

EXPLANATORY MEMORANDUM TO
THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DESIGNATED
SITES UNDER SECTION 129) ORDER 2021

2021 No. 1021

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 designates the Scottish Parliament site at Holyrood, Edinburgh, EH99 1SP as a protected site for the purposes of section 129 of the Serious Organised Crime and Police Act 2005 (“the 2005 Act”), in the interests of national security. Use of the Parliamentary site is regulated by the Scottish Parliamentary Corporate Body (“SPCB”), established under section 21 of the Scotland Act 1998. Once designated, it will be a criminal offence for persons to enter or be on this site without lawful authority of the SPCB.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is Scotland.
4.2 The territorial application of this instrument is Scotland.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Order designates the Parliament site as a protected site for the purposes of section 129 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 Scotland without lawful authority. This instrument contains a plan showing the extent of this site where the criminal offence will apply.

7. Policy background

What is being done and why?

- 7.1 The Scottish Parliament is at the heart of democracy in Scotland. It is in the interests of national security that the integrity and stability of the Scottish Parliament is protected so it can continue to meet uninterrupted, and as required, to exercise its essential legislative and scrutiny functions.

7.2 This designation will help ensure the continued safe and secure operation of these democratic functions by mitigating the growing security threat to the Scottish Parliament site and to the personal security of Members of the Scottish Parliament, its staff and contractors. This growing security threat has been characterised by an increasing level of disruptive protests across the site, including accessing unauthorised areas whereby essential parliamentary business has been interrupted and the security of the building potentially compromised; a rise in threatening correspondence to Members; and the risk from international terrorism targeting critical civic functions. The proposed legislation will provide the Police with an additional power of arrest if a person enters or remains on the site without lawful authority. This designation will deter intrusion and mitigate the increased security threat.

7.3 The Order contains a boundary map in order to clearly mark where the criminal offence applies.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This is being taken forward as a separate Order as this is the first Scottish site designated under section 129 (which extends to Scotland only).

10. Consultation outcome

10.1 No public consultation was carried out.

11. Guidance

11.1 No guidance is necessary in connection with this instrument.

12. Impact

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

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because no impact on business is foreseen.

13. Regulating small business

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

14. Monitoring & review

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

15. Contact

15.1 Sabrina Dullah at the Royalty, VIP and MP Security Unit, Home Office, Telephone: 07435664285 or email: Sabrina.dullah@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

- 15.2 Tom Rutherford, Deputy Director for Royalty, VIP and MP Security Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rt Hon Damian Hinds, Minister of State for Security at the Home Office can confirm that this Explanatory Memorandum meets the required standard.