NPIA
National Policing Improvement Agency

Digest

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CASELAW Police News Diversity
LEGISLATION POLICE NEWS
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DIVERSITY Criminal Justice

The NPIA Digest is a journal produced each month by the Legal Services Department. The NPIA Digest is an environmental scanning publication intended to capture and consolidate topical and key issues, both current and future, impacting on all areas of policing. During the production of the NPIA Digest, information is included from Governmental and quasi-governmental bodies, criminal justice organisations and research bodies. As such, the NPIA Digest should prove an invaluable guide to those responsible for strategic decision making, operational planning and police training.

This edition contains a summary of the findings and recommendations of the Reform report on the structure of policing for the 21st century, the reports for the Children's Commissioner on the Gun and Knife Crime survey and the 'Young People, and Gun and Knife Crime: A Review of the Evidence' conducted by the Centre for Crime and Justice Studies.

There are also a number of articles outlining recently published Government and Parliamentary reports and initiatives including; the setting of a single target for police forces to improve public confidence, the launch of CONTEST 2 the Government's new strategy for countering international terrorism, and a Government reply to the report on 'Policing in the 21st Century'.

Details of the Home Office's campaign to raise public awareness of local policing and the level of service provided and a public consultation into the Controls on Deactivated Firearms are featured. There is also coverage of the report published by the Joint Committee on Human Rights Issues regarding the policing of peaceful protests and the launch of the national counter terrorism campaign.

As usual, the NPIA Digest also covers the latest Home Office Circulars, research papers, as well as sections on recent case law and Statutory Instruments.

The Case law is produced in association with lawtel From Sweet & Maxwell

Contents

New Plans for Achieving Race Equality in the UK

On 24 February 2009 the Communities Secretary announced a wide-reaching consultation on improving opportunities for Black, Asian and minority ethnic people. In the third and final report on the Government's race equality strategy, 'Improving Opportunity, Strengthening Society' there are indications that further progress depends upon recognising that different ethnic groups are experiencing disadvantage in different ways.

The Government is to initiate a consultation on how best to move away from a 'one size fits all' approach to targeted help addressing the different needs of particular groups. The consultation will also take account of the additional challenge posed by the economic downturn. Past evidence shows that Black, Asian and minority ethnic groups, as well as disadvantaged White people, are hit harder than others because of the type of job they have or because they live in deprived areas.

With a view to generating debate a discussion document 'Tackling Race Inequalities' has also been published. There will be a 12 week consultation period asking the following:

- What practical measures should be taken to address disadvantages experienced by different groups; and
- An invitation to express views on what the Government's future approach to promoting race equality should be.

The third and final report on the Government's race equality strategy, 'Improving Opportunity, Strengthening Society' can be found at http://www.communities.gov.uk/publications/communities/raceequalitythirdreport

The discussion document 'Tackling Race Inequalities' is available at http://www.communities.gov.uk/publications/communities/tacklingraceinequalities

Diversity of Police Personnel Provides Key to Quality Service

The members of a neighbourhood policing team in Kirklees West Yorkshire have developed a new scheme aimed at better serving local people from different cultural, ethnic, religious and diverse backgrounds. The staff within the Division who are themselves from a diverse background or have a particular skill and knowledge are being brought together to create an advisory network.

The database of personnel will then be used to consult and advise other staff on issues or situations which may arise on a day to day basis. Examples of its use include:

- A Helpdesk officer was able to assist a deaf member of the public after accessing the database to locate a member of staff who had sign language skills;

- In the case of a German national who could not speak English, a search of the database was made to locate an officer who spoke the language; and
- An officer wishing to deliver bad news to a local Sikh family was able to utilise information from the database together with their own knowledge of the religion and culture to assist all those concerned.

The force is keen to develop this wealth of 'situated knowledge' by making full use of its employees who represent different religious, cultural, ethnic and educational backgrounds. West Yorkshire Police views this scheme as a means of enabling and encouraging every member of staff to fully use all their skills and abilities in the pursuit of reducing crime and building safer communities. The scheme seeks to encourage an equality of access to policing services for all.

More information can be found at
http://www.westyorkshire.police.uk/section-item.asp?sid=12&iid=6865

EHRC Report Advocates Adequate Site Provision for Gypsy and Traveller Communities

On 18 March 2009 the Equality and Human Rights Commission (EHRC) published a report entitled 'Gypsies and Travellers: Simple Solutions for Living Together' which indicates that investment in adequate site provision can provide safe and decent accommodation for Gypsy and Traveller communities, improve community relations and generate income for local authorities.

The report states that "It is estimated that the entire Gypsy and Traveller population could be legally accommodated if as little as one square mile of land were allocated for sites in England." A survey of Local Authorities in the report reveals slow and patchy improvement in the number of authorised sites.

Evidence gathered by the EHRC shows that well-run, authorised sites can exist in harmony with settled communities. In contrast, unauthorised sites can increase community tensions and are often located in unsafe or unsuitable places lacking basic toilet and waste disposal facilities. As well as being a health hazard, such sites cause environmental damage and create an eyesore for residents and neighbours.

Trevor Phillips, Chair of the EHRC said "Unauthorised encampments do not benefit anybody apart from the lawyers. Local authorities get tied up in expensive prolonged legal eviction processes, the settled community becomes anxious and the Gypsies and Travellers have to pitch in unsafe, unsanitary sites and lack access to the health and education services that every family needs. Everyone has the right to a decent home, whether that's bricks and mortar or a caravan. For too long, Gypsies and Travellers have not had enough authorised places to stay and have remained at the edges of our communities."

The full report 'Gypsies and Travellers: Simple Solutions for Living Together' can be found at
http://www.equalityhumanrights.com/en/publicationsandresources/Pages/GypsiesandTravellers-simplesolutionsforlivingtogether.aspx

New Policy Allows Staff to Reallocate Public Holidays

A new policy to reflect Lancashire Constabulary's diverse workforce has been established to allow staff to reallocate three public holidays to alternative days. The decision announced on 16 March 2009, has been backed by Unison, Lancashire Police Federation and the Lancashire Black Police Association, and will allow employees to reallocate Christmas Day, Good Friday and Easter Monday to alternative days of the year according to their own religious beliefs.

Lancashire Constabulary currently allows for eight public holidays, three of which relate specifically to the Christian calendar. The new policy is an example of the force's commitment to creating a multi-faith police force which reflects the community it serves. It will allow staff greater flexibility to attend and celebrate other religious events.

The chairman of the Lancashire Black Police Association (LBPA) said "The LBPA is delighted with the reallocation of public holidays to accommodate the needs of a diverse workforce. It sends a positive message to our staff and the various communities we serve that Lancashire Constabulary has the best interests of our staff at heart and continues to develop innovative ways of meeting their needs."

The full press release can be found at
http://www.lancashire.police.uk/index.php?id=6042

ECJ Ruling on the Dismissal of Workers by Reason of Retirement

The European Court of Justice has clarified the conditions under which member states of the European Union may authorise the dismissal of workers by reason of retirement. European Council Directive 2000/78 prohibits employment discrimination on the grounds of age. It also provides, however, that certain differences of treatment on the grounds of age do not constitute discrimination if they are objectively and reasonably justified by legitimate aims, such as those related to employment policy, the labour market or vocational training. This is providing also that the means of achieving that aim are appropriate and necessary.

The United Kingdom regulations which transpose this directive into national law provide that employees who have reached their employer's normal retirement age or, if the employer does not have a normal retirement age, age 65, may be dismissed for reason of retirement without such treatment being regarded as discriminatory. The National Council on Ageing (Age Concern England) challenged the legality of this legislation on the ground that it does not properly transpose the directive. They submitted that the possibility of dismissing an employee aged 65 or more by reason of retirement is contrary to the directive.

The Court of Justice ruled that the aims which may be considered 'legitimate' by the directive are social policy objectives, such as those related to employment policy, the labour market or vocational training. By their public interest nature, those legitimate aims are distinguishable from purely individual reasons particular to the employer's situation, such as cost reduction or improving competitiveness.

It is now for the High Court to determine, in the light of this ruling, whether the United Kingdom legislation reflects such a legitimate aim. If the court decides that it does, it will then have to consider whether the means chosen were appropriate and necessary to achieve the aim.

The parties and citation for this case are The Incorporated Trustees of the National Council on Ageing (Age Concern England) v Secretary of State for Business, Enterprise and Regulatory Reform, [2009] All ER (D) 51 (Mar).

The full judgment and legal opinion can be found at
http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&Submit=Rechercher&alldocs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C-388/07&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100

Police Treatment Centres Issue New Guidance

New guidance on the Police Treatment Centres has been issued to police forces to help officers, and those concerned with their health and wellbeing, to get the most from the services provided by the charity.

The Police Treatment Centres is the working title of the Northern Police Convalescent and Treatment Centre. The charity operates two centres (St Andrews in Harrogate, North Yorkshire and Castlebrae in Auchterarder, Perthshire) where serving and retired officers can receive treatment following an injury or illness. Treatment, which can include intensive physiotherapy, recuperative and complementary therapies, is provided on a mostly residential basis and generally over a two week period.

The charity has been working to improve the quality and clarity of information available to help those in forces who are involved in referring individuals for treatment at the centres. Consultation was undertaken last year and those forces that responded helped to shape the development of charity policy and information documents. Those documents were combined to form the Police Treatment Centres User Guide and the content of the guide has been replicated on the charity's new website.

The first edition of the User Guide contains:

- Information on their services;
- Policies on eligibility for treatment (donors) and clinical assessment framework;
- New application forms for admission;
- A 'Frequently Asked Question' section; and
- Material to assist with the promotion of the centres and the services provided.

Michael Baxter QPM, Chief Executive of the Police Treatment Centres, said "I hope that the guidance we have issued will result in a greater understanding of the impact we can have on the healthy workforce agenda and the support we can provide forces in getting their officers well and back to work."

More information can be found at
http://www.thepolicetreatmentcentres.org/en/cat/home.aspx

A copy of the User Guide (paper or electronic version) can be obtained by emailing enquiries@thepolicetreatmentcentres.org

HSE Launches New Website to Prevent Work-related Stress

The Health and Safety Executive (HSE) launched a new stress website on 25 February 2009 that will help organisations prevent work-related stress. The focus of the new website will be the Management Standards for work-related stress which have already been used successfully by many organisations.

The HSE stress website includes:

- Updated advice and guidance;
- Tools to help prevent stress at work;
- A self-assessment questionnaire for line managers; and
- Case studies and good practical examples of things that have worked well for other organisations.

During the last 12 months in Great Britain a total of 13.5 million days were lost to work-related stress. It is a major cause of occupational ill health resulting in sickness absence, high staff turnover and poor performance for organisations. HSE's Management Standards can help to manage the issue sensibly and minimise the impact of work-related stress on organisations.

More information is available at http://www.hse.gov.uk/stress/index.htm

Improved Care for Young Vulnerable Witnesses

On 25 February 2009 the Justice Minister announced plans to give young vulnerable witnesses better support to encourage more to come forward with evidence of crimes. The proposals were part of the Government's response to the 'Improving the Criminal Trial Process for Young Witnesses' consultation which were also published.

These plans aim to enhance measures designed to make it less daunting for children to give evidence, and come alongside wider proposals in the Coroners and Justice Bill to put the needs of victims and witnesses at the forefront of the criminal justice system. The measures are designed to encourage a better and more consistent support to young and vulnerable witnesses, as well as individually tailor the processes in place.

The new proposals include:

- Allowing young people more choice about the way in which they give evidence;
- Formalising rules that allow a trusted adult to be present when children are giving evidence via video link;
- Extending this support structure to include young people under the age of 18 years; and
- Allowing vulnerable defendants to use an intermediary to help them understand the questions they are asked when giving evidence.

The full press release can be found at
http://www.justice.gov.uk/news/newsrelease250209a.htm

Government Publish Response to Report on 'Policing in the 21st Century'

The Government reply to the seventh Report from the Home Affairs Committee Session 2007-08 (HC 364) 'Policing in the 21st Century' was presented to Parliament by the Secretary of State for the Home Department on 26 February 2009.

This Command Paper set out the Government's response to the recommendations in the Committee's report and highlights the major programme of reform underway that is already delivering most of the committee points.

The Government strongly welcomed the Committee's report, which contains a great number of observations and constructive recommendations, many of which have already been initiated through the reforms outlined in the Policing Green Paper, 'From the Neighbourhood to the National: Policing our Communities Together', and the Policing and Crime Bill.

The response outlined the Government's commitment to making policing even more visible, accountable and responsive to local people and this is a major theme of the reform programme currently underway. The continued improvements to neighbourhood policing through the introduction of the Policing Pledge, easy access to neighbourhood policing teams, monthly crime information and a commitment to listening to local people's priorities, together with a stripping away of all targets but one (to raise confidence amongst local people), will transform the way in which the police service relates to local people.

