



Ministry of
JUSTICE

Revision

New criminal offences

England and Wales

1st June 2009 – 31st May 2013

Statistics Bulletin

Revision: New criminal offences, England and Wales, 1st June 2009 – 31st May 2013, Statistics Bulletin

On 12 December 2013 the Ministry of Justice published the latest edition of the “New Criminal Offences in England and Wales” statistical bulletin.

For comparative purposes, alongside the new criminal offences, we also published the number of offences that have been “repealed”. For the purposes of the bulletin repeals were counted as those offences recorded on the Police National Legal Database (PNLD) with an end date during the period concerned.

However, following publication it became evident this methodology was flawed, which would allow administrative changes to the database to be counted as repeals. Following further consideration and to enable additional quality checks to be undertaken, and in line with the Code of Practice for Office Statistics, the bulletin was withdrawn.

This is a revised bulletin including information on repeals and revocations using an improved methodology. As before the PNLD is used to identify offences with an end-date on the system. These results are then verified with reference to a comprehensive library of legal information¹, producing a list of repealed or revoked² sections of legislation, which contained criminal offences. With this number we do not indicate whether an offence has been remade³ in another piece of legislation or if it has been completely removed from the statute book.

Revisions policy

In accordance with Principle 2 of the Code of Practice for Office Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/218490/statistics-revisions-policy.pdf

¹ Westlaw UK was used to verify the list of repealed sections of legislation which contained criminal offences.

² Repeal and revoke are types of legislative amendment. Primary legislation is repealed and secondary legislation is revoked.

³ Offences contained within repealed legislation which are still applicable in law can be remade in a new piece of legislation.

The three reasons specified for statistics needing to be revised are changes in sources of administrative systems or methodology changes, receipt of subsequent information, and errors in statistical systems and processes. Each of these points, and its specific relevance to the criminal justice statistics publication, are addressed below:

1. Changes in source of administrative systems/methodology changes

The data within this publication comes from a variety of administrative systems. This technical document will clearly present where there have been revisions to data accountable to switches in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted.

2. Receipt of subsequent information

The nature of any administrative system is that data may be received late. For the purpose of this New Criminal Offences bulletin, the late data will be reviewed on an annual basis but, unless it is deemed to make significant changes to the statistics released; revisions will be made to the annual statistics. However, if the review shows that the late data has major impact on the statistics then revisions will be released as part of a revised publication.

3. Errors in statistical systems and processes

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found the publication on the website will be updated and an errata slip published documenting the revision.

Preface

The Ministry of Justice committed in its 2011-2015 business plan to establish a gateway to scrutinise all legislation containing criminal offences. It also committed to publish annual figures as part of the planned information strategy.

This publication provides users with information concerning the activity of government departments in creating new criminal offences in England and Wales during the period 1 June 2009 to 31 May 2013, comparisons are made between the latest figures covering the 12 months ending 31 May 2013 with previous 12 month periods.

This is an Official Statistic produced by the Ministry of Justice to the standards specified in the Code of Practice for Official Statistics. The most recent assessment by the UK Statistics Authority can be found at:

www.statisticsauthority.gov.uk/assessment/assessment-reports/index.html

Background

Within the normal constraints of collective Cabinet responsibility, individual Government departments have sole responsibility for the development of their own policies and legislation. As part of the Coalition commitment to prevent the proliferation of unnecessary new criminal offences, the Secretary of State for Justice established a Criminal Offences Gateway in June 2010 to scrutinise proposals to create new criminal offences (but not the policy underpinning the legislation). This is to investigate whether the offences proposed are necessary. As part of this commitment, the Ministry of Justice also pledged to count the number of new criminal offences created each year across Government⁴ and to publishing the resultant figures.

⁴ This excludes offences created by the Ministry of Defence, these are specific to the armed forces and do not typically apply to the public at large.

