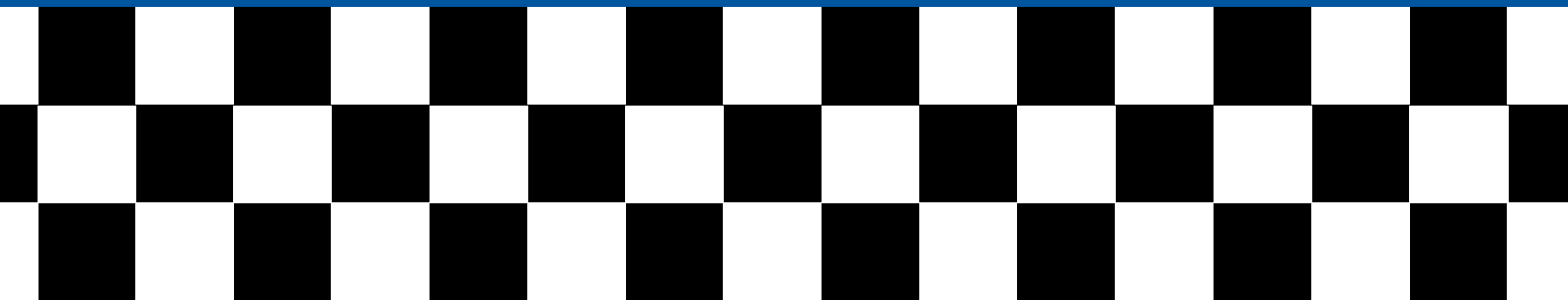


Digest

May 2010

A digest of police law, operational policing practice and criminal justice



The NPIA Digest is a journal produced each month by the Legal Services Team of the Chief Executive Officer Directorate. The Digest is a primarily legal 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 Digest, information is included from Governmental bodies, criminal justice organisations and research bodies. As such, the Digest should prove an invaluable guide to those responsible for strategic decision making, operational planning and police training.

The Case law is produced in association with



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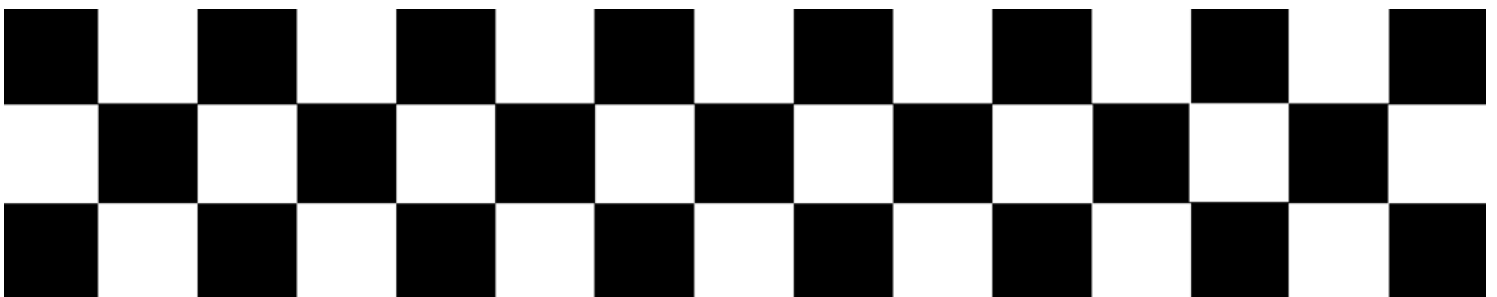
May 2010

Digest

Legal Services

Chief Executive Officer Directorate

www.npia.police.uk/digest



In this month's edition of the NPIA Digest.....

This edition contains a summary of issues relating to police law, operational policing practice and criminal justice. New legislation, statutory instruments and case law are covered. The *NPIA Digest* includes articles outlining recently published Government and Parliamentary reports and initiatives. As usual, the *NPIA Digest* also covers the latest Home Office Circulars, research papers, Codes of Practice and guidance.

A number of Parliamentary Bills have received Royal Assent this month, details of which are included in the progress report on Bills before Parliament. The changes to the law making mephedrone a controlled drug are outlined within the Home Office Circular on the subject.

Articles are also included on some of the new offences and initiatives, including the new powers to search for and seize nationality documents, the new offences relating to prostitution, the phased roll out of the child sex offender disclosure scheme and the ability to issue Drinking Banning Orders on conviction. Also covered are circulars on offences of stirring up hatred on the grounds of sexual orientation and offences relating to slavery, servitude and forced or compulsory labour.

Statistics on police powers and procedures and police use of Tasers have been published and summarised within this month's edition. The IPCC revised statutory guidance, and the NPIA Science and Innovation Strategy are also covered.

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Bills Before Parliament 2009/10 - Progress Report

Dissolution of Parliament took place on 12 April. The State Opening of Parliament, where the next session of Parliament will begin, will take place on 25 May 2010.

The following Bills from the 2009/10 session have progressed as follows through the parliamentary process:

Public Bills

- ◆ **Bribery Bill** - this Bill received Royal Assent on 8 April, and is now the Bribery Act 2010;
- ◆ **Crime and Security Bill** - this Bill received Royal Assent on 8 April, and is now the Crime and Security Act 2010;
- ◆ **Equality Bill** - this Bill received Royal Assent on 8 April, and is now the Equality Act 2010;
- ◆ **Human Rights Act 1998 (Meaning of Public Authority) Bill** - this Bill will not progress any further through Parliament as the session has ended;
- ◆ **Powers of Entry etc. Bill** - this Bill will not progress any further through Parliament as the session has ended.

The Acts which have received Royal Assent are not yet in force.

Bribery Act 2010

The Bribery Act 2010 replaces bribery law, consolidating it into one Act. It creates offences relating to bribing another person; being bribed; bribing foreign officials; and failure by commercial organisations to prevent bribery. Proceedings for offences under the Act can only be instituted in England and Wales by, or with the consent of, the Director of Public Prosecutions, the Director of the Serious Fraud Office or the Director of Revenue and Customs Prosecutions. In Northern Ireland proceedings must be instituted by, or with the consent of, the Director of Public Prosecutions for Northern Ireland or the Director of the Serious Fraud Office.

Crime and Security Act 2010

The Crime and Security Act 2010 contains provisions on a number of topics. It reduces the reporting requirements on the police when they stop and search and gives additional powers to take DNA and fingerprints. It also creates a statutory framework for the retention and destruction of biometric material such as DNA samples. The Act creates methods to tackle domestic violence. Domestic Violence Protection Notices can be issued by police and must then be heard by a magistrates' court, who can then issue a Domestic Violence Protection Order. Provisions are also included relating to gang-related violence, anti-social behaviour orders, private security, air weapons and compensation for victims of overseas terrorism. The Act creates a new criminal offence of possessing an unauthorised mobile phone, or component part, in prison.