A commitment to reforming police authorities was expressed to ensure they are strong, effective and independent, and strengthening Her Majesty's Inspectorate of Constabulary, so that it can act as a powerful guarantor of the public interest.

The Government reply to the seventh Report from the Home Affairs Committee Session 2007-08 (HC 364) 'Policing in the 21st Century' is available at http://www.official-documents.gov.uk/document/cm75/7553/7553.pdf

National Ballistics Intelligence Service to Help in Tracking Criminals

On 2 March 2009 the Home Office announced the opening of a new £8 million state-of-the-art national ballistics intelligence service to help with crime detection. The National Ballistics Intelligence Service (NABIS) provides a specialist 'CSI-style' analysis of all ballistics; effectively giving guns and bullets a 'fingerprint' that can be tracked.

This facility enables the police to match guns to offenders quickly and trace which gun fired a bullet where the weapon is used more than once. NABIS will support police in crimes where firearms have been used, identify the individuals who import, store and supply illegal firearms, and track down those involved in illegally converting or adapting them.

The national database which is available to all 43 forces across England and Wales includes:

- A complete registry of all recovered guns and ammunition in police possession in England and Wales;
- A ballistics comparison capability to link crimes and incidents within 24 to 48 hours; and
- Intelligence relating to suspects, weapons, locations and incidents.

The National Ballistics Intelligence Service website can be accessed at http://www.nabis.police.uk/

Consultation Launched into the Controls on Deactivated Firearms

Following concerns expressed by the police about the use of deactivated firearms in crime, the government announced on 2 March 2009 that it will conduct a consultation exercise on 'How to strengthen controls on deactivated guns in order to reduce their use in crime'. A consultation paper has been published entitled 'Controls on Deactivated Firearms: A Consultation Paper' which sets out the scope of the consultation.

Two areas of concern are expressed:

- The reactivation of deactivated firearms; and
- The use of firearms while in their deactivated form to threaten and intimidate people.

The new consultation paper seeks views on which of the following options, or a combination thereof, represent the best way forward:

- Treat deactivated guns as realistic imitation firearms;
- Make deactivation standards a mandatory requirement;
- Require pre-1995 deactivations to be modified to the 1995 standard;
- Sell deactivated guns only through registered firearms dealers; and
- Prohibit certain convicted offenders from buying deactivated guns.

The consultation period began on 2 March 2009 and will end on 25 May 2009.

The consultation paper and further information can be found at http://www.homeoffice.gov.uk/documents/cons-2009-deactivated-firearms?view=Binary

Intelligence and Security Committee Publish Annual Report

On 5 March 2009, the Intelligence and Security Committee's Annual Report for 2007-2008 was laid before Parliament. The Chairman of the Committee said "The focus of this Report is the administration, policy and finance of the Agencies and issues concerning the wider intelligence community."

The report outlined the continued wide range of threats faced by the UK, both terrorist and non-terrorist. The current threat to the UK from international terrorism is assessed as 'Severe', meaning that there is a continuing high level of threat to the UK and, in particular, that there is a high likelihood of a terrorist attack in this country.

The Chairman of the Committee said "The threat of international terrorism comes from a diverse range of sources, including al Qaeda and associated networks, and those who share its ideology but who do not have direct contact with them. Al Qaeda and related terrorist groups have shown an exceptional level of ambition and willingness to carry out indiscriminate terrorist attacks, and the threat they pose is likely to persist for a considerable time."

Following an examination of the work of the wider intelligence community it is clear from the report that the Agencies cannot work in isolation, and therefore in overseeing them they also examine the work of others. In the report there are comments on the following:

- The Government's counter-terrorism strategy (CONTEST) and the work of the Office for Security and Counter-Terrorism in the Home Office;
- The intelligence structure in the Cabinet Office (including the Joint Intelligence Committee and the Assessments Staff);
- Other Agencies within the community, such as the Defence Intelligence Staff, the Joint Terrorism Analysis Centre and the Centre for the Protection of National Infrastructure; and
- Issues which affect the community as a whole such as the use of intercept material as evidence in court and the SCOPE IT system.

The Government's Response to the Intelligence and Security Committee's Annual Report for 2007-2008 broadly accepted the findings of the committee.

The full press release is available at http://www.cabinetoffice.gov.uk/media/124414/isc_annualreport0708_press.pdf

The Government Response to the Intelligence and Security Committee's Annual Report for 2007-2008 can be found at http://www.cabinetoffice.gov.uk/media/124408/gov_response0708.pdf

Government's New Counter Terrorism Strategy Launched

The United Kingdom's Strategy for Countering International Terrorism was announced by the Home Secretary on 24 March 2009. The Government's counter terrorism strategy, also referred to as 'CONTEST', builds on existing policy and provides the basis for a coordinated approach to counter terrorism.

The strategy provides a detailed account of the history of the terrorist threat to the UK, UK interests and the underlying factors which have led to the emergence of the terrorist threat faced. It also indicates how the threat may evolve over the next few years.

The strategy then sets out principles which provide the basis for the Government's response including a determination to place human rights and core values at the heart of all the Government's counter terrorist work in this country and overseas. The strategy also emphasises the need to address the longer term causes of terrorism as well as its immediate symptoms.

CONTEST retains the framework of the old strategy with four main areas of work entitled Pursue, Prevent, Protect and Prepare. However, each of these areas has been updated and the document provides more detail about specific objectives and programmes.

The strategy sets out programmes of action here and overseas including:

- A **Pursue** strategy which makes use of new resources, which the Government has made available to the agencies, police and the counter terrorism network, to investigate and disrupt terrorist networks here and overseas and to prosecute those responsible;
- A **Prevent** strategy rolled out last year that reaches more people, nationally, internationally and locally, than ever before, with clear objectives (reflecting a better understanding of the causes of radicalisation), supporting programmes, dedicated staff and funding;
- A **Protect** strategy which will further strengthen UK borders, consolidate work on critical national infrastructure and improve the protection of the crowded places where people work, live and play. There will be continued provision of security advice to sports venues and shopping centres and expanded protective programmes for air, sea and rail transport security; and
- A **Prepare** strategy that will enable the UK to respond effectively to new types of threat and to recover from any terrorist attack faster than ever before, making use of the resilience network developed in this country in the past few years.

The strategy also includes a number of cross-cutting initiatives, new work to counter the threat of terrorist attack using chemical, biological, radiological, nuclear and explosive devices (CBRNE).

There are separate entries in the strategy covering specific subjects of interest including:

- Terrorist finance;
- Conflict reduction;
- Cross-Government work in Afghanistan/Pakistan;
- Work on the connection between terrorism and the internet; and
- Counter terrorism related communications.

The strategy describes in some detail how CONTEST is delivered, taking into account resources and the wider range of people working in counter terrorism. It sets out the roles for the many Government departments now engaged in this area and for local and regional government. It identifies future scientific and technical priorities and sets out the basis for closer work with the private sector. It explains the cross-cutting roles of the police and armed forces.

The document outlines an international response to the threat, describing in each area the international work the Government will be undertaking to support domestic programmes.

The CONTEST document can be found at http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf?view=Binary

More Funding for Victims of Human Trafficking

On 19 March 2009 the Justice Minister announced that extra funding would be made available so that victims of human trafficking will be helped to escape prostitution and domestic servitude. A government grant of £3.7 million has been awarded to the POPPY Project to support their work in this area.

The POPPY Project has been providing places of refuge and support to victims of human trafficking since 2003. This new investment will allow them to build on their work by:

- Providing more victims across the UK with a safe haven;
- Expanding the number of support workers available to assess the needs of individual victims and offer them specialised packages of support;
- Ensuring increased access to counselling, health and psychological assistance for victims;
- Expanding the community outreach team and locating workers within the UK Human Trafficking Centre to work in partnership with the police, UK Border Agency and other partners to help identify victims in the community early and refer them into the appropriate support services;
- Enabling more victims to access independent legal advice; and
- Creating a new national coordinator who will set minimum standards of support and help local areas deliver targeted support for victims.

The Justice Minister said “Human Trafficking thrives on the vulnerability of women. They are often subjected to multiple crimes including rape, physical

violence, kidnapping and threats. This has no place in today's society. Very often the victims of these crimes are hidden from view and have no idea how to escape. Charities like the POPPY Project offer them the vital and specialist help they need."

The full press release can be found at
http://www.justice.gov.uk/news/11770.htm

Home Office Seek to Raise Public Awareness of Local Policing and Level of Service Provided

On 3 March 2009 a new public information campaign was launched to raise awareness about the level of service people should receive from their local police force. The Home Office believes that too many people do not know about the service standards they get from the police according to new research published by the Home Secretary and the Government's Crime and Justice Adviser Louise Casey.

The research findings indicated that 47% of people know about the service provided by their local police compared to 74% from their GP and 62% from their local council. The campaign aims to highlight the public's entitlement to a set of promises which form the Policing Pledge that every police force has signed up to.

The Home Secretary said "The public are our strongest weapon in tackling crime and the Policing Pledge is a clear deal about what they can expect from the police. I want people to be empowered and take advantage of the new deal policing pledge and that is why this new campaign is crucial in ensuring that you know the minimum standard of service you should receive and that you have a greater say and influence over how your streets are policed."

The full press release can be found at
http://press.homeoffice.gov.uk/press-releases/you-have-the-right

The new research regarding the policing pledge can be found at
http://www.homeoffice.gov.uk/documents/policing-pledge?view=Binary

Joint Committee on Human Rights Issues Warning about Policing of Peaceful Protests

The Joint Committee on Human Rights (JCHR) published on 23 March 2009 their report, 'Demonstrating respect for rights? A human rights approach to policing protest'.

The report states that Government should protect and facilitate the opportunity for people to protest peacefully and to fail to do so would jeopardise a number of human rights including the right to freedom of peaceful assembly and the right to freedom of expression. However, the report also states that it had found no systematic human rights abuses in the policing of protest but they have some concerns which can be addressed by legal and operational changes. In making these changes they consider that it would

further protect the rights of people who wish to protest in the UK. The report's recommendations include:

Legal changes

- The Government should amend Section 5 of the Public Order Act 1986. Reference to insulting words or behaviour should be removed. This change would allow the police to arrest people for using threatening or abusive language or behaviour but not for using insulting language or behaviour;
- Counter-terrorism powers should never be used against peaceful protestors and the Government's guidance on stop and search powers in Section 44 of the Terrorism Act 2000 should make this clear; and
- The Government should protect the right to freedom of peaceful assembly around Parliament by repealing the relevant provisions of the Serious Organised Crime and Police Act 2005. Protest around Parliament should be governed by the Public Order Act 1986. However, the 1986 Act should be amended to deal with the specific circumstances of Parliament, so as to allow Parliamentarians and others to access and work in Parliament whilst protest is ongoing.

Operational changes

- The police and protestors need to focus on improving dialogue. The police should aim for "no surprises" policing: no surprises for the police; no surprises for protestors; and no surprises for protest targets;
- Regular, relevant and up to date human rights training should be integrated into other police training. Police forces should ensure that there is sufficient human rights knowledge and understanding available to police officers to help avoid human rights breaches. They should review how they foster effective dialogue with protestors. Protestors should also, where possible, engage with the police at an early stage in their planning, in order to facilitate peaceful protest; and
- Tasers should never be used against peaceful protestors and the Government should make this commitment in its guidance on tasers. The Government should also report to Parliament every three months about the deployment and use of tasers, should monitor the health effects of tasers, and publish the results of that monitoring.

In response to the release of the report, ACPO lead on Public Order and Public Safety, Deputy Chief Constable, Sue Sim, said "The police service has a difficult role to play in policing protest, as we seek to strike a balance between the lawful rights of protesters, and those of people to go about their daily life unimpeded. We are pleased the JCHR recognises the importance which the service places on upholding human rights in this complex area. Communication is key, and where there is open dialogue with protest organisers we are able to ensure that policing of protests is proportionate and necessary, rather than going in heavy-handed or allowing situations to build up to a flashpoint before intervening."

The two volume report 'Demonstrating respect for rights? A human rights approach to policing protest' can be found at http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/47/47i.pdf and http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/47/47ii.pdf

New Vetting and Barring Scheme Announced

The introduction of further safeguards to protect children and vulnerable adults were set out in greater detail by the Government on 19 March 2009 ahead of the launch of the vetting and barring scheme (VBS) later this year. The new scheme which is to be implemented to increase the protection of vulnerable members of our society and follows the recommendation of the Bichard Inquiry begins on 12 October 2009.