Key findings

- In the 12 months ending May 2013, new criminal offences were contained in 60 pieces of legislation; this compares to 52 legislative provisions in the 12 months to May 2012.
- From the 60 pieces of legislation, 327 new criminal offences were created. This represents a 12% increase in the number of new offences created compared with the preceding 12 months (292), but is 54% lower than the number created in the 12 months ending May 2010 (712).
- According to estimates based on data extracted from the PNLD and verified using a library of legal information⁵, in England and Wales in the 12 months ending May 2013, 15 separate pieces of legislation contained repealed or revoked sections, which also contained offences.
- The repealed or revoked legislation contained 140 offences⁶. This compares to 309 offences estimated to have been repealed in the original publication, before improvements in the methodology were implemented.

New offences

- In the 12 months ending May 2013, the number of legislative provisions containing new offences (60) rose by 15% compared to the 12 months ending May 2012 (52), with the number of new criminal offences contained within these provisions increasing by 12% to 327.
- In the period ending May 2013 there were, on average, 5 new offences per piece of new legislation, by comparison the equivalent for the period ending May 2012 was 6. This indicates that although the number of new offences has increased, new legislation is not producing as many offences.

⁵ Westlaw UK was used to verify the list of repealed sections of legislation which contained criminal offences.

⁶ Repealed offences are counted by the Police National Legal Database on a different basis to that used by the Ministry of Justice for new offences and no comparison should be drawn between them.

- Of those offences created in the 12 months ending May 2013:
 - 80% (261) were created in secondary legislation, a decrease of 8 percentage points on the previous 12 month period. Whilst the remaining 20% (66) were created in primary legislation.
 - 32% (104) were created by domestic (UK) legislation. This is an increase of 19 percentage points since the period ending May 2012 where domestic legislation accounted for 12% (36) of new offences.
 - 66% (215) were concerned with implementing European Union obligations – with 29 offences coming under the Export Control (Iran Sanctions) Order 2012 No.1243 and The Export Control (Iran Sanctions) (Amendment) Order 2013 No.340. Another 65 new offences related to sanctions in respect of countries involved in acts of terrorism or other conflict.
 - 2% (8) were created under other international legislations. This is an increase of less than 1 percentage point since the period ending May 2012 (2% of offences, 6) and a decrease of 11 percentage points since the period ending May 2011.
 - Her Majesty's Treasury created 78 new offences – accounting for 24% of the total new offences in the 12 months ending May 2013. This includes 60 of the new offences created under secondary legislation, relating to sanctions in respect of countries involved in acts of terrorism or other conflict, all of which carry a possible custodial sentence.
 - The Department for Health were responsible for the creation of 66 new offences – accounting for 20% of the total new offences in the 12 months ending May 2013. Of these, 65 were created by the Medicines and Health Care Regulatory Agency under Human Medicines and Health Care 2012 No.1961, which replaced almost all UK medicines legislation. The legislation for the most part covered regulations implemented by the European Parliament regarding medical products for human use.

- There was only one new indictable only offence created, by the Foreign and Commonwealth Office under the Antarctic Act 2013. This makes it an offence to carry out activities in Antarctica, which directly or indirectly give rise to an environmental emergency and are connected with the United Kingdom.
- 65% (212) of the new offences were triable either-way and the remaining 35% (114) were summary only.
- Almost half (49%, 159 offences) of the total new offences carried a possible custodial sentence. A large amount of these offences (45%, 72 offences) were created by Her Majesty's Treasury, with maximum sentences ranging from 3 months to 7 years imprisonment, depending on the method of trial.

Repeals and revocations

An estimate of the number of offences contained within repealed or revoked sections of legislation, which also included criminal offences, is taken from the PNLD and verified with reference to a comprehensive library of legal information⁷. The estimate does not indicate whether an offence has been remade⁸ in another piece of legislation or if it has been completely removed from the statute book.

- In England and Wales in the 12 months ending May 2013, 15 pieces of legislation, containing offences, were repealed or revoked. The repealed or revoked legislation contained 140 offences⁹.
- Of those offences contained within legislation repealed or revoked in the 12 months to May 2013:
 - 1% were indictable only offences
 - 84% were triable-either way offences
 - 15% were summary only offences

⁷ Westlaw UK was used to verify the list of repealed sections of legislation which contained criminal offences.

⁸ Offences contained within repealed legislation which are still applicable in law can be remade in a new piece of legislation.

⁹ Repealed offences are counted by the Police National Legal Database on a different basis to that used by the Ministry of Justice for new offences and no comparison should be drawn between them.