Equality Act 2010

The Equality Act 2010 consolidates anti-discrimination legislation into one Act, covering discrimination on the grounds of the protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. The Act also creates a public sector duty regarding socio-economic inequalities, and a public sector equality duty.

The progress of all of the Bills in the 2009/10 parliamentary session can be found at <http://services.parliament.uk/bills/>

Home Office Circular 10/2010: A Change to the Misuse of Drugs Act 1971: Control of Mephedrone and Other Cathinone Derivatives

Home Office Circular (HOC) 10/2010 draws attention to the statutory instruments which took effect on 16 April 2010, which classify mephedrone and other cathinone derivatives as drugs to which the misuse of drugs legislation applies.

The drugs to which the statutory instruments apply are:

- ◆ 4-Methylmethcathinone; and
- ◆ Any compound (not being bupropion, cathinone, diethylpropion, pyrovalerone or 4-Methylmethcathinone) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways, that is to say,
 - by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
 - by substitution at the 3-position with an alkyl substituent;
 - by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

This definition is intended to capture a range of derivatives to enable control of current and future trends, and will include, but is not limited to:

- ◆ 4-Methylmethcathinone (mephedrone);
- ◆ 4-Methoxymethcathinone (bk-PMMA/methedrone);
- ◆ 3-Fluoromethcathinone;
- ◆ 2-Methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one (bk-MDMA/methylone);
- ◆ 2-Methylamino-1-(3,4-methylenedioxyphenyl)butan-1-one (bk-MBDB/butylone).

The cathinones already subject to control are excluded from the definition and will continue to be controlled as they were before these statutory instruments came into force. The drug bupropion is not subject to the definition due to its legitimate uses as an anti-depressant and an aid to stop smoking.

Three statutory instruments make the changes in relation to these drugs:

- ◆ The Misuse of Drugs Act 1971 (Amendment) Order 2010 classifies the drugs as controlled drugs under Schedule 2 to the Misuse of Drugs Act 1971, bringing them subject to control as Class B drugs;
- ◆ The Misuse of Drugs (Designation) (Amendment) (England, Wales and Scotland) Order 2010 designates the drugs as being subject to section 7(4) of the Misuse of Drugs Act 1971, which prevents regulations being made to allow possession and supply etc. by doctors, dentists, vets etc.; and
- ◆ The Misuse of Drugs (Designation) (Amendment) (England, Wales and Scotland) Regulations 2010 places the drugs into Schedule 1 of the Misuse of Drugs Regulations 2001, meaning it is unlawful to possess, supply, produce, import or export the drugs except when done under licence.

The HOC sets out the codes for recording offences in Annex A.

The full HOC can be found at

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2010/010-2010/>

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.

Indefinite Notification Periods For Sex Offenders Is Incompatible With Article 8 ECHR

R (on the application of (1) F (BY HIS LITIGATION FRIEND F)) (2) THOMPSON (Respondents) v SECRETARY OF STATE FOR THE HOME DEPARTMENT (Appellant) (2010)

SC (Lord Phillips, Lord Hope, Lord Rodger, Lady Hale, Lord Clarke) 21/4/2010

Sentencing - Human Rights - Penology And Criminology

Declarations Of Incompatibility: Notification Requirements: Proportionality: Reviews: Right To Respect For Private And Family Life: Risk Of Reoffending: Sex Offenders: Absence Of Right Of Review Of Notification Requirements: Compatibility Of S.82 Sexual Offences Act 2003 With Art.8 European Convention On Human Rights 1950: S.82 Sexual Offences Act 2003: Art.8 European Convention On Human Rights

[The Sexual Offences Act 2003 s.82 was incompatible with the European Convention on Human Rights 1950 art.8 in subjecting sex offenders sentenced to 30 months or more to notification requirements for the rest of their lives and without the opportunity for review.](#)

The appellant secretary of state appealed against a decision of the Court of Appeal ((2009) EWCA Civ 792, (2010) 1 WLR 76) that, in subjecting sex offenders sentenced to 30 months or more to notification requirements for the rest of their lives and without the opportunity for review, the Sexual Offences Act 2003 s.82 was incompatible with the European Convention on Human Rights 1950 art.8. The respondents had each been convicted of sexual offences and had been given custodial sentences of 30 months or more. Each had successfully brought proceedings for judicial review seeking a declaration that the notification requirements in s.82 of the Act were incompatible with art.8 of the Convention. It was common ground that the notification requirements interfered with offenders' art.8 rights, that the interference was in accordance with the law, and that it pursued the legitimate aims of the prevention of crime and the protection of the rights and freedoms of others. The issue was whether the absence of any right to a review rendered lifetime notification requirements disproportionate to the legitimate aims that they sought to pursue.

HELD

The question of proportionality involved a consideration of the extent of the interference with art.8 rights, the value of the notification requirements in achieving the legitimate aims, and the extent to which that value would be eroded if the notification requirements were made subject to review. As to the first question, the notification requirements were capable of causing significant interference with art.8 rights. They linked the offender with the recorded particulars of his conviction and could thus be seen as being the equivalent of his being placed on a Sexual Offences Register. They carried the risk that the information that a particular individual was on a Sexual Offences Register might be conveyed to third parties in circumstances where that was not appropriate, and in those circumstances they became a much more serious interference with private life. As to the value of the notification requirements in achieving the legitimate aims, while they were important in helping the responsible authorities keep tabs on those whom they were supervising, the critical issue related to those offenders who could demonstrate that they no longer posed any significant risk of committing further sexual offences. Subjecting those offenders to the notification requirements could only impose an unnecessary and unproductive burden on the responsible authorities. The question was whether it was ever possible to be sure that an offender posed no significant risk of sexual re-offending. No evidence had been placed before the court which answered that question one way or the other. Uncertainty as to that issue could not, even under the precautionary principle, render proportionate the imposition of notification requirements for life without review. Finally, it was obvious that there must be some circumstances in which an appropriate tribunal could reliably conclude that the risk of an individual carrying out a further sexual offence could be discounted to the extent that continuance of notification requirements was unjustified. It was open to the legislature to impose an appropriately high threshold for review. Registration systems for sexual offenders were not uncommon in other jurisdictions and many had provisions for review, which suggested that the review exercise was not impracticable.

APPEAL DISMISSED



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Teachers Do Not Impliedly Consent to Assault By Working in Schools for Children With Special Needs

H v CROWN PROSECUTION SERVICE (2010)

DC (Richards LJ, Cranston J) 14/4/2010

Criminal Law - Education

Common Assault: Implied Consent: Pupils: Special Educational Needs:
Teachers: Teachers At Schools For Children With Special Educational Needs

Teachers who were employed at schools for children with special needs, including behavioural problems, did not impliedly consent to the use of violence against them by pupils.

