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Public Bill Committee

CRIME AND POLICING BILL

Seventh Sitting

Tuesday 8 April 2025

(Morning)

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Saturday 12 April 2025

The Committee consisted of the following Members:

Chairs: Sir Roger Gale, Mark Pritchard, † Emma Lewell, Dr Rosena Allin-Khan

† Barros-Curtis, Mr Alex *(Cardiff West)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Burton-Sampson, David *(Southend West and Leigh)* (Lab)
† Cross, Harriet *(Gordon and Buchan)* (Con)
† Davies-Jones, Alex *(Parliamentary Under-Secretary of State for Justice)*
† Johnson, Dame Diana *(Minister for Policing, Fire and Crime Prevention)*
Jones, Louise *(North East Derbyshire)* (Lab)
† Mather, Keir *(Selby)* (Lab)
† Phillips, Jess *(Parliamentary Under-Secretary of State for the Home Department)*
† Platt, Jo *(Leigh and Atherton)* (Lab/Co-op)
† Rankin, Jack *(Windsor)* (Con)
† Robertson, Joe *(Isle of Wight East)* (Con)
† Sabine, Anna *(Frome and East Somerset)* (LD)
† Sullivan, Dr Lauren *(Gravesham)* (Lab)
Taylor, David *(Hemel Hempstead)* (Lab)
† Taylor, Luke *(Sutton and Cheam)* (LD)
Vickers, Matt *(Stockton West)* (Con)

Robert Cope, Claire Cozens, Adam Evans, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 8 April 2025

(Morning)

[Emma Lewell *in the Chair*]

Crime and Policing Bill

9.25 am

The Chair: We continue line-by-line scrutiny of the Bill. Before we begin, I shall make a few preliminary announcements, which I am sure you are all familiar with by now. Please switch all electronic devices to silent. No food or drinks are permitted during sittings, other than the water provided. It would be helpful if colleagues could hand over their speaking notes for *Hansard* by email or by handing them to one of the Clerks in the room.

Clause 32

Controlling another's home for criminal purposes

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Schedule 5.

Amendment 5, in clause 33, page 36, line 29, after subsection (5) insert—

"(6) For the purposes of section 33(5)(b), B shall be presumed to lack capacity to give consent if they—

(a) would be deemed to lack capacity under the provisions of Section 2 of the Mental Capacity Act 2005; or

(b) are otherwise in circumstances that significantly impair their ability to protect themselves from exploitation, unless the contrary is established."

Clauses 33 and 34 stand part.

The Minister for Policing, Fire and Crime Prevention (Dame Diana Johnson): It is a pleasure to see you in the Chair this morning, Ms Lewell. It might be helpful to the Committee to hear about amendment 5 before I respond.

Anna Sabine (Frome and East Somerset) (LD): Cuckooing is the offence of exercising control over the dwelling of another person to carry out illegal activities. As this legislation is drafted, the person whose dwelling it is has to not have given consent for it to be an offence of cuckooing. Amendment 5 would strengthen protections for vulnerable individuals by modifying clause 33 to clarify when a person is presumed unable to give valid consent in certain situations involving potential exploitation.

Cuckooing is pervasive in our society. Last week, my hon. Friend the Member for Dorking and Horley (Chris Coghlan) was in the news discussing a young man with autism who was found dead in his flat after a criminal had moved into his flat and stabbed him. Despite attempting suicide, being a victim of theft, being rescued by the emergency services after accidentally causing a fire, and being assaulted and exploited on numerous occasions, mental capacity assessments were not carried out because the authorities assumed he had capacity. His mother visited him as often as she could, asked the police for welfare checks and urged the authorities to help. My hon. Friend is campaigning with cross-party MPs to amend the Mental Health Bill.

Given that the Crime and Policing Bill will provide a new offence for cuckooing, that case shows that we also need to strengthen the protections for vulnerable individuals who may be mentally incapacitated or in vulnerable situations, as amendment 5 would do. It would shift the burden of proof, so if someone were deemed to be in an impaired state, they would automatically be presumed unable to give informed consent unless proven otherwise. It would expand the definition of vulnerability to cover not only legal mental incapacity, but those in exploitative situations such as coercion, abuse or extreme distress.

The amendment would help to prevent the exploitation of vulnerable individuals, especially in criminal policing or safeguarding contexts. It also aligns with broader safeguarding laws and human rights protections, and would make it harder for perpetrators to claim that a victim gave valid consent when actually in a compromised state. I urge the Committee to support amendment 5.

Dr Lauren Sullivan (Gravesham) (Lab): It is a pleasure to serve under your chairmanship, Ms Lewell. It is a privilege to support the Government's action to tackle cuckooing through the Bill. As the Member of Parliament for Gravesham, this issue strikes close to home, because people in my constituency who are struggling with addiction, mental health issues or past trauma are being preyed on. Criminals take over their homes, exploit their vulnerabilities and use their properties to conduct criminal activities, in particular drug dealing. These are not abstract concerns. People living real lives in real streets in Gravesham are trapped by fear in what should be the safest place they know—their own homes.

The introduction of the new offence is not only welcome, but essential. For the first time, the Bill offers a clear and focused legal mechanism to tackle an abhorrent practice that existing legislation cannot fully capture. I place on record my strong support for the Government's action. I will also highlight why the offence is necessary, the real-world impact of the practice on victims, and how the Government's work helps to close a dangerous and damaging gap in the law that has persisted for far too long.

Why does this offence matter? Cuckooing is one of the most insidious and devastating forms of criminal exploitation in our communities today. It targets those who are already vulnerable, whether due to substance misuse, disability and mental health, poverty, homelessness or previous victimisation. The offender may initially appear as a friend or helper, and may offer company, drugs, money or protection. Very quickly, however, the true nature of that relationship emerges through control, coercion, fear and potentially violence.

Victims find themselves trapped, as they are often too frightened, ashamed or traumatised to seek help. We have heard from frontline services such as Kent police

and Gravesham borough council's community safety unit that victims do not even recognise that they are victims at all. They may blame themselves. They may have rationalised the situation and believe that they have no other choice.

At present, the law does not make it easy to intervene early or decisively. Police often find themselves attending reports of suspicious activity, but have no obvious offence to charge without the victim's co-operation or an underlying crime, such as drug possession, being proven. The new offence addresses that critical gap. It criminalises the very act of exerting control over someone else's home for the purpose of criminal activity, without them having to verbalise their non-consent and without demanding that underlying offences must first be proven. The offence acknowledges that controlling a person's home is itself serious and harmful abuse. It also empowers police, local authorities and safeguarding teams to take earlier, firmer action to protect victims before exploitation escalates further. The Bill listens to communities and acts on their behalf.

The Bill defines such control clearly. Clauses 32 to 34 are framed to show real understanding of the complexities involved. The Bill clearly defines "control" to include subtle and partial takeovers, such as deciding who enters the property, what it is used for and whether the resident can use their own home. The Bill also covers a wide range of structures, including houses, flats, caravans, tents and vehicles, reflecting the reality of vulnerable people. It ensures that supposed consent must be freely given and informed by someone over the age of 18 with full capacity, protecting those most at risk of coercion. The Bill is future-proofed by clause 34, which allows the Home Secretary and the devolved Ministers to add new crimes to the relevant offence list as patterns of exploitation evolve over time—we know that they evolve over time.

To understand why the offence is so urgently is needed, we must listen to survivors. Take the story of James, which was shared by the Salvation Army. James was a young man struggling with addiction. He thought he had made friends, but soon those friends took over his flat. They brought drugs and violence into his home. Strangers came and went at all hours. James was trapped—afraid to leave, but no longer safe inside. When help finally reached him, James was a shell of himself. He had lost control of his life, his space and his dignity. He said later:

> "It's scary. Your house is taken over. You don't know who's knocking on your door. People coming to your door every two minutes. Threatening people in your home. Threatening me in my home. It totally takes over your life."

James's story is heartbreaking, but far from unique. Housing teams and police officers in Gravesham have listed multiple cases where individuals were forced into drug addiction by their own exploiters to increase their dependency. Homes have been used to store class A drugs without the tenant's knowledge, which is a clear breach of tenancy guidelines and puts them at risk of eviction. Sheds and garages become secondary sites of exploitation.

That is the story of James and many others in Gravesham, but the national statistics show the sheer scale of the problem. One in eight people across the UK has seen signs of cuckooing in their community. During just two weeks of national police action, nearly 1,700 cuckooed addresses were visited and hundreds of victims exposed. In 2021 alone, 33% of all modern slavery referrals include criminal exploitation, much of it linked to cuckooing. County lines exploitation, where cuckooing is rampant, now accounts for a staggering 16% of national referral mechanism cases.

This change to the law is not only needed; it is desperately needed. I could go on, but I know other hon. Members wish to speak. I am proud to stand here to support the new measures on cuckooing. Hopefully, we may now put those criminals behind bars, where they belong.