Table 1.1 Legislation coming into force and offences created by legislative vehicle and source, 12 months ending May 2010⁽¹⁾ to 12 months ending May 2013

England and Wales														<i>Number and percentage (%)</i>			
	12 months ending May																
	2009/10 ⁽¹⁾				2010/11				2011/12				2012/13				
	Legislative provision		New offences		Legislative provision		New offences		Legislative provision		New offences		Legislative provision		New offences		
		%		%		%		%		%		%		%		%	
Vehicle																	
Primary	18	19.6	189	26.5	3	9.1	31	17.8	11	21.2	36	12.3	13	21.7	66	20.2	
Secondary	74	80.4	523	73.5	30	90.9	143	82.2	41	78.8	256	87.7	47	78.3	261	79.8	
Total	92	100.0	712	100.0	33	100.0	174	100.0	52	100.0	292	100.0	60	100.0	327	100.0	
Source																	
Domestic	48	52.2	278	39.0	4	12.1	25	14.4	14	26.9	36	12.3	20	33.3	104	31.8	
EU	44	47.8	434	61.0	26	78.8	125	71.8	37	71.2	250	85.6	39 ⁽²⁾	65.0	215	65.7	
International	-	-	-	-	3	9.1	24	13.8	1	1.9	6	2.1	1	1.7	8	2.4	
Total	92	100.0	712	100.0	33	100.0	174	100.0	52	100.0	292	100.0	60	100.0	327	100.0	

'-' = Nil

(1) Data for this period are part of a one-off retrospective historical count of published legislation.

(2) This includes the Human Medicines and Health Care 2012 No.1961 which for the most part covered regulations implemented by the European Parliament.

Note: Every effort is made to ensure that the figures presented are accurate and complete. Care should be taken to ensure data collection processes and their limitations are taken into account when those data are used.

Table 1.2 Legislation coming into force and offences created by government department, 12 months ending May 2010⁽¹⁾ to 12 months ending May 2013

Department	12 months ending May												Number and percentage (%)			
	2009/10 ⁽¹⁾				2010/11				2011/12				2012/13			
	Legislative provision	%	New offences	%	Legislative provision	%	New offences	%	Legislative provision	%	New offences	%	Legislative provision	%	New offences	%
Cabinet Office	2	2.2	27	3.8	1	3.0	17	9.8	-	-	-	-	1	1.7	1	0.3
Department For Business, Innovation and Skills	9	9.8	90	12.6	5	15.2	27	15.5	8	15.4	60	20.5	8	13.3	52	15.9
Department For Children, Schools and Families	1	1.1	2	0.3	-	-	-	-	-	-	-	-	-	-	-	-
Department For Communities and Local Government	3	3.3	9	1.3	-	-	-	-	3	5.8	3	1.0	8	13.3	24	7.3
Department For Culture, Media and Sport	2	2.2	3	0.4	-	-	-	-	-	-	-	-	-	-	-	-
Department for Education	-	-	-	-	-	-	-	-	1	1.9	2	0.7	-	-	-	-
Department for Energy and Climate Change	-	-	-	-	-	-	-	-	8	15.4	8	2.7	3	5.0	7	2.1
Department For Environment, Food and Rural Affairs	24	26.1	384	53.9	8	24.2	13	7.5	9	17.3	136	46.6	4	6.7	7	2.1
Department For Transport	25	27.2	76	10.7	4	12.1	13	7.5	6	11.5	24	8.2	10	16.7	27	8.3
Department For Work and Pensions	2	2.2	3	0.4	-	-	-	-	1	1.9	2	0.7	1	1.7	1	0.3
Department Of Health	12	13.0	37	5.2	1	3.0	1	0.6	-	-	-	-	2	3.3	66	20.2
Food Standards Agency	-	-	-	-	-	-	-	-	1	1.9	1	0.3	1	1.7	11	3.4
Foreign and Commonwealth Office	1	1.1	10	1.4	1	3.0	7	4.0	-	-	-	-	1	1.7	8	2.4
Health and Safety Executive	-	-	-	-	-	-	-	-	1	1.9	2	0.7	-	-	-	-
Her Majesty's Revenue and Customs	2	2.2	3	0.4	-	-	-	-	-	-	-	-	1	1.7	1	0.3
Her Majesty's Treasury	3	3.3	17	2.4	12	36.4	93	53.4	9	17.3	35	12.0	14	23.3	78	23.9
Home Office	3	3.3	26	3.7	1	3.0	3	1.7	3	5.8	8	2.7	4	6.7	41	12.5
Ministry Of Justice	3	3.3	25	3.5	-	-	-	-	2	3.8	11	3.8	1	1.7	2	0.6
Scotland Office	-	-	-	-	-	-	-	-	-	-	-	-	1	1.7	1	0.3
Total	92	100.0	712	100.0	33	100.0	174	100.0	52	100.0	292	100.0	60	100.0	327	100.0

