

EXPLANATORY MEMORANDUM TO
THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DESIGNATED
SITES UNDER SECTION 128) (AMENDMENT) ORDER 2014

2014 No. 411

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument amends the Serious Organised Crime and Police Act 2005 (Designated Sites under Section 128) Order 2007 (the “2007 Order”) to ensure that it is no longer a criminal offence to trespass on the Government Communications Head Quarters (“GCHQ”) site at Harp Hill, Cheltenham, GL52 5AU (known locally as Oakley) (“the Site”). It is no longer necessary for this offence to apply to persons on the Site because it has been sold and is no longer being used by GCHQ.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 The 2007 Order designates certain protected sites for the purposes of section 128 of the Serious Organised Crime and Police Act 2005 (“the Act”). Under that section it is an offence to enter or be on any designated site in England and Wales or Northern Ireland as a trespasser. The 2007 Order designated the Site for the purposes of section 128 of the Act. This instrument amends the 2007 Order so that the Site is no longer designated for the purposes of section 128 and the trespass offence ceases to apply to persons trespassing on the Site.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - *What is being done and why*

7.1 The Site is no longer being used by GCHQ and has been sold. Thus it is no longer necessary or appropriate for the trespass offence in section 128 of the Act to apply to persons trespassing on the Site.

- ***Consolidation***

7.2 The Department does not assess that there is any need for consolidation measures.

8. Consultation outcome

8.1 No consultation was conducted.

9. Guidance

9.1 No guidance is necessary in connection with this instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The removal of the Site from the list of protected sites to which the trespass offence in section 128 of the Act applies will reduce the burden on the police and criminal justice system.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As this instrument removes the Site from the list of protected sites to which the trespass offence in section 128 of the Act applies there is no proposal to monitor or review the effect of this instrument.

13. Contact

Harminder Dhanoya at the Home Office Tel: 0207 035 0405 or email: Harminder.Dhanoya@homeoffice.x.gsi.gov.uk can answer any queries regarding the instrument.