Harriet Cross (Gordon and Buchan) (Con): I rise to speak to clauses 32 to 34 and amendment 5. Clause 32 in part 4 of the Bill seeks to address cuckooing by introducing a new criminal offence targeting those who exert control over another's home for criminal purposes. Cuckooing is a deeply exploitative crime that targets some of the most vulnerable people in society, including the elderly, those with disabilities and individuals struggling with addiction or mental health issues. Criminals manipulate or threaten people to take over their home, or do it forcibly, using the home as a base for illegal activities such as drug dealing, human trafficking or weapons storage. Victims often live in fear and isolation, unable to escape due to coercion or physical violence.

In 2022, London saw a significant rise in the number of recorded cuckooing incidents, with 316 cases reported, marking a stark increase from just 79 in 2018. That alarming trend in the city underscores the increasingly widespread nature of criminal exploitation targeting vulnerable individuals. The impact extends beyond individuals, affecting communities by increasing crime rates, disrupting social housing and straining law enforcement resources. Cuckooing is not just a property crime; it is a form of exploitation that strips people of their safety, dignity and control over their lives, making it essential to impose strict penalties and provide robust support for victims.

Clause 32 is a welcome step forward in tackling the exploitative nature of cuckooing and the vulnerable individuals impacted by it. However, while the clause's intentions are commendable, it is crucial that we examine the provisions thoroughly, not only to understand its strengths but to ensure that it does not inadvertently create unintended legal or practical challenges. The clause seeks to criminalise the act of exercising control over another person's dwelling without their consent with the intent of using a dwelling to facilitate specific criminal activities. That is designed to target individuals who exploit vulnerable occupants by taking over their homes to conduct illegal operations.

Looking at the key provisions of clause 32, an individual commits an offence if they exercise control over another person's dwelling without legitimate consent and intend to use it for criminality. The clause is accompanied by schedule 5, which lists the criminal activities associated with cuckooing, such as drug offences, sexual exploitation and the possession of offensive weapons. The Secretary of State holds the authority to amend this schedule as necessary. For consent to be considered valid, the occupant must be over the age of 18, possess the mental capacity to consent, be fully informed and provide consent freely without coercion or manipulation. Consent obtained through deception or intimidation is not deemed valid.

[Harriet Cross]

On conviction, the offence carries significant penalties. On summary conviction, an individual may face imprisonment of up to six months, a fine or both. On indictment, the penalty can extend to imprisonment of up to five years, a fine or both. The primary objective of clause 32 is to safeguard individuals from criminals who commandeer their houses for illegal purposes. By establishing a specific offence of cuckooing, the legislation aims to deter perpetrators and provide law enforcement with clear authority to intervene and prosecute these exploitative practices.

Although the intentions behind clause 32 are commendable, we must look at areas of possible contention. On determining genuine consent, assessing whether consent is freely given with full understanding can be complex. Vulnerable individuals may be subject to subtle forms of coercion or manipulation that are not immediately evident, making it challenging to establish the presence of genuine consent. Furthermore, effective enforcement of the clause requires adequate training and resources for law enforcement agencies to identify instances of cuckooing, to support victims and to gather sufficient evidence for prosecution. Without proper investment, the practical application of the law may be hindered.

There is a concern that victims of cuckooing might themselves be implicated in criminal activities conducted in their dwellings. It is crucial to ensure that the law distinguishes between perpetrators and victims, providing support and protection to the latter, rather than subjecting them to prosecution. Criminal networks may adapt their methods to circumvent the provisions of clause 32. Continuous monitoring and potential amendments to the legislation may be necessary to address emerging forms of exploitative activities efficiently.

Clause 32 represents a significant step forward in addressing the pernicious issue of cuckooing. By criminalising the exploitation of individuals through the unauthorised control of their homes for illicit purposes, the clause aims to detect vulnerable members of society and uphold the integrity of private dwellings. Careful attention must, however, be given to the implementation of the provision, ensuring that genuine consent is accurately assessed, enforcement agencies are adequately resourced, victims are protected from criminalisation, and the law remains responsive to the evolving tactics of criminal enterprises. Through vigilant application and ongoing evaluation, clause 32 can serve as a robust tool in the fight against the exploitation of vulnerable individuals and for the preservation of community safety.

Clause 33 is interpretative, as its primary objectives are to provide clear definitions for terms in the Bill. It ensures that all stakeholders have a consistent understanding of the terminology. Although the intention behind the clause is to provide clarity, certain challenges may arise. If a term is defined too broadly, it may encompass behaviours or actions beyond the intended scope, leading to potential overreach. Conversely, overly narrow definitions may exclude certain areas from being covered, creating loopholes. Differences in interpretation can arise between various stakeholders, especially if definitions are not comprehensive, which can lead to the inconsistent application of the law across different jurisdictions.

For example, a dwelling is defined as being any structure or part of a structure where a person lives, including yards, garages, gardens and outbuildings. The definition also extends to temporary or moveable structures such as tents, caravans, vehicles and boats. Through the wide definition of dwelling, including not just the traditional home but temporary and moveable structures, the clause ensures that cuckooing can be addressed in a wider range of living situations. That is particularly important, given that vulnerable people may live in non-traditional housing and still fall victim to such exploitation.

Clause 34 grants the Secretary of State the authority to amend the definition of "relevant offence" through a statutory instrument. This provision is designed to provide flexibility and responsiveness to the legal system, enabling it to evolve with the changing landscape of criminal activity and societal needs. The primary purpose of clause 34 is to offer the Government the flexibility to adapt the law where needed. As we know, crime is constantly evolving; new tactics, methods and forms of criminal activity emerge regularly. In recent years, we have seen a rise in cyber-crime, human trafficking, online fraud and terrorist activity. Those types of crime often involve technologies or methods that are not always immediately recognised or understood by the legislation at the point it is being made.

Laws must remain relevant and effective to protect the public. For example, if new criminal activities or trends emerge that were not originally accounted for in the Bill, clause 34 allows for a quick amendment to qualify what is a relevant offence. That flexibility means that rapid changes can be made without having to wait months for a new Act of Parliament to be passed. Over time, societal attitudes, technologies and criminal methods change, so what is considered a relevant offence now may not necessarily apply in future. Clause 34 allows the legal framework to be adjusted to ensure that the law can keep pace with such changes.

In addition to providing flexibility, clause 34 ensures that the law remains consistent in its approach to new forms of crime. Although the definition of "relevant offence" can change, the core intention is to maintain fairness, clarity and public safety. By allowing for a timely and consistent updating of legal definitions, clause 34 helps to ensure that criminal offences are properly recognised across the country. That is important because inconsistent definitions for offences can create legal confusion and undermine effective enforcement across jurisdictions. A standardised approach ensures that law enforcement agencies in different areas can uniformly apply the law, thereby strengthening the overall criminal justice system.

9.45 am

The objectives of the clause are understandable, but several areas of possible contention that are not addressed merit consideration. The use of a statutory instrument allows changes without extensive parliamentary debate, potentially reducing democratic scrutiny. This process might bypass areas of scrutiny, leading to a lack of transparency. There is also a risk of overreach: broad discretionary powers could lead to definitions being extended beyond the original legislative intent, encompassing unintended activities. There could be a concern that such powers might be used to target specific groups disproportionately. There is also the potential for inconsistency: without clear guidelines, amendments could lead to inconsistencies in how offences are defined or prosecuted across different jurisdictions.

Clause 34 introduces a mechanism for the dynamic evolution of legal definitions, aiming to keep pace with changing criminal behaviours and societal norms. However, it is imperative to balance this flexibility with robust safeguards to prevent misuse and ensure that changes are made transparently and with the appropriate oversight.

Matt Bishop (Forest of Dean) (Lab): It is a pleasure to serve under your chairmanship, Ms Lewell. As we have heard today, and for those who have encountered it in their constituencies, cuckooing is one of the most horrific crimes that can be inflicted upon victims. During my time as a police officer, I dealt with several cases of cuckooing, but I often found that those responsible were not held to account as effectively as they should have been. Not only did I deal with that in my time as an officer; since my election to this place, I have had reports to my office of such cases still ongoing.

A person's home should be a place where they feel safe and secure. When that home is taken over and used for criminal activity, it causes significant harm not only to the resident but, in many cases, to their wider family. At its core, cuckooing is the sinister practice of criminals taking control of someone's home to use it as a base for illicit activities, such as drug dealing, storing weapons or trafficking illegal goods. The victims of this crime are often left powerless in the face of ruthless exploitation. They are often vulnerable and too scared to speak out.

Perpetrators of cuckooing prey on vulnerable individuals through intimidation, coercion and, sometimes, outright violence to seize control of the victim's home. They exploit personal struggles such as poverty, mental health issues, addiction and more, which make their victims particularly susceptible to manipulation. Once the criminals have taken control, the victim's once-safe home is turned into a place of fear and abuse.