'-' = Nil

(1) Data for this period are part of a one-off retrospective historical count of published legislation.

Note: Every effort is made to ensure that the figures presented are accurate and complete. Care should be taken to ensure data collection processes and their limitations are taken into account when those data are used.

Table 1.3 New offences created by government department and legislative driver, 12 months ending May 2010⁽¹⁾ to 12 months ending May 2013

England and Wales

Department	12 months ending May											
	2009/10 ⁽¹⁾			2010/11			2011/12			2012/13		
	Domestic	EU	International	Domestic	EU	International	Domestic	EU	International	Domestic	EU	International
Cabinet Office	27	-	-	17	-	-	-	-	-	1	-	-
Department For Business, Innovation and Skills	71	19	-	-	27	-	6	54	-	10	42	-
Department For Children, Schools and Families	2	-	-	-	-	-	-	-	-	-	-	-
Department For Communities and Local Government	4	5	-	-	-	-	3	-	-	21	3	-
Department For Culture, Media and Sport	1	2	-	-	-	-	-	-	-	-	-	-
Department for Education	-	-	-	-	-	-	2	-	-	-	-	-
Department for Energy and Climate Change	-	-	-	-	-	-	2	6	-	-	7	-
Department For Environment, Food and Rural Affairs	67	317	-	-	13	-	-	136	-	-	7	-
Department For Transport	21	55	-	5	8	-	-	18	6	7	20	-
Department For Work and Pensions	3	-	-	-	-	-	2	-	-	1	-	-
Department Of Health	17	20	-	-	1	-	-	-	-	14	52	-
Food Standards Agency	-	-	-	-	-	-	-	1	-	-	11	-
Foreign and Commonwealth Office	10	-	-	-	-	7	-	-	-	-	-	8
Health and Safety Executive	-	-	-	-	-	-	-	2	-	-	-	-
Her Majesty's Revenue and Customs	3	-	-	-	-	-	-	-	-	-	1	-
Her Majesty's Treasury	1	16	-	-	76	17	5	30	-	10	68	-
Home Office	26	-	-	3	-	-	8	-	-	39	2	-
Ministry Of Justice	25	-	-	-	-	-	8	3	-	-	2	-
Scotland Office	-	-	-	-	-	-	-	-	-	1	-	-
Total	278	434	-	25	125	24	36	250	6	104	215	8

'-' = Nil

(1) Data for this period are part of a one-off retrospective historical count of published legislation.

Note: Every effort is made to ensure that the figures presented are accurate and complete. Care should be taken to ensure data collection processes and their limitations are taken into account when those data are used.

Table 1.4 New offences created by government department and offence type, 12 months ending May 2011 to 12 months ending May 2013

