

| <b>Crime and Policing Act 2026: Criminal Law Measures</b><br><b>IA No:</b> MoJ016/1024<br><br><b>RPC Reference No:</b> N/A<br><b>Lead department or agency:</b> Ministry of Justice (MoJ)<br><b>Other departments or agencies:</b> Home Office, CPS | Impact Assessment (IA)                          |  |  |                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--|--|----------------------------------------------------------------|
|                                                                                                                                                                                                                                                     | <b>Date:</b>                                    |  |  |                                                                |
|                                                                                                                                                                                                                                                     | <b>Stage:</b> Enactment                         |  |  |                                                                |
|                                                                                                                                                                                                                                                     | <b>Source of intervention:</b> DomesticDomestic |  |  |                                                                |
|                                                                                                                                                                                                                                                     | <b>Type of measure:</b> Primary Legislation     |  |  |                                                                |
|                                                                                                                                                                                                                                                     |                                                 |  |  | <b>Contact for enquiries:</b> Ryan.Farrell-Grey@justice.gov.uk |
| <b>Summary: Intervention and Options</b>                                                                                                                                                                                                            |                                                 |  |  | <b>RPC Opinion:</b> N/A                                        |

| Cost of Preferred (or more likely) Option (in 2026/27 prices) |                            |                               |                               |
|---------------------------------------------------------------|----------------------------|-------------------------------|-------------------------------|
| Total Net Present Social Value                                | Business Net Present Value | Net cost to business per year | Business Impact Target Status |
| -£208.9m                                                      | N/A                        | N/A                           | Not a regulatory provision    |

**What is the problem under consideration? Why is government action or intervention necessary?**

It is important that the criminal law be updated where necessary to ensure that it provides sufficient protection and deals effectively with harmful behaviours. The measures in the Crime and Policing Act address serious gaps in current criminal law in relation to harmful sexual, abusive and exploitative behaviours.

The law must keep pace with evolving harms, particularly those facilitated by technology, online platforms and changing offending patterns such as intimate image abuse, spiking, self-harm encouragement and harmful pornography. Victims to these crimes can suffer significant psychological trauma, humiliation, exploitation and long-term harm.

Government intervention via the Crime and Policing Act is necessary to ensure that the criminal law covers these harmful acts, remains up to date as society and technology evolves, is well understood, adequately delivers justice to victims and protects the public.

**What are the policy objectives of the action or intervention and the intended effects?**

Legislative change is necessary to ensure that: i) the criminal law is capturing harmful behaviour that is currently not criminal; ii) the maximum penalty for a criminal offence is appropriate; and iii) the criminal law is clear and understood by the public. The measures assessed in this IA are also necessary to protect the public, provide justice to victims and improve trust in the criminal justice system.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

- Option 0:** Do Nothing. Do not implement the criminal law measures in the Crime and Policing Act.
- Option 1:** Full implementation of the criminal law measures the Crown and Policing Act.

The Government's preferred option is Option 1 because it best meets the strategic and policy objectives.

|                                                                                                                        |              |                       |                           |              |
|------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------|---------------------------|--------------|
| <b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> In development (TBC)   |              |                       |                           |              |
| Is this measure likely to impact on international trade and investment?                                                |              | No                    |                           |              |
| Are any of these organisations in scope?                                                                               | <b>Micro</b> | <b>Small</b>          | <b>Medium</b>             | <b>Large</b> |
|                                                                                                                        | No           | No                    | No                        | No           |
| What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent) |              | <b>Traded:</b><br>n/a | <b>Non-traded:</b><br>n/a |              |

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible  
SELECT SIGNATORY:

Date: \_\_\_\_\_

# Summary: Analysis & Evidence

## Policy Option 1

**Description:** Implement the Criminal Law Measures in the Crime and Policing Act

### FULL ECONOMIC ASSESSMENT

| Price Base<br>Year 26/27 | PV Base<br>Year 26/27 | Time Period<br>Years 10 | Net Benefit (Present Value (PV)) (£m) |               |                        |
|--------------------------|-----------------------|-------------------------|---------------------------------------|---------------|------------------------|
|                          |                       |                         | Low: -157.1m                          | High: -264.9m | Best Estimate: -208.9m |

| COSTS (£m)    | Total Transition<br>(Constant Price) Years |   | Average Annual<br>(excl. Transition) (Constant Price) | Total Cost<br>(Present Value) |
|---------------|--------------------------------------------|---|-------------------------------------------------------|-------------------------------|
| Low           | -                                          | - | 18.4m                                                 | £157.1m                       |
| High          | -                                          |   | 31.0m                                                 | £264.9m                       |
| Best Estimate | -                                          |   | 24.5m                                                 | £208.9m                       |

#### Description and scale of key monetised costs by 'main affected groups'

The Criminal Law measures in the Crime & Policing Act are estimated to result in average annual costs to the police of £8.9m. Average annual costs to HMCTS, the Legal Aid Agency (LAA) and His Majesty's Prison & Probation Service (HMPPS) of £0.2m, £0.4m and £15.0m respectively.