The Government estimates that within five years, around five million more jobs and voluntary positions, including most NHS jobs, will have become subject to checks. This means many more people posing a risk to the vulnerable will be excluded from the workplace. The additional safeguards within this scheme include:

- Reduction of bureaucracy - two barring lists will be administered by a single organisation, the Independent Safeguarding Authority (ISA), rather than the three lists currently maintained by two different Government departments: Protection Of Children Act 1999, Protection of Vulnerable Adults and List 99;
- The introduction of barring from 'regulated activities' - people included on the new ISA lists will be barred from a much wider range of jobs and activities than before, particularly in areas of work with vulnerable adults such as in the NHS;
- A new duty to share information - employers, social services and professional regulators will have to notify the ISA of relevant information so individuals who pose a threat to vulnerable groups can be identified and barred from working with these groups; and
- New criminal offences - it will become a crime for a barred individual to seek or undertake work with vulnerable groups and for employers to knowingly take them on.

More information is available at http://press.homeoffice.gov.uk/press-releases/Tough-measure-protect-vulnerable

Single Target Set for Police Forces to Improve Public Confidence

On 5 March 2009 the Home Secretary announced that she was setting a single national target for the police. In setting the target she challenged the police service to answer to the public, and not to Government. Following the announcement, the only national police target set from Government is to increase public confidence by 15 percentage points so that the crime and anti-social behaviour issues that matter to them locally are being addressed.

The Home Office released figures showing that confidence levels currently vary across the country, with the latest national average at 46%. The new national target is 60%.

The single national target is just one part of the Policing Green Paper, published last summer, which signalled a fundamental shift in police accountability and reporting. It is now local people, rather than central government, telling the police what service they need and holding them to account via the policing pledge.

The Home Secretary said: "I have a single-minded focus on building public confidence in policing and that means the police should be answering to the public, not the Government. That is why I have scrapped all but one central target for the police, to raise public confidence. I have always been clear that this target needs to be challenging if we are to see real change in public confidence in the police. By 2012 I want to see at least 60% of people confident that the police are addressing what matters locally."

Police forces and authorities have also been set a level of confidence that they should reach by March 2011. Both this, and their 2012 target, will be measured by questions asked in the regular British Crime Survey. It is expected that from the date of the announcement, each police force, working closely with key local partners, will be expected to increase their own confidence rating by at least 12 percentage points from its current level to reach the national 60% target by 2012 and those forces with the lowest level of confidence will be expected to make the greatest improvement.

The table of police force level targets can be found at
http://press.homeoffice.gov.uk/documents/Table_of_police_force_level1.pdf?view=Binary

The full press release can be found at
http://press.homeoffice.gov.uk/press-releases/Police-single-confidence-targets

National Counter-Terrorism Campaign Launched

The national counter-terrorism campaign, 'Don't rely on others. If you suspect it, report it' was launched on 16 March 2009. This national campaign, which will use different media to remind people to be vigilant as they go about their daily business and to call the Anti-Terrorist Hotline on 0800 789 321 if they are concerned about suspicious activity.

The campaign seeks to engage all members of the public to trust their instincts with any information they may have regarding suspicious circumstances and contact the Anti-Terrorist Hotline.

Speaking in support of the campaign, Deputy Assistant Commissioner John McDowall, Senior National Coordinator Counter-Terrorism, said "No piece of information is considered too small or insignificant. Terrorists live alongside us in our communities. They make their plans while doing all they can to blend in. They try to avoid raising suspicions about what they are up to. We want people to look out for the unusual - some activity or behaviour which strikes them as not quite right and out of place in their normal day to day lives - and to take responsibility for reporting it."

The full press release can be found at http://www.acpo.police.uk/pressrelease.asp?PR_GUID={C45A6AA8-8E1E-4829-AAEE-46BAF7992DBF}

Reform Report Advises Re-structuring of Police Forces to Meet Demands of 21st Century Policing

A new report published by the independent think tank Reform on 26 February 2009 finds that police forces should be split into smaller units with the Metropolitan Police Service (MPS) assuming responsibility for running serious crime fighting across England and Wales. The current 43 forces are the most expensive police service in the world but fail to deliver security against both serious national crimes, such as guns, drugs and people trafficking, and local crimes such as anti-social behaviour. The authors state that repeated reviews of policing point towards one single force to coordinate serious crime fighting, MPS can naturally take on this role, and up to 52 more individual forces to tackle local crime on the streets.

The report 'A new force' finds that the 43 forces currently operate as fiefdoms, run by Chief Constables who are only accountable to weak Police Authorities. The cost is high: expenditure on policing has increased by over £4.5 billion (43%) in real terms since 1997. Policing cost per capita is higher than every OECD country where figures are available (except Scotland) and 20% higher than the US.

Further claims made in the report indicate that without effective police reform, England and Wales will lose the fight against crime in years to come. Serious crime is rising and mutating as new crimes emerge such as people trafficking and internet fraud, creating entrenched social problems. But the current position of the public finances means that the spending increases of the police over the last decade cannot be sustained and will in all likelihood be reversed.

The current structure of the police presents a block to necessary reform according to the report. The 'tripartite model', with power shared between the Home Secretary, Police Authorities and Chief Constables, means that Government does not have effective control over national policing priorities.

The report outlines five myths about policing that have blocked reform over the years:

- **Myth 1 - Policing should not be 'politicised'**
  The authors believe that the police should be accountable to elected politicians. Currently the Association of Chief Police Officers (ACPO) is the key influence on police forces, in a textbook example of producer capture. ACPO will gain more power over appointments in the new Policing and Crime Bill;

- **Myth 2 - All policing is local**
  The authors believe that England and Wales does have a national lead police force, the Metropolitan Police Service, which is already coordinating serious crime fighting across the country. In addition national politicians interfere in day-to day policing, preventing local leaders from answering their democratic mandate to fight crime;

- **Myth 3 - The 43 police forces work well together**
  The authors believe that the 43 forces operate separately, in particular failing to share information, as the Bichard Inquiry found;

- **Myth 4 - The 43 forces generate economies of scale**
  The authors believe that waste occurs at two levels: unnecessary regional bureaucracies and duplicated spending on serious crime at a national level; and

- **Myth 5 - The creation of the Serious Organised Crime Agency (SOCA) has solved the serious crime problem**
  The authors believe that serious crime is rising, while SOCA is a white elephant. To move forward the reality should be acknowledged, both at a national and local level. The Metropolitan Police is the only credible force capable of leading on national and regional serious and organised crime. The Government confirmed this in 2008 by putting the previously abolished e-crime unit (at a cost to the taxpayer of £7 million) with the Metropolitan Police, not SOCA.

The report sets out a number of recommendations which include:

- Counter-terrorism hubs, funded by the Home Office, operated by local police forces and coordinated by the Metropolitan Police present an exciting model for how effective national crime fighting could work. MPS should be given a formal role leading national serious crime policing;

- A change in the accountability structure would be impractical given the dual national and local role of the MPS. However, greater scrutiny should come through full operational and financial transparency which is currently lacking; and

- There is cross-party consensus for greater local accountability for policing. The principle is right: smaller policing units solve more crimes per officer than larger ones. Proposals for local accountability have foundered partly because they have tried to follow a one-size-fits-all model for the whole of England and Wales. Proposals should reflect the varying reality of local government arrangements in England and Wales. In most areas, the natural arrangement for policing is for higher tier council areas (for example County and City Councils) to hold police forces to account. In practice 11 forces, such as Gloucestershire, can become accountable at a

county level in their current boundaries. 25 forces, such as West Yorkshire and Avon & Somerset, could be split to reflect local government boundaries; local authorities in these areas should be allowed to secede their local policing from the regional force. Seven forces have structures that are currently incompatible with local government.

These recommendations, the report argues, require a new role for the Home Office and Home Secretary. The Home Secretary would become, in effect, the commissioner of national policing. The Home Office should then address itself to becoming an excellent commissioner of serious organised crime services and abandon its role in volume crime fighting at a local level.

The ACPO lead on futures, Chief Constable of West Yorkshire Police Sir Norman Bettison responded to the Reform report saying "While based squarely on opinion rather than evidence, it does highlight some key issues for the future which continue to be the subject of debate within ACPO, the wider police service and beyond. At the heart of these debates is the ever-widening mission of the police service, the subject which ACPO placed at the centre of its submission to the Government's green paper on policing. In positioning the police service in order to cope with that 'mission stretch', the structures within which policing in this country is delivered are rightly the subject of analysis and debate. In jumping from this analysis to some of the solutions presented, the report does avoid some key questions."

The full report 'A new force' can be found at http://www.reform.co.uk/documents/A%20New%20Force.pdf

The ACPO press release in response to this report can be found at http://www.acpo.police.uk/pressrelease.asp?PR_GUID={B8E5D6A7-7069-4B8C-A56B-115A3544AF03}

Statistics on Police Use of Firearms in England and Wales 2007-08 Published

The Home Office released on 2 March 2009 the latest statistics in relation to the police use of firearms in England and Wales for the period 1 April 2007 to 31 March 2008.

The key points from this year's statistics are:

- The number of police operations in which firearms were authorised was 21,181 - an increase of 17.5% on the previous year. (As in previous years there is no consistent trend across forces);
- The number of Authorised Firearms Officers (AFOs) was 6,780 - an increase of 52 (1%) officers overall on the previous year. (There is no consistent trend across individual forces);
- The number of operations involving armed response vehicles was 16,712 - an increase of 2,182 (15%) on the previous year. (There is no consistent trend across individual forces); and
- The Police discharged a conventional firearm in 7 incidents (up from 3 incidents in the previous year).

The full details of each force's use of firearms can be found at http://police.homeoffice.gov.uk/publications/operational-policing/police-firearms-use-2007-2008?view=Binary

New Funding for Police Helicopters

The Police Minister announced on 23 February 2009 that new funding would be made available to purchase six new state-of-the-art helicopters that will help police to protect communities and tackle crime. A total of nine police forces will have access to the new aircraft, under the latest round of funding for police air operations.

One of the helicopters will be used as part of a trial project to enable eight neighbouring police forces in the Midlands to work together by sending the nearest available aircraft to incidents across force borders.

The police aircraft fleet now comprises 29 light and medium twin-engined helicopters and three fixed wing aircraft, operating from 29 units in England and Wales.

The full press release can be found at http://press.homeoffice.gov.uk/press-releases/5-million-police-helicopters

Integrated Competency Framework Review

The Workforce Efficiency and Finance Group (a subgroup of the National Policing Board) agreed a recommendation by the National Policing Improvement Agency to carry out a two-phase review and replacement of the existing Integrated Competency Framework.

The first phase will aim to deliver quick wins and rationalise activities with the framework. The second phase will focus on medium and long-term changes by consulting and engaging with stakeholders, reviewing content and the IT platform. Phase one will be completed in June 2009 and phase two will be completed by December 2010.

This work will lead to an immediate and sustained improvement in user experience. It will also result in immediate and sustained time savings for individuals and organisations. The revisions to the existing framework will reduce the number of sections to complete from 25 to 4 and reduce the time spent completing a Performance and Development Review from two hours (on average) to 30 minutes. This will save 148,886 officer hours, which equates to 70 new police officers.

Further information is available from Andrew Johnson on 020 7035 1861 or via email at Andrew.Johnson9@homeoffice.gsi.gov.uk

Research on Impact of Bad Character Evidence Published

The Office for Criminal Justice Reform published its report on 'Research into the impact of bad character provisions on the courts' on 9 March 2009.

This report provides evidence from six court centres over eight months in 2006 on the use of applications to admit bad character evidence in criminal cases. This provision was introduced as part of the Criminal Justice Act 2003 and was designed to allow evidence of a defendant's bad character to play a greater part in the prosecution of cases.

The overall finding was that the new law represented a major codification of behaviour relating to admitting bad character evidence and had a beneficial impact on criminal trials. The report sets out the key implications for Her Majesty's Courts Services, the Crown Prosecution Service (CPS) and the Police which included:

- When the CPS makes a bad character application, the police provide evidence for the prosecution file using a print out from the Police National Computer, which details a person's previous offending history. When the print out is not available or up-to-date, the convictions or further convictions are copied out onto an MG16 form. The key points for the police identify how this service could be improved to the benefit of both agencies;
  - What constitutes appropriate evidence of 'bad character' is not well understood by some police respondents. Clarification would lead to better collection of evidence;
  - Respondents found the MG16 form overly time consuming to complete. Simplifying the MG16 form and eliminating the requirement to copy the previous convictions from the PNC printout to the MG form, by simply attaching the printout to the form, would speed up the process; and
  - Respondents from the Police found it discouraging when the CPS did not use the bad character evidence without explanation. Feedback from the CPS on the use of this evidence would inform and support the Police's contribution.

The full report 'Research into the impact of bad character provisions on the courts' can be found at
http://www.justice.gov.uk/docs/bad-character-provisions-in-court2.pdf

Diversion a Better Option for Those with Mental Health Needs

A report published on 23 February 2009 by the Sainsbury Centre for Mental Health stated that diverting people with mental health problems from prison is good value for taxpayers' money but existing diversion arrangements are not achieving their potential.