England and Wales

Department	12 months ending May											
	2010/11				2011/12				2012/13			
	Summary	TEW ⁽¹⁾	Indictable	Imprisonable	Summary	TEW ⁽¹⁾	Indictable	Imprisonable	Summary	TEW ⁽¹⁾	Indictable	Imprisonable
Cabinet Office	4	13	-	9	-	-	-	-	-	1	-	1
Department For Business, Innovation and Skills	2	25	-	16	4	56	-	51	4	48	-	37
Department For Children, Schools and Families	-	-	-	-	-	-	-	-	-	-	-	-
Department For Communities and Local Government	-	-	-	-	1	2	-	2	20	4	-	7
Department For Culture, Media and Sport	-	-	-	-	-	-	-	-	-	-	-	-
Department for Education	-	-	-	-	1	1	-	1	-	-	-	-
Department for Energy and Climate Change	-	-	-	-	3	5	-	2	-	7	-	4
Department For Environment, Food and Rural Affairs	6	7	-	4	7	129	-	120	2	5	-	3
Department For Transport	11	2	-	3	13	11	-	7	18	9	-	3
Department For Work and Pensions	-	-	-	-	-	2	-	2	1	-	-	-
Department Of Health	1	-	-	-	-	-	-	-	6	60	-	1
Food Standards Agency	-	-	-	-	-	1	-	-	4	7	-	7
Foreign and Commonwealth Office	-	7	-	7	-	-	-	-	-	7	1	8
Health and Safety Executive	-	-	-	-	1	1	-	-	-	-	-	-
Her Majesty's Revenue and Customs	-	-	-	-	-	-	-	-	-	1	-	1
Her Majesty's Treasury	23	70	-	91	12	23	-	31	23	55	-	72
Home Office	-	1	2	3	2	6	-	6	34	7	-	14
Ministry Of Justice	-	-	-	-	6	5	-	6	1	1	-	1
Scotland Office	-	-	-	-	-	-	-	-	1	-	-	-
Total	47	125	2	133	50	242	-	228	114	212	1	159

'-' = Nil

(1) Triable either-way offences. These offences can be tried either summarily or on indictment.

Note: Every effort is made to ensure that the figures presented are accurate and complete. Care should be taken to ensure data collection processes and their limitations are taken into account when those data are used.

Table 1.5 Offences contained in repealed or revoked legislation by offence type, 12 months ending May 2010 to 12 months ending May 2013⁽¹⁾⁽²⁾

England and Wales		<i>Number and percentage (%)</i>	
		12 months ending May	
		2012/13	
Offence type		Offences	%
Summary		21	15.0
TEW ⁽³⁾		118	84.3
Indictable		1	0.7
Total		140	100.0

(1) Data derived from Police National Legal Database (PNLD), November 2013.

(2) The estimate of repealed or revoked offences includes those which have been remade in a new piece of legislation. The estimate cannot be used as an indication of offences which no longer exist.

(3) Triable either-way offences. These offences can be tried either summarily or on indictment.

Note: Every effort is made to ensure that the figures presented are accurate and complete. Care should be taken to ensure data collection processes and their limitations are taken into account when those data are used.

Data sources and quality

The data for the 12 months ending 31 May 2011, 2012 and 2013 have been supplied by an administrative system operated by the Criminal Offences Gateway Team in the Ministry of Justice. The data summarises legislation commenced between 1 June 2010 and 31 May 2013 and has been subject to quality assurance processes.

Data for the period 1 June 2009 to 31 May 2010 have been gathered via a retrospective count based on published legislation and to provide an indicative baseline against which the number of new criminal offences can be measured. This one off counting exercise has used the same counting rules as applied to the new criminal offences identified for the later periods and the legislation included in the retrospective counting exercise has been identified from the Government's Legislation database. The figures have been quality assured by both the Criminal Offences Gateway Team and Justice Statistics Analytical Services.

The methodology for counting new offences is being reviewed and amended so that we can better distinguish between brand new offences, offences which have been repealed or revoked and remade and extensions to offences already in existence. This should give a more complete representation of the creation of new offences.

The Ministry of Justice does not monitor repealed offences. The data on repeals and revocations has been provided from the Police National Legal Database (PNLD). The Ministry of Justice works in close collaboration with the PNLD team in maintaining a comprehensive list of criminal offences used in England and Wales. When a list of offences contained in repealed or revoked sections of legislation for the period is compiled it is then verified with reference to a comprehensive library of legal information¹⁰, to ensure that each section of legislation has been repealed or revoked. The offences contained in this list are counted on a different basis to that used by the Ministry of Justice for new offences and no comparison should be drawn between them.

Every effort is made to ensure that the figures presented in this publication are accurate and complete; individual cases are quality assured and validated. Caution should be taken when extrapolating from subsets of the data due to the small figures reported.

