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Sir Roger Gale MP
Mrs Emma Lewell-Buck MP
Mark Pritchard MP
Dr Rosena Allin-Khan MP
Co-Chairs
Public Bill Committee, Crime and Policing Bill
House of Commons

23 April 2025

Dear Sir Roger, Emma, Mark and Rosena,

CRIME AND POLICING BILL: GOVERNMENT AMENDMENTS FOR COMMITTEE

I am writing to provide members of the Public Bill Committee with details of a second tranche of Government amendments which I have tabled yesterday for Committee stage.

The amendments are all to Chapter 1 of Part 14 which relate to Youth Diversion Orders (YDOs) – a new counter-terrorism risk management tool for young people who have committed a terrorism-related offence or have engaged in conduct likely to facilitate a terrorism offence.

Application of YDOs to Scotland and Northern Ireland

YDOs are a reserved/excepted matter as they relate to national security. However, it is important that the legislation aligns with devolved youth justice frameworks in Scotland and Northern Ireland. Amendments to clauses 113, 114 and 121 ensure that the legislation makes accurate references to existing devolved authorities and processes.

Power to make youth diversion orders

The amendments to clause 110 are technical and amend the concept of an “offence with a terrorist connection” by adding that this must be a “relevant offence with a terrorist connection”. This has the effect of clarifying that the court dealing with an application for a YDO has to make its own determination as to whether an offence has a terrorist connection rather than by reference to sentencing legislation, which is not relevant to a YDO given it is a new civil order.



Measures which may be imposed as part of a YDO

Clause 112 already includes a non-exhaustive list of measures that can be included as part of a YDO. Amendments to clause 112 add further examples of measures that may be imposed through a YDO. The purpose of these amendments is to support transparency as well as provide a clearer statutory basis for the most likely measures. Additional examples include restrictions on entering a specific area, travel restrictions within or outside the UK and restrictions on the possession of weapons and explosives.

The amendments to clause 112 also make changes to the requirements that can be imposed on an individual, including that the individual may be required to comply with notification requirements (as detailed in new clause “*Notification requirements*”) where this is included on a YDO application.

The amendment to clause 115 clarifies the measures that can and cannot be imposed in an Interim YDO, including notification requirements, which can be imposed as part of an interim YDO. New subsection (1B) of clause 118 provides that it is a criminal offence to knowingly provide false information when purporting to comply with a notification requirement. The notification requirement will not be automatic or mandatory for every YDO or Interim YDO.

The amendment to clause 116 provides that a court may only vary a YDO to include an additional requirement or extend its duration if it considers it necessary; and that certain provisions in clause 112 about the content of orders applies equally to such additional prohibitions or requirements.

New clauses “*Electronic monitoring of compliance with order: England and Wales*” and “*Conditions for imposing electronic monitoring requirement: England and Wales*” enable a YDO to include an electronic monitoring requirement. This would be to enable effective monitoring of measures such as curfew requirements and exclusion measures. New clause “*Data from electronic monitoring in England and Wales: code of practice*” requires the Secretary of State to issue a code of practice for the processing of data gathered under electronic monitoring requirements. Following engagement with the Scottish Government and Department of Justice in Northern Ireland, it is apparent that there are significant legal and operational complexities in applying such measures in those jurisdictions, accordingly electronic monitoring will apply to England and Wales only.



Appeals

Clause 117 sets out the appeals process for the YDO. The amendments to this clause aim to streamline the appeals process and make this more consistent to the processes imposed for the new child criminal exploitation prevention orders also in the Bill and which were a manifesto commitment. An appeal from a magistrates' court decision is to go to the Crown Court, and from the Crown Court decision is to the Court of Appeal (and the equivalent steps in Scotland and Northern Ireland). It also enables an application to vary or discharge a YDO made on appeal to be made to the court whose decision was appealed against (instead of the appeal court); and for Rules of Court to make provision about appeals against decisions made without notice to the Respondent. This simplifies the process for varying or discharging an order YDO by enabling that application to be made to a lower court.

Offence of breaching a YDO

Clause 118 introduces a new offence for breaching a YDO. Currently, clause 118 provides that, where the offence is committed by someone under the age of 18, the offence is summary-only, with a maximum penalty of six months in custody or a fine. Where the offence is committed by someone aged 18 or over, the offence can currently be tried either way. However, having considered the matter further, whilst we remain keen to avoid unnecessary criminalisation of young people under a YDO, and particularly those under the age of 18, we recognise that certain breaches of a YDO may be serious in nature, for example a breach of a weapons measure. As a result, the amendments to clause 118 make the offence triable either way irrespective of the age of the defendant and provide that the maximum penalty on conviction on indictment in all cases is two years' imprisonment. Importantly, this will also enable the police to make use of existing powers of search and seizure in relation to breaches, powers which will be vital to any investigation associated with a breach. New subsection (5) of clause 118 enables a copy of a YDO to be admissible as evidence in criminal proceedings for breach of an order.

Consultation and independent oversight

Given the important roles that youth justice partners will play in the delivery of the YDO, whilst the YDO does not place any new duties on them directly, we consider it appropriate for these authorities to be consulted on the statutory guidance, the amendments to clause 119 provide for this. In the case of Scotland, such consultation will be through the Scottish Ministers. In addition, new clause "*Reviews of operation of this Chapter*" amends the remit of the Independent Reviewer of Terrorism Legislation to include independent oversight of YDOs.

I attach supplementary delegated powers and ECHR memorandums.

I will write again when we table further amendments to the Bill.



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I am copying this letter and enclosures to all members of the Public Bill Committee, Dame Karen Bradley (Chair, Home Affairs Committee) and Lord Alton of Liverpool (Chair, Joint Committee on Human Rights).

Yours sincerely,

Rt Hon Dame Diana Johnson DBE MP
Minister of State for Policing and Crime Prevention