The key drivers of these costs are the Measures to amend legislation on Intimate Image Offences (Measure 1A) and the creation of new offences covering rape and sexual activity with a child under 16 by an adult (Measure 1H).

#### Other key non-monetised costs by 'main affected groups'

Certain offenders may be subject to notification requirements, which is expected to require some additional police time and resource. There may also be some training costs to the police, which are expected to be minimal as the new offences are not expected to significantly alter police processes and structure. The Crown Prosecution Service will incur additional costs associated with the additional cases being prosecuted under these new offences. New criminal measures (and given some of these are to be priority offences) will require Ofcom to update their Illegal Content Judgement Guidance, to inform the industry of changes to illegal pornographic content online. This may result in additional costs for them. Individuals and companies who currently possess such pornographic images, or to the extent they continually publish such images online, will need to delete or otherwise get rid of the image or cease publication of the image before the offences come into force to avoid committing the offence.

| BENEFITS (£m) | Total Transition<br>(Constant Price) Years |   | Average Annual<br>(excl. Transition) (Constant Price) | Total Benefit<br>(Present Value) |
|---------------|--------------------------------------------|---|-------------------------------------------------------|----------------------------------|
| Low           | -                                          | - | -                                                     | -                                |
| High          | -                                          |   | -                                                     | -                                |
| Best Estimate | -                                          |   | -                                                     | -                                |

#### Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to identify any monetised benefits.

#### Other key non-monetised benefits by 'main affected groups' 0

The measures in this option will strengthen the criminal law, protect the public and provide justice to victims. Measure 1A, 1C and 1J will offer greater protection to victims and potential future victims by including notification requirements, where certain criteria are met, which will assist authorities to manage offenders effectively in the community. Creating these offences could deter individuals from engaging in these forms of behaviour, which should reduce victimisation and increase trust in the criminal justice system.

| Key assumptions/sensitivities/risks                                                                                                                                                                                                                                                                                                                                                                     | Discount rate (%) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <ul style="list-style-type: none"> <li>We assume all measures will be implemented in FY26/27.</li> <li>Across all measures, our best estimate assumes there will be circa. 5,000 additional police recorded crimes per year, leading to more than 400 prosecutions and 300 convictions per year in steady state.</li> <li>20% optimism bias has been applied to all costs where appropriate.</li> </ul> | 3.5               |

### BUSINESS ASSESSMENT (Option 1)

| Direct impact on business (Equivalent Annual) £m: |     |               | Score for Business Impact Target (qualifying provisions only) £m: N/A |
|---------------------------------------------------|-----|---------------|-----------------------------------------------------------------------|
| Costs:                                            | N/A | Benefits: N/A |                                                                       |
|                                                   |     | Net: N/A      |                                                                       |

# Evidence Base

## A. Background

1. This Impact Assessment (IA) assesses the following legislative measures which are submitted as part of the Crown and Policing Act.