The report 'Diversion: A better way for criminal justice and mental health' finds that court diversion and liaison schemes in England only work with one in five of the people with mental health problems who go through the criminal justice system. Many opportunities for diversion are being missed and too little is being done to ensure that offenders with mental health problems make continuing use of community mental health services.

The report concludes that good quality diversion offers the following benefits:

- Excellent value for money to the taxpayer. It can reduce the costs of expensive court proceedings and unnecessary imprisonment of people on remand or sentence;
- It can reduce the risk of re-offending among people who get mental health treatment in the community instead of being imprisoned; and
- It can improve people's mental health, which benefits them, their families and society as a whole.

It finds that there is an especially strong case for diverting people who commit comparatively minor offences from short prison sentences to community sentences. For each person who is diverted from a prison service and who gets good quality mental health care in their community, an average of £20,000 can be saved in crime-related costs alone.

The full report 'Diversion: A better way for criminal justice and mental health' can be accessed at http://www.scmh.org.uk/pdfs/Diversion.pdf

CPS Rape and Domestic Violence Policies Updated

On 18 March 2009 the Crown Prosecution Service (CPS) released its revised public policies on the way it handles cases of rape and domestic violence aiming to give greater clarity to those who support victims, and provide consistency for prosecutors. The policies follow a public consultation and focus groups with organisations, criminal justice agencies and individuals. They are aimed at those who support victims of rape and domestic violence, professionally or personally.

CPS Policy on Prosecuting Rape Cases

The CPS policy statement on prosecuting cases of rape was first published in 2004. This second edition includes the many changes in law, practice and procedure since that publication. These changes include:

- The implementation of section 27 of the Youth Justice and Criminal Evidence Act 1998, which makes admissible the video recorded evidence of adult victims of rape and serious sexual offences in the Crown Court; and
- The new statutory regime relating to the admissibility of hearsay and bad character evidence under the provisions of the Criminal Justice Act 2003.

CPS Policy on Prosecuting Cases of Domestic Violence

The CPS first issued a policy on domestic violence in 2001. This current revision is the third edition and the changes to the policy include:

- Roll-out of statutory charging (the CPS now makes the decision to charge in all but minor cases);
- Training of CPS staff on domestic violence;
- The implementation of new special measures for victims and witnesses;
- Roll-out of specialist domestic violence courts, Independent Domestic Violence Advisers, and multi-agency risk assessment conferences;
- Publication of the Code of Practice for Victims of Crime and the Prosecutors' Pledge; and
- The introduction of Witness Care Units.

The CPS Policy on Prosecuting Cases of Rape can be found at http://www.cps.gov.uk/publications/docs/prosecuting_rape.pdf

The CPS Policy on Prosecuting Cases of Domestic Violence can be found at http://www.cps.gov.uk/publications/docs/DomesticViolencePolicy.pdf

New National Fraud Strategy Published

The Attorney General released the first National Fraud Strategy, 'A new approach to combating fraud' on 19 March 2009. The strategy aims to target fraudsters who cost the UK £14 billion a year, by strengthening the counter-fraud community's response to their activities and providing help, protection and support to individual consumers and businesses.

The National Fraud Strategic Authority will co-ordinate activity, remove gaps and overlaps, and maximise opportunities to ensure all counter-fraud activities can deliver the greatest possible results. The new strategy brings together over 25 key private and public sector organisations.

The three-year national strategy tackles four key priorities designed to shift the balance of risk back on to fraudsters:

- Improving the building and sharing of knowledge about fraud, by the City of London Police establishing a new National Fraud Reporting Centre and National Fraud Intelligence Bureau;
- Tackling the most serious and harmful fraud threats, such as identity and mass marketing fraud;
- Disrupting and punishing more fraudsters while improving support to their victims, by working with the Association of Chief Police Officers and Victim Support, and introducing plea negotiations and extending Crown Courts' powers in fraud cases; and
- Improving the nation's long-term capability to prevent fraud, by better co-ordinating fraud public awareness activity and building strong, supportive partnerships among the counter-fraud community.

The National Fraud Strategy: 'A new approach to combating fraud' can be found at
http://www.attorneygeneral.gov.uk/attachments/NFSA_STRATEGY_AW_Web.pdf

Consultation Announced for Code of Practice for Youth Conditional Cautions for 16 and 17 Year Olds

The Ministry of Justice published a paper setting out a consultation on the draft Code of Practice for Youth Conditional Cautions for 16 and 17 year olds on 2 March 2009. The Code governs the use of these Youth Conditional Cautions as stipulated by the Criminal Justice and Immigration Act 2008 and is planned to be piloted during 2009. The consultation period will end on 25 May 2009.

Section 48 of and Schedule 9 to the Criminal Justice and Immigration Act 2008 extends conditional cautions to children and young persons (by amending the Crime and Disorder Act 1998) as a means of dealing with offenders, in certain circumstances, as an alternative to prosecution. The CJ & I Act 2008 provides for Youth Conditional Cautions to be governed by a Code of Practice which is brought into effect by affirmative resolution of both Houses of Parliament. Under the Act, before Parliamentary approval is sought, the Secretary of State, with the consent of the Attorney General, is required to prepare and publish a draft of the Code.

The Code governs the use of Youth Conditional Cautions for 16 and 17 year olds. Conditional cautioning is a statutory out-of-court disposal introduced by Part 3 of the Criminal Justice Act 2003 as amended by the Police and Justice Act 2006. The legislation provides for conditional cautions to be administered for adult offenders. The Criminal Justice and Immigration Act 2008, Section 48 and Schedule 9, extended the use of conditional cautions to youths aged 10-17 by amending the Crime and Disorder Act 1998.

Youth Conditional Cautions will initially be implemented for 16 and 17 year olds as extending them to 10-15 year olds will give rise to a different set of challenges to those for 16 and 17 year olds, for example, safeguarding needs could potentially supersede criminality issues. Youth Conditional Cautions for 16 and 17 year olds will provide an additional alternative option at the out of court stage. They will be used where the offender has either committed an offence which is not suitable to be dealt with by way of Reprimand or Warning, or where the offender has already used up the options available to him/her under the Reprimand and Warning Scheme. Such cases would currently most likely be referred to court. If an offender fails without reasonable cause to comply with the conditions attached to a conditional caution, the Act provides for criminal proceedings in respect of the original offence to be instituted and the caution cancelled.

The results of the consultation and the Department's response will be published on the Department for Children, Schools and Families and Ministry of Justice consultation websites by August 2009.

More information about the consultation can be found at
http://www.dcsf.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1587&external=no&menu=1

Public Consultation to End Violence Against Women and Girls

On 9 March 2009 a cross-Government public consultation to tackle violence against women and girls was launched by the Home Secretary. The public consultation includes a review into police powers for dealing with serial perpetrators of domestic violence and a review of the sexualisation of teenage girls.

The 'Together We Can End Violence Against Women and Girls' Strategy consultation sets out to look at what more can be done to challenge the attitudes that may uphold it in order to help women and girls feel safer. The announcement of a consultation comes as a new opinion poll conducted by Ipsos Mori shows that more than one third of respondents know a woman who has been the victim of violence by a man she knows. Furthermore, just over two in five respondents believe that a woman should be held, either partly or fully, responsible for being sexually assaulted or raped if she was flirting heavily with the man before the attack.

The consultation will include public and stakeholder events in 40 towns and cities across England over the next nine weeks. The Home Secretary outlined plans to consult the public and key stakeholders on a wide range of issues including:

- Tackling persistent perpetrators, including a review into what additional powers police and courts may need to control violent perpetrators, particularly serial offenders who move between relationships, led by Chief Constable Brian Moore, Association of Chief Police Officers (ACPO) lead on domestic violence;
- Helping women feel safer when they travel, including a new website enabling the public to report where they feel safe or unsafe and why, and the expansion of the Park Mark safer car parks scheme;
- A fact-finding review into the sexualisation of teenage girls; and
- The establishment of a new advisory group, with a specific focus on how schools can prevent violence against women.

The Home Secretary said that she wished to start a national debate on what more can be done to prevent violence against women and girls and in challenging attitudes which condone it.

The key questions being asked in the public consultation are:

- How do we prevent violence against women from happening in the first place?
- How do we reduce women's disproportionate fear of violence and the disabling effect this has on many lives?
- How do we help friends, family, employers and public services to identify early signs of violence as soon as possible and do something about it?

- How do we make sure that women who seek specialist help, or need to leave home to start a new life, receive a consistent level of local support wherever they live?
- How do we protect and support the children who are growing up in violent households?
- How do we build confidence in the criminal justice system to improve reporting?
- How do we make sure that men who have attacked or abused already don't continue to do so?

More information about the consultation can be found at http://www.homeoffice.gov.uk/crime-victims/reducing-crime/violence-against-women1/

Gun and Knife Crime Survey March 2009

The Children's Commissioner for England published research findings in their report 'Solutions to Gun and Knife Crime' on 15 March 2009. This survey of more than 1,700 children and young people by 11 MILLION (the organisation led by the Children's Commissioner for England) and YouGov reveals the level of concern children and young people have of gun and knife crime.

The key points of the research findings include:

- **Knife crime: Perception versus reality**
  One in six young people perceive knife crime to be either a big or fairly big problem in their area. However, young people living in 'high risk' areas are much more likely to have a perception that knife crime is an issue in their area (26% compared with an average of 15%). Other findings from this section of the report were:
  - Young people from a black and minority ethnic background are twice as likely to state that knife crime is a problem compared with their white counterparts;
  - In London, the perception of knife crime as a big or fairly big problem is much greater than the national average at 36%;
  - Only 4% of 12-17 year olds admitted to carrying a knife either now or in the past and for the majority carrying was an infrequent occurrence;
  - The majority of current or former knife carriers were aged between 15 and 17, white and male; and
  - Self protection was the most common reason given for carrying a knife.
- **Gun crime**
  The perception of gun crime as a problem is lower than knife crime. Just 1% saw it as a big problem and a further 6% as a fairly big problem. Other findings from this section of the report were:

- The perception of gun crime was higher among young people in the high risk areas with 16% stating gun crime was a big or fairly big problem;
- In Manchester, 18% stated that there was a problem with guns in their local area; and
- Only four respondents stated that they carry a gun or had ever carried one.

♦ **A sense of place**

While 70% of young people believe that their area is a good one in which to grow up, 10% thought it was bad or very bad. Nearly one quarter (23%) of young people living in social housing thought their area was a bad place in which to grow up. Other findings included:

- Young people living in high risk areas are more likely to consider their area unsafe compared with the average (13% across the sample say their area is unsafe compared with 21% in high risk areas);
- Nearly 30% of young people in Birmingham do not consider their area safe;
- There is a strong relationship between safety and whether young people believe their area to be a good one in which to grow up. The less safe a person feels the more likely they are to say that their area is not a good place in which to grow up; and
- The older the respondent the less likely they are to engage with local facilities and amenities. Over one third of 16 and 17 year olds do not take part in local activities or clubs.

♦ **Views on the Police**

A commonly held view in society is that young people have a dislike of or resentment of the police. In reality, the response is very positive towards the police. 82% said they liked the police a lot or quite liked them, while 18% said they did not really like them or did not like them at all. However, for 16 to 17 year olds the proportion saying they really like them dropped to only 10%. Other key points from this section were:

- Nationally, 56% said they see police infrequently or never. This is significant because the more a person sees the police the more likely they are to say that they are respected by them;
- 61% of eight and nine year olds feel very or quite respected by the police but the proportion of 16 and 17 year olds saying that they feel respected halves to 30%;
- Most children and young people surveyed had not been stopped and searched by police, only 12% said they had; and
- Respondents living in Manchester were significantly more likely to have been stopped and searched (17%).

Deputy Assistant Commissioner Alfred Hitchcock, who heads the Tackling Knives Action Programme for the Association of Chief Police Officers (ACPO), said "ACPO strongly supports this comprehensive survey carried out by 11 MILLION, which really gets to the heart of young people's views. The numbers of young people who commit or suffer serious violent crime are, thankfully, a small proportion of the total. While most young people go about their lives and are law-abiding citizens, there is still a small percentage of young people, around 2%, who admit to carrying knives and go on to commit offences."

The final report 'Solutions to gun and knife crime' can be accessed at http://www.11million.org.uk/resource/adilulgsx619iyan2t3m1iv4.pdf

For more information on the Tackling Knives Action Programme go to http://www.crimereduction.homeoffice.gov.uk/tackling_knives.htm

'Young People, and Gun and Knife Crime: A Review of the Evidence'

On 16 March the Children's Commissioner for England published a report undertaken by the Centre for Crime and Justice Studies entitled 'Young People, and Gun and Knife Crime: A Review of the Evidence'. This report is the outcome of an extensive review of English-language evidence about the effectiveness of interventions designed to tackle children and young people's involvement in gun crime and knife crime.