The appellant (H) appealed by way of case stated against a decision of a youth court to convict him of two counts of common assault carried out on one of his teachers (C). H had been a pupil at a school specialising in the education of children with emotional, behavioural and social needs. H suffered from ADHD and conduct disorder. At the time of the assault, C was both a teacher and deputy headmaster. On two occasions, H assaulted C. C reported the instances to the police and H was arrested. At trial, C gave evidence stating that he had not, by virtue of his role as a teacher at a school for children with special needs, consented to being assaulted. H was convicted. The court was required to determine whether a person who was employed to teach at a school for children with special needs, including behavioural problems, impliedly consented to the use of violence against them and, in those circumstances, whether the principle in *R v Barnes (Mark)* (2004) EWCA Crim 3246, (2005) 1 WLR 910 should be extended so as to cover teachers in schools that taught children with special educational needs. H submitted that the position was analogous to cases of implied consent in the context of contact sports since any teacher at the school would have expected to have encountered minor violence and must, accordingly, be taken to have impliedly consented to that situation.

HELD

The doctrine of implied consent was a long-recognised concept in the context of contact sports; criminal prosecution in those instances was reserved to cases where the conduct complained of was grave, *Barnes* considered. Neither as a matter of new analysis or legal policy could it be said that consent to assault should be implied to a teacher at a school specialising in the education of children with special educational needs. There was little, if any similarity to conduct in sports cases where there were comprehensive rules governing instances of inappropriate conduct and reciprocity as between players that assaults would not be tolerated. In any event, if the situation were treated as being analogous then there would be a case that dinner ladies, support staff and other students would also be taken to have impliedly consented, opening the floodgates to litigation. Accordingly, there was no good reason to deprive C of his right to complain to the police on the basis that he must be taken to have consented to the type of assault suffered.

APPEAL DISMISSED



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Threats Made In Private Were Not Capable Of Giving Rise To a Fear of Unlawful Violence To Anyone Else

CAROL LEESON v DIRECTOR OF PUBLIC PROSECUTIONS (2010)

DC (Pill LJ, Rafferty J) 16/4/2010

Criminal Law

Affray: Bystanders: Threatening To Kill: Scope Of Offence Of Affray: Possibility Of Bystander Fearing For Safety: Nature Of Threat Personal And Restricted To Turbulence Between Couple: S.3 Public Order Act 1986

Magistrates had been wrong to convict an individual of affray contrary to the Public Order Act 1986 s.3, following her issuing a threat to her partner in a bathroom in an unoccupied house. There was no possibility of a hypothetical bystander fearing for his safety as the exchanges were personal and restricted to turbulence between the couple, and so could not have given rise to a fear of unlawful violence to anyone else.

The appellant (L) appealed by way of case stated against a decision of the magistrates' court convicting her of the offence of affray. L and her partner (O) shared a home with their two children. L had a long-standing alcohol problem and personal psychiatric difficulties. One evening, at a time when the children were away and were not expected home, O had been upstairs taking a bath when L returned from a local public house drunk, entered the bathroom with a kitchen knife with a six-inch blade and informed O, "I am going to kill you". Her demeanour was calm and she was not hysterical. O disarmed her easily and, after returning the knife to the kitchen and phoning a neutral friend (D) for support, called the police. L was arrested and charged with affray contrary to the Public Order Act 1986 s.3 on the basis that she had used or threatened unlawful violence against another and conduct such as to cause a person of reasonable firmness present at the scene to fear for his personal safety. At L's subsequent trial before the magistrates, O, who did not wish the prosecution to proceed, was treated as a hostile witness. Following cross-examination, it was established that at the time of the incident, the house had been securely locked and O had not felt directly threatened by L nor believed that she intended to use violence towards him. The magistrates found that whilst the chance of anyone, such as D, arriving at the house whilst L was in possession of the knife was low, they could not discount it, and that since L had made a threat to kill whilst holding a knife, that would have made a hypothetical bystander fear for his safety. They therefore convicted L of affray. The question posed for determination by the High Court was whether the magistrates were correct in deciding that an offence of affray might be committed in the circumstances of L's case where, as they found, the likelihood of a hypothetical person of reasonable firmness being present was low.

HELD

The offence of affray was aimed at the protection of a bystander from fear of unlawful violence. The offence was not to be extended so widely as to cover every case of common assault. It was not enough for the prosecution to prove that unlawful violence had been used: there had to be violence of such a kind

that a bystander would fear for his safety, R v Davison (1992) Crim LR 31 CA (Crim Div), R v Sanchez (Tina) (1996) 160 JP 321 CA (Crim Div), R v Plavec (Steven) (2002) EWCA Crim 1802, (2002) Crim LR 837 and R v Blinkhorn (Michael) (2006) EWCA Crim 1416 applied. In the instant case, having found that there was a possibility, albeit a remote one, that a bystander might be present, the magistrates had in theory been entitled to convict L of affray. However, that conclusion was troubling, given the facts of the case. The events had taken place within a matter of seconds in an upstairs room of an unoccupied house with no expectation of a third party coming home, let alone into the bathroom. The facts supported the conclusion that the threat was personal and restricted to turbulence between the two individuals involved. Though a remote possibility of a bystander arriving could give rise to affray, there was no such possibility in the instant case. The exchanges between L and O had been in private and were not capable of engaging fear in another. In those circumstances, it was not open to the magistrates to have reached the conclusion they had. The conviction could not be supported and the answer to the question posed was in the negative. The matter was, accordingly, remitted to the magistrates with a direction to acquit L.

APPEAL ALLOWED



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Defendant's Failure to Answer When Asked To Consent to Give A Blood Specimen Was Not an Unequivocal Indication That He Would Not Give the Specimen

MYLES LEO PERSAUD v DIRECTOR OF PUBLIC PROSECUTIONS (2010)

DC (Moses LJ, Tomlinson J) 20/1/2010

Criminal Law - Criminal Evidence - Criminal Procedure

Blood Samples: Breath Samples: Consent: Driving While Over The Limit: Specimen Tests: Provision Of Specimen Under S.8(2) Road Traffic Act 1988: Withdrawal Of Consent: Meaning Of Refusal To Answer Consent Question: S.7 Road Traffic Act 1988: S.5(1)(B) Road Traffic Act 1988: S.7(4) Road Traffic Act 1988: S.11(4) Road Traffic Act 1988: S.8(2) Road Traffic Act 1988: S.7(6) Road Traffic Act 1988

A magistrates' court had failed to establish that an individual charged with driving with excessive alcohol had withdrawn his consent to provide a blood or urine sample for laboratory alcohol analysis under the Road Traffic Act 1988 s.8(2), and it was therefore not entitled to convict him on the grounds that the proportion of alcohol in his original breath specimen exceeded the legally prescribed limit.