| Table 1: Summary of Crime and Policing Act Measures                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Measure                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1A: Intimate Images                                                            | <p>This measure will amend relevant legislation to:</p> <ul style="list-style-type: none"><li>• Create a range of new offences to capture a person who intentionally takes an intimate image of a person without that person's consent.</li><li>• Create two new criminal offences to capture a person who installs, adapts, prepares, or maintains equipment with intent to enable themselves or others to commit any of these offences.</li><li>• Extend the time limit beyond the default position for summary-only offences, for prosecuting summary only offences of taking or sharing intimate images without consent, or installing equipment to take an intimate image without consent.</li></ul> |
| 1B: Encouraging or assisting serious self-harm                                 | <p>The Online Safety Act 2023 includes an offence of encouraging or assisting serious self-harm by means of communication. This measure will repeal the existing offence insofar as it extends to England and Wales and Northern Ireland, and replace it with a broader offence to capture a person who intentionally encourages or assists, by any means, another person, or persons, to seriously self-harm.</p>                                                                                                                                                                                                                                                                                        |
| 1C: Sexual activity with a corpse                                              | <p>Replace section 70 of the Sexual Offences Act 2003 with a new offence to expand the scope of the criminal law to include non-penetrative "sexual touching" of a corpse with a maximum penalty of 5 years and ensure that sexual penetration of a corpse will carry a higher maximum penalty of 7 years' imprisonment.</p>                                                                                                                                                                                                                                                                                                                                                                              |
| 1D: Sexual Activity in the presence of a child or adult with a mental disorder | <p>Amend various sections of the Sexual Offences Act 2003 to capture cases of intentionally engaging in sexual activity in the presence of a child or person with mental disorder regardless of whether the defendant knows, believes, or intends for the child or person with mental disorder to be aware of the sexual activity.</p>                                                                                                                                                                                                                                                                                                                                                                    |
| 1E: Exposure                                                                   | <p>Amend section 60 of the Sexual Offences Act 2003 to expand the scope of the existing offence of exposure to include exposure with intent to cause humiliation and exposure with the purpose of sexual gratification.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1F: Spiking                                                                    | <p>Spiking is already captured by a range of offences, including specific offences under the Offence against the Person Act 1861 (1861 Act). This measure would repeal sections 22, 23 and 25 of the 1861 Act and replace section 24 with a single, modern administering a harmful substance (including by spiking) offence.</p>                                                                                                                                                                                                                                                                                                                                                                          |
| 1G: Child Abduction                                                            | <p>Criminalise the detention of a child outside the UK by a parent or person with similar responsibility without the appropriate consent to close an identified gap in the law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1H: Under 16 Penetrative Offences                               | This measure creates three new offences covering rape and other penetrative sexual activity with a child under 16 by an adult, where the adult did not reasonably believe that the child was aged 16 or over (as long as they are at least 13). The prosecution does not have to prove that the child did not consent, so ostensible or purported consent, and reasonable belief in consent, are irrelevant. The maximum penalty for each offence is life.                                                                                                                                                                                                 |
| 1I: Animal Sexual Abuse                                         | This measure replaces the offence of sexual intercourse with an animal under section 69 SOA 2003 with a broader offence that captures additional forms of sexual activity with animals, ensuring that conduct not currently criminalised can be prosecuted effectively. It captures intentional touching of an animal, whether living or dead, where that touching is sexual and where an individual knows, or is reckless as to whether, what is touched is an animal. This better reflects the reality of offending behaviour and ensures the law is fit for purpose.                                                                                    |
| 1J: Sharing Semen-defaced images                                | This measure introduces a new offence of sharing a semen-defaced image of another person without consent, or reasonable belief in consent. The term "semen-defaced image" describes a photograph or film upon or next to which semen has been, or appears to have been, deposited, or a photo or film which depicts such an image. The time limit for prosecution will be extended beyond the default position for summary-only offences of six months, to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute.                           |
| 1K: Pornography depicting sex between relatives                 | This measure criminalises the possession and publication of a pornographic image portraying penetrative sex between persons who are related, or pretended to be related, as certain family members. This includes depictions of sexual activity between 'core' family members (such as parents and children) and also between stepparents and stepchildren, foster parents and foster children and stepsiblings where one person was, or was pretending to be, under the age of 18. This will be a priority offence for the purposes of the Online Safety Act 2023, requiring platforms to take proactive steps to prevent this material appearing online. |
| 1L: Pornography depicting sexual activity with a child under 16 | This measure criminalises the possession and publication of pornographic images portraying sex between persons where at least one person is, or is pretending to be, under 16. This will be a priority offence for the purposes of the Online Safety Act 2023, requiring platforms to take proactive steps to prevent this material appearing online.                                                                                                                                                                                                                                                                                                      |
| 1M: Pornography depicting strangulation or suffocation          | This measure criminalises the possession and publication of pornographic images portraying strangulation or suffocation. This will be a priority offence for the purposes of the Online Safety Act 2023, requiring platforms to take proactive steps to prevent this material appearing online.                                                                                                                                                                                                                                                                                                                                                            |
| 1N: Copying intimate image shared temporarily                   | This provision makes it an offence to copy, without consent or reasonable belief in consent, an intimate image shared temporarily by another person (such as those shared via Snapchat or on a videocall). The offence protects a person's right to share their intimate image temporarily in private and criminalises the violation of that right. The time limit for prosecution will be extended from six months to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute.                                                               |

