

CRIME AND POLICING BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

The Government has tabled further amendments to the Crime and Policing Bill for Lords Committee stage. These amendments introduce new or modified delegated powers. This supplementary memorandum explains why the new powers have been taken and the justification for the procedure selected.

Child criminal exploitation prevention orders:

- (a) **New subsection (6) of clause 51, paragraph 10(4) of new Schedule “CCE prevention orders: Scotland and paragraph 10(6) of new Schedule “CCE prevention orders: Northern Ireland”: Power to amend the list of “relevant UK orders”.**
- (b) **New Schedule “CCE prevention orders: Northern Ireland”, paragraph 9(7), 12(2) and 13(2): Power to make rules of court in respect of proceedings relating to Child Criminal Exploitation Prevention Orders;**
- (c) **Amendment to clause 61: Power to issue guidance in connection with Child Criminal Exploitation Prevention Orders.**

Power conferred on:

- (a) *Secretary of State, Scottish Ministers and Department of Justice in Northern Ireland;*
- (b) *the Magistrates’ Courts Rules Committee, the Crown Court Rules Committee, the County Court Rules Committee and the Northern Ireland Court of Judicature Rules Committee;*
- (c) *Department of Justice in Northern Ireland*

Power exercisable by:

- (a) *statutory instrument (statutory rule in Northern Ireland);*
- (b) *statutory rule;*
- (c) *statutory guidance*

Parliamentary procedure:

- (a) *Draft affirmative procedure;*
- (b) *Negative resolution procedure;*
- (c) *None*

Context and Purpose

1. Clauses 42 to 55 of and Schedule 5 to the Bill make provision for child criminal exploitation prevention orders (“CCEPOs”) in England and Wales. Amongst other things, clause 50(6) provides that rules of court may make provision for certain appeals in respect of CCEPOs to be made without notice being given to the defendant. Clause 60 makes provision for the Secretary of State to issue guidance to chief officers of police in England and Wales about the exercise of their functions in connection with CCEPOs. The Government notes that the DPRRC did not comment on these powers in their report on the Bill (33rd Report of Session 2024/25).
2. At the request of the Scottish Government and Department of Justice in Northern Ireland, new clause “*Child criminal exploitation prevention orders: Scotland and Northern Ireland*” and new Schedules “*CCE prevention orders: Scotland*” and “*CCE*

prevention orders: Northern Ireland” make provision for CCEPOs in Scotland and Northern Ireland. The offence of Child Criminal Exploitation (clauses 40 and 41 of the Bill) has also been extended to Scotland and Northern Ireland. Amongst other things, new Schedule “*CCE prevention orders: Northern Ireland*” confer powers for rules of court to make provision for certain appeals in respect of CCEPOs to be made without notice being given to the defendant (paragraph 9(7)), the making of special measures directions in the case of vulnerable and intimidated witnesses (paragraph 12(2)) and the making of applications for a CCEPO (paragraph 13(2)). An amendment to clause 61 confers power on the Department of Justice in Northern Ireland to issue guidance to the Chief Constable of the Police Service of Northern Ireland about the exercise of their functions in connection with CCEPOs.

3. Clause 51(1) makes it an offence, in England and Wales, for a person, without reasonable excuse, to fail to comply with a CCEPO. As a consequence of making parallel provision for CCEPOs in Scotland and Northern Ireland, amendments to clause 51 make it an offence to fail to comply with a CCEPO made in England and Wales, Scotland or Northern Ireland. New subsections (6) and (7) of clause 51 confer on the Secretary of State a power to amend (by addition or removal of orders which appear to the Secretary of State to be equivalent or similar to a CCE prevention order in England and Wales) the list of orders (in new subsection (1A) of clause 51) made by courts in Northern Ireland or Scotland, breach of which constitutes an offence. Paragraph 10(1) of new Schedules “*CCE prevention orders: Scotland*” makes it an offence, in Scotland, for a person, without reasonable excuse, to fail to comply with a CCEPO made in England and Wales, Scotland or Northern Ireland. Paragraph 10(4) and (5) confers a power on the Scottish Ministers to amend the list of orders (in paragraph 10(2)) made by courts in England and Wales or Northern Ireland, breach of which constitutes an offence in Scotland. Paragraph 10(1) of new Schedule “*CCE prevention orders: Northern Ireland*” makes it an offence, in Northern Ireland, for a person, without reasonable excuse, to fail to comply with a CCEPO made in England and Wales, Scotland or Northern Ireland. Paragraph 10(6) and (7) confers a power on the Department of Justice to amend the list of orders (in paragraph 10(2)) made by courts in England and Wales or Scotland, breach of which constitutes an offence in Northern Ireland.

Justification for the delegated power

4. The justification for conferring these rule-making and guidance-issuing powers on the Department of Justice in Northern Ireland is the same as that for conferring the powers on the Secretary of State in England and Wales, as set out in paragraphs 30, 151 and 152 of the Government’s Delegated Powers Memorandum of 19 June 2025.
5. The provisions made in new Schedules “*CCE prevention orders: Scotland*” and “*CCE prevention orders: Northern Ireland*” relate to devolved matters in Scotland and transferred matters in Northern Ireland. As such, it would be open to the Scottish Parliament and Northern Ireland Assembly to amend or, indeed, repeal and replace the CCEPO regimes in their respective jurisdictions. Similarly, it would be open to the UK Parliament to amend, repeal or replace the CCEPO regime in England and Wales. As a consequence of any such future legislation, it may be necessary for the relevant national authorities to amend the scope of the offence

of breaching a CCEPO by amending the list of orders to which the offence relates. Regulations made under the respective powers may be simply to make a technical update (that is, repeal the entry for orders which no longer exist, or changing the name of them if they have changed) or for substantive policy reasons (for example, if one jurisdiction introduced a mandatory requirement that must be attached to a CCEPO and another jurisdiction did not want to make breach of the requirement an offence in their jurisdiction).