The appellant (P) appealed by way of case stated against his conviction in a magistrates' court for driving a motor vehicle after consuming so much alcohol that the proportion of alcohol in his breath exceeded the legally prescribed limit contrary to the Road Traffic Act 1988 s.5(1)(b). P had failed a roadside breath test and was arrested for driving with excess alcohol. At the police station, the lower reading of two breath specimens on the evidential breath machine was 50 microgrammes of alcohol in 100 millilitres of breath. P agreed to the election under s.8(2) of the 1988 Act to provide a blood or urine specimen for laboratory alcohol analysis as an alternative to the breath specimen. However, when asked if he consented to provide a specimen of blood that would be taken by a doctor or healthcare professional, he refused to answer. The question came from a form that had been devised by the Department for Transport that attempted to provide guidance and reflect changing case law, but which did not have the force of law. The police officer took the lack of answer as a refusal to consent and P was charged. No doctor or healthcare professional was present at the time.

HELD

- (1) P had been convicted of driving with excess alcohol, and the relevant question was whether the magistrates' court was entitled to convict him on the grounds of excess alcohol in his breath. Had he been required to provide a specimen under s.7, then there could have been an offence of failure to provide a specimen without reasonable excuse under s.7(6). However, the instant case was governed by s.8(2). Therefore, once two specimens of breath had been provided, the provision of blood or urine pursuant to s.7(4) was a result of P's choice, not of any requirement. If he withdrew his election and failed to provide such a specimen he was left

with the inevitable result of a conviction on the basis of the breath specimen. However, his conduct did not amount to an unequivocal indication that he would not provide the specimen, DPP v Jackson (Failure to Provide Specimen) (1999) 1 AC 406 HL considered. The magistrates might have been able to conclude that P had withdrawn his election to replace the breath specimen with a blood or urine specimen for laboratory alcohol analysis, but from the evidence of their findings it was clear that they did not address the question. They simply recorded that the officer had taken P's refusal to answer as a refusal to consent without spelling out if it was a refusal and without indicating whether they agreed with the officer's conclusion. P was under no obligation to provide a blood specimen, but the magistrates failed to establish that he would not provide a blood specimen and had thereby abandoned his earlier election to provide a specimen for laboratory alcohol analysis. It followed that they had not been entitled to convict P on the evidence of the breath sample.

- (2) In addition, although in s.11(4) there was no requirement that the consent question on the form had to be asked in the presence of a doctor or healthcare professional, an affirmative answer to the consent question in the absence of a doctor or healthcare practitioner would not obviate the need for consent to be given again in their presence, Friel v Dickson (George Wilson) 1992 JC 144 HCJ applied. Accordingly, there was no legal impediment to the consent question being asked.

APPEAL ALLOWED



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SI 943/2010 The Animal Welfare (Electronic Collars) (Wales) Regulations 2010

In force **24 March**. These Regulations, which apply only to Wales, create a summary offence of attaching an electronic collar (a collar designed to administer an electric shock) to a cat or dog. The offence can also be committed by causing an electric collar to be attached to a cat or dog, or being responsible for a cat or dog to which such a collar has been attached.

SI 999/2010 The Policing and Crime Act 2009 (Commencement No. 5) Order 2010

In force **various dates**. This Order brings into force a number of provisions in the Policing and Crime Act 2009.

In force **19 April**:

- ◆ Section 3 (regulations about senior officers);
- ◆ Section 4 (metropolitan police force appointments);
- ◆ Section 112(2) (minor and consequential amendments and repeals and revocations) insofar as it relates to the provisions of Part 1 of Schedule 8 (repeals and revocations); and
- ◆ Part 1 of Schedule 8.

In force **8 May**. For Wales only, section 112(1) is brought into force in so far as it relates to paragraph 23 of Schedule 7 (amendments to the Licensing Act 2003).

The Order also brings Section 2 (Police Senior Appointments Panel) into force, on **1 September**.

SI 1004/2010 The Identification and Traceability of Explosives Regulations 2010

In force **5 April 2012**. These Regulations implement in Great Britain the Commission Directive 2008/43/EC by setting up a system for the identification and traceability of explosives for civil uses. Regulation 4 requires manufacturers and importers of explosives to which the Regulations apply to label explosives in a prescribed manner. Regulation 6 requires certain persons who manufacture, import, distribute, acquire or keep explosives to which the Regulations apply to, in relation to explosives manufactured in or imported into Great Britain after 5 April 2012, keep a record in respect of the explosive.

Chief officers of police are the enforcing authorities for Regulations 4 and 6 in relation to persons holding a licence, or a person registered, by that chief officer under the Manufacture and Storage of Explosives Regulations 2005.

SI 1108/2010 The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revisions to Codes E and F) Order 2010

In force **1 May**. This Order brings the revised Codes of Practice E and F laid before Parliament into operation. The revisions allow audio recording of interviews (under Code E) and visual recording of interviews (under Code F) to be recorded by secure digital network as an alternative to removable media.

SI 1143/2010 **The Misuse of Drugs (Designation) (Amendment) (England, Wales and Scotland) Order 2010**

In force **16 April**. This Order adds mephedrone and other cathinone derivatives into Part 1 of the Schedule to the Misuse of Drugs (Designation) Order 2001. This makes the drugs subject to section 7(4) of the Misuse of Drugs Act 1971. This prohibits regulations which would allow medicinal uses by doctors, dentists, vets etc. of these drugs.

SI 1144/2010 **The Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2010**

In force **16 April**. These Regulations add mephedrone and other cathinone derivatives into Schedule 1 of the Misuse of Drugs Regulations 2001, which regulate how drugs can be imported, exported, produced, supplied or possessed and set record keeping, labelling and destruction requirements as regards those drugs.

SI 1183/2010 **The Criminal Justice Act 2003 (Commencement No. 24 and Transitional Provisions) Order 2010**

In force **various dates**. This Order brings provisions of the Criminal Justice Act 2003 into force, and makes transitional provisions.

In force **26 April**:

- ◆ So far as they are not already in force:
 - Section 51 (live links in criminal proceedings);
 - Section 52 (effect of, and rescission of, direction);
 - Section 54 (warning to jury); and
 - Section 56 (interpretation of Part 8 (live links));
- ◆ Section 53 (magistrates' courts permitted to sit at other locations).

These sections allow courts to direct that a witness other than the defendant may give evidence through a live link. This power was already in force in relation to proceedings for certain sexual offences at the Crown Court.

In force **1 May**:

- ◆ Section 34 (notification of intention to call defence witnesses); and
- ◆ Section 39 (faults in defence disclosure), so far as it inserts section 11(4) and (7) into the Criminal Procedure and Investigations Act 1996.

Section 34 creates a new section 6C of the Criminal Procedure and Investigations Act 1996. This requires an accused in criminal proceedings to give notice where he or she intends to call a witness, other than him or herself. Section 39 brings into force sanctions which apply to failures of disclosure in respect of the notices.

