

Lord German  
House of Lords  
London  
SW1A 0PW

23 July 2025

Dear Lord German,

## **BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE**

I am writing further to the debate in the Lords Committee on 8 July, where you requested (Official Report 8 July column 1268) further details about the offence in Clause 14 of the Bill.

You sought clarity on the meaning of “*receive*” in the context of Clause 14, which states “A person (*P*) commits an offence if, in the circumstances mentioned in subsection (2)— (a) *P* receives or arranges to receive a relevant article from another person...”

The intention in drafting this provision is to capture situations where an individual receives, or arranges to receive, an item into their possession or control from another person, in circumstances where that item is reasonably suspected to be used in connection with an offence under section 24 or section 25 of the Immigration Act 1971. This might include, for example, receiving an article for storage before it is used in a crossing.

The courts have addressed the meaning of “*receives*” in criminal law. The Court of Appeal in *R v Bell* [1983], a case concerning the Larceny Act held that “receive” meant receiving property into one’s possession or control. That is the intended meaning here.

To be absolutely clear, the Government does not consider that the act of helping to carry or steady a dinghy into the water, as described by you, would fall within this offence. In those circumstances, the dinghy remains under the control of the smugglers, and the person assisting is not receiving the item into their own control, nor are they arranging to do so.

Clause 14 is targeted at people smugglers and their logistics chain. It is not about criminalising those who are coerced or acting out of desperation. It is about creating a tool to disrupt facilitators, those who knowingly take possession of equipment used in illegal crossings.

As I have said previously, we have clear safeguards in place; there is a reasonable excuse defence, the CPS can only proceed with a prosecution where there is a realistic prospect of conviction, supported by evidence of intent and knowledge. The CPS also applies a

public interest test. So again, I want to reassure you that clause 14 is proportionate, legally grounded, and focused on those facilitating unlawful entry, not the vulnerable individuals being exploited.

I look forward to further debate of the Bill as it continues Committee stage.

I will place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Hanson', with a stylized flourish extending to the right.

**Lord Hanson of Flint**