

EXPLANATORY MEMORANDUM TO
THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DESIGNATED
SITES UNDER SECTION 128) (AMENDMENT) ORDER 2025

2025 No. 998

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

- 2.1 The Minister for Security, Dan Jarvis MP, at the Home Office confirms that this Explanatory Memorandum meets the required standard.
- 2.2 The Director for Protect and Prepare at the Home Office confirm that this Explanatory Memorandum meets the required standard.

3. Contact

- 3.1 The lead Unit at the Home Office can be contacted with any queries regarding the instrument at the Home Office, 2 Marsham Street, London, SW1P 4DF; telephone: 020 7035 4848; email: SOCPAs128@homeoffice.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

- 4.1 This instrument will designate Forest Lodge, Windsor Great Park, Windsor, Berkshire, SL4 2BU (“the Forest Lodge Site”) under section 128 of the Serious Organised Crime and Police Act 2005 (“SOCPA”). The site is a new residence which is located on Crown land.
- 4.2 By designating the Forest Lodge Site, the legislation makes it a criminal offence for a person to enter this site as a trespasser. This provides the police with powers of arrest for trespassers to the site where no other apparent offence has been committed, acting as a deterrent for incursions.

Where does the legislation extend to, and apply?

- 4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

- 5.1 The creation of the offence of criminal trespass on protected sites in sections 128 to 131 of SOCPA was a response to a recommendation in the report prepared by Commander Armstrong of the City of London Police (following an intrusion at Windsor Castle on 21 June 2003). The report recommended the consideration of a new offence of criminal trespass “into secure/specified (Royal/Government)

premises.” This recommendation was endorsed in the Security Commission Inquiry Report of May 2004 (following revelations of a journalist’s activities in Buckingham Palace in 2003).¹ After careful consideration, it was agreed that a new criminal offence was necessary because it would create a deterrent to intrusions at secure, sensitive sites. It was noted that it had not been possible to secure prosecution (with an appropriate penalty) of any of the individuals who had recently carried out high profile intrusions at Buckingham Palace and the Palace of Westminster.

- 5.2 In anticipation of the relocation of a protected principal, the Forest Lodge Site will now become a designated site in accordance with section 128 of SOCPA. This instrument contains a boundary map showing the extent of The Forest Lodge Site where the criminal offence will apply. The boundary has been agreed in close liaison with all those involved at the site, including the Royal Household and Thames Valley Police.
- 5.3 The key advantage of designating the Forest Lodge Site is that it will enable police officers to respond effectively to any potential incursion, as trespassing on the land would be a criminal offence, as opposed to a civil matter. It is intended that necessary measures including clear signage where appropriate, will be in place to ensure that members of the public are aware of the provisions applicable to the site.

What was the previous policy, how is this different?

- 5.4 The reason for the designation is that the site was previously in use by non-protected tenants, so the designation of land and protection of the property was not needed. By the relocation of a protected principal residing at the Forest Lodge Site, it reflects its use as part of the wider Crown Land within Windsor and therefore is appropriate to afford this site to the same protections as other Crown properties designated under section 128 of SOCPA 2005.

6. Legislative and Legal Context

How has the law changed?

- 6.1 This instrument amends the Order to designate the Forest Lodge site under section 128 of SOCPA. Consequently, this makes it is an offence to enter or trespass on the Forest Lodge Site. The only way for this site to be designated for the purposes of s128 of SOCPA is by an order.

Why was this approach taken to change the law?

- 6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

- 7.1 No formal public consultation was required, nor has any formal written consultation taken place due to the sensitivities of the site and it being located on Crown Land.

8. Applicable Guidance

- 8.1 No guidance is necessary in connection with this instrument, however, there is already SOCPA guidance for police forces readily available.

¹ www.gov.uk/government/publications/security-commission-may-report-2004

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 A full Impact Assessment has not been prepared for this instrument because there are no new duties or charges placed upon business, charities, or voluntary bodies, due to the area being on crown land and not impacting wider businesses.

Impact on businesses, charities and voluntary bodies

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies due to the designation of the area being on Crown Land.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 The impact on the public sector is expected to be minimal. A very low number of arrests and prosecutions are anticipated and so the additional burden on the police and criminal justice system should be limited.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

- 10.1 The approach to monitoring this legislation is through ongoing stakeholder engagement ensuring the designation remains fit for purpose.
- 10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Dan Jarvis, MP, Minister for Security at the Home Office has made the following statement:
- 10.3 “In my view, in line with the requirement of the Small Business, Enterprise and Employment Act, the provisions of the Serious Organised Crime and Police Act 2005 (Designated Sites Under Section 128) (Amendment) Order 2025 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the costs associated with such review and the limited scope for change.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

- 11.1 None.

12. European Convention on Human Rights

- 12.1 The Minister for Security has made the following statement regarding Human Rights:
- “In my view the provisions of the Serious Organised Crime and Police Act 2005 (Designated Sites Under Section 128) (Amendment) Order 2025 are compatible with the Convention rights.”

13. The Relevant European Union Acts

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).