The purpose of the report is to find out which strategies have been submitted to rigorous analysis and assessment, and what the evidence says about their impact on children and young people's perceptions, attitudes and behaviours. This review also examines the research evidence about factors in the lives of children and young people which make them more or less likely to become involved in weapon-carrying and violent behaviour, and considers the perceptions, values and motivations of the children and young people involved.

Some of the outlined interventions have been rigorously assessed in the field of youth violence prevention generally. Gun and knife crime are expressions of wider phenomena of youth crime and violence, so need to be viewed in more general contexts of disaffection and youth offending. These are complex products of inter-related individual, family, social, biological and environmental factors.

The report's findings are listed under the following chapter headings:

- Chapter 1: Predicting who is most likely to be involved in violent crime;
- Chapter 2: The impact of where children and young people live on their involvement in violent crime;
- Chapter 3: How young people's relationships, perceptions and choices affect their involvement in gun and knife crime;
- Chapter 4: Anti-gun and anti-knife interventions; and
- Chapter 5: Youth offending and youth violence prevention.

The full report 'Young People, and Gun and Knife Crime: A Review of the Evidence' can be found at
http://www.11million.org.uk/resource/49bjrxsp620p5iswiod3l9p7.pdf

TKAP Extended to Further Prevent Violent Crime

The Prime Minister and the Home Secretary announced on 11 March 2009 that an extra £5 million of funding is to be used to tackle knife crime and increase targeted police action to tackle a minority of young people who commit serious violence, regardless of the weapon involved.

The new funding will be used to extend the Government's Tackling Knives Action Programme (TKAP) for another year and to include two new police force areas; Kent and Hampshire. Maintaining this targeted approach to tackling knives and serious youth violence is part of the Government's wider plan to target the small minority of young people who commit violent crime.

Recently published NHS data for 2007/2008 (which pre-dates TKAP) showed an 8% reduction in the overall number of admissions to hospital for assault by sharp object. Provisional Home Office TKAP management information shows that since June 2008, police have conducted more than 150,000 stop and searches and seized 3,000 knives.

The Justice Secretary announced on 12 March 2009 that the number of immediate custodial sentences handed down for offences involving possession of a knife or other offensive weapon has gone up by 23%. These statistics, contained in the Knife Crime Sentencing Quarterly Brief October to December 2008 England and Wales, were published for the first time and show that:

- More offenders are being sent to jail - the number of offences resulting in immediate custody rose from 1,125 in the last quarter of 2007 to 1,386 in the same period of 2008. On average there was a 40% increase in the number of prisoners serving a sentence for possession of an offensive weapon between the same periods;
- Fewer cautions being issued - the number fell 31% over the same period (1,706 in the last quarter of 2008 compared to 2,455 in the same period of 2007);
- More use of tougher community sentences - the number of offences resulting in community sentences rose 16% (from 1,861 in the last quarter of 2007 to 2,151 in the same period of 2007); and
- Longer sentences - the average immediate custodial sentence has risen by 38% (from 133 days in the last quarter of 2007 to 184 days in the same period of 2008).

The full press release can be found at
http://press.homeoffice.gov.uk/press-releases/clamping-down

The full statistical bulletin, Knife Crime Sentencing Quarterly Brief October to December 2008 England and Wales, can be found at
http://www.justice.gov.uk/publications/knife-crime-sentencing.htm

Police Discover More Cannabis Factories

A large increase over the past five years in the number of 'cannabis factories' discovered by police has been revealed in figures released on 10 March 2009. The figures indicate that there have been rises from 206 to 654 finds in London, 174 to 672 in the West Midlands and zero to 151 in Gwent. The figures were revealed by responses made by 30 police forces in England, Scotland and Wales to Freedom of Information requests.

The Home Office said that high detection rates were an 'encouraging sign' and that organised criminal gangs, many from south-east Asia, are responsible for the rise. Senior officers, government officials and other law enforcement agencies met on 10 March 2009 to discuss ways of implementing a new national strategy to help police close the factories down.

The report identified that police forces used different definitions for what scale of production they considered to be a cannabis "factory". But, whatever criteria they used, all but one of the 30 forces showed significant increases over the five-year period. Three forces reported no factories in 2004 but by last year North Wales had found 53, Scotland's Northern Constabulary 7 and Staffordshire 59.

Drugs intelligence officer Gavin Guy, Cambridgeshire Constabulary, said that all the plants they recovered from such factories were known as 'skunk', cannabis with high levels of tetrahydrocannabinol (THC), which makes the drug more potent.

The energy company EDF estimates that it is called to shut power off at more than 500 cannabis factories every year. There have been reports that many of these premises are booby-trapped to keep out the police and rival gangs. Garry Millington, a fire investigations officer with London Fire Brigade, said "There are quite a few systems they use; the most common is the electrification of door handles and windows. Electrocution is a real risk."

The press release can be found at
http://www.crimestoppers-uk.org/media-centre/crime-in-the-news/march-2009—crime-in-the-news/more-cannabis-factories

Tackling the Commercial Side of Child Sex Abuse

A new European Financial Coalition (EFC) to track and disrupt the commercial element behind child sex abuse images was introduced on 3 March 2009. Major financial, internet and technology corporations have joined forces with international policing agencies, the European Commission and specialist child protection Non-Governmental Organisations to track and disrupt child sex offenders through the money they make.

EFC is led by the Child Exploitation and Online Protection (CEOP) Centre and funded by the European Commission. It will bring together an increasing number of organisations from across all key sectors to send out a clear warning to criminals who seek to make money from the distribution of child sex abuse images.

The objective of the EFC is to bring together all stakeholder groups engaged in the fight against the commercial distribution of child abuse images in order to facilitate and support pan-European police operations, with cross-sector solutions targeting, in particular, the electronic payment systems that are used to purchase child exploitation and abuse images on the internet.

Organisations behind the coalition believe that this will ultimately help to:

- Identify, locate and safeguard victims;
- Identify, locate and arrest perpetrators;
- Identify, trace and seize the assets of offenders; and
- Educate, inform and empower key stakeholders to prevent the spread and ultimately disrupt and dismantle this type of crime once and for all.

The Chief Executive of the CEOP Centre said "Things have changed radically since the days of Operation Ore. Individual organisations, members of the financial sector and law enforcement agencies have worked hard to undermine the activities of those who sold images of child abuse as commodities. As a result, the organised crime element has diminished year on year as the risk increased and the profit reduced. The EFC provides the opportunity to tackle other tactics used by predators such as complex subscription sites and news groups. These are organised by networked paedophiles and driven by a deviant sexual interest in children, rather than by organised crime enterprises for profit."

The full press release can be found at
http://www.ceop.gov.uk/mediacentre/pressreleases/2009/ceop_03032009.asp

New Funding to Tackle Mobile Phone Crime

On 17 March 2009 the Home Office Minister announced the provision of £250,000 to help the police more swiftly identify stolen mobile phones. The scheme will operate a link between the Police National Computer (PNC) and the National Mobile Phone Register (NMPR) enabling frontline officers to quickly and easily check if a phone has been registered as stolen from its lawful owner.

The Home Office and National Mobile Phone Crime Unit have also been working with industry to build safeguards into new developments in M-Commerce, which will see mobile phones being used like debit cards. There is also to be a charter to ensure that the roll-out of M-Commerce takes crime prevention fully into consideration. This is part of a wider strategy to ensure that future developments in mobile phone technology include crime-prevention measures.

The Home Office Minister said "The rapidly developing nature of mobile technology means we must continue to work together to eliminate any future opportunities for criminals to profit from mobile theft, as new technologies develop those safeguards must be incorporated at the drawing board stage. Linking the National Mobile Phone Register to the Police National Computer will also provide enormous benefits to the fight against mobile phone crime.

Currently an average of 25 per cent of searches result in the police obtaining vital information that could result in property being retrieved and cases being solved."

The full press release can be read at http://press.homeoffice.gov.uk/press-releases/Funding-to-tackle-mobphone-crime

Think Tank Report Challenges Effectiveness of Prevent Strategy

On 9 March 2009 the independent think tank, The Policy Exchange, published a report entitled 'Choosing our friends wisely: Criteria for engagement with Muslim groups'. This report seeks to challenge the theory underpinning Preventing Violent Extremism (PVE), a key strand of the government's counter-terrorism strategy.

The report argues that the government's strategy for dealing with the Islamist challenge inside Britain, the Prevent strategy, is aimed only at preventing violent extremism and it is for this reason, the authors claim, that it has done little to counter extremism and in a number of cases actually empowered extremists.

Their report states "PVE is thus underwriting the very Islamist ideology which spawns an illiberal, intolerant and anti-western world view. Political and theological extremists, acting with the authority conferred by official recognition, are indoctrinating young people with an ideology of hostility to western values. This strategic error on the part of officialdom is born of a poverty of aspiration: the belief of the authorities that they cannot reasonably ask angry Muslims for much more than a pledge not to use violence in Britain. The effect has been to empower reactionaries within Muslim communities and to marginalise genuine moderates, thus increasing inter-community tensions and envenoming the public space."

The focus of PVE, it argues 'is characterised by an excessive veneration of the local' and is according to the report, leading to a 'lack of central oversight' which often results in the authorities 'flying blind' at grassroots level.

The report argues that to tackle violent extremism effectively requires dealing with the extremist ideology that leads people to commit acts of violence. To view anyone who stops short of advocating attacks inside Britain as someone we can do business with would be to repeat the whole 'covenant of security' mistakes of the 1980s and 1990s. There are 10 recommendations made in the report and it also sets out their new criteria for effective government engagement.

The full report 'Choosing our friends wisely: Criteria for engagement with Muslim groups' can be found at
http://www.policyexchange.org.uk/images/publications/pdfs/Choosing_Our_Friends_Wisely.pdf

ACMD Report into the Prevention of Hepatitis C Among Injecting Drug Users

The Advisory Council on the Misuse of Drugs (ACMD) released on 25 February 2009 its report entitled 'Report: the primary prevention of Hepatitis C among injecting drug users (2009)'.

This ACMD report makes clear that Hepatitis C is a significant public health issue and estimates in 2003 show that, in England and Wales, there were

190,000 individuals infected with the hepatitis C virus. The majority of these and new Hepatitis C infections are within the intravenous drug injecting community. The ACMD recognises the key importance of a combination of interventions for the primary prevention of hepatitis C.

There are 12 recommendations to help tackle the spread of Hepatitis C including:

- Provision of better intervention so that services offering methadone also provide sterile injection equipment and that needle and syringe distribution services facilitate entry into drug treatment;
- All services in regular contact with injectors to increase the frequency of Hepatitis C diagnostic testing; and
- Studies to strengthen the evidence of the impact of interventions on Hepatitis C incidence.

Dr Matthew Hickman, Chair of the ACMD Hepatitis C Prevention Working Group, said "The ACMD's report has highlighted that the number of hepatitis C infections is not declining and in some groups maybe increasing. Research suggests that among people injecting for three years or less prevalence has almost doubled over the last 10 years from 12% to 21% in 2007."

The full report 'The Primary Prevention of Hepatitis C Among Injecting Drug Users (2009)' can be viewed at http://drugs.homeoffice.gov.uk/publication-search/acmd/acmdhepcreport2?view=Binary

Case Law

NPIA Digest will be featuring a monthly selection of Lawtel Case Reports to keep readers abreast of relevant developments in the law. Lawtel, part of Sweet & Maxwell, offers instant access to UK and EU case law, legislation and articles coverage, as well as a unique update service. For more information, or a free trial, please visit Lawtel's website at http://www.lawtel.com or call 0800 018 9797.

Witness Anonymity Order Was Not Unfair

R v AZHAR NAZIR (2009)

CA (Crim Div) (Stanley Burnton LJ, Treacy J, Slade J) 20/2/2009

Criminal Evidence

Admissibility: Confessions: Joint Enterprise: Jury Directions: Murder: Witness Anonymity Orders: Exculpatory Nature Of Co-Accused's Statement: Jury Denied Opportunity To Consider Statement: Effect On Safety Of Conviction: S.76a Police And Criminal Evidence Act 1984: Criminal Evidence (Witness Anonymity) Act 2008: S.11(2)(B) Criminal Evidence (Witness Anonymity) Act 2008: S.4 Criminal Evidence (Witness Anonymity) Act 2008: S.5 Criminal Evidence (Witness Anonymity) Act 2008

A defendant's confession could be given in evidence for a co-accused.

The appellant (N) appealed against his conviction for murder. N and his co-accused (M) had been convicted of murdering N's sister (S). In his statement to the police, M had claimed to be solely responsible for stabbing S to death at the family home in an honour killing. A witness (R), who was granted anonymity at the trial, gave evidence that she had seen N pulling S back into the house when she was trying to escape. N argued that (1) the judge had misdirected the jury by telling it that when considering the prosecution case against him, it could not take into account M's evidence to the police; (2) there was no justification for allowing R to give her evidence anonymously as she was not in any danger and it had deprived him of his right to a fair trial; (3) the judge's direction on joint venture was defective because it suggested that he could be convicted if he had intent to kill or to cause serious bodily harm and was present at the murder but did nothing.