Before the Bill, cuckooing was not classified as a specific crime in England and Wales. That created a major gap in the law that I found extremely frustrating when serving as an officer. Perpetrators knew that they could, in effect, get away with this act, even if they were also committing other offences. Those responsible were typically prosecuted for offences such as drug trafficking or unlawful possession of firearms. However, the long-lasting harm and trauma that they inflicted on their victims often went unrecognised by the justice system.

Cuckooing is a distinct crime. I am pleased that it is finally receiving its own legal recognition and that victims are finally being given the justice that they deserve. I therefore welcome the inclusion of this offence in the Bill. The new legislation is a significant step forward, providing a clear legal framework that targets those who exploit vulnerable individuals by taking control of their homes. By making cuckooing a specific offence, the law will empower the police to take more decisive action against those who engage in this abhorrent practice. That shows that, once again, this Government are putting victims at the heart of all we are doing.

Jack Rankin (Windsor) (Con): It is a pleasure to serve under your chairmanship, Ms Lewell. In the previous sitting I touched on the scourge of county lines gangs and the wider pernicious rise of serious, organised criminal gangs in the context of exploiting children. This morning as we focus on clause 32 on cuckooing, it is clear that other vulnerable members of our communities require further protection from these criminals. I am pleased to support the clause, which makes controlling another person's home for criminal purposes a specific offence.

We are seeing cases not only of children, but increasingly of those with mental health or addiction issues, being used by organised criminal groups, usually using high levels of violence and intimidation, to protect their county lines and to control them. One form of control exploits vulnerable people by using their home as a base for dealing drugs—the process known as cuckooing. Drug dealers can even sometimes entice a vulnerable person into allowing their home to be used for drug dealing by giving them free drugs or offering to pay for food or utilities.

As we have said, these criminals are organised and can therefore be very selective about who they target as cuckoo victims—often, those who are lonely, isolated or drug users. They might operate from a property only for a short amount of time, frequently moving addresses in order to reduce the chances of being caught. Regardless of how long they are there, measures that add a deterrent to this practice are to be welcomed as a further step towards smashing the county lines gangs. I question whether amendment 5 is necessary since the Bill refers to a person's capacity to give consent as well as making informed decisions. I welcome the Minister's comments on that amendment.

On clause 33, I question whether restricting the Bill as written to dwelling structures used by a person as their home or living accommodation may give rise to some future loopholes. A garage or outhouse arguably may be used by the person for their business or for storage. Can the Minister give assurances that the clause accounts for the sometimes fine line, especially in cases of garages and outbuildings that may be used for non-domestic purposes but are still used for cuckooing?

Jo Platt (Leigh and Atherton) (Lab/Co-op): I, too, rise to speak on clauses 32 to 34. In Leigh and Atherton we have seen at first hand how cuckooing can tear apart the fabric of our community. Vulnerable residents, often facing significant personal challenges, find their homes taken over by criminals. That not only puts them in danger, but creates that ripple effect of fear and instability throughout our neighbourhoods. By making it an offence to exercise control over another person's dwelling for criminal purposes, these clauses are a critical step towards tackling this heinous crime.

The broad definition of criminal activities linked to cuckooing, such as drug offences, sexual offences and the use of offensive weapons, is particularly important for our community. It means that no matter how these criminals try to exploit vulnerable people, the law will be able to address it. This adaptability is crucial as we work to stay one step ahead of those who seek to harm our residents. One of the most vital aspects of the Bill is the clear protections that it offers. We have seen in our community how criminals can manipulate and coerce individuals into giving up control of their homes. By ensuring that a person cannot consent to the control of their home if they are coerced, under age, or not fully informed, the Bill removes those legal loopholes that criminals could exploit.

[Jo Platt]

The Bill's provisions for future-proofing are essential. Criminals are always finding new ways to exploit vulnerable people, and it is crucial that our laws can adapt to these changes by allowing for the list of specified offences to be amended, so that the law remains effective in combating cuckooing, no matter how it evolves. More locally in Leigh and Atherton, we have seen the devastating effects of cuckooing on individuals and families. It is also important to acknowledge that the perpetrators of cuckooing are usually involved in other criminal activity as well—it is wide-reaching.

The community response to cuckooing has been strong, with our local organisations and local authorities working together to support victims and prevent further exploitation. The Bill will enhance those efforts by providing clear legal definitions and protections and making it easier to identify and prosecute those responsible for cuckooing. These clauses are about not just creating new offences, but protecting our communities and the most vulnerable among us. By addressing the specific ways that criminals exploit individuals, and providing clear protections and support for victims, we can make a real difference. I urge my fellow Committee members to support these clauses and help us to take a stand against cuckooing and the harm that it causes in our communities.

Joe Robertson (Isle of Wight East) (Con): It is a pleasure to serve on this Committee with you in the Chair, Ms Lewell, and I agree with many of the comments made so far this morning.

Cuckooing, as we have heard, is a practice typically linked to the grim reality of county lines drug supply, where illegal drugs are trafficked from one area to another, often by children or vulnerable individuals coerced into these activities by organised crime, but is by no means exclusively linked to that activity. In 2023-24, estimates showed that around 14,500 children were identified as at risk from or involved in child criminal exploitation, with cuckooing included as an activity within that—and that number is likely to be a significant underestimate, as many exploited children are not known to the authorities.

The Centre for Social Justice has rightly pointed out that the act of taking over someone's home not only is a serious violation in itself, but brings with it a cascade of harmful consequences: escalating antisocial behaviour, increasing fear in communities and strain on already overburdened services and the ability of police forces to intervene and investigate. The practice disproportionately targets those who are already vulnerable—individuals who may be struggling with addiction, mental health issues or disabilities, who are often isolated and unaware of the full extent of the abuse that they are suffering, and who find it difficult to understand or even recognise what is happening to them in the place where they live.

I have two issues with the way that clause 32 is drafted, and I wonder whether the Minister can help. The offence is set out in clause 32(1), and states that

"person A commits an offence if—"

setting out three limbs to the test for this offence: that

"A exercises control over the dwelling of another person (B),"

and

"B does not consent to A exercising that control for that purpose",

and that

"A does so for the purpose of enabling the dwelling to be used in connection"—

this is important—

"with the commission (by any person) of one or more relevant offences".

Those offences are then set out in schedule 5, and they are a reasonably small list. For example, an offence

"under section 33 or 33A of the Sexual Offences Act 1956 (keeping a brothel)",

or offences relating to flick knives. I will not list them all.

My question to the Minister is this: why is cuckooing restricted to only a certain specified number of offences taking place in the home? Bearing in mind that A is exerting control over that home, which B does not consent to, I wonder why there is not scope here to say that all criminal offences carried out in that home where that coercive control relationship is taking place could amount to cuckooing.

My second question to the Minister is about the drafting in relation to exercising control. Since an offence only takes place if A is exercising control over the dwelling of person B, the Bill helps us with what exercising control means. Clause 33(4) states:

"The circumstances in which A exercises control over B's dwelling include circumstances where A exercises control…over any of the following",

and it then lists paragraphs (a) to (d). For example, paragraph (a) states:

"who is able to enter, leave, occupy or otherwise use the dwelling or part of the dwelling",

while paragraph (b) covers:

"the delivery of things to, or the collection of things from, the dwelling".

I will not go through all the paragraphs (a) to (d), but it is not clear from the drafting of clause 33(4) whether they provide an exhaustive list of things that amount to control over a dwelling, or whether they are merely an indicative list.

10 am

If the list is intended to be exhaustive, I would not like to see a potential criminal get off by arguing that the control they exercised does not fit into any of the definitions covered by paragraphs (a) to (d). If the list is intended to be merely indicative, I would expect clause 33(4) to say, "The circumstances in which A exercises control over B's dwelling include, but are not limited to, circumstances where A exercises control over any of the following", and then to list paragraphs (a) to (d). I am unclear what clause 33(4) intends to do, but I would hope that the list covered by paragraphs (a) to (d) is merely indicative. In order to clarify that, I would have thought it would be routine and ordinary to insert the wording "but not limited to".

David Burton-Sampson (Southend West and Leigh) (Lab): It is a pleasure to serve under your chairship, Ms Lewell. This Government are taking strong new action to make cuckooing a specific offence, protecting the most vulnerable people whose homes are used by others to commit criminal activity. After the last Tory Government's dereliction of law and order, a Labour Government will finally deliver and get the job done. We have already discussed in depth the plans to toughen

up on child criminal exploitation, and that certainly extends into the world of cuckooing. The exploitation of children and vulnerable people for criminal gain is sickening, and it is vital that we do everything in our power to eradicate it.

Cuckooing is a particularly insidious and damaging form of victimisation, causing untold harm. One Essex mother has recounted how a gang from outside the county occupied her flat and used it as base from which to deal drugs. The gang took her car and she became a prisoner in her own home, scared for her own safety and too frightened to call the police. She said that they took the whole property over and were running a drug house, with people coming all hours of the day and at weekends, so they would be up all night. When she left her bedroom, she was threatened and felt that there was nothing she could do. It has destroyed her confidence. That is the reality of cuckooing.