SI 1197/2010 The Al-Qaida and Taliban (Asset-Freezing) Regulations 2010

In force **8 April**. These Regulations make restrictive measures against persons and entities (designated persons) associated with Al-Qaida and the Taliban, creating the following offences:

- ◆ Dealing with funds or economic resources belonging to, or owned, held or controlled by a designated person (Regulation 3);
- ◆ Making funds or economic resources available to a designated person (Regulation 4); and
- ◆ Participating in activities the object or effect of which is to circumvent, or enable or facilitate the contravention of, Regulations 3 or 4 (Regulation 5).

SI 1207/2010 The Misuse of Drugs Act 1971 (Amendment) Order 2010

In force **16 April**. This Order inserts mephedrone and other cathinone derivatives into Part 2 of Schedule 2 to the Misuse of Drugs Act 1971, making them subject to control as Class B drugs.

SI 1223/2010 The Criminal Procedure and Investigations Act 1996 (Code of Practice for Interviews of Witnesses Notified by Accused) Order 2010

In force **1 May**. This Order brings into force the 'Code of Practice for the Arranging and Conducting Interviews of Witnesses Notified by the Accused', made under section 21A of the Criminal Procedure and Investigations Act 1996.

Home Office Circular 4/2010: UK Borders Act 2007 - Implementation of Powers to Search for and Seize Evidence of Nationality

Home Office Circular (HOC) 4/2010 details the national roll out of the powers in sections 44 to 47 of the UK Borders Act 2007, to take effect from 1 April 2010. These powers provide police and arrest trained immigration officers with the power to search premises for nationality documents, where a person has been arrested for any criminal offence.

The power is to be used only by trained officers, with the NPIA holding responsibility for integrating training into existing induction and refresher training. The HOC states that a single point of contact within each force area should be nominated to drive the use of the powers. The HOC sets out the criteria which should be used in deciding whether to use the powers:

- ◆ The power is to be focussed on high harm cases and local priorities such as domestic violence, drugs and gang-related crime;
- ◆ Checks should be made with the UK Border Agency to see whether an individual's nationality has been documented by them:
 - Where an individual is known to the police but their claimed nationality has not been verified by police;
 - If the police cannot verify that the suspect is the person they claim to be;
 - Where police are searching premises under Police and Criminal Evidence Act 1984 powers;
 - Only where properly authorised in accordance with legislation.

The full HOC can be found at

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2010/004-2010/#>

Home Office Circular 5/2010: Sections 22 - 25 of the Policing and Crime Act 2009

Home Office Circular (HOC) 5/2010 gives information on the changes made to Part 2 of the Sexual Offences Act 2003 which came into force on 1 April 2010. The changes are made by sections 22 to 25 of the Policing and Crime Act 2009 (the Act).

Section 22 of the Act makes it clear that the 6 month evidential time limit (under section 127 of the Magistrates' Court Act 1980) does not apply to applications for civil orders under Part 2 of the Sexual Offences Act 2003, those orders being: Notification Orders; Foreign Travel Orders (FTOs); Risk of Sexual Harm Orders; and Sexual Offences Prevention Orders.

Section 23 of the Act raises the age of children who must be at risk before an FTO can be made from 16 to 18. The criteria for determining whether an

offender qualifies for an FTO are also changed by section 23 to include offenders who have committed certain sexual offences against children under the age of 18 years.

Section 24 of the Act increases the maximum duration of FTOs from 6 months to 5 years. Section 25 requires individuals subject to an FTO banning them from travelling to all countries abroad to surrender their passports at a police station. It is an offence to fail to do so when required.

The HOC also provides further details of the civil orders under Part 2 of the Sexual Offences Act 2003.

The HOC can be found at

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2010/005-2010/>

Home Office Circular 6/2010: Provisions in the Policing and Crime Act 2009 that Relate to Prostitution (Sections 14 to 21)

Home Office Circular (HOC) 6/2010 provides guidance for police and practitioners who will be enforcing the provisions in the Policing and Crime Act 2009 (the Act) that relate to prostitution, which came into force on 1 April 2010. The HOC details the policy context for the changes, giving background information to consider when enforcing the legislation.

Section 14 of the Act creates a new offence, in section 53A of the Sexual Offences Act 2003, of paying for the services of a prostitute who is, or has been, subject to force. Section 15 of the Act inserts an equivalent offence in Northern Ireland, by creating article 64A of the Sexual Offences (Northern Ireland) Order 2008. The details of the offence are explained fully within the HOC.

Section 19 of the Act inserts a new section 51A of the Sexual Offences Act 2003, which creates a new offence of soliciting a person in a street or public place for the purpose of obtaining sexual services from them as a prostitute. The offences of kerb-crawling and persistent soliciting under the Sexual Offences Act 1985 are repealed. An equivalent offence for Northern Ireland is created, article 60 of the Sexual Offences (Northern Ireland) Order 2008.

The Act also amends the Street Offences Act 1959. Section 16 of the Act removes the term 'common prostitute' from section 1 of the Street Offences Act 1959, replacing it with 'person'. It also adds the term 'persistently' into the offence, so the offence will be committed by 'a person who persistently loiters or solicits in a street or public place for the purposes of prostitution'. Section 2 of the Street Offences Act 1959, allowing a person cautioned for the section 1 offence to apply to have the caution removed from their record, is repealed.

Section 17 of the Act creates a new alternative penalty to a fine for those convicted of an offence under section 1 of the Street Offences Act 1959, an Engagement and Support Order (ESO). Section 18 of the Act applies

rehabilitation periods under the Rehabilitation of Offenders Act 1974 to those sentenced to an ESO.

The HOC can be found at

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2010/006-2010/>

Home Office Circular 7/2010: The Child Sex Offender (CSO) Disclosure Scheme

Home Office Circular (HOC) 7/2010 gives information on the CSO Disclosure Scheme (the Scheme), which aims to provide parents, guardians and carers with information to enable them to better safeguard their children's safety and welfare. The Scheme allows anyone to make an application for information about a person who has contact with children. The person may not necessarily receive disclosure if there is someone more appropriate to receive such disclosure. The Scheme is being rolled out on a phased basis.

The HOC sets out the minimum standards of information to be obtained from the applicant, checks to be completed and suggested wordings to use when communicating with the applicant, or the subject of the application.

If the subject of the application has convictions for child sexual offences against children, poses a risk of harm to the child concerned and disclosure is necessary to protect the child, the HOC notes that there will be a presumption of disclosure. 'Child sexual offences' are defined as those offences listed in Schedule 34A of the Criminal Justice Act 2003.

There is not a presumption of disclosure where for some other reason the subject may pose a risk of harm to children (such as where a person poses a risk to children but has not been convicted of a child sexual offence), however such disclosure may take place under the scheme in certain circumstances. Disclosure must not take place without following all appropriate stages of the HOC, except where there is an immediate or imminent risk of harm to the child.