6. This power is considered necessary to enable the list of orders to be updated expeditiously in light of changes of the law in relation to CCEPOs in each jurisdiction. It is appropriate that the jurisdiction can respond quickly to, and does not have to await a future primary legislative vehicle, to effect changes in consequence of a change by another jurisdiction. Parliament will have already approved the core principle that breach of a CCEPO of another jurisdiction should constitute an offence in the “other” jurisdictions. There are constraints on how the power is used – it may only be used to add or remove (which could be used to update the names of) orders which appear to the relevant national authority to be “equivalent or similar to” CCEPOs.
7. Section 31 of the Modern Slavery Act 2015 contains an analogous power in relation to slavery and trafficking prevention orders and slavery and trafficking risk orders

Justification for the procedure

8. The rule-making powers in Northern Ireland will be subject to the same level of parliamentary scrutiny (namely the negative procedure) that already applies to the making of rules of court in that jurisdiction. The guidance-issuing power conferred on the Department of Justice in Northern Ireland is not subject to any parliamentary procedure (as is the case with the equivalent power in England and Wales). The justification for the procedure is the same as that as set out at paragraphs 33 to 38 and 153 of the Government’s Delegated Powers Memorandum of 19 June 2025.
9. The powers in clause 51(6), paragraph 10(4) of new Schedule “CCE prevention orders: Scotland” and paragraph 10(6) of new Schedule “CCE prevention orders: Northern Ireland” are subject to the draft affirmative resolution procedure (see Government amendments to clauses 198 and 199). The affirmative procedure is considered appropriate given that any such regulations would modify the scope of the criminal offences provided for in clause 51 and the new Schedules. The affirmative procedure also reflects the fact that these are Henry VIII powers and the procedure applying to the analogous power in section 31 of the Modern Slavery Act 2015.

New subsection (3) of clause 94 – new section 93J of the Sexual Offences Act 2003: Power to make provision placing restrictions on granting replacement driving licences in new name (Northern Ireland)

Power conferred on: *Department for Infrastructure in Northern Ireland*

Power exercised by: *Regulations made by statutory rule*

Context and purpose

10. Clause 94(2) inserts new section 93I into the Sexual Offences Act 2003 (the “2003 Act”) which makes provision in relation to the granting, by the Secretary of State (in practice, by the Driver and Vehicle Licensing Agency), of replacement driving licences in a new name. New section 93I is consequential on the provisions in new sections 93A to 93H inserted by clause 94(1) which are intended to strengthen the safeguarding of children and members of the public more widely by preventing registered sex offenders from changing their names with the intention of reoffending by concealing their criminal past. Where a chief officer of police has given a relevant offender a section 93A notice (“a section 93B relevant offender”) they will be prohibited from applying for a replacement identity document, including a driving licence, in a new name unless authorised to do so under new section 93C. New section 93I complements such a prohibition by ensuring that the Secretary of State may prevent a section 93B relevant offender from being granted a replacement driving licence in a new name.
11. New section 93I(1) confers on the Secretary of State a power to make provision, by regulations, to prevent a section 93B relevant offender from being granted a replacement driving licence if: (a) the offender holds, or has held, a driving licence, (b) the name to be specified in the replacement licence is different from that specified in the most recent licence granted to the offender, and (c) the offender is not authorised under new section 93C to apply for a driving licence in the new name. Provision that may be made by virtue of section 93I(1) includes amendments to Part 3 of the Road Traffic Act 1988, the legislative framework governing the licensing of drivers of vehicles (new section 93H(6)). An amendment to clause 94(2) expands this regulation-making power to make it possible for the regulations made by the Secretary of State to prevent a relevant offender getting a British driving licence in a new name as a replacement for a previous driving licence issued in Northern Ireland.
12. New section 93I(2) and (3) enables regulations made under new section 93I(1) to establish an information sharing gateway authorising or requiring the appropriate chief officers of police and the Secretary of State to disclose specified information to each other, as the case may be, to enable them to carry out their functions under or by virtue of the regulations or in connection with the detection or investigation of an offence under new section 93B(3) (offence of failure to comply with requirement for authorisation before applying for certain identity documents in new name). New section 93I(4) enables regulations to make provision about how the appropriate chief officer of police and the Secretary of State may or must use any information which is provided to each of them by the other.
13. The Government notes that the DPRRC did not comment on the power in new section 93I in their report on the Bill (33rd Report of Session 2024/25).
14. As the request of the Department of Justice (which is responsible for the policy on the management of sex offenders) and Department for Infrastructure (which is responsible for the policy on driving licences) in Northern Ireland, an amendment

to clause 94 inserts new section 93J into the 2003 Act which confers an analogous power on the Department for Infrastructure to make regulations for Northern Ireland restricting replacement of driving licences of sex offenders in a new name (including driving licences seeking to replace one issued in Great Britain) and enabling the establishment of an information sharing gateway to facilitate this, analogous to the provision in new section 93I in relation to Great Britain.

Justification for the power

15. The justification for conferring this regulation-making on the Department for Infrastructure in Northern Ireland is the same as that for conferring the analogous power on the Secretary of State in respect of Great Britain as set out in paragraph 250 of the Government's Delegated Powers Memorandum of 19 June 2025.

Justification for the procedure

16. By virtue of section 138(2) of the 2003 Act, as it would be amended, regulations under new section 93J are subject to the draft affirmative procedure. The justification for the procedure is the same as that as set out at paragraph 251 of the Government's Delegated Powers Memorandum of 19 June 2025.

Home Office
3 November 2025