There can be no doubt that this is a serious and hugely damaging crime. Charities have welcomed the introduction of this new stand-alone law focused on exploitative adults. It will shift the focus on to the perpetrator, not victims, and will help protect thousands of vulnerable people—young people and adults—identified as being at risk of criminal exploitation. We need to break the cycles of harm, punish the exploiters, prioritise the victims and put safety first. Simply charging people with drug possession ignores the core truth that these abusers are exploiting at-risk people.

The former Conservative Government did not take cuckooing seriously. Although they explored making cuckooing an offence under the antisocial behaviour action plan in March 2023, they determined that existing offenses were sufficient to respond to people engaged in cuckooing. It was only after Labour tabled an amendment to the Criminal Justice Bill in 2023-24 that the Conservatives agreed to work with the Opposition to introduce a new amendment. This Government are funding 13,000 extra neighbourhood police officers, with a named officer in every community. Having more officers on the ground will also go a long way to help deal with this appalling exploitation of vulnerable people.

Cuckooing is a growing concern in many areas, including in Southend-on-Sea. Essex police has highlighted cuckooing as a key issue relating to county lines drugs operation. These people exploit the vulnerable, as we have said, including children and those with mental health issues or addictions. The safeguarding efforts of the Essex constabulary, who police my constituency, include highlighting initiatives, training, audits and vital partnership collaboration to ensure the protection of vulnerable individuals.

The hard work of Essex police has made Southend and the surrounding areas safer to live. The force takes a robust approach to criminals who are intent on supplying drugs to vulnerable people and causing harm to our communities, and has trained more than 450 police and partner agency staff to recognise the signs of cuckooing. Leaflets and posters describing the signs of cuckooing and how to get help have been sent to victims, their neighbours, community partners and police stations. Huge efforts have been made to deal with the increase in cuckooing.

A key objective for the force is to ensure that children and vulnerable individuals receive proper support and safeguarding. Triage teams have been created and information sharing with social services and other agencies has improved, but it is a huge challenge for our police forces, taking up significant amounts of manpower.

Southend-on-Sea city council has been working to raise awareness of county lines activity too—in particular, how criminal gangs exploit young people to transport drugs and the dangers of cuckooing. The council's #SeeTheSigns campaign aims to raise awareness and prevent recruitment into these terrible networks and to avoid people's homes being taken over.

Neighbourhood policing has always been the cornerstone of our proud British tradition of policing by consent, yet the previous Government let the number of officers in local roles collapse, with dire consequences. We even heard from the hon. Member for Gordon and Buchan that it is difficult with current resources, so thank goodness this Government are increasing the resource. We are delivering the police and the police community support officers in local communities equipped with tougher powers to crack down on the exploitation of vulnerable people.

My local force is appealing for anyone who feels that cuckooing is happening to them, or to someone they know, to please tell them, so that the police can make sure they are safe and deal with those who are exploiting them. This is often a hidden crime, harmful and dangerous. Everyone deserves to feel safe in their own home, not held hostage and deprived of their basic freedoms. Cuckooing is an appalling crime; it victimises people and it must stop. I am incredibly grateful for the work of the police and other agencies in ensuring swift interventions, ensuring a positive outcome for residents, and I thank them for all they do.

Community vigilance and support is vital in tackling such issues. If residents see frequent visitors at unsociable hours, changes in a neighbour's daily routine, unusual smells coming from a property, suspicious or unfamiliar vehicles often outside an address, they should report it to the police. We need this stand-alone law. Cuckooing is an absolutely horrendous business, so I welcome clauses 32 to 34, and I commend the Government for the actions being taken.

Mr Alex Barros-Curtis (Cardiff West) (Lab): It is a pleasure to serve under your chairship, Ms Lewell; after some excellent contributions on this set of clauses, I hope not to disappoint you. It will not surprise you to hear that I support clauses 32 to 34 and schedule 5.

As we have heard from Members on both sides of the Committee, cuckooing destroys lives, destroys homes and serves as one of the most egregious examples of exploitation, especially of children, in society currently. It is a despicable and offensive practice, wherein criminals exploit the most vulnerable in our communities by taking over their homes for illegal activities, so I commend the Government for creating a new bespoke criminal offence to tackle the practice of home takeover.

For too long, as my hon. Friends have said, cuckooing has been a subversive injustice in our towns. As the Government state in the papers supporting the Bill, unfortunately there is no centrally held data; I hope that, after the implementation of the criminal offence of cuckooing, we will begin to see such data for all the home nations.

[Mr Alex Barros-Curtis]

As my hon. Friend the Member for Southend West and Leigh said, many people may not even notice it is happening, at least to begin with. There are several signs to look out for that may indicate someone is a victim of cuckooing: frequent visitors at unsociable hours, changes in a neighbour's daily routine, unusual smells coming from the property, and suspicious or unfamiliar vehicles outside an address—individually they seem innocuous, but in reality they are insidious and malign.

Drug dealers, human traffickers and violent gangs all can prey on children, the elderly, the disabled and the most vulnerable in our society. They force their way into their victims' homes, using manipulation, threats, coercion and violence to turn their homes into drug dens, bases for exploitation and centres of criminality. As both the hon. Member for Isle of Wight East and my hon. Friend the Member for Southend West and Leigh said, that is typically across county lines.

The victims are left terrified in their own homes, their mental and physical wellbeing deteriorating in the very place that they are meant to feel most safe. Neighbours suffer as their streets are blighted by crime and antisocial behaviour, and are unable to feel safe in their own community. As was eloquently expressed by my hon. Friend the Member for Forest of Dean, despite their tireless efforts, our law enforcement officers have lacked the legislative tools to tackle cuckooing effectively.

Clauses 32 to 34 and schedule 5 will change that. Those vital clauses will introduce the specific criminal offence of cuckooing, ensuring that those who invade and exploit vulnerable people's homes can face the severest of consequences. By making cuckooing a distinct offence, we send a clear message that we will not stand idly by while criminals hijack the homes of the weak and defenceless. I pay tribute to all the campaigners and organisations who have researched and campaigned for the creation of this specific offence over many years.

The clauses will give police officers greater powers to intervene early, ensuring that victims are safeguarded and perpetrators are brought to justice; they will enable faster action by enabling authorities to have the necessary powers to arrest criminals, and they will allow homes to be returned to their rightful residents without the current muddy legal waters that are delaying and frustrating justice, as my hon. Friend the Member for Forest of Dean said.

The clauses should be seen not in isolation, but as part of a package of measures to protect children and vulnerable people. Last week, we discussed child criminal exploitation and the offence that the Bill will create in that regard. These are all essential legislative components of the Government's safer streets mission, which should be supported across the House. I think we have seen a demonstration of that with the comments from both sides of the House in respect of these clauses. I reiterate my support for the clauses and welcome that cross-party support. Making cuckooing a stand-alone criminal offence, with a maximum penalty of five years in prison, sends the clearest signal that we are on the side of victims in furtherance of our safer streets mission.

Dame Diana Johnson: This has been an excellent short debate on this group of clauses on cuckooing. I note the cross-party support for introducing this new law. We have had some really good contributions. I noted particularly the contributions from my hon. Friend the Member for Gravesham, who talked about James's story, and my hon. Friend the Member for Southend West and Leigh, who spoke very personally about the effects on individuals who find themselves victims of cuckooing. My hon. Friend the Member for Leigh and Atherton talked about the effect it has on communities. My hon. Friend the Member for Forest of Dean talked about his experience as a police officer, recognising the gap in the law and how justice could not be delivered for victims of cuckooing, while my hon. Friend the Member for Cardiff West talked about the subversive injustice of cuckooing in our communities.

Many contributions covered what cuckooing means for local communities and what they should be looking out for. I noticed my hon. Friend the Member for Gravesham's comments about one in eight people saying that they have seen signs of cuckooing in their areas; it is a problem in many communities.

10.15 am

I will deal with some of the specific questions asked in the debate. The hon. Member for Windsor asked whether garages and outhouses were covered by clause 33(2). The subsection recognises that harm can be caused by control over any part of a person's home, so I hope that reassures him. The hon. Member for Isle of Wight East asked about limiting the scope of the offences to specified criminal activity as set out in the Bill. The offence is targeted at the criminal activity that we understand takes place in cuckooed properties, such as drug supply, sexual offences and storage of offensive weapons. We have not captured use of the property for any and all criminal activity, to avoid the risk of potentially capturing acts that are not considered to be cuckooing, such as where a perpetrator moves in with a partner for the purpose of abusing them. Of course, that may well be coercive control, but that is covered by laws in the statue book already.