The HOC stresses that where it is identified that urgent action is required due to an immediate or imminent risk of harm to a child then action must be taken immediately. Existing safeguarding children procedures must be followed.

The stages of the Scheme are set out in detail within the HOC, along with the timescales to be followed. The stages of the Scheme are:

- ◆ Stage 1: Initial contact with police/register an interest;
- ◆ Stage 2: Face to face application;
- ◆ Stage 3: Empowerment/education;
- ◆ Stage 4: Full risk assessment;
- ◆ Stage 5: Decision route 'concerns' or 'no concerns'; and
- ◆ Stage 6: Disclosure and non disclosure.

The process to be followed in each stage is set out in detail within the HOC.

The HOC can be found at

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2010/007-2010/>

IPCC Revised Statutory Guidance

The Independent Police Complaints Commission (IPCC) has published revised statutory guidance to the police service and police authorities on the handling of complaints. The revised guidance, issued pursuant to section 22 of the Police Reform Act, is in effect from 1 April 2010.

The revised guidance takes account of two key developments which have taken place since 2005, when the original guidance was published: the 2008 reform of the police misconduct system and the 2008 IPCC 'Stock Take' recommendations for reform of the complaints system.

The guidance covers police officers, police staff members and special constables working within the 43 Home Office forces, the police authorities of those forces, and the agencies and non-Home Office forces who have entered into agreements with the IPCC. The guidance notes that it is the duty of all those to whom the guidance applies to have regard to it when exercising the powers and duties to which the guidance relates.

The reforms to the police misconduct system require that complaint and conduct cases arising on and after 1 December 2008 are subject to different procedures to those arising before that date. The guidance is written for cases arising on or after 1 December 2008, however includes supplementary references to the previous guidance where necessary.

The guidance is divided into five chapters: Access; Initial Handling; Resolving; Outcomes; and Monitoring and Development. Each chapter outlines the principles to adhere to in dealing with that stage of handling the complaint and then provides detailed practical guidance. The 'Resolving' and 'Outcomes' chapters include sections on communication.

The statutory guidance can be found at

http://statguidance.ipcc.gov.uk/2010_statutory_guidance.pdf

Science and Innovation Strategy Published

The NPIA has published a three year strategy 'Science and Innovation in the Police Service: 2010-2013', setting out key activities for police science and innovation on behalf of the police service in England and Wales.

The strategy sets out the challenges facing the police service in the years ahead, including crime threats, cost-effectiveness and confidence. It notes that there are a number of long-term factors which present challenges to the police service and sets out three objectives which are central to the strategy:

- ◆ In the short term, to use science and technology to improve capabilities and safeguard public confidence;

- ◆ In the medium term, to create, assure, share and use knowledge to ensure that police approaches are supported by robust knowledge about the impact and effectiveness of those approaches; and
- ◆ In the long term, to use science and innovation to tackle the most important policing challenges.

Key areas of delivery to meet these objectives are set out in further detail in the annex to the strategy.

Key to achieving these goals are the three principles for action explained in the strategy:

- ◆ Coordination - setting clear priorities for police science and innovation with alignment between organisation's activities;
- ◆ Collaboration - with research and development work engaging the public and police officers and with specialists from different sectors working together; and
- ◆ Challenge - with investment in innovation targeted where it will deliver the strongest benefits and challenges to others to address the most pressing police needs.

The progress made in police science and innovation is set out in the strategy, which identifies a need for a multi-agency approach to innovation with a clear focus on cost-effectiveness. The strategy outlines the requirements needed to meet this need, including delivery of a framework of priority requirements to be considered annually, a delivery programme to align police priorities and police science organisations and stronger relationships with police science partners. The NPJA is given responsibility for supporting a programme to deliver this and specifically the priorities identified for police science development in 2010/11, with responsibility for delivery of different elements of the programme falling to different organisations. The priorities set for police service development in 2010/11 are:

- ◆ To develop an agreed set of police requirements for research and development;
- ◆ To tackle gaps and overlaps in the overall programme of police science, aligning the programme to police priorities;
- ◆ To establish a stronger network of police science stakeholders to help identify opportunities to develop police science;
- ◆ To shape and influence the priorities of partners such as government departments and public laboratories and provide a co-ordinating point of engagement;
- ◆ To consider opportunities to transfer science and innovation to other areas of police improvement; and
- ◆ To act as champion and custodian for the professional and ethical assurance of police science and innovation activities.

The strategy can be found at

http://www.npia.police.uk/en/docs/science_and_innovation.pdf

Consultation on the Draft Code of Practice on the Management of Police Pursuits

The NPIA has launched a consultation on the Draft Code of Practice on the Management of Police Pursuits ('the draft Code'). The consultation runs until 20 June 2010.

The draft Code is a statutory Code of Practice, issued under sections 39 and 39A of the Police Act 1996, and underpins the ACPO Guidance on the Management of Police Pursuits. It has been produced pursuant to a recommendation made by the Independent Police Complaints Commission that a Code of Practice would improve consistency and practice across police forces.

The draft Code sets out the responsibility of chief officers in relation to the management of police pursuits. It also establishes the framework for managing police pursuits and the selection, training and authorisation of police officers and staff to conduct police pursuits. It aims to encourage good practice and specifies the need for procedures to support post incident investigations.

The draft Code and other consultation documents can be found at <http://www.npia.police.uk/en/15575.htm>

Home Office Statistical Bulletin on Police Powers and Procedures 2008/09

The Home Office has published statistical bulletin 06/10, 'Police Powers and Procedures 2008/09', which draws together statistics from the financial year 2008/09 on:

- ◆ Arrests for notifiable offences;
- ◆ Stops and searches under the Police and Criminal Evidence Act 1984 (PACE);
- ◆ Breath tests; and
- ◆ Police action in relation to motoring offences.

The statistics for arrests for notifiable offences show that:

- ◆ The number of people arrested for notifiable offences was 1,458,347, a fall of 1% from the previous year;
- ◆ There was a 3% decrease in arrests for violence against the person offences;
- ◆ More females were arrested for violence against the person offences than for theft and handling offences;
- ◆ There were 273,041 arrests of 10-17 year olds, a fall of 13% from the previous year; and

- ◆ 4,358 people were detained by the police for more than 24 hours and then released without charge (this statistic does not include data from all police forces).

In relation to stops and searches:

- ◆ The police stopped and searched 1,513,759 people and vehicles, the total of which comprises:
 - 1,153,572 searches under section 1 of PACE, an increase of 10% on the previous year;
 - 210,013 stops and searches under section 44 of the Terrorism Act 2000, an increase of 66% on the previous year; and
 - 150,174 stops and searches under section 60 of the Criminal Justice and Public Order Act 1994, an increase of 182% on the previous year;
- ◆ 22 road checks were carried out by police, a fall from the previous year's total of 27; and
- ◆ The police carried out 98 intimate searches, a fall of 16% from the previous year.