¹⁰ Westlaw UK was used to verify the list of repealed sections of legislation which contained criminal offences.

Methodology

Definitions

In this publication a new offence covers both entirely new criminal offences and new offences that replace or re-enact previous offences. The complexity of legislative drafting means it is not possible to present these separately.

Repealed or revoked legislation is removed from the statute book by new legislation. The PNLD categorises individual offences by legislative provision, which differs from the counting methodology used by the Ministry of Justice to record new criminal offences. Even when an offence is contained within repealed or revoked legislation, it may be re-enacted in a new piece of legislation. If the offence is repealed and not re-enacted it may still be used to prosecute historical cases.

Welsh Government Legislation

The Government of Wales Act 2006 sets out the areas of devolved policy on which the Welsh Government may legislate. It is possible that new criminal offences will be created as a result of such legislation, however as they fall within Welsh Government's legislative competence, they will not be cleared through the Criminal Offences Gateway, nor included within the count of new criminal offences set out in the Bulletin.

Counting rules

To identify a new criminal offence for the purposes of this publication, the following rules have been considered:

- **behaviour:** identify particular conduct being criminalised.
- **legislative drafting:** how is the provision drafted? Does it as a matter of common sense read as a single offence or does the drafting create a number of separate offences?
- **penalties:** does each offence counted carry a single maximum penalty? Or are any of the offences divided into their constituent elements with differing maximum penalties?

A legislative provision drafted as a single offence with a single maximum penalty is counted as one offence, even if it targets a number of different types of conduct.

A legislative provision that appears to be drafted as a single criminal offence but which in fact criminalises diverse behaviour with differing maximum penalties is counted as more than one offence, depending on the number of different penalties applied.

An example is given below:

Example:

The Misuse of Drugs Act 1971

Large sections of the Act refer to a small number of substantive criminal behaviours, for example ‘production of or being concerned in the production of a controlled drug’ contrary to section 4(2) of the Misuse of Drugs Act 1971:

“Subject to section 28 of this Act, it is an offence for a person—

(a) to produce a controlled drug in contravention of subsection (1) above; or

(b) to be concerned in the production of such a drug in contravention of that subsection by another.”

The drafting of the provision targets particular behaviour, as opposed to listing every type of drug which it is an offence to produce – thus it looks like a single offence.

However, there are three different maximum penalties available for this behaviour, reflecting the three different drug classifications (i.e. Class A, B and C), e.g. the production of heroin (Class A) carries a maximum sentence of life imprisonment, compared to 5 years for the production of ketamine (Class C).

Applying the Ministry of Justice’s counting rules; section 4(2) would be counted as containing three offences:

- an offence of producing or being concerned in the production of a Class A drug with a maximum custodial penalty of life imprisonment (on conviction on indictment) or 6 months (on summary conviction);
- an offence of producing or being concerned in the production of a Class B drug with a maximum custodial penalty of 14 years’ imprisonment (on conviction on indictment) or 6 months (on summary conviction), and;
- an offence of producing or being concerned in the production of a Class C drug with a maximum custodial penalty of 14 years’ imprisonment (on conviction on indictment) or 3 months (on summary conviction).

Legislation

This bulletin covers new criminal offences in primary and secondary legislation which takes effect in England and Wales. Legislation that applies outside England and Wales only or applies only at a limited local level has not been included.

Accordingly, the following legislative vehicles are not counted:

- Byelaws;
- Transport and Work Act orders;
- Harbour orders;
- Private Bills;
- Hybrid Bills;
- Devolved legislation

In addition, criminal offences created by the Ministry of Defence are not included. These are specific to the armed forces and do not apply to the public at large.

Timing

The point in time at which an offence is counted impacts on the number of offences included within a given 12 month period. Offences in secondary legislation have been counted at the date they come into force. Since the commencement of primary legislation can be very complicated, criminal offences contained in Acts of Parliament are counted from the date of Royal Assent.

International obligations

The UK is a signatory to various international treaties and Government departments are responsible, where appropriate, for implementing into domestic law requirements arising from these international obligations. The Ministry of Justice has recorded where the offence is arising from international obligations, such as European Union legislation.

