

EXPLANATORY MEMORANDUM TO
THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DESIGNATED SITES
UNDER SECTION 128) (AMENDMENT) (No. 2) ORDER 2014

2014 No. 2263

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument amends the Serious Organised Crime and Police Act 2005 (Designated Sites under Section 128) Order 2007 (the “2007 Order”) to reflect a change to the physical boundary where the criminal offence to trespass applies at the Government Communications Headquarters (“GCHQ”) site at Racecourse Road, Scarborough, North Yorkshire, YO12 5TQ (“the Site”). This change is being made to reflect an expansion to the perimeter of the site and the addition of a new building at the site.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 The 2007 Order designates certain protected sites for the purposes of section 128 of the Serious Organised Crime and Police Act 2005 (“the Act”). Under that section it is an offence to enter or be on any designated site in England and Wales or Northern Ireland as a trespasser. The 2007 Order designated the Site for the purposes of section 128 of the Act. This instrument amends the 2007 Order by substituting a new map of the Site which reflects the boundary changes, so that the criminal offence to trespass on the Site applies within the new boundaries.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - *What is being done and why*
 - 7.1 It is necessary to amend the 2007 Order to reflect extensions to the Site perimeter and the addition of a new building at the site, in order that to make it clear where the criminal offence to trespass applies.

- *Consolidation*

7.2 The Department does not assess that there is any need for consolidation measures.

8. Consultation outcome

8.1 No consultation was conducted.

9. Guidance

9.1 No guidance is necessary in connection with this instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There is no proposal to monitor or review the effect of this instrument.

13. Contact

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Daniel.Grubb@homeoffice.x.gsi.gov.uk can answer any queries regarding the instrument.