The statistics on breath tests show that:

- ◆ In 2008 711,658 screening breath tests were carried out, a 19% increase on 2007's total;
- ◆ The number of positive or refused tests in 2008 was 91,666 compared to 97,590 in 2007; and
- ◆ The proportion of positive or refused tests in 2008 was 13% compared to 16% in 2007.

The statistics on police action in relation to motoring offences (including the issue of fixed penalty notices, written warnings and the power to issue Vehicle Defect Rectification Scheme notices (VDRSNs)) show that:

- ◆ In 2008 2.3 million fixed penalty notices were issued, a decrease of 12% from 2007;
- ◆ 27,000 written warnings were issued in 2008, a decrease of 18% from the 2007 total; and
- ◆ In 2008 87,000 VDRSNs were issued, 8% down on 2007.

Statistics published elsewhere on other police powers and procedures are also reported in the statistical bulletin.

The statistical bulletin can be found at
<http://rds.homeoffice.gov.uk/rds/pdfs10/hosb0610.pdf>

Latest Quarterly Figures On The Reported And Recorded Uses Of Taser By Police Forces In England And Wales

On 25 March 2010 the Home Office released a report with statistics showing the latest figures for the use of Taser by trained police officers in England and Wales, up to and including 30 September 2009. This is the fourth report following the trial of the extension of the use of Taser to specially trained units between 1 September 2007 and 31 August 2008.

The report breaks down the use of Taser into three tables:

- ◆ All uses of Taser in England and Wales since introduction in April 2004 up to 30 September 2009;
- ◆ Taser use by authorised firearms officers outside of a firearms authority from 20 July 2007 to 30 September 2009; and
- ◆ Taser use by specially trained units from 1 September 2007 to 30 September 2009.

The tables show the number of Taser uses, as opposed to the number of Taser incidents. This is designed to ensure full transparency on Taser deployment as there may be more than one use of Taser at an incident.

The usage details are broken down into 7 categories; Discharges (Firing of a Taser so that the barbs are discharged at a subject), Drive-Stuns (Direct application of the Taser to the individual), Arced ('Sparking' the Taser as a warning), Red Dot (illuminating the subject with the sighting laser), Aimed, Drawn, or Not Stated.

Taser uses in England and Wales (excluding the original 2003 pilot) - 22 April 2004 to 30 September 2009:

◆ Discharges -	1732
◆ Drive-Stuns -	244
◆ Arced -	219
◆ Red Dot -	3131
◆ Aimed -	265
◆ Drawn -	698
◆ Not Stated -	7
◆ TOTAL -	6296

Taser use in England and Wales by authorised firearms officers outside of a firearms authority from 20 July 2007 to 30 September 2009:

◆ Discharges -	575
◆ Drive-Stuns -	124
◆ Arced -	132

◆ Red Dot -	1144
◆ Aimed -	97
◆ Drawn -	228
◆ Not Stated -	0
◆ TOTAL -	2300

Taser use in England and Wales by specially trained units from 1 September 2007 to 30 September 2009:

◆ Discharges -	293
◆ Drive-Stuns -	33
◆ Arced -	42
◆ Red Dot -	872
◆ Aimed -	88
◆ Drawn -	341
◆ Not Stated -	0
◆ TOTAL -	1669

The full text of the report is available at
<http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/police-weaponry/taser-quarterly-Sept09?view=Binary>

Stonewall Publishes Guidance for the Public 'Blow the Whistle on Gay Hate'

Stonewall have published a guidance document 'Blow the Whistle on Gay Hate', which advises members of the public faced with a homophobic attack how to get out of harm's way, why they should report every incident which involves homophobia, who to report this to and what to say when reporting it.

The document highlights that reporting homophobic incidents and hate crimes to the police is an important way of helping the police to identify troublemakers and deal with them appropriately, and notes that the law takes homophobic incidents seriously. The guidance outlines the difference between homophobic hate incidents and hate crimes and advises who to report these to, how to report them and what will happen afterwards.

The guidance can be found at

http://www.stonewall.org.uk/at_home/hate_crime_domestic_violence_and_criminal_law/2639.asp

Home Office Circular 3/2010: Drinking Banning Orders on Conviction

Home Office Circular (HOC) 3/2010 covers the power to implement Drinking Banning Orders (DBOs) on conviction which came into force in 25 Local Justice Areas on 1 April 2010.

DBOs are civil orders which can be given for between 2 months and 2 years against an individual aged at least 16, where that individual has engaged in alcohol related crime or disorderly conduct whilst under the influence of alcohol. DBOs on conviction can be issued where the above requirements apply and the individual has committed an offence where they were under the influence of alcohol. It is not necessary for police or the local authority to apply to the court for a DBO on conviction.

A DBO can only be given where the court considers it necessary to protect persons from further conduct by the individual of that kind, and may include prohibitions necessary to so protect people. In particular prohibitions must include whatever the court thinks necessary to protect people with regard to the individual entering premises which sell alcohol.

The full HOC can be found at

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2010/003-2010/>

Ministry of Justice Circular 2010/05: Offences of Stirring Up Hatred on the Grounds of Sexual Orientation

Ministry of Justice Circular 2010/05 gives explanatory guidance to those in the criminal justice system about the offences created by section 74 of and Schedule 16 to the Criminal Justice and Immigration Act 2008 (the Act), which came into force on 23 March 2010 and apply to England and Wales.

The Act creates offences by amending Part 3 of the Public Order Act 1986 to cover conduct or material which is threatening in nature and intended to stir up hatred against a group of people on the grounds of their sexual orientation. Sexual orientation is limited by a new section 29AB of the Public Order Act 1986 to orientation towards persons of the same sex, the opposite sex, or both.

The offences in the Public Order Act 1986 which have been amended are:

- ◆ Section 29B(1) - the use of words or behaviour or the display of written material;
- ◆ Section 29C(1) - the publishing or distributing of material;
- ◆ Section 29D(1) - the public performance of a play;
- ◆ Section 29E(1) - distributing, showing or playing a recording;
- ◆ Section 29F(1) - broadcasting or including a programme in a programme service; and
- ◆ Section 29G(1) - possession of inflammatory material.

These offences now also cover threatening conduct intended to stir up hatred on the grounds of sexual orientation apply to England and Wales. The Act amends the Public Order Act 1986 further, by stating in section 29J that the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct is not, of itself, to be taken to be 'threatening' for the purposes of the offences.