HELD

(1) Under the Police and Criminal Evidence Act 1984 s.76A, a defendant's confession could be given in evidence for a co-accused. However, if the jury had been allowed to consider M's police statement, its verdict in N's case would not have been thereby affected since M had lied throughout his statement in order to protect N and other members of the family.

(2) As the anonymity order had been made before the Criminal Evidence (Witness Anonymity) Act 2008 came into force, the Court of Appeal had to

consider, under s.11(2)(b), whether the order was one that the trial court could have made if the Act had been in force at the time, and if so, whether it had deprived N of a fair trial. The anonymity order could have been made under s.4 because R would not have testified without it, her and her family's safety required it, and it was consistent with N's receiving a fair trial. In view of the relevant considerations under s.5, there was no doubt that N's trial was not rendered unfair as a result of the anonymity order.

(3) The judge had made it clear that mere presence without more was not a crime. He had directed the jury that in order to convict N, it had to be sure that not only was he on the scene, but that he intended to, and did by his presence, encourage M in committing murder.

APPEAL DISMISSED

Quashing Conditional Caution Does Not Automatically Render Subsequent Prosecution Unfair

R (on the application of GUEST) v DIRECTOR OF PUBLIC PROSECUTIONS (2009)

DC (Goldring LJ, Sweeney J) 5/3/2009

Criminal Procedure - Administrative Law

Abuse Of Process: Conditional Cautions: Judicial Review: Prosecutions: Appropriateness Of Quashing Conditional Caution: Consideration Of Prosecution After Quashing: Degree To Which Prosecution Amounted To Abuse Of Process: Pt 3 Criminal Justice Act 2003

The quashing of a conditional caution accepted by an individual would not automatically render, or probably result in, any subsequent prosecution by the Crown of the offence in respect of which the conditional caution was administered an abuse of process.

The claimant (G) applied for judicial review of a decision of the defendant DPP not to prosecute the interested party (W) for an alleged offence of assault occasioning actual bodily harm, which instead allowed W to accept a conditional caution for the alleged offence. W had allegedly been admitted to G's house late at night where he then allegedly assaulted G in his bedroom over a five to ten minute period. G was allegedly punched by W to the floor and kicked as he crawled along the floor. G purportedly sustained severe bruising to his right eye, cuts to his face that required four stitches and other injuries. The fact that G had suffered such injuries was supported by photographic evidence. W subsequently wrote a without prejudice letter to G in which he apologised for his actions. The Crown decided not to prosecute W and allowed the police to administer a conditional caution that required W to pay £200 compensation to G. In response to an initial complaint by W the

Crown stated that the reasons for not prosecuting W and instead offering him a conditional caution were primarily the fact that W and G were both 50 years old, no weapons had been used, W had some not insubstantial mitigation and G's wounds had healed. Thereafter, the Crown in response to a pre-action letter stated that the decision not to prosecute W was erroneous but that it had no power to rescind the caution. The Crown subsequently conceded that the decision not to prosecute fell to be quashed. An issue arose as to whether it was appropriate to quash the conditional caution administered to W.

HELD

(1) The decision not to prosecute and the decision to administer a caution were part and parcel of the one decision and it was artificial to try and separate them. Accordingly, if one fell to be quashed so did the other.

(2) There was no doubt that the decision not to prosecute and to administer a caution was fundamentally flawed:

(a) it was clear that the alleged offence passed both the evidential and the public interest threshold of the Code for Crown Prosecutors. In particular regard had to be given to the fact that W had made admissions and the alleged offence was a very serious assault that occurred at night in the presence of G's partner;

(b) pursuant to the Conditional Cautioning Code of Practice Annex A, it was inappropriate to administer a conditional caution for an offence of assault occasioning actual bodily harm;

(c) the reasons given for administering a conditional caution were not appropriate as required by the Director's Guidance on Conditional Cautioning;

(d) contrary to the Director's Guidance on Conditional Cautioning Annex B, which required the participation of a victim in the decision to administer a conditional caution, G had not been involved at all;

(e) in the light of G's injuries and the photographs of those injuries, there had been limited consideration as to the appropriateness of £200 compensation for the injuries suffered by G.

(3) It could not be said that the instant judicial review proceedings were merely academic because it could be asserted by the Crown that if the conditional caution was quashed any prosecution was likely to be unsuccessful because it might amount to an abuse of the court process. Criminal proceedings were not a game; whether in any given case a court would stay criminal proceedings before it was a matter for that court to determine. In the instant case through the conditional caution W had accepted guilt as to the alleged offence and had been given the chance to pay a negligible fine. If that conditional caution was quashed W stood in no worse situation than if it had never existed as his admissions of guilt would no longer stand and the compensation would be repaid. Moreover the quashing of the conditional caution would not amount to an affront to the public interest but rather the reverse. Further it could not be said that, where a conditional caution in respect of an alleged offence was

quashed, any subsequent prosecution in respect of that alleged offence would inevitably amount to an abuse of proceedings, Jones v Whalley (2006) UKHL 41, (2007) 1 AC 63 considered.

(4) (Per Curiam) By the Criminal Justice Act 2003 Pt 3, Parliament had decided to place a very considerable responsibility on the Crown. By deciding that it was appropriate to deal with a matter through the administration of a caution, the courts were by-passed and an individual to whom such a caution was administered would not appear before any court. The importance that the Crown took decisions relating to the appropriateness of administering a conditional caution conscientiously could hardly be overstated. There would be clear damage to a victim and the public interest if no regard was had to the various provisions that governed the appropriateness of administering a conditional caution.

APPLICATION GRANTED

Application to Cross-Examine Rape Victim Regarding Previous Sexual Behaviour Not Similar to Alleged Offence Refused

R v WAYNE LEE HARRIS (2009)

CA (Crim Div) (Thomas LJ, Griffith Williams J, Sir Robert Nelson) 9/3/2009

Criminal Evidence - Criminal Procedure

Bad Character: Cross-Examination: Jury Directions: Medical Records: Propensity: Sexual Behaviour: Similarity: Previous Similar Sexual Behaviour: S.41(3) Youth Justice And Criminal Evidence Act 1999: S.103(1)(A) Criminal Justice Act 2003: S.101(3) Criminal Justice Act 2003

When refusing an application under the Youth Justice and Criminal Evidence Act 1999 s.41(3) to cross-examine a rape victim about medical documents which referred to her previous sexual behaviour, a judge had been entitled to conclude that there was insufficient similarity with the events out of which charges against the offender had arisen, and that allowing cross-examination would have raised matters relating to her sexual behaviour rather than similarity.

The appellant offender (H) appealed against a conviction for false imprisonment, assault occasioning actual bodily harm and rape. The victim (V) had consumed excessive amounts of alcohol with H in her flat. V later alleged that H had kept her in the flat, threatened her, been violent and forced her to have intercourse. H stated that intercourse had been consensual and that he had used violence in self-defence. He had previous convictions for violent offences. At trial, H applied to cross-examine V under the Youth Justice and Criminal Evidence Act 1999 s.41(3) about medical documents which referred to her having a history of casual sex, drinking alcohol excessively and

engaging in risky sexual liaisons, on the basis that that was a similar course of conduct. V argued that the medical notes had misinterpreted what she had said. The judge refused the application. He found that there was no similarity within the meaning of s.41(3) and that to grant permission would have been tantamount to saying that having had casual sex in the past, V was likely to have done so with H. The judge allowed the Crown to adduce evidence of bad character pursuant to the Criminal Justice Act 2003 s.103(1)(a). He held that the offences established a propensity to use violence when thwarted and that made it more likely that H had committed the offences charged as it went to the issue of responsibility for starting the violence and that it was not unfair or unjust to admit the evidence. The judge warned the jury about how to treat that evidence and reminded it that H had no previous convictions for sexual offences and that a large number of violent offences had been for assaults on police officers. The court was required to determine whether (i) the judge had erred in refusing the application to cross-examine; (ii) the judge had correctly decided to admit the bad character evidence. H submitted that the judge had erred in admitting the bad character evidence as his previous convictions did not show a propensity to use violence for gain or to subdue a person to obtain sexual relations.

HELD

(1) The judge had adopted a view on similarity which had been open to him within the margin of judgment open to a decision-maker. He had been entitled to conclude that what was set out in the documents was not sufficiently similar to what had been alleged by H to have happened. He had also been entitled to conclude that cross-examination on the basis of what was set out in the documents would have brought into play matters in relation to V's general sexual behaviour and not the similarity of the occasions. The ruling was therefore one that could not be successfully challenged in the instant court. Moreover, if V had been cross-examined on the documents, there would have been no other evidence to contradict what she had made clear she would say, namely that the medical notes had misinterpreted what she had said. It would therefore be difficult to see how it could have been asserted that there was any similarity, without the principle purpose of cross-examination conducted in that way being to impugn her credibility.

(2) The judge had been right to admit the bad character evidence, provided he had given the jury a proper direction as to how the evidence was to be used. The question as to whether H had a propensity to violence was relevant for the reasons the judge had given. The circumstances in which the violence had been used in the past went to the way in which the jury could use and evaluate that evidence, unless the evidence would adversely affect the fairness of the proceedings in which case, though relevant, the judge should exclude it pursuant to s.101(3) of the 2003 Act. The judge had not been wrong to take the view that the admission of the evidence would not adversely affect the fairness of the proceedings.

APPEAL DISMISSED

RIPA Permits Covert Surveillance of Communications Subject to Legal Professional Privilege

RE McE: RE M: RE C (2009)

HL (Lord Phillips of Worth Matravers, Lord Hope of Craighead, Baroness Hale of Richmond, Lord Carswell, Lord Neuberger of Abbotsbury) 11/3/2009

Criminal Evidence - Police

Confidential Information: Covert Human Intelligence Sources: Covert Surveillance: Legal Professional Privilege: Prisoners' Rights: Applicability Of Pt Ii Regulation Of Investigatory Powers Act 2000 To Consultations Ordinarily Attracting Professional Privilege: Generalia Specialibus Non Derogant: Principle Of Legality: Ripa: Police And Criminal Evidence (Northern Ireland) Order 1989: Pt Iii Police Act 1997: S.97 Police Act 1997: Sch.8 Para.7 Terrorism Act 2000: Art.8 European Convention On Human Rights: S.28 Regulation Of Investigatory Powers Act 2000: Pt Ii Regulation Of Investigatory Powers Act 2000: R.71 Prison And Young Offenders Centre Rules (Northern Ireland) 1995: S.6 Human Rights Act 1998

The Regulation of Investigatory Powers Act 2000 Pt II permitted the covert surveillance of communications between lawyers and their clients, even though those communications might be covered by legal professional privilege and notwithstanding the various statutory rights of people in custody to consult privately with their lawyers.

The court was required to determine questions certified by the Divisional Court ((2007) NIQB 101) regarding the covert surveillance of interviews and consultations protected by professional privilege. The appellants, who had each been arrested and detained for questioning in unrelated circumstances, had sought assurances from the police that consultations with their solicitors and, in McE's case, with his medical consultant, would not be subject to covert surveillance. The police had declined to either confirm or deny that monitoring would take place. The appellants had brought applications for judicial review, seeking declarations that they were entitled to hold such consultations without being monitored, and that the failure to provide assurances was unlawful. The Divisional Court had granted their applications, holding that monitoring such consultations would be unlawful and that the refusal of the police to give the assurances had been a violation of the European Convention on Human Rights 1950 art.8(2). The majority held that the Regulation of Investigatory Powers Act 2000 Pt II was intended to extend to consultations between legal advisers and their clients, but that surveillance in the instant circumstances was not proportionate. Questions had been certified for the instant court concerning the impact of RIPA on the common law right of legal professional privilege and its impact on a number of statutory provisions affording rights to detained persons to consult a lawyer privately, namely the Police and Criminal Evidence (Northern Ireland) Order 1989, the Terrorism Act 2000 Sch.8 para.7 and the Prison and Young Offenders Centre Rules (Northern Ireland) 1995 r.71. Further questions concerned the application of the Home Office Code of Practice on Covert Surveillance, and whether covert directed surveillance

carried out in accordance with s.28 of RIPA and the Code of Conduct infringed art.8 of the Convention or the Human Rights Act 1998 s.6. The appellants submitted that the principle of legality applied, so that RIPA could not have been intended to override fundamental human rights. They also submitted that the maxim of generalia specialibus non derogant applied, so that the general authorisation of surveillance in RIPA could not have been intended to interfere with the right to private legal consultations conferred on detained persons by specific statutory provisions.