## Problems under consideration

### ***Measure 1A: Intimate Images***

2. Intimate image abuse includes the non-consensual taking or sharing of photographs of film that shows the victim in an “intimate state” as defined in the Sexual Offences Act 2003 (that is with their breasts, genitals or buttocks (partially) exposed, or engaged in sexual or toileting behaviour). It is a gross violation of the victim’s bodily and sexual autonomy and can be highly intrusive, humiliating and distressing. These are crucial steps in delivering on our commitment to halve the prevalence of VAWG in a decade. We must ensure our criminal law enables us to tackle perpetrators, better protect victims and survivors, and deliver effective justice.
3. Some of the behaviour of taking of an intimate image without consent may in certain circumstances already be caught by existing offences, for example by the voyeurism offence at section 67(3) of the Sexual Offences Act 2003, but there are several limitations with the application of these offences. The Law Commission recommended a package of offences to update the laws relating to taking and sharing intimate images without consent<sup>1</sup>.
4. The behaviour targeted by this measure is the intentional taking of an intimate photograph or film of a person without their consent. We are also targeting those who install, adapt, prepare or maintain equipment with the intention of enabling either themselves or someone else to do so.
5. The new offences in this Act will strengthen the law in relation to the taking of intimate images without consent and the installation of equipment with the intention of enabling either themselves or someone else to do so. Where applicable, victims will be able to qualify for anonymity and special measures. Those convicted of offending for the purpose of sexual gratification may be subject to sexual offender notification requirements.
6. Some of the new offences will be summary only; others will be triable either way (see further detail in description of options below). Under section 127(1) of the Magistrates’ Courts Act 1980, prosecution for summary only offences must generally be brought within 6 months of the offence being committed. However, the nature of intimate image abuse means that victims and prosecutors may be unaware until after this time limit for prosecution has passed. Time limits for prosecution are already extended for offences related to creating a purported intimate image without consent, from 6 months to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute. This measure will build on that, making sure that all remaining summary-only intimate image offences – both existing, and within this Act – have the same extended time limit for prosecutors to seek justice for victims.
7. These offences sit alongside existing offences of sharing or creating an intimate image without consent, as well as the new offence of copying without consent an intimate image shared temporarily, also included in this Act and detailed below.

### ***Measure 1B: Encouraging or assisting serious self-harm***

8. Encouragement of serious self-harm, whether that be fatal self-harm covered by the offence in section 2 of the Suicide Act 1961, or non-fatal self-harm introduced as an offence in the

---

<sup>1</sup> Law Commission ‘Intimate image abuse: a final report’ July 2022.

Online Safety Act 2023, is an area of great concern. The existence of online content glorifying, encouraging, or promoting self-harm is also becoming increasingly prevalent.

9. In their Modernising Communications Offences report, published in July 2021<sup>2</sup> the Law Commission said, in reference to creating an offence of encouraging or assisting a person to non-fatally self-harm, that any criminal law solution in this complex area must be properly constrained to ensure that it does not disproportionately impact vulnerable people who harm themselves. They recommended a narrow offence with a robust fault element that targets the deliberate encouragement or assistance of serious non-fatal self-harm. The formulation of the recommended offence was very similar to the existing offence, under section 2 of the Suicide Act 1961, of encouraging or assisting suicide.
10. In response to pressure raised in Parliament during the passage of the Online Safety Act 2023, the Government acted quickly to create a new offence of encouraging or assisting serious self-harm as recommended by the Law Commission. However, due to the scope of the Online Safety Act 2023 the offence was limited to capture behaviour by means of verbal or electronic communications, publications or correspondence only.
11. This measure will repeal the offence in the Online Safety Act 2023 (“the communications offence”) insofar as England and Wales and Northern Ireland, and replace it with a broader offence that replicates the conduct and mental elements set out in the communications offence, but can be committed by any means of communication, and in any other way (including, for example, direct assistance through the provision of bladed articles with which to self-harm).

#### ***Measure 1C: Sexual activity with a corpse***

12. Section 70 of the Sexual Offences Act 2003 criminalises the ‘sexual penetration of a corpse’, with a maximum penalty of two years imprisonment. It does not criminalise any other sexual activity with a corpse. Given the impact that both penetrative and non-penetrative activity with a corpse can have on the family of the deceased, this Act replaces the existing offence with a revised offence that expands the scope of the criminal law to include non-penetrative sexual activity with a corpse with a maximum penalty of 5 years’ imprisonment at section 70 and to increase the maximum penalty for sexual penetration of a corpse from 2 to 7 years’ imprisonment.

#### ***Measure 1D: Sexual activity in the presence of child or person with a mental disorder***

13. The Police and the Crown Prosecution Service have reported difficulties in prosecuting a small number of cases where the suspect intentionally engaged in sexual activity in the presence of a child or a person with a mental disorder for the purpose of sexual gratification but there was insufficient evidence that they knew, believed or intended that the child was aware of the sexual activity (such knowledge, belief or intent is currently an element of the offence).
14. This Government is expanding the criminal law so that those who engