face of the Bill. In addition, the Secretary of State should be required to lay the guidance before Parliament.***

### Delegated powers

17. Clause 138 replaces a provision in the Criminal Justice and Court Services Act 2000 with a new provision concerning access to driver licensing information held by the DVLA. The new clause empowers the Secretary of State to, by regulations and following consultation, “make driver licensing information available for use by authorised persons for purposes relating to policing or law enforcement”.
18. The clause provides that “driver information regulations” “must specify the circumstances in which information may be made available under this section” and that such regulations “may” impose conditions on how a person is authorised to receive DVLA information, when information may be released, how that information might be used, and so on.
19. Regulations made under this power are subject to the negative procedure. However, the purpose for which access to DVLA information might be granted (“for purposes relating to policing or law enforcement”) is broadly framed, and the Bill does not explicitly state which matters might be encompassed by “driver information regulations” and “how that information might be used”. The Committee notes that other legislation regulating access to personal data is arguably more narrowly framed; the Data Protection Act 2018, for instance, adopts both the tighter phrasing of “law enforcement purposes” and seeks to define that phrase.<sup>5</sup>
20. ***Given the breadth of the purposes for which access to DVLA information might be granted, and the sensitivity of this personal information, a more specific definition of the purposes for which DVLA information might be made available ought to be present on the face of the Bill.***
21. ***Given also the potential volume of personal information that could be made available by virtue of “driver information regulations”, regulations made under clause 138 should be subject to the affirmative procedure. This would provide for a more appropriate degree of parliamentary oversight.***

---

4 [Explanatory Notes to the Crime and Policing Bill](#) [Bill 111 (2024–25)-EN]

5 Data Protection Act 2018, [section 31](#)

## APPENDIX: INTERESTS

---

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://members.parliament.uk/members/lords/interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.

For the Crime and Policing Bill, Members and the Committee's specialist advisers declared no interests.