Example:

The Export Control Order (Libya) 2011

This Order puts in place criminal penalties for breach of directly applicable EU legislation prohibiting trade, technical assistance, financial assistance or brokering in equipment that may be used for internal repression in Libya.

Under the powers of section 2(2) of the European Communities Act 1972 the criminal offences arising from Council Regulation (EU) No.961/2010 of 25 October 2010 were introduced domestically.

Glossary of terms used in this publication

Byelaws

These are laws of local or limited application made by local councils or other bodies using powers granted by an Act of Parliament. Some byelaws are made by private companies or charities that exercise public or semi-public functions, such as airport operators, water companies or the National Trust.

Commencement date

This refers to the date on which a primary legislative provision comes into force. Different sections of the same Act of Parliament may be commenced at different times, and may even be commenced for different purposes at different times.

Criminal offence

An act punishable by law in criminal courts of England & Wales. This does not include civil offences that may be categorised as criminal for the purposes of ensuring adequate procedural safeguards by the European Court of Human Rights.

Harbour Order

Orders made under powers given in the Harbours Act 1964 for the effective management of a harbour. Formerly under the responsibility of the Department for Transport, applications are now dealt with via the Marine Management Organisation.

Hybrid Bills

Hybrid Bills mix the characteristics of Public and Private Bills. The changes to the law proposed by a Hybrid Bill would partly affect the general public but would also have a significant impact for specific individuals or groups. The Bills passed concerning the construction of the Channel Tunnel are examples of Hybrid Bills.

Indictable only offences

These are the most serious criminal offences and must be tried in the Crown Court. Indictable only offences include murder, manslaughter, rape and robbery.

Primary legislation

General term used to describe an Act of Parliament. It originates as a Bill and is debated in both the House of Commons and the House of Lords, and becomes an Act of Parliament on receiving Royal Assent from the Queen.

Private Bill

Private Bills are usually promoted by organisations, like local authorities or private companies, to give themselves powers beyond, or in conflict with, the general law. Private Bills only change the law as it applies to specific individuals or organisations, rather than the general public. Groups or individuals potentially affected by these changes can petition Parliament against the proposed Bill and present their objections to committees of MPs and Lords.

Public Bill

Public Bills change the law as it applies to the general population and are the most common type of Bill introduced in Parliament. Government ministers propose the majority of Public Bills - those put forward by other MPs or Lords are known as Private Members' Bills.

Re-enactment

Re-making a law that has been repealed.

Repeal (primary legislation) **or Revoke** (secondary legislation)

A type of legislative amendment where the effect is to remove part or all of a piece of legislation. Amending legislation may specify that words or provisions “shall be omitted” or “shall cease to have effect” or it may simply say the provision “is revoked” or “is repealed”.

Royal Assent

When a Bill has completed all its Parliamentary stages in both Houses, it will become an Act of Parliament (law) when it receives Royal Assent. Royal Assent is the Monarch's formal agreement to the legislation. This is not necessarily the point at which the legislation comes into effect.

Secondary legislation

Secondary, delegated or subordinate legislation is made by a person or body (usually a Minister) under authority contained in primary legislation. It allows the provisions of an Act of Parliament to be brought into force, supplemented or altered without having to pass a new Act. Secondary legislation includes rules, regulations and orders.

Summary only offences

These offences may only be tried in the magistrates' court (unless a defendant is tried at the Crown Court for a mixture of indictable and summary only offences).

Summary only offences are the least serious offences.

Transport and Work Act Order

This is the usual means of authorising a new railway or tramway specific scheme in England and Wales. Applications for orders are made to the relevant Secretary of State or to the Welsh Assembly Government. Applications are made by, or on behalf of, the promoters of the scheme. For more information visit the Department for Transport website here: www.dft.gov.uk/pgr/twa/

Triable either-way offences

These offences may be tried summarily at the magistrates' court or on indictment at the Crown Court, carrying a different maximum sentence depending on where they are heard. These offences include theft and burglary for example.

Contact points for further information

Current editions of this publication are available for download at:
www.justice.gov.uk/statistics/criminal-justice/new-criminal-offences

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Other National Statistics publications, and general information about the official statistics system of the UK, are available from www.statistics.gov.uk