

Anti-social Behaviour, Crime and Policing Bill

Delegated Powers – Supplementary Memorandum by the Home Office

The Government has tabled amendments to the Anti-social Behaviour, Crime and Policing Bill for Lords Committee stage. These include one new delegated power. This supplementary memorandum explains why the power has been taken and the reason for the procedure selected.

New clause *Information about guests at hotels believed to be used for child sexual exploitation*: Power to prescribe information which owners etc. of hotels must provide to the police in accordance with a notice issued under this clause

Power conferred on: Secretary of State

Power exercisable by: Regulations made by statutory instrument

Parliamentary procedure: Negative procedure

New clause *Information about guests at hotels believed to be used for child sexual exploitation* enables the police, in cases where they reasonably believe that a hotel has been used for the purposes of or in connection with child sexual exploitation (as defined in subsection (7)), to issue a notice to the hotel owner, operator or manager to require that person to provide the police with the name, address and other prescribed information (if any) about hotel guests. The notice may specify when information must be provided to the police in accordance with it, and the requirement would apply for a specified period which cannot exceed six months (but the police may serve a subsequent notice on the expiry of that period). Failure to comply with a notice is a criminal offence. A person may appeal a decision to issue a notice to the magistrates' court and the notice does not have effect pending the determination of any appeal.

Subsection (5) of the new clause makes provision for the information which must be disclosed in accordance with a notice. It comprises the name and address of each guest, and any other categories of information which are prescribed in regulations.

The regulations would be made by the Secretary of State and subject to the negative resolution procedure. The power is considered necessary because it is expected that further categories of information will be prescribed after consulting the police and representatives of the hotel industry prior to implementing the power (for example, a guest's age), and subsequently in the light of experience of its application after implementation. The power is by virtue of subsection (5)(b)(ii) limited to only that information which the hotel owner etc. can readily obtain from the guests themselves (for example, a guest's name); it does not impose a requirement on guests to provide that information. The Government, therefore, considers that the negative resolution procedure provides an appropriate level of Parliamentary scrutiny in relation to the powers to make regulations in this new clause.

Home Office
19 November 2013