HELD

(Lord Phillips dissenting on the application of RIPA to the specific rights to private legal consultations conferred by statute, and as to the applicability of the maxim generalia specialibus non derogant).

(1) A number of reasons supported the conclusion that Parliament had intended that the covert surveillance provisions of RIPA should extend to consultations that were ordinarily protected by professional privilege:

(a) in its natural and ordinary sense, RIPA was capable of applying to privileged consultations and there was nothing in its wording that would operate to exclude such consultations, R v Secretary of State for the Home Department Ex p Simms (2000) 2 AC 115 HL applied and R (on the application of Morgan Grenfell & Co Ltd) v Special Commissioners of Income Tax (2002) UKHL 21, (2003) 1 AC 563 considered;

(b) it was not a clear case for the application of generalia specialibus non derogant, Effort Shipping Co Ltd v Linden Management SA (The Giannis NK) (1998) AC 605 HL considered. The 1989 Order, the 2000 Act and the 1995 Rules had simply been designed to ensure that the various categories of detained persons could have professional consultations in private, there being no question that covert surveillance might be carried out. They were not special exceptions to be preserved when a general rule enabling surveillance was later passed into law;

(c) there was a need to incorporate exceptions to the inviolability of privileged consultations, otherwise privilege could be abused. The limits to situations where it might be lawful to monitor privileged consultations had not been defined, but they could not exist if the rule against surveillance of privileged consultations was absolute, Brennan v United Kingdom (39846/98) (2002) 34 EHRR 18 ECHR considered;

(d) the Code of Conduct made detailed provision for obtaining authorisation for monitoring consultations covered by legal professional privilege and Parliament had not objected to the inclusion of those provisions, which would be surprising if it was thought that Parliament had not intended the consultations to be covered by RIPA;

(e) the exception relating to legal privilege in the Police Act 1997 s.97 was intended to be a special provision limiting the general powers conferred by Part III of the Act. It did not follow that the Act would not have applied to privileged consultations without s.97.

(2) Accordingly, s.28 of RIPA overrode or qualified the right of a person to consult in private with a legal adviser under common law. It also overrode or qualified the right of a person to consult in private with a legal adviser under any of the provisions relied upon by the appellants.

(3) There was no absolute prohibition on covert surveillance in the circumstances raised by the instant case for the purposes of human rights considerations, but the court endorsed the comments of the court below concerning proportionality. It was regrettable that, following the Divisional Court's finding that the monitoring of legal consultations in police stations or prisons could not lawfully be authorised under the Code, the Secretary of State had taken no steps to characterise such surveillance as intrusive surveillance, with the safeguards that went with that level of surveillance.

APPEALS DISMISSED

Knowledge that Receiver of Instruction or Training Intended to Use Skills Learned for Terrorist Purposes Is Not Required for Section 8 Terrorism Act 2000 Offence

R v (1) KIBLEY DA COSTA (2) MUHAMMED AL-FIGARI (3) KADER AHMED (4) MOHAMMED HAMID (5) ATILLA AHMET (2009)

CA (Crim Div) (Hughes LJ (V-P), King J, Sharpe J) 4/3/2009

Criminal Law

Attendance At Terrorist Training Places: Certainty: Jury Directions: Knowledge: Terrorist Training Offences: Interrelationship Between S.6 And S.8 Terrorism Act 2006: S.8 Terrorism Act 2006: S.6 Terrorism Act 2006: S.6(1)(B) Terrorism Act 2006: S.6(3)(B) Terrorism Act 2006: Art.7 European Convention On Human Rights

In order for an offence under the Terrorism Act 2006 s.8 to be made out, it was not necessary that the provider of the instruction or training knew that at least one of those receiving it intended to use the skills learned for terrorist purposes.

The applicants (H, D, X and Y) applied for leave to appeal against their convictions for terrorist offences under the Terrorism Act 2006 s.6 and s.8. The Crown's case was that H had run training camps attended by D, X and Y. H was charged under s.6 of the Act and D, X and Y under s.8. Because it was claimed that D had assisted in the organisation of one of the camps, he also faced an additional charge under s.6. At the close of the trial, counsel and the judge had agreed that on s.6 the jury would be directed that they had to be sure that H had provided instruction or training in the use of any method or technique for doing something that was capable of being done for the purposes of terrorism or the preparation of an act of terrorism, knowing that those receiving the instruction or training intended to use it for that purpose. After the jury had been in retirement for two weeks they asked whether the s.8 offence lay in the defendant's knowingly attending the training, even if he had no intention of using that training for terrorism. That raised the question of whether they had understood that the offence under s.6(1)(b) required at least one person attending the event to intend to use the skills learned for terrorist purposes. The issues were whether (i) the judge ought to have added to his s.6 direction as a result of the jury's question; (ii) s.8 contained no requirement that the attendee had the intention of putting the training to terrorist use, or whether a requirement that at least one attendee had to intend to put the training to terrorist use was imported into s.8 from s.6; and (iii) the concept of terrorist training as prohibited by s.6(3)(b) was so uncertain as to offend both the common law and the European Convention on Human Rights 1950 art.7 and had to be read down in a manner that excluded fitness training from its scope.

HELD

(1) The submission that H and D's convictions on the s.6 counts were unsafe was unarguable. In answer to a second question by the jury, as to whether the test of what was training was an objective or subjective one,

the judge had indicated that there were elements of both. He said that the test of whether a particular activity amounted to training was an objective one, but that that person delivering the training had to know that one or more of those receiving it intended to use it for a terrorist purpose. He summarised the position by saying "Did he intend that one or more of those receiving it should use it for that purpose?". While that was clearly insufficient as a general exposition of all the requirements of s.6, that was not what it purported to be. It was an answer to a specific question and was not intended to be a substitute for a general direction on s.6. The jury had been told very clearly what everybody agreed they should be told. Directions were not intended as a lecture in law, but were intended to be tailored to the issues raised by the evidence in the case. The instant case had been conducted throughout on the basis that those who attended the camps plainly had a common purpose, and the issue for the jury was what it was. The nature of the training was elementary militaristic training; the attendees were trained in handling sticks as mock guns, in adopting firing positions and in moving across the country out of observation or line of fire. It was delivered by somebody who habitually preached murder, and was received by people who habitually listened to him preaching murder. It did not appear simply to have been either keep-fit or outdoor fun.

(2) In order for an offence under s.8 to be made out, it was not necessary that the provider of the training knew that at least one of those receiving it intended to use the skills learned for terrorist purposes. The words in section 8(1)(b) "of the type mentioned in section 6(1)" referred to the character of the training rather than to the state of mind of its provider.

(3) While the words of s.6(3)(b) were very wide, its breadth was a matter of policy for Parliament. Certainty was provided by the requirements in s.6(1)(b) that before he could be convicted, a defendant had to know that at least one of those he was training has the intention of putting the training to terrorist use, R v Zafar (Aitzaz) (2008) EWCA Crim 184, (2008) QB 810 not applied. The submission that s.6(3)(b) had to be read down was unarguable.

APPLICATIONS REFUSED

Interpretation of 'Reasonable Excuse' Defence Under Section 58(3) Terrorism Act 2000

R v G: R v J (2009)

HL (Lord Phillips of Worth Matravers, Lord Rodger of Earlsferry, Baroness Hale of Richmond, Lord Brown of Eaton-under-Heywood, Lord Mance) 4/3/2009

Criminal Law

Burden Of Proof: Possession For Terrorist Purposes: Reasonable Excuse: Terrorist Information: Scope Of Reasonable Excuse Defence In S.58(3) Terrorism Act 2000: Defendant Proving Purpose Of Actions Not Related To Terrorism: S.57(2) Terrorism Act 2000: S.58(3) Terrorism Act 2000: S.58 Terrorism Act 2000: S.57(1) Terrorism Act 2000: S.57 Terrorism Act 2000: S.118(2) Terrorism Act 2000

The Court of Appeal in R v K (2008) EWCA Crim 185, (2008) QB 827 had erred in its interpretation of the reasonable excuse defence under the Terrorism Act 2000 s.58(3). The language of s.57(2) and s.58(3) was completely different: it was impossible to interpret the sections as if they said substantially the same thing.

The Crown appealed against decisions of the Court of Appeal in relation to the respondents (G and J). G, who was mentally ill and in prison, had been charged under the Terrorism Act 2000 s.58 for collecting information likely to be useful to a terrorist. He said that he did it to antagonise the prison staff, who he believed were provoking him. The Court of Appeal, following the decision in R v K (2008) EWCA Crim 185, (2008) QB 827, held that that was a reasonable excuse within s.58(3). In R. v K it was held that a reasonable excuse was simply an explanation that the information was possessed for a purpose other than to assist in the commission or preparation of an act of terrorism. In J's case, the judge and the Court of Appeal concluded that, where a defendant claimed that he had a reasonable excuse for possessing the relevant information, it was necessary for the Crown to prove that the possession was for a terrorist purpose. The Court of Appeal had certified points of law of general public importance arising in the cases. J argued that, where there was evidence raising a defence under s.57(2), it was not enough for the Crown to prove the elements in s.57(1); the Crown had, in addition, to prove beyond reasonable doubt that the defendant's possession of the relevant article was for a terrorist purpose. J submitted that s.58(3) should operate in the same way. The Crown argued that the court in R. v K had erred in its interpretation of the s.58(3): it had substituted for the defence of reasonable excuse a quite different defence, which was in substance a reproduction of the defence in s.57(2).

HELD

(1) In order for a defendant to be convicted under s.58(1)(b), the Crown had to prove beyond reasonable doubt that:

(a) he had control of a record which contained information that was likely to provide practical assistance to a person committing or preparing an act of terrorism;

(b) he knew he had the record;

(c) he knew the kind of information which it contained. If those elements were established, the defendant would fall to be convicted unless he established a defence under s.58(3).

(2) In s.57(1), in contrast to s.58(1), the circumstances of the defendant's possession of the article formed one of the crucial elements of the offence. The Crown did not need to prove what the defendant's purpose was in possessing the article; it merely had to satisfy the court or jury, beyond reasonable doubt, that the circumstances gave rise to a reasonable suspicion that his possession was for a terrorist purpose. The defendant was then given a defence under s.57(2).

(3) While Terrorism Act 2000 s.57 focused on the circumstances of the defendant's possession of the article, s.58 focused on the nature of the information which the defendant collected, recorded or possessed in a document or record. There was nothing in s.58(1) which required the Crown to show that the defendant had a terrorist purpose for doing what he did. Unless it amounted to a reasonable excuse under s.58(3), his purpose in doing what he did was irrelevant. There was an overlap between the two sections. The possession of a document or record could, in an appropriate case, fall within s.57 and s.58, R v Rowe (Andrew) (2007) EWCA Crim 635, (2007) QB 975 approved.

(4) Where a defendant was charged under s.57(1) with possessing an article in circumstances giving rise to a reasonable suspicion that the possession was for a terrorist purpose, and the Crown had proved all the elements of the offence beyond a reasonable doubt, but the defendant had adduced evidence to suggest that he possessed the article for a non-terrorist purpose, then, by virtue of s.118(2), the jury were to assume that the defence under s.57(2) was made out, unless the Crown proved beyond reasonable doubt that the defence was not made out. There was no need for the Crown to go further and prove, beyond reasonable doubt, that the defendant actually possessed the article for a terrorist purpose. That would be to impose on the Crown a requirement that was not to be found in s.57(1), R v Zafar (Aitzaz) (2008) EWCA Crim 184, (2008) QB 810 doubted. The same reasoning applied to s.118(2) and to the defence under s.58(3). Section 58(1) contained all the elements which the Crown must prove, irrespective of whether the defendant raised a defence under s.58(3).

(5) The Court of Appeal in R. v K had erred in its interpretation of s.58(3). The language of s.57(2) and s.58(3) was completely different: it was impossible to interpret them as if they said substantially the same thing. The Court of Appeal had stated that if the defendant proved that his purpose was not terrorism-related, the defence would be made out and he would have to be acquitted, even if his purpose might infringe some other provision of the criminal or civil law. Parliament could not have intended s.58(3) to be interpreted or applied that way, R. v K overruled in part.

(6) G's reason for collecting the information was not a reasonable excuse. There was no question of his mental illness making his actions reasonable. The judge in J's case had adopted the wrong approach in following R. v K. The Crown's appeals were allowed.

APPEALS ALLOWED

Statutory Interpretation of 'Inclosed Area' for Purposes of Section 4 Vagrancy Act 1824

AKHURST & ORS (Appellants) v ENFIELD MAGISTRATES' COURT (Respondent) & DIRECTOR OF PUBLIC PROSECUTIONS (Interested party) (2009)

DC (Goldring LJ, Sweeney J) 12/3/2009

Criminal Law

Area: Statutory Interpretation: Vagrancy: Meaning Of "Inclosed ... Area" In S.4 Vagrancy Act 1824: Inclosed Areas: S.4 Vagrancy Act 1824

The words "inclosed ... area" in the Vagrancy Act 1824 s.4 had to be interpreted in a restrictive manner that took into account the wording of the rest of the section. On that interpretation campuses of a university could not amount to inclosed areas for the purpose of s.4.