The Circular can be found at

<http://www.justice.gov.uk/publications/docs/circular-05-2010-sexual-orientation-stirring-up-hatred.pdf>

Ministry of Justice Circular 2010/07: Slavery, Servitude and Forced or Compulsory Labour: Implementation of Section 71 of the Coroners and Justice Act 2009

Ministry of Justice Circular 2010/07 gives guidance to those working in the Criminal Justice System on the new offence created by section 71 of the Coroners and Justice Act 2009 of holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour. This offence came into force on 6 April 2010.

The offence applies where a legal person holds a person in slavery or servitude, or requires them to perform forced or compulsory labour, and the person knows or ought to know that they are so held or required. Holding a person in slavery or servitude, or requiring them to perform forced or compulsory labour, is defined in accordance with Article 4 of the European Convention on Human Rights. The Circular sets out a number of factors which may indicate that a person is being held or required in such a way, which include forms of coercion or deception including violence or threats of violence by the employer or their representative and the withholding by an employer of wages or documents such as the individual's passport.

Other factors indicative of forced labour are set out in the Circular, and include: the worker being given false information about their employment rights; hazardous working conditions or excessive working hours; and money having been exchanged with other employers or traffickers in an arrangement which has not been agreed with the person concerned.

The Circular can be found at

<http://www.justice.gov.uk/publications/docs/circular-07-2010-coroners-justice-act-section-71.pdf>

Ministry of Justice Circular 2010/09: R v R [2008] EWCA Crim 678 Judgment

Ministry of Justice Circular 2010/09 communicates the key findings from the judgment in R v R [2008] EWCA Crim 678, in relation to special measures for vulnerable and intimidated witnesses. The NPIA is to issue separate complimentary guidance for police officers and front line prosecutors.

The Circular outlines that the Special Measures in sections 23 to 27 of the Youth Justice and Criminal Evidence Act 1999 are available in all courts in England and Wales. It states that it is important that the police, defence and CPS ascertain the views of witnesses about special measures and that this information is given to the court when applying for measures. It notes that it is the responsibility of the police to determine what special measures might be appropriate and to discuss this with the witness, so as to consult further with the CPS on whether an application for special measures should be made.

The Circular can be found at

<http://www.justice.gov.uk/publications/docs/circular-09-2010-youth-justice-criminal-evidence-act-judgment.pdf>

CPS Publish Twelve Core Quality Standards

Following a public consultation issued by the Director of Public Prosecutions, the Crown Prosecution Service (CPS) has published 'Core Quality Standards', which outlines what the public can expect the CPS to do when it prosecutes people in court.

The document sets out the twelve Core Quality Standards (the Standards) and explains that the Standards are important because victims, witnesses, suspects and defendants, along with police, courts and other criminal justice agencies expect prosecutors to carry out their duties to a high standard and deliver an efficient and effective service. The Standards include:

- ◆ Standard 1: We will provide the police and other investigators with advice to assist in tackling crime effectively and bringing offenders to justice;
- ◆ Standard 2: We will make timely, effective and fair charging decisions in accordance with the Code for Crown Prosecutors; and
- ◆ Standard 3: We will use out-of-court disposals as alternatives to prosecution, where appropriate, to gain speedy reparation for victims and to rehabilitate or punish offenders.

The actions required of prosecutors for each standard are set out in detail in the document. Standard 1 notes that prosecutors advise the police and other investigators when asked, and states that prosecutors aim to give high quality advice within a strict time period. Also required by Standard 1 is that advice will be given or confirmed in writing, with reasons, and including where relevant a list of action points.

Standard 2 explains the involvement of prosecutors in the charging process. When making charging decisions Standard 2 explains that prosecutors aim to make their decision and inform the police or other investigator within agreed strict time periods, and will record the reasons for the decision along with how the prosecutor will put the case at court and how any weaknesses or defences will be dealt with. Further work that is required will also be set out, such as whether the case is suitable for confiscation of the defendant's assets so police can begin the necessary work promptly. If the prosecutor decides not to charge, the elements of the offence which cannot be proved and the reasons for this, or alternatively the reasons why a prosecution is not in the public interest will be explained.

Standard 3 details the prosecutor's involvement when their authority is needed for police to administer certain out-of-court disposals. The Standard sets out the factors prosecutors will consider in deciding whether an out-of-court disposal is appropriate.

The Core Quality Standards document can be found at http://www.cps.gov.uk/publications/core_quality_standards/core_quality_standards.pdf

International Challenges, International Solutions: Managing The Movement Of People And Goods

In March 2010 the UK Border Agency ('UKBA') and the Foreign and Commonwealth Office ('FCO') issued a joint publication on International Challenges, International Solutions: Managing The Movement Of People And Goods (the 'publication'). The publication reflects the partnership between both departments and the close cooperation on the international stage to develop relationships that help to secure the border and control migration.

The publication also discusses how the UKBA will work at both a domestic and an international level to deliver their migration objectives in light of the increasing movement of both goods and people around the world. The challenges they will face in securing the border and controlling migration are also discussed.

The publication gives some background information on how the UKBA have worked with foreign authorities to tackle visa and document fraud and some of the measures that are in place to counter the terrorist threat and disrupting serious and organised crime.

The full publication is available at

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/internationalstrategy/strategy-2010.pdf?view=Binary>

Northern Ireland Affairs Committee Publish Report on the Future of Forensic Science in Northern Ireland

On 5 March 2010, the Northern Ireland Affairs Committee published its report on the future of forensic science in Northern Ireland.

The Forensic Science Northern Ireland (FSNI) is the only forensic science laboratory in Northern Ireland provides 'professional, independent and objective scientific expertise in support of Justice.'

The FSNI has been subject to major inspections by Criminal Justice Inspection Northern Ireland (CJINI) which identified key areas for improvement in order to sustain a key presence in the market place.

Areas for improvement include:

- ◆ Staffing and recruitment;
- ◆ Accommodation;
- ◆ Maintaining the relationship with the Police Service of Northern Ireland (PSNI);
- ◆ Achieving value for money;
- ◆ Understanding forensic science;
- ◆ Devolution of policing and justice; and
- ◆ Cross border co-operation.

The recommendations include:

- ◆ The Northern Ireland Office to examine how it can tailor the recruitment process to combine fairness and security with efficiency;
- ◆ There should be no further delay with the acquisition of new accommodation for the FSNI;
- ◆ In-house work should not be decided upon for financial reasons alone at the cost of expertise and experience;
- ◆ The FSNI and the Northern Ireland judiciary should enter into discussion on how training might be provided to improve the knowledge of judges and magistrates on forensic science;
- ◆ The FSNI should engage in collaborative working with its Republic of Ireland counterpart to reduce workloads and increase expertise;
- ◆ The FSNI should remain separate from the other justice agencies while working with them in the interests of justice; and
- ◆ The FSNI should continue to receive the funding and support necessary to deal with the demands of today and to plan for the needs of the future.

The full report can be found at

<http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmselect/cmniaf/314/314.pdf>



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