

EXPLANATORY MEMORANDUM TO

THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DESIGNATED SITES UNDER SECTION 128) (AMENDMENT) ORDER 2018

2018 No. 4

1. Introduction

- 1.1 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 add an additional site: The National Assembly for Wales site at Cardiff Bay, Cardiff, CF99 1NA (“the Site”). Once designated, it will be a criminal offence to trespass on the Site.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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. 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. This instrument amends the 2007 Order by adding a new site, and consequently a new map, to reflect the physical boundary at this site where the criminal offence applies.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
5.2 The territorial application of this instrument is 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 Following a rise in protestors and some other individuals causing disruption to Assembly business and intimidation to Assembly members and the public, the proposed legislation will provide police with an additional power of arrest on grounds of trespass. This will mitigate growing security concerns at The National Assembly for Wales. It is necessary to amend the 2007 Order to reflect the addition of the Site and corresponding boundary map, in order to clearly mark where the criminal offence of trespass applies.

Consolidation

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

8. Consultation outcome

- 8.1 No public consultation was carried out.

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 There is no impact on the public sector.
10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

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

13. Contact

- 13.1 Michael Stuart-Buttle at the Home Office (Tel: 0207 035 5225 or email: michael.stuart-buttle@homeoffice.x.gsi.gov.uk) can answer any queries regarding this instrument.