Nevertheless, as has been pointed out, we have included a power to amend the list of specified offences to future-proof against the exploitative criminals who continually adapt and develop their methods. We have affirmed the current schedule of offences with police to ensure that it encompasses all criminal activity that they currently see in cuckooed properties. The hon. Gentleman also asked for an assurance that the list of examples of control provided by clause 33(4) is just a list of examples. I can reassure him that it is just an indicative list, not an exhaustive list, as made clear by the word "include".

Joe Robertson: I thank the Minister for that clear explanation in response to both my queries. I say again that it would be usual in drafting to say, "include, but are not limited to", just to make it absolutely clear to legal practitioners that it is not an exhaustive list, so I put that on the record again. I am sure the Minister's officials are listening, and I would be pleased if she could perhaps go away and think about a small amendment there.

Dame Diana Johnson: I am sure that the hon. Gentleman is trying to help the Government to ensure that this legislation is as good as it can be, so we will reflect on what he says.

I want to make some general observations and comments on this grouping. Clauses 32 to 34 and schedule 5 provide for the new offence of controlling another's home for criminal purposes, commonly known as cuckooing. As I am sure we all agree, cuckooing is a truly abhorrent practice whereby criminals target and take over the homes of vulnerable people for the purposes of illegal activity. It is often associated with antisocial behaviour and the exploitation of children and vulnerable people used by criminal gangs inside properties.

Currently, a range of offences can be used to prosecute criminal activity commonly associated with cuckooing. For example, the inchoate offences under sections 44 to 46 of the Serious Crime Act 2007 may apply where cuckooing amounts to an act of

"encouraging or assisting the commission of an offence".

Any criminal activity carried out from the cuckooed property would also already be an offence. For example, where a cuckooed property is used to supply illegal drugs, offences under the Misuse of Drugs Act 1971 may apply.

It is the Government's view, however, that the existing legal framework does not reflect the harm caused to victims when their home—a place where they should feel safe—is taken over by criminals. I know that this view is shared by many parliamentarians from across the House. I pay particular tribute to the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith), who has championed the issue of cuckooing for some years. I also pay tribute to the organisation Justice and Care for all the work that it has done to highlight this particular issue, and recognise our former colleague Holly Lynch, who campaigned on this issue when she was a Member of the House.

Children in particular are often exploited by criminals. By introducing the offence of cuckooing, alongside the new offence of child criminal exploitation, our aim is to improve identification of such children and to strengthen the response for both adult and child victims of exploitation. I want to make clear that we expect the cuckooing offence to be used to pursue the criminals orchestrating the cuckooing, and that the victims of exploitation, including children and vulnerable people, found in properties should be safeguarded—I will say a little more about the role of children in a moment.

Clause 32 outlines that it will be an offence to control a person's dwelling in connection with specified criminal activity without that person's consent. The specified criminal activity is set out in schedule 5 to the Bill, reflecting the types of criminal activity that cuckooing is typically used to facilitate, as we were just discussing—for example, drugs offences, sexual offences and offensive weapons offences, among others. The offence will carry a maximum penalty on conviction on indictment of five years' imprisonment, a fine or both.

Clause 33 provides interpretation of the terms used in clause 32 to clarify what is meant by "dwelling", "control" and "consent". Clause 33 also provides examples of how an individual may exercise control over another's dwelling, including controlling who is able to enter, leave or occupy the dwelling, the delivery of things to the dwelling and the purposes for which the dwelling is used. It should be noted that the person exercising the control does not need to be present in the dwelling, thereby enabling prosecution of gang leaders who are directing the cuckooing from afar.

Clause 33 also sets out that a person cannot consent to control of their dwelling if they are under 18 years old, they do not have the capacity to give consent, they have not been given sufficient information to enable them to make an informed decision, they have not given consent freely or they have withdrawn their consent. The consent of an occupant may not freely be given where it is obtained by coercion, manipulation, deception or other forms of abusive behaviour, taking into account the vulnerability of an individual.

We recognise that criminal gangs may adapt cuckooing to other crime types. Therefore, as I said, clause 34 provides that power for the Home Secretary and for the relevant Ministers in Scotland and Northern Ireland to amend the list of specified offences in schedule 5 to future-proof the offence. Such regulations will be subject to the affirmative procedure, which may help with scrutiny, as mentioned by the hon. Member for Gordon and Buchan.

I will say a few words about the issue of children and cuckooing. Police and stakeholders tell us that children, in particular those exploited by county lines gangs, are used as runners, to deliver drugs to cuckooed properties, and sometimes as sitters, to sell drugs from the properties. It is absolutely right that children who have been exploited and groomed into criminality should be treated first and foremost as victims, as I said a few moments ago. That does not in itself override the age of criminal responsibility, where the law holds children over a certain age to be responsible for their actions. I believe that allowing those two principles to exist alongside each other will provide the best protection and outcomes for vulnerable victims of this terrible crime.

The non-consensual control of someone's home, the place in which they deserve to feel completely safe and secure, is a cruel and harmful violation. Therefore, where there is evidence that a child has been involved in an offence against, for example, a vulnerable or elderly person, and it is evident that they have chosen to do so and have not been manipulated or coerced, it is right that the police should be able to take action. That does not mean, however, that the police will seek charges against under-18s irrespective of any history of exploitation. I am clear that decisions as to whether to charge someone should be taken on a case-by-case basis. As with all offences, the police have operational discretion, and the Crown Prosecution Service's public interest test will apply.

We will also issue guidance to support implementation of the cuckooing offence, including on how police should respond and identify exploitation when children are found in connection with cuckooing. As we have previously debated, the Bill provides for the new offence of child criminal exploitation to strengthen the response to perpetrators who groom children into criminality. It is intended to improve identification of, and access to support for, victims.

Amendment 5, which the hon. Member for Frome and East Somerset spoke to, seeks to further define "capacity to consent" as set out in clause 33(5)(b). The amendment would set out that a person lacks capacity to consent to the control of their dwelling for a criminal purpose if they either lack capacity under the Mental Capacity Act 2005 or are in circumstances that

"significantly impair their ability to protect themselves from exploitation."

[Dame Diana Johnson]

I agree it is important that the offence can be used to prosecute perpetrators who have preyed on those who, due to a health condition or wider vulnerabilities, do not have the capacity to provide valid consent. However, I want to clarify that we have intentionally avoided using references to the Mental Capacity Act 2005. We believe that may cause confusion in this context, as that Act is designed to apply in a civil law context and has a central purpose of empowering people whose capacity is called into question, rather than identifying those who lack capacity.

Furthermore, the formulation of the amendment starts from the presumption that a person lacks capacity to consent if they are in circumstances that significantly impair their ability to protect themselves. That may imply that vulnerable people inherently lack capacity, which we think would set an unhelpful precedent. I reassure the Committee that the clause as drafted already allows for a broad interpretation of capacity. Our intention is to provide flexibility for the court to interpret capacity as relating to any impairment that may impact the person's ability to consent. That could include circumstances where a person is unable to consent to the control of their dwelling for a criminal purpose due to disability, illness and/or the effects of substance misuse. That applies to both permanent and short-term lack of capacity.

Where a person has been subjected to coercion, deception or manipulation and is as a result less able to protect themselves against cuckooing, that is already covered by the definition of consent under clause 33(5), which provides that consent is valid only if freely given and sufficiently informed. As I have already stated, we intend to issue guidance to support the implementation of the offence and will ensure that it covers the issue of consent to assist police in identifying victims and the type of evidence that points towards ability to consent. I hope that, with those reassurances, the hon. Member for Frome and East Somerset will be content not to press the amendment to a vote.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Schedule 5 agreed to.

Clauses 33 and 34 ordered to stand part of the Bill.

Clause 35

PROTECTIONS FOR WITNESSES, AND LIFESTYLE OFFENCES

Question proposed, That the clause stand part of the Bill.

Dame Diana Johnson: The clause provides for the offences of child criminal exploitation and cuckooing to be designated "lifestyle offences" under the Proceeds of Crime Act 2002, and for victims and witnesses of both offences to be automatically eligible for special measures when giving evidence in court. Child criminal exploitation and cuckooing are abhorrent practices whereby perpetrators exploit vulnerable victims to further their own criminal lifestyle. As such, we want to ensure that special measures are in place to make it easier for victims of these new offences, who are likely to be vulnerable, to give evidence during court proceedings.

Clause 35 therefore amends the Youth Justice and Criminal Evidence Act 1999 to provide for victims of these crimes to be automatically eligible for provisions such as the screening of the witnesses from the accused or giving evidence by video link or in private. Similarly, we want to ensure that perpetrators of child criminal exploitation or cuckooing are not able to profit from the harm that they have caused. Clause 35 therefore amends schedule 2 to the Proceeds of Crime Act 2002 to add both offences to the list of lifestyle offences. This means that when a person is convicted of these offences, their assets will be considered to have potentially derived from crime and may be subject to confiscation.

