

*These notes refer to the Specialist Printing Equipment and Materials (Offences) Act 2015 (c.16) which received Royal Assent on 26 March 2015*

# **SPECIALIST PRINTING EQUIPMENT AND MATERIALS (OFFENCES) ACT 2015**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes relate to the Specialist Printing Equipment and Materials (Offences) Act 2015 which received Royal Assent on 26 March 2015. They have been provided by the Home Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

### **SUMMARY**

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

### **BACKGROUND**

4. Identity fraud was estimated to cost individual UK adults £3.3million during 2012. False documents are a key enabler of this crime, allowing organised criminals to escape monitoring mechanisms and maintain the profits from their activity. Criminals require specialist printing equipment to make false documents such as passports, driving licences and credit cards. While the possession and use of such false documents is illegal, there is currently no specific offence of supplying such equipment to criminals and it is difficult to prosecute those who knowingly supply equipment to them for use for criminal purposes. This Act provides such a specific offence.
5. The Metropolitan Police's Project Genesis was set up in 2007 and operates jointly with the specialist printing industry to prevent the supply of such equipment to criminals. The Project agreed a voluntary Code of Conduct for suppliers of specialist printing equipment, and that Code forms the basis of the advisory guidance published alongside this legislation.
6. The Act creates a new criminal offence of knowingly supplying specialist printing equipment to criminals. It is expected that this will act as a deterrent to such supply and therefore make it more difficult for criminals to obtain the necessary equipment to create false documents, thus helping to reduce identity crime.

## **TERRITORIAL EXTENT**

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

## **COMMENTARY ON SECTIONS**

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

8. **Section 1** creates a new offence of supplying specialist printing equipment knowing that it will be or is intended to be used for the purposes of criminal conduct.
9. Subsection (2) defines “criminal conduct” as that which constitutes a criminal offence, whether or not in England and Wales.
10. Subsection (3) sets out that the offence is triable on indictment, and that the maximum penalty is imprisonment for up to 10 years or a fine, or both.
11. By subsection (4), if any other person (i.e. a body corporate or a partnership) is convicted of the offence, the maximum penalty is a fine.
12. Subsection (5) provides a defence if the conduct was necessary for the proper exercise of any function of the police.

### ***Section 2: Meaning of “specialist printing equipment”***

13. Subsection (1) defines “specialist printing equipment” as any equipment which is designed or adapted for, or is otherwise capable of being used for, the making of relevant documents, including any material or article that is used in the making of such documents.
14. Subsection (2) defines a “relevant document” as anything that is or purports to be: an identity document; a travel document; an entry document; a document used for verifying the holder’s age or national insurance number; a currency note or protected coin; a debit or credit card; and any other instrument to which section 5 of the Forgery and Counterfeiting Act 1981 applies.
15. Subsection (3) further defines the meaning of an “identity document”. Subsection (4) further defines the meaning of a “travel document”. Subsection (5) further defines the meaning of an “entry document”. Subsection (6) defines various other terms used in the section.

### ***Section 3: Offences by bodies corporate and partnerships etc***

16. **Section 3** provides for situations where the offence is committed by a body corporate or a partnership. Subsection (1) provides that the body is to be treated as having the requisite knowledge that the equipment will be or is intended to be used for the purposes of criminal conduct if a person who has responsibility within the body has that knowledge. Subsections (2) and (8) provide (respectively) that where the offence is committed by a body corporate or partnership, and it is proved that an officer or partner either:-
  - a) consented or connived to the offence, or
  - b) that the offence was attributable to neglect on the part of the officer or partner, then that person is guilty of the offence (as well as the body itself) and may be prosecuted and dealt with accordingly. By subsection (9), such neglect can only be attributed if the officer or partner ought reasonably to have known of the facts giving rise to the offence.

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#### **Section 4: Application to Crown**

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

#### **COMMENCEMENT**

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

#### **HANSARD REFERENCES**

19. The table below sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

<i>Stage</i>	<i>Date</i>	<i>Hansard reference</i>
<b>House of Commons</b>		
Introduction	10 September 2014	Vol. 585 Cols. 910-912
Second Reading	17 October 2014	Vol. 586 Col. 648
Committee	26 November 2014	Official Report, Public Bill Committee
Report and Third Reading	5 December 2014	Vol. 589 Cols. 608-610
<b>House of Lords</b>		
Introduction	8 December 2014	Vol. 757 Col.1601
Second Reading	23 January 2015	Vol. 758 Cols. 1509-1516
Committee	24 February 2015	Vol. 759 Col.1538
Third Reading	11 March 2015	Vol. 760 Col. 662
Royal Assent	26 March 2015	Vol. 760 Col. 1590 (Lords) Vol. 594 Col. 1682 (Commons)