

CRIME AND POLICING BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

The Government has tabled further amendments to the Crime and Policing Bill for Lords Committee stage. These amendments introduce new delegated powers. This supplementary memorandum explains why the new powers have been taken and the justification for the procedure selected.

New clause “*Stalking protection orders: Northern Ireland*”(8) – new section 12(3A) of the Protection from Stalking Act (Northern Ireland) 2022: Power to make rules of court in respect of applications to vary, renew or discharge a Stalking Protection Order.

<i>Power conferred on:</i>	<i>The Crown Court Rules Committee</i>
<i>Power exercisable by:</i>	<i>Rules contained in statutory instrument</i>
<i>Parliamentary procedure:</i>	<i>Negative resolution procedure</i>

Context and purpose

1. Clause 97 amends the Stalking Protection Act 2019 (“the SPA 2019”) so as to extend to the courts in England and Wales the power to impose a stalking protection order (“SPO”) on acquittal. Amongst other things, these provisions, at clause 97(9), provide that an application (for the variation, renewal or discharge of an SPO) to the Crown Court under any provision in the SPA 2019 is to be made in line with the rules of court. The Government notes that the DPRRC did not comment on this power in their report on the Bill (33rd Report of Session 2024/25).
2. At the request of the Department of Justice in Northern Ireland, new clause “*Stalking protection orders: Northern Ireland*” makes provision for Northern Ireland similar to the provision made for England and Wales by clauses 97 and 98. Amongst other things, this new clause confers analogous powers for Crown Court rules to make provision for applications to the Crown Court for the variation, renewal or discharge of an SPO.

Justification for the delegated power

3. The justification for conferring these rule-making powers on the Crown Courts Rules Committee in Northern Ireland is the same as that for conferring the powers on the relevant national authority in England and Wales as set out in paragraph 30 of the Government’s Delegated Powers Memorandum of 19 June 2025.

Justification for the procedure

4. The rule-making powers in Northern Ireland will be subject to the same level of parliamentary scrutiny (that is, the negative procedure) that already applies to the making of rules of court in that jurisdiction. The justification for the procedure is the

same as that as set out at paragraphs 36 and 38 of the Government's Delegated Powers Memorandum of 19 June 2025.

New clause “*Guidance about the disclosure of information by police: Northern Ireland*” – new section 17(2A) of the Protection from Stalking Act (Northern Ireland) 2022: Duty to issue guidance about the disclosure of information in relation to stalkers

Power conferred on: Department of Justice in Northern Ireland

Power exercisable by: Statutory guidance

Parliamentary procedure: None

Context and purpose

5. Clause 100 inserts new section 12A into the Stalking Protection Act 2019 which enables the Secretary of State to issue guidance to chief officers of police in England and Wales about the disclosure of police information for the purpose of protecting persons from risks associated with stalking. Such guidance would, in particular, set out the process by which the police should release identifying information about anonymous stalking perpetrators to victims for the purpose of safeguarding such victims.
6. In such cases, a disclosure can already be made lawfully by the police if the disclosure is made in accordance with the police's common law powers to disclose information where it is necessary to prevent crime and if the disclosure also complies with data protection legislation (Part 3 of the Data Protection Act 2018), the Rehabilitation of Offenders Act 1974 and the Human Rights Act 1998. It must be reasonable and proportionate for the police to make the disclosure based on a credible risk of violence or other harm.
7. Chief officers of police are required to have regard to the guidance.
8. The Government notes that the DPRRC did not comment on this power in their report on the Bill (33rd Report of Session 2024/25).
9. At the request of the Department of Justice in Northern Ireland, new clause “*Guidance about the disclosure of information about stalkers: Northern Ireland*” makes analogous provision for Northern Ireland, although reflecting the approach in section 17 of the Protection from Stalking Act (Northern Ireland) 2022, the Department of Justice will be under a duty (rather than having a power) to issue guidance to the Chief Constable of the Police Service of Northern Ireland.

Justification for the delegated power

10. The justification for conferring this guidance-issuing power on the Department of Justice in Northern Ireland is the same as that for conferring the power on the

Secretary of State in England and Wales as set out in paragraph 263 of the Government's Delegated Powers Memorandum of 19 June 2025.

Justification for the procedure

11. The guidance-issuing power conferred on the Department of Justice in Northern Ireland is not subject to any parliamentary procedure (as is the case with the equivalent power in England and Wales). The justification for the absence of any procedure is the same as that as set out at paragraph 264 of the Government's Delegated Powers Memorandum of 19 June 2025.

Home Office
25 November 2025