10.30 am

Harriet Cross: The clause introduces provisions relating to protections for witnesses and the concept of lifestyle offences. The provisions seek to enhance both the effectiveness of our justice system and the protection of vulnerable individuals, but there are also some important concerns that must be carefully considered.

The core purpose of the clause lies in two key areas: providing stronger protections for witnesses involved in criminal investigations and prosecutions; and addressing lifestyle offences, which are crimes that become part of an individual's habitual way of life, often tied to organised criminality or repeat offenders. One of the main aims of the clause is to offer greater safety and security for witnesses. We all know that witnesses are an essential part of our criminal justice process. Without them, many crimes would go unpunished and justice could not be served. However, witnesses, especially those in cases involving organised crime or serious offences, often face significant risks, including intimidation, threats of violence and retaliation.

The clause seeks to address those dangers by providing stronger legal protections for witnesses, ensuring that they feel safe enough to come forward and testify. This provision is particularly crucial in cases involving organised crime, gang violence or terrorism, where a witness might be particularly vulnerable. The protections include mechanisms to ensure that witnesses' identities are kept confidential, and in extreme cases, provisions for relocation or even new identities. By making it safer for witnesses to testify, we ensure that those who know the truth can stand up for justice without fear for their life.

Furthermore, the clause allows for alternative means of giving evidence, such as by video link or in written statements, in cases where giving testimony in person would put the witness at risk. The protections are a vital step towards maintaining the integrity of the legal system, particularly when individuals are reluctant to engage due to fears of reprisals. It is the Government's intention that by ensuring witness safety, the overall effectiveness of criminal investigations and prosecutions will be enhanced.

The second intention behind the clause is to address lifestyle offences—a term that refers to crimes associated with the habitual behaviour of certain offenders. These offences often form part of a broader pattern of criminal activity and are typically linked to individuals involved in organised crime, or those who consistently engage in criminal behaviour as a way of life. The inclusion of lifestyle offences in the Bill aims to target those who commit repeated or ongoing crimes, to disrupt their criminal activities.

The idea behind lifestyle offences is to shift the focus from seeing crime as an isolated act, to understanding that certain individuals or groups are involved in criminal activity as part of their everyday life. Many offenders are involved in organised crime networks, such as drug trafficking, money laundering or human trafficking, and their activities extend far beyond a one-time offence. The intention is to create legal measures that are specifically tailored to address the ongoing nature of their offending. This is not just about punishing individuals for one-off crimes, but intervening in the criminal lifestyles that perpetuate organised crime, breaking the cycle of repeat offending and reducing long-term harm.

By addressing those crimes within the framework of lifestyle offences, the Bill seeks to prevent future crimes and provide opportunities for rehabilitation. It aims to provide intervention strategies for offenders whose lifestyle choices revolve around illegal activity, encouraging them to turn away from crime. This approach seeks to address not just the symptoms of criminal behaviour, but the root causes, whether related to socioeconomic factors, addiction or mental health.

Although the protections for witnesses and the focus on lifestyle offences are both positive steps, several issues must be considered carefully to ensure that the clause is applied fairly and effectively. One significant concern is the potential for overreliance on witness protection schemes. Although it is essential that we offer the best protection possible for vulnerable witnesses, there is a danger that we could rely too heavily on these measures, which may not always be the most appropriate solution.

Witness protection, particularly when it involves relocation or changes of a person's identity, can be extremely resource-intensive. It is also crucial that the system is not misused. Witnesses should not be encouraged to give evidence under duress or false pretences simply because they are promised protection. The integrity of the justice system must remain intact, and there is a risk that overusing or misusing witness protection could undermine its integrity. I would be grateful for the Minister's comments on that.

The Parliamentary Under-Secretary of State for the Home Department (Jess Phillips): Could the hon. Lady give us an example of the sort of case she is concerned about?

Harriet Cross: It is not beyond belief that, for example, a witness involved in a rival gangs situation could be coerced or forced to give evidence for a gang-related offence, whether or not it is necessarily true. Witnesses can be vulnerable in many different many ways. Witnesses can be completely innocent, but they can also be part of the crime. We need to ensure that the witness protection system is protected, because that is the best way to ensure that our criminal justice system is protected.

Jess Phillips: I understand the premise of witness protection and the clause that is in the Government Bill. The hon. Lady has raised a concern about witness protection being used to affect the independence of the judiciary. I wondered whether she had an example of that.

Harriet Cross: I do not have a specific example, but it is not beyond the realms of possibility. None of what we are dealing with is necessarily a reaction to individual cases. We create law in order to pre-empt things that may happen. It is reasonable for the Opposition to pre-empt something that may happen to ensure that it is considered when drafting a Bill. It is a completely reasonable concern for the Opposition to raise.

Finally, there are concerns about potential for witness protection schemes to undermine the right to a fair trial. If a witness is protected to such an extent that their testimony cannot be scrutinised or cross-examined fully, it could raise issues about the fairness of the trial. Clause 35 does aim, however, to offer much-needed protections for witnesses, particularly those involved in cases of organised crime or serious criminal activity. The inclusion of lifestyle offences recognises the ongoing nature of certain types of criminality, targeting habitual offences and providing opportunities for intervention.

Dame Diana Johnson: I am grateful for the very thorough speech that the hon. Member for Gordon and Buchan just made. I am a little concerned that she may have misunderstood what the clause attempts to do, which is to support victims and those who are vulnerable in their ability to give evidence in court, such as by enabling them to give it by video link or behind a screen, because we know that it can be quite intimidating to be in court. As the hon. Lady said, if there are people who victims are concerned or frightened about, and they worry there will be repercussions, then putting in those measures seems to be a sensible way forward.

I have not come across the specific issue with witness protection that the hon. Lady mentioned. She referred to people being relocated and moved away. The provisions within this part of the Bill are reasonable measures to address the vulnerabilities of people who may find themselves subject to child criminal exploitation or cuckooing. We are not doing anything in this clause that goes beyond what is already in place for other vulnerable witnesses in court. It is not doing anything in addition to what is already accepted as good practice for those with vulnerabilities.

Question put and agreed to.

Clause 35 accordingly ordered to stand part of the Bill.

Clause 36

Child sexual abuse image-generators

Jess Phillips: I beg to move amendment 11, in clause 36, page 40, line 33, at end insert—

"(3A) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under the Sexual Offences Act 2003), after the entry for section 41 insert—

'section 46A (child sexual abuse image-generators)'."

This amendment excepts the offence about child sexual abuse image-generators from the defence in section 45 of the Modern Slavery Act 2015.

The Chair: With this it will be convenient to discuss clause stand part.

Jess Phillips: It is a pleasure to serve under your chairship, Ms Lewell.

Clause 36 criminalises artificial intelligence image generators used by offenders to create the most severe child abuse imagery. Child sexual abuse offenders use fine-tuned AI models to generate photorealistic child sexual abuse material. These images often depict the most severe and graphic forms of abuse, and can feature real children. Child sexual abuse offenders also sell those models to other offenders, making significant profits.

Our law is clear that AI-generated child sexual abuse material is illegal, but the fine-tuned models that facilitate the creation of child sexual abuse material are not currently. The Government are therefore making it illegal to possess, make, adapt, supply or offer to supply a child sexual abuse image generator, and that offence will be punishable by up to five years in prison.

Government amendment 11 is a consequential amendment that adds the new image generator offence to schedule 4 to the Modern Slavery Act 2015—I feel like this will get said a lot over the next few weeks—thereby removing the offence from the ambit of the statutory criminal defence in section 45 of the 2015 Act. We believe that introducing this new offence will give law enforcement the powers it needs to combat the use of AI to create the most severe forms of child sexual abuse material.

Harriet Cross: Clause 36 introduces a new criminal offence targeting what are termed child sexual abuse image generators. Simply put, it will make it illegal to make, possess or distribute any tool—an AI model, computer program or digital file—designed to create indecent images of children. It addresses what has been up to now a concerning gap in the legislation. We know that technology is advancing to the point at which artificial intelligence can produce realistic child abuse images without any child being photographed.

If someone deliberately develops or shares software to generate child sexual abuse material, they are enabling heinous crimes, so it is right that clause 36 makes that explicitly illegal and punishable. The clause introduces new sections to the Sexual Offences Act 2023. It defines a CSA image generator in deliberately broad terms, covering any program or data created for producing child sexual abuse images. That breadth is essential to prevent offenders from evading liability through technical arguments about, for example, what constitutes a photograph in the digital age. Whether it is an AI model trained on abusive images, a computer-generated image rendering program or any digital template for indecent images of children, it will fall within this ban.

Government amendment 11 ensures that the offence is added to schedule 4 to the Modern Slavery Act. That is an important safeguard to prevent offenders from claiming that they were victims of trafficking to escape liability for creating these abhorrent tools. It is entirely appropriate that this offence, like other serious sexual offences against children, should be exempt from the slavery defence. Although we must of course protect genuine victims of trafficking, that exemption is necessary to prevent abuse by removing the defence in cases involving the deliberate facilitating of child sexual abuse.

