

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT POLICING AND CRIME ACT 2017
(MARITIME ENFORCEMENT POWERS: CODE OF
PRACTICE) REGULATIONS 2017

Wednesday 10 January 2018

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The Committee consisted of the following Members:

Chair: PHIL WILSON

† Adams, Nigel (*Selby and Ainsty*) (Con)
 Clwyd, Ann (*Cynon Valley*) (Lab)
 † Dakin, Nic (*Scunthorpe*) (Lab)
 De Cordova, Marsha (*Battersea*) (Lab)
 Dent Coad, Emma (*Kensington*) (Lab)
 † Duffield, Rosie (*Canterbury*) (Lab)
 † Hair, Kirstene (*Angus*) (Con)
 † Hoare, Simon (*North Dorset*) (Con)
 † Hughes, Eddie (*Walsall North*) (Con)
 † Hurd, Mr Nick (*Minister for Policing and the Fire Service*)

† Khan, Afzal (*Manchester, Gorton*) (Lab)
 † Penning, Sir Mike (*Hemel Hempstead*) (Con)
 † Smith, Eleanor (*Wolverhampton South West*) (Lab)
 Streeting, Wes (*Ilford North*) (Lab)
 † Swayne, Sir Desmond (*New Forest West*) (Con)
 † Syms, Sir Robert (*Poole*) (Con)
 † Villiers, Theresa (*Chipping Barnet*) (Con)

Sean Kinsey, Yohanna Sallberg, *Committee Clerks*

† **attended the Committee**

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[PHIL WILSON *in the Chair*]

Draft Policing and Crime Act 2017 (Maritime Enforcement Powers: Code of Practice) Regulations 2017

8.55 am

The Minister for Policing and the Fire Service (Mr Nick Hurd): I beg to move,

That the Committee has considered the draft Policing and Crime Act 2017 (Maritime Enforcement Powers: Code of Practice) Regulations 2017.

It is a great pleasure to serve under your chairmanship, Mr Wilson, for what I think is the first time. The regulations were laid before the House on 16 November 2017. I hope they will be approved, but, for the benefit of the hon. Members for Scunthorpe and for Wolverhampton South West, I will proceed to make an argument.

The Policing and Crime Act 2017 provides police officers and other law enforcement with certain powers in the maritime environment so that they can prevent, detect, investigate and prosecute criminal offences that take place on vessels where the courts in England and Wales have jurisdiction. The provisions close a gap in enforcement powers, ensuring that law enforcement officers are capable of functioning effectively to tackle crime on sea, as on land.

Section 30 of the Police Act 1996 places a geographical restriction on the exercise of police powers, limiting them to England and Wales and the adjacent waters—the territorial waters that extend to 12 nautical miles. The maritime provisions, once commenced, will give the police and other law enforcement at sea similar powers to those available to enforcement officers in relation to drug trafficking and modern slavery. The difference is that the powers cover all offences under the law of England and Wales. In summary, those are the power to stop, board, divert and detain a vessel; the power to search a vessel and obtain information; and the power to arrest and seize any relevant evidence.

The Policing and Crime Act enables law enforcement officers to use those powers in relation to certain ships in international and foreign waters and in the territorial waters of England, Wales and Scotland. Principally, the vessels will be UK flagged, but law enforcement will also be able to act on non-flagged vessels and foreign ships, in certain circumstances, in international waters as well as territorial waters.

The powers are important because crimes such as rape, murder, firearms offences and grievous bodily harm can take place on UK-registered ships beyond the territorial waters limit, just as they can within those waters or on UK soil. There are also other crimes specific to the maritime context, such as illegal fishing,

unsafe vessels, piracy and marine theft, which the police must be able to tackle just as effectively as when crime is committed on land.

Before the new powers are brought into force, a code of practice, issued under section 94 of the Policing and Crime Act, will need to be put in place for English and Welsh law enforcement officers to follow when arresting a person under section 90 of the Act. The code must set out certain rights and entitlements of persons arrested under section 90, and in particular the information to be made available to them on arrest. The Government have prepared the code of practice, which was placed before the House on 16 November 2017, together with these regulations. The regulations are necessary to ensure that the code of practice will be in force at the same time that the maritime powers in the Act are commenced.

The code provides guidance on the information that should be given to a suspect at the time of their arrest. It makes clear that suspects should be provided with a summary of their rights, and warned if it may take more than 24 hours to bring them to a police station. The code will ensure that law enforcement officers provide suspects with information, and that includes ensuring that those detained understand what is being said to them. Officers will also be obliged to make arrangements to safeguard the health and welfare of arrested persons. To ensure that the code will be practical and effective, the Government have consulted the law enforcement agencies that will use it, representatives of the legal profession, devolved Administrations, other external organisations and interested Government Departments.

Police Scotland is currently drafting equivalent but non-statutory guidance concerning the exercise of its maritime enforcement powers, and we are working closely with the Scottish Government to ensure that the guidance is appropriately aligned. The Northern Ireland provisions will also be covered by non-statutory guidance. The Northern Ireland maritime provisions will be commenced separately from those of England, Wales and Scotland at a date determined by the Northern Ireland Executive.

The maritime powers in the Policing and Crime Act are essential if we are to ensure that our police and other law enforcement are equipped to be effective at tackling criminality, to enforce the law and to protect the public. However, it is vital that when these powers are used, they are used properly, particularly when a person's liberty is restricted, as under the power of arrest. That is why the code of practice and the regulations are so important. I commend them to the Committee.

9 am

Nic Dakin (Scunthorpe) (Lab): It is a pleasure, as always, to serve under your chairmanship, Mr Wilson. I thank the Minister for describing extensively the reasons why it is so necessary to bring in a change to legislation at this point. It is right and proper that this extension of powers is put in place. I am pleased to hear that the code of practice has been brought together and is in place, but I would be grateful for a little more information about how it was drawn up and what processes were involved in engaging others to ensure that it is fully fit for purpose. I welcome the description the Minister gave of the way in which the devolved authorities will roll out similar measures in their jurisdictions. Generally, Her Majesty's Opposition welcome the legislation.

9.1 am

Mr Hurd: I thank the hon. Gentleman, speaking for the Opposition, for his constructive approach to regulations that are clearly necessary. As I said in my remarks, the code was laid before the House in November and was the subject of extensive consultation. I am sure he has read that consultation and will have seen that it contains nothing unexpected in terms of what we expect

law enforcement officers to do at such moments. Given the importance of these maritime powers to make the UK increasingly hostile to criminality and to fill a clear gap in provision, I hope the Committee will approve them.

Question put and agreed to.

9.2 am

Committee rose.