The appellants (X) appealed by way of case stated against a decision of the respondent magistrates' court to convict them of four counts of being found in an inclosed area contrary to the Vagrancy Act 1824 s.4. Informations had been laid against X alleging that they had been found in different campuses of a university, those campuses being inclosed areas for the purposes of s.4 of the Act, for an unlawful purpose. The sizes of the campuses in question were of the order of 400m by 300m or 200m by 200m. The magistrates' court found as facts that: (i) the university in question had an open access policy at the campuses in question; (ii) staff and visitors were permitted to enter the university without having to notify staff of their presence; (iii) visitors were directed to a reception area; (iv) there were a number of closed circuit television cameras placed around the university, which showed X on the campuses; (v) X had entered various university buildings; (vi) X were of bad character. The magistrates' court held that X's behaviour observed on the closed circuit television footage was questionable, that X had been present at the university for an unlawful purpose and that the university grounds and buildings were an inclosed area within the meaning of s.4 so that the alleged offences had been proved. The question posed for the opinion of the High Court was whether the magistrates' court was correct in its finding that the university grounds and buildings were inclosed areas within the meaning of s.4. X contended that there was no evidence that the university campuses were inclosed areas for the purposes of s.4 as their boundaries were punctuated by paths and roads and they were of a much larger area than that

contemplated by the Act. X further contended that the university grounds and buildings were of a much larger area than that contemplated by the Act so that they could not amount to inclosed areas. The interested party DPP contended that s.4 had to be regarded disjunctively and the fact that the word "area" was preceded by "coach-house, stable, or outhouse, or in any inclosed yard, garden..." did not mean that a restrictive meaning should be given to "inclosed ... area".

HELD

It was clear from the authorities that a restrictive approach had to be applied to s.4 and that the word "area" had to be taken in the context of the rest of the section, Knott v Blackburn (1944) KB 77 KBD and Talbot v DPP (2000) 1 WLR 1102 DC applied. It was not open to the court to interpret the authorities to take account of the changes of time since the passing of the Act. The substantial parts of the university that were alleged to constitute an inclosed area in each of the four informations were not an "inclosed ...area" for the purposes of s.4. Accordingly, it was appropriate to answer the question posed for the opinion of the High Court in the negative.

APPEAL ALLOWED

Completion of Request for Information by Driver On Behalf of Registered Keeper Did Not Satisfy Requirement to Complete Request Sent to Driver Personally

DUFF v CROWN PROSECUTION SERVICE (2009)

DC (Goldring LJ, Sweeney J) 5/3/2009

Road Traffic - Criminal Law - Criminal Procedure

Failure To Identify Driver: Forms: Requests For Information: Time Limits: Service Of Request For Driver Information: Completion Of Request By Driver Rather Than Registered Keeper: Validity Of Completed Request In Respect Of Driver: S.172 Road Traffic Act 1988

The completion of a request for information, as to the identity of the driver of a vehicle, sent to the registered keeper of the vehicle pursuant to the Road Traffic Act 1988 s.172, by the driver of the vehicle in question did not obviate that driver's statutory requirement under s.172 of the Act to complete a later request for information sent to him personally.

The appellant (D) appealed by way of case stated against a decision of the Crown Court to dismiss his appeal against conviction for failing to provide information as to the identity of the driver of a vehicle when required to do so contrary to the Road Traffic Act 1988 s.172(3). A speed camera had captured a vehicle, of which D's wife was the registered keeper, driving at an allegedly excessive speed. A request for information pursuant to s.172 was sent to D's wife as registered keeper of the vehicle. That request was in fact signed and completed by D who provided his details. Thereafter a notice of intended prosecution and a request for information pursuant to s.172 was sent to D, but he did not reply, having sought legal advice. Thereafter, D was summoned for failing to furnish information contrary to s.172(3). D offered no evidence in the magistrates' court and he was convicted. On appeal before the Crown Court the issues were firstly, whether D, having signed and returned the request for information addressed to his wife, was not guilty of failing to complete and return the request for information addressed to himself since he had already purportedly supplied the required information; secondly, whether the statutory period for permitted reply had elapsed by the final date specified in the summons. The Crown Court found the original request for information made clear that it was for the person to whom the form was addressed to be completed and that D had failed to comply with the request for information addressed to him. The Crown Court further found that the statutory period for permitted reply had elapsed by the final date specified in the summons. The questions posed for the opinion of the High Court were (i) whether there was sufficient evidence to convict D of failing to furnish information of the identity of the driver of the motor car contrary to s.172(3); (ii) whether the dates on the request for information were erroneous and if so whether the summons was a material averment that failed to disclose a criminal offence.

HELD

(1) It could not be said the request for information that was sent to D's wife was a valid request for information in respect of D such that his

completion of that form meant that he did not have to comply with the request for information served on him, Jones (Dafydd) v DPP (2004) EWHC 236 (Admin), (2004) 168 JP 393 and R (on the application of Hatton) v Chief Constable of Devon & Cornwall (2008) EWHC 209 (Admin) considered. Accordingly, given that D had failed to comply with the request for information served on him, the answer to the first question posed for the opinion of the High Court was yes.

(2) The 28-day period for compliance with the request for information ran from the day that it was served on D and it was clear that by the final date specified on the information the statutory period for permitted reply had elapsed, University of Cambridge v Murray (1993) ICR 460 EAT considered. Accordingly, the answer to the second question posed for the opinion of the High Court was no.

APPEAL DISMISSED

SI 460/2009 The Police Act 1997 (Criminal Records) Regulations 2009

In force **1 April**. These Regulations make provision in relation to certificates of criminal records under Part V of the Police Act 1997. The Criminal Records Bureau (CRB) and the Scottish Crime and Drug Enforcement Agency are prescribed as police forces for the purposes of section 113B of that Act, conferring on them functions of providing information in relation to applications for enhanced criminal record certificates. The CRB is prescribed as a relevant police force only in relation to such an application which shows no UK residence address in the last five years, where no other police force appears relevant to the application.

The Regulations also provide that an applicant for a criminal record certificate or an enhanced criminal record certificate may, with the consent of the Secretary of State, choose to have their fingerprints taken by a person registered under section 120 of the 1997 Act rather than at a police station to provide evidence of their identity.

SI 483/2009 The Fixed Penalty Offences Order 2009

In force **31 March**. This Order, part of a package of SIs implementing part of the Road Safety Act 2006, prescribes a number of offences as fixed penalty offences. The main new offences relate to commercial vehicle drivers' hours offences, using commercial vehicles in breach of licensing and authorisation requirements, and failing to produce evidence of a certificate of professional competence.

SI 488/2009 The Fixed Penalty (Amendment) Order 2009

In force **31 March**. This Order amends the Fixed Penalty Order 2000, and specifies the penalty amount for fixed penalty offences. The order provides for fixed penalties for certain offences, and uses the powers in the Road Safety Act 2006 to graduate the level of penalty for other offences, including offences relating to drivers' hours and overloading. The level of penalty for these offences depends on the nature of the offence and how serious it is, and may be either £60, £120 or £200. The Order also amends the default level of fixed penalty for certain offences.

SI 491/2009 The Road Safety (Financial Penalty Deposit) Order 2009

In force **31 March**. This Order prescribes the offences for which an on the spot financial penalty 'deposit' may be requested from offenders who fail to provide a satisfactory UK address, by police constables and VOSA examiners. The persons whom this deposit may be taken and the circumstances in which the deposit may be required are prescribed.

SI 492/2009 The Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009

In force **31 March**. This Order prescribes the amount of financial penalty deposit that may be required from an offender in respect of the offences prescribed in SI 491/2009 detailed above.

SI 493/2009 The Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009

In force **31 March**. These Regulations provide powers for authorised persons to fix an immobilisation device to vehicles which have been prohibited from being driven in connection with a contravention of drivers' hours rules, or under powers to prohibit the driving of foreign goods and public service vehicles, unfit or overloaded vehicles, or vehicles where a financial penalty deposit has not been paid. The Regulations provide powers to move the vehicle, or direct it to be moved, in order that the device may be fixed to it. Removal and disposal provisions are also included. Offences in connection with immobilisation and removal, and in relation to false or misleading statements, are also created by the Regulations. Certain provisions of the Road Traffic Offenders Act 1988, such as the requirement for a warning of prosecution to be given, are applied in relation to these offences. 'Authorised person' is defined in paragraph 10 of Schedule 4 to the Road Safety Act 2006 and depends on the power used to prohibit the driving of the vehicle.

SI 494/2009 The Fixed Penalty (Procedure) (Amendment) Regulations 2009

In force **1 April**. These Regulations amend the Fixed Penalty (Procedure) Regulations 1986, to take account of changes to the fixed penalty regime. Amendments include changing references to driving licences to cover situations where the offender does not hold a driving licence, following the change allowing fixed penalties to be issued to drivers without a driving licence.

SI 494/2009 The Fixed Penalty (Procedure) (Vehicle Examiners) Regulations 2009

In force **1 April**. These Regulations make provision the procedure where a fixed penalty notice is issued by a vehicle examiner, including requiring certain information to be given on a penalty notice, receipt for driving licence (if held) and registration certificate issued by the examiner.

SI 498/2009 The Road Safety (Financial Penalty Deposit) (Interest) Order 2009

In force **31 March**. This Order makes provision for the rate of interest to be applied to a financial penalty deposit where that sum, or a part of it is to be refunded, for example where the financial penalty deposit exceeds a court fine imposed on the offender, or where the person is not prosecuted. That rate is the Bank of England base rate at the beginning of the day that the payment of the amount was made.

SI 504/2009 The Offender Management Act 2007 (Establishment of Probation Trusts) Order 2009

In force **1 April**. This Order establishes the Lancashire Probation Trust and the Greater Manchester Probation Trust. These trusts replace, in these areas, the arrangements of the National Probation Service for England and Wales.

SI 547/2009 The Offender Management Act 2007 (Commencement No. 4) Order 2009

In force **1 April**. This Order brings into force specified provisions regarding the provision of probation services of the Offender Management Act 2007, in relation to Lancashire and Greater Manchester.

SI 554/2009 The Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9) Order 2009

In force **11 March**. This Order continues in force for the period of one year the provisions of sections 1 to 9 of the Prevention of Terrorism Act 2005. These sections enable the Secretary of State to make a control order against an individual. This power can only be used where the Secretary of State has reasonable grounds to believe that the individual is or has been involved in terrorism-related activity, and it is necessary to impose obligations on that individual for purposes connected with protecting members of the public from a risk of terrorism.

SI 578/2009 The Proscribed Organisations (Name Change) Order 2009

In force **2 April**. This Order provides that Jama'at ud Da'wa is to be treated as another name for Lashkar e Tayyaba, an organisation listed in Schedule 2 to the Terrorism Act 2000. Organisations listed in this Schedule are 'proscribed' for the purposes of Part 2 of the Terrorism Act 2000, which includes offences in relation to such organisations.

SI 613/2009 The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2009

In force **3 April**. This Order designates a number of countries as 'participating countries' in relation to specified provisions of the Crime (International Co-operation) Act 2003 ('the Act'). The Act provides statutory powers which allow the UK to seek and provide forms of legal assistance in criminal matters. These include powers to facilitate witnesses in the UK to give evidence in proceedings abroad by telephone, powers to request information about banking transactions for use in the UK, and powers to enable overseas prisoners to be transferred to the UK to assist with investigations. The Order designates Bulgaria and Romania for certain provisions of the Act, and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia for other provisions of the Act.

SI 616/2009 The Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) (Amendment) Order 2009

In force **3 April**. This Order defers the date on which sections 177 and 179 to 180, together with Schedules 8 and 9 to, the Criminal Justice Act 2003, from 4 April 2009 to 4 April 2010. These provisions deal with community orders for 16 and 17 year olds. It is anticipated that these provisions are to be repealed and replaced by provisions in the Criminal Justice and Immigration Act 2008 before 4 April 2010. Commencement of related amendments is also deferred.

SI 619/2009 The Polygraph Rules 2009

In force **8 April**. These Rules govern the conduct of polygraph tests given to certain sex offenders who have been released from prison on licence, in pursuance of a licence condition made under section 28(1) of the Offender Management Act 2007. These tests are to be used in a pilot to run for three years in nine police areas in the East and West Midlands.

SI 722/2009 The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations 2009

In force **14 April**. Part 2 of the Sexual Offences Act 2003 requires certain sex offenders to notify specified personal details to police, by attending a police station in their local police area which has been prescribed in Regulations. These Regulations prescribe the police stations listed as police stations at which these notifications can be made.

Notes

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