Clause 36 is a proactive step taken against emerging threats. The previous Conservative Government started focusing on the dangers of AI-generated child abuse images, and I am pleased that the current Government are continuing with that.

David Burton-Sampson: The former Conservative Member for Chelmsford tabled an amendment on this matter to the Criminal Justice Bill, which Labour supported in opposition, but unfortunately it was not added. Is the hon. Lady now happy that this measure is being added to the Crime and Policing Bill?

Harriet Cross: Yes, I think I just said that. I am pleased that the Government are continuing with this measure.

The clause aligns with the Conservative approach to zero tolerance for child exploitation technology. We built the foundations of that in 2015 through the paedophile manuals offence, and the law is now being updated for the digital age.

I have two quick questions for the Minister. What plans are in place to identify and intercept CSA image generators online once this offence is enacted? Will there be proactive efforts, working with internet companies, for example, and internationally, to root out these tools before they are spread? How do the Government plan to ensure that legitimate AI research and development is not inadvertently captured by this offence, while ensuring that all genuinely harmful tools are prohibited?

10.45 am

Jess Phillips: I am pleased that the hon. Lady supports the measure, and that there has been a change of heart, as has been pointed out, on the Opposition Front Bench. Although they are not in this group, if she looks at the series of clauses that relate to AI child sexual abuse material, she will see that there is quite a lot in them specifically on the Home Secretary having the power to allow certain AI companies to use such technology to discover child abuse. We do not want to inhibit GCHQ or—I wish I knew the name of some big, lovely, benevolent AI company; I am sure one exists. They might develop materials that would help us, because so much of how we find child sexual abuse material online is through things like the caching of images. An image database that the Government fund is used to identify known child sexual abuse material that can then be searched for online.

I have no technical knowledge of AI; as I stray into this area, I can picture my husband's eyes rolling firmly into the back of his head, as a man who works in tech. However, I know that on CSAM we always look proactively for—I am already going to say something that might be totally stupid—a certain kind of code and a certain kind of people, based on intelligence, and we have intelligence officers who work undercover in this space to go out and look for them. I hope that answers the hon. Lady's questions.

I give credit to the Internet Watch Foundation and the National Society for the Prevention of Cruelty to Children, which have campaigned fiercely over the years for these measures to become law. They have been trying to sound the alarm on AI imagery, which uses real children and has real-world consequences. It is very

easy for people to think that because an image is not of a real child, it does not cause real problems. Those organisations have been sounding the alarm, so I give credit to them.

Amendment 11 agreed to.

Clause 36, as amended, ordered to stand part of the Bill.

Clause 37

POSSESSION OF ADVICE OR GUIDANCE ABOUT CREATING ETC CSA IMAGES

Jess Phillips: I beg to move amendment 12, in clause 37, page 42, line 11, at end insert—

"(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), for paragraph 35A (offences under the Serious Crime Act 2015) substitute—

'35A An offence under any of the following provisions of the Serious Crime Act 2015—

section 69 (possession of paedophile manual)

section 75A (strangulation or suffocation).'."

This amendment excepts the offence of possession a paedophile manual from the defence in section 45 of the Modern Slavery Act 2015.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Government amendments 20 to 22.

Jess Phillips: Clause 37 amends section 69 of the Serious Crime Act 2015 to criminalise the possession of advice or guidance on using artificial intelligence to create child abuse imagery. So-called paedophile manuals that contain guidance for offenders about how to abuse children sexually or create indecent photographs or pseudo-photographs are illegal under the existing offence in the 2015 Act. However, the Act does not cover guidance for offenders about how to use AI to create illegal images of children, because back in 2015 we did not know what "AI" meant.

Our law is clear that AI-generated child sexual abuse material is illegal. Clause 37 strengthens that law to include guidance on using AI to create child sexual abuse images. As now, the maximum penalty for the expanded offence is three years' imprisonment and a fine. Government amendment 12 adds the paedophile manual offence to schedule 4 to the Modern Slavery Act, thereby removing the offence from the ambit of the statutory criminal defence in section 45 of that Act. Amendments 20 to 22 are consequential on amendment 12. We believe that this extension of the paedophile manuals offence will close a legislative gap and give law enforcement the powers that it needs to combat the use of AI to create the most severe forms of child sexual abuse material.

Harriet Cross: Clause 37 strengthens the existing law to address evolving predator behaviours. It extends section 69 of the Serious Crime Act 2015, the offence commonly known as possessing a paedophile manual, to explicitly include any advice or guidance about creating child sexual abuse material. The current law, which was pioneered by the Conservative Government in 2015, rightly criminalises possession of written materials that facilitate child abuse. As depraved individuals find new ways to offend—perhaps sharing online how-to guides on generating child abuse images—we must ensure that the law clearly encompasses those too, and that is what clause 37 does.

From the Opposition's perspective, closing this loophole is entirely sensible. It would be inconsistent for our legal system to prosecute someone for possessing instructions on how to groom a child, and yet provide no recourse against someone with detailed guidance on creating computer-generated child abuse images. The two things are equally repugnant and dangerous.

Government amendment 12 will ensure that the offence is added to schedule 4 to the Modern Slavery Act, which will mean that the defence for slavery and trafficking victims does not apply. It is completely right that someone who possessed a guide to creating child abuse images should not be able to claim that they had it because they were being coerced. That complements the approach taken in amendment 11 to clause 36.

In 2015 the Conservative Government set the maximum sentence for the paedophile manual offence at three years. Given that we are expanding the offence, and given public abhorrence of the facilitation of child abuse, did the Government consider increasing the maximum penalty? If not, does the Minister still feel that three years remains sufficient deterrent and punishment?

Clause 37 is a targeted tightening of the law. It aligns with the previous Conservative Government-led efforts to eliminate materials to facilitate abuse. I expect that all Committee members will agree that those who seek out and hoard advice on creating indecent images of children are among the lowest of the low, and we must remove any ambiguity that they could hide behind in the face of prosecution.

Jess Phillips: The shadow Minister posed a question about sentencing. Clause 37 amends section 69 of the Serious Crime Act, in which, as she pointed out, the previous Government set the maximum sentence at three years and an unlimited fine. I do not want to cut across the sentencing review—the Ministry of Justice would not thank me for that—but it is really important that, as part of that review, consideration is given to how sentencing in cases of sexual violence, abuse and other areas of interest to me and everyone else in the House came about. At the moment, we are simply amending the existing law to include AI manuals in the previous Government's measure on hard-copy manuals.

Amendment 12 agreed to.

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38

ONLINE FACILITATION OF CHILD SEXUAL EXPLOITATION AND ABUSE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Schedule 6.

Clauses 39 and 40 stand part.

Government amendment 13.

Clause 41 stand part.

Government amendment 18.

Jess Phillips: Online child sexual abuse offending is often underpinned by networking between offenders. Offenders create groups on both the clear and the dark web to facilitate their crimes against children. These groups can legitimise or escalate the abuse of children and allow offenders to commercialise child sexual abuse. Offenders within the groups assist each other in evading detection by law enforcement.

Clause 38 creates a new offence of carrying out relevant internet activity with the intention of facilitating child sexual exploitation and abuse, punishable by up to 10 years' imprisonment. Schedule 6 specifies the offences that constitute child sexual exploitation and abuse. Under clause 39, this offence will apply to activities carried out outside the UK. Under clause 40, it will also extend to corporate bodies, including the relevant persons who control them, which will ensure that offenders who commercialise child sexual abuse cannot evade liability by conducting their crimes through a company. Clause 41 ensures that any individual convicted of the offence will be subject to requirements to notify certain information to the police, to enable them to manage the risk of the sex offender reoffending.

As with earlier Government amendments, amendment 13 will add the clause 38 offence to schedule 4 to the Modern Slavery Act—I often used to think that I could replace myself as a parent with a tape recording of me saying a wide variety of things about shoes, like, "Tidy your shoes" or "Clean them up"; maybe I could be replaced as a Minister with a tape recording of me saying, "This will amend schedule 4 to the Modern Slavery Act"—thereby removing the offence from the ambit of the statutory criminal defence at section 45 of that Act. Amendment 18 is consequential on amendment 13.

This new offence will give law enforcement agencies the power they need to prosecute some of the most prolific and powerful offenders who facilitate child sexual abuse, with a maximum penalty that fits the severity of the crime.

Harriet Cross: Clause 38 establishes a new offence addressing those who intentionally facilitate child sexual exploitation and abuse online. It marks an important development in the approach to child protection, targeting individuals who, while perhaps not directly abusing children themselves, none the less provide the digital infrastructure that enables others to commit such abuse. In essence, if someone runs or substantially assists an internet service with the intention of facilitating child sexual abuse, they will commit a serious crime under the clause. The maximum penalty is 10 years' imprisonment, reflecting the gravity of the conduct.

The clause defines the offence as engaging in "a relevant internet activity" such as providing an online service, administrating or moderating a website or chat group, controlling who can access certain content, or helping users share material, with the intention of facilitating child sexual abuse or exploitation. For example, someone who runs a hidden online forum specifically for paedophiles to exchange images or grooming tips, or a web administrator who knowingly allows child abuse live streams on their platform, will be committing a distinct criminal offence.

The clause plugs a gap. While existing laws might catch some of those behaviours, a clear, dedicated offence of online facilitation will send a strong signal and make prosecution more straightforward. Regrettably, it is evident that online platforms have become primary channels through which predators identify vulnerable children and distribute unlawful material. Law enforcement often finds that behind instances of abuse there are online platforms—sometimes private networks—that give offenders the means to commit or plan their crimes. Frankly, it is not enough to punish the individual abuser; we have to go after the enablers—the people who provide the online meeting places or technical help for abusers—too. Clause 38 will drag them into the light of criminal liability. Ten years in prison and a heavy fine should make any would-be facilitator think twice about operating an abuse forum or an encrypted sharing site for paedophiles.

11 am

It is important to note that the offence requires intention to facilitate abuse, which is key to avoiding any unintended impact on legitimate internet companies or innocent intermediaries. For example, a law-abiding social media company that has strict policies but is unfortunately exploited by abusers without its knowledge, would not get caught up in the offence. Clause 38 is not about punishing companies that are doing their best to fight abuse; it is about the bad actors who deliberately turn a blind eye or even design their services for abuse.

Will the Minister confirm my understanding that an honest provider with robust safeguarding would not itself fall foul of clause 38 simply because a predator was misusing its platform? The threshold is intentionally facilitating—in effect, knowing that involvement in child sexual abuse is occurring. The clause targets criminals, but not the tech industry at large.

I welcome schedule 6, which lists the full range of child sexual offences across the UK that count as "child sexual exploitation and abuse" for the purpose of clause 38. That means that, whether the abuse facilitated is sexual assault, rape, grooming, indecent imagery or any other child sexual crime under the laws of England, Wales, Scotland and Northern Ireland, it will be covered. That UK-wide coherence is important, because online crime does not respect judicial boundaries. A Scottish offender running a forum to facilitate abuse in England, for example, is just as culpable.

How will clause 38 interact with the new corporate accountability measures of the online safety regime? For example, if a tech company employee, acting on the company's behalf, intentionally facilitated abuse, would the company itself face consequences? Will Ofcom and the police co-ordinate so that intelligence from Online Safety Act 2023 enforcement—that a platform is failing in its duties, for example—can lead to a criminal investigation under clause 38 where appropriate? Those points are about ensuring that this new law has teeth in practice. I note that Government amendment 13, like amendments 11 and 12, adds this offence to schedule 4 to the Modern Slavery Act.

In principle, we are aligned with the Government on this measure. Those who enable or turn a blind eye to child abuse in the digital world are as culpable as those who do so in the real world. When we were in government, the Conservatives championed tougher penalties for online child abusers and pressured tech firms to clean up their sites. Clause 38 takes that ethos further in directly criminalising facilitation—a measure that we can all support in the interests of child safety. I support

clause 38, and the other clauses in the group, and hope to see them used to shut down predator platforms and put their operators behind bars.

Jack Rankin: When it comes to child sexual abuse, I can only wholeheartedly support measures that bring legislation up to date and reflect the increasingly digital world in which we live, so that those individuals who commit the most despicable crimes have nowhere to hide from the law. I rise to support the Government in all the offences included in chapter 1 of part 5.

It is horrifying to read about the increasing proliferation of this most heinous crime. The Internet Watch Foundation, to which the Minister has already paid tribute, conducted a study between March and April last year, which identified nine deepfake videos on just one dark web forum of dedicated child sexual abuse material. None had been found when the analysts investigated the forum in October the year before. IWF analysts say that the deepfakes are especially and increasingly convincing, and that free, open-source AI software appears to be behind many of the deepfake videos.

The methods shared by offenders on the dark web are similar to those used to generate deepfake adult pornography. Even more horrifying is that, as the same analyst said, what they found was the worst quality that fully synthetic video will ever be: advances in AI will soon render videos more life-like, in the same way that still images have become more photorealistic. There is no time to waste.

The new offence in clause 36, which the Committee unanimously agreed should stand part of the Bill, will make it illegal to adapt, possess, supply or offer to supply a CSA image generator. It is clearly necessary. I also welcome clause 39, which applies the law to British nationals who are not in the country, especially given the digital nature of this specific type of crime and the fact that criminals are working internationally.

In February, at least 25 arrests were made during a worldwide operation led by Europol against child abuse images generated by artificial intelligence. The suspects were part of a criminal group whose members engage in distributing fully AI-generated images of minors. The operation was one of the first involving such child sexual abuse material. The lack of national legislation against these crimes made it "exceptionally challenging for investigators", according to Europol. These measures change that, and I welcome our law enforcement agencies being able to work more closely together on this most despicable crime.

Joe Robertson: I also rise to support the clauses. As we have heard, artificial intelligence poses one of the biggest threats to online child safety in a generation. It is too easy for criminals to use AI to generate and distribute sexually explicit content of children.

As the UK's frontline against child sexual abuse imagery, the IWF was among the first to sound the alarm about AI being used in this way. In October 2023, the IWF revealed the presence of more than 20,000 AI-generated images, 3,000 of which depicted criminal child sexual abuse activities. The creation and distribution of AI-generated child sexual abuse is already an offence under UK law, but AI's capabilities have far outpaced our laws. My concern is that they will continue to do so. We must continue to keep the law in this area under review.

Offenders can now legally download the tools that they need to generate these images and produce as many as they want offline, with the high level of anonymity that can be achieved through open-source technology. Herein lies a problem: software created for innocent purposes can be appropriated and used for the most grim and hideous purposes. It is all very well making the activity illegal—I support the Government in tackling it—but the Government must also take steps, as indeed they are, to limit, curtail and disrupt criminals' access to the tools used to carry out their crimes. The Government would do so with regard to any other crime, and it so happens that this is a particularly evil crime that uses cutting-edge and developing technology.

I am concerned about detection in this area. The Minister has been asked to confirm—I am sure she will—that social media companies carrying out lawful activity will not be captured by this law. I do not think it is controversial to say that, in other areas, social media companies have not lived up to their responsibilities to detect crime, support law enforcement agencies in detecting crime and detect criminals who are using their platforms to enhance and enable their own criminal activities.

I hope and am sure that the Government are bringing pressure to bear on social media companies to help with detection of these crimes. It is all very well for social media companies, which are probably exclusively very large, international or multinational companies, to say that they are not the perpetrators of crime, but they do provide platforms and they have huge capabilities to enable detection. I would expect them to step up and put all the resources that they have into detecting or helping law enforcement to detect these vile and horrible crimes.

Jess Phillips: I completely agree with the hon. Member for Isle of Wight East that there is a real responsibility on our tech giants. The hon. Member for Windsor talked about the Internet Watch Foundation; the basis of its model is a partnership with social media firms whereby they provide it with huge amounts of the data, so they are not without efforts in the space of child abuse detection—they have been partners in it for many years. However, I think that it is uncontroversial to say that more needs to be done. We as policymakers and lawmakers have to keep a constant eye on how things change.

The shadow Minister, the hon. Member for Gordon and Buchan, asked a series of questions. She asked, "What if someone uses electronic services without the knowledge of the service provider?" An individual must have the intention of facilitating child sexual exploitation and abuse to be convicted under this offence. Where an internet service is used without the knowledge or intention of a service provider to carry out child sexual exploitation and abuse, the service provider will not be criminally responsible.

The shadow Minister also asked about the interplay with the Online Safety Act. These criminal offences are designed to ensure that we can better counter the threat of AI-generated CSAM offences. Offences that criminalise the individual user are not in scope of the Online Safety

[Jess Phillips]

Act. However, the interplay would be in relation to the content created where these measures are in scope. Companies and platforms would then fall under the OSA. I hope that that answers the hon. Lady's questions.

Question put and agreed to.

Clause 38 accordingly ordered to stand part of the Bill.

Schedule 6 agreed to.

Clauses 39 and 40 ordered to stand part of the Bill.

Clause 41

NOTIFICATION REQUIREMENTS FOR OFFENCE UNDER SECTION 38

Amendment made: 13, in clause 41, page 46, line 7, at end insert—

"(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (inserted by section 17), after the entry for section 17 insert—

"section 38 (online facilitation of child sexual exploitation and abuse)"."—*(Jess Phillips.)*

This amendment excepts the offence of online facilitation of child sexual exploitation and abuse from the defence in section 45 of the Modern Slavery Act 2015.

Clause 41, as amended, ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. —*(Keir Mather.)*

11.14 am

Adjourned till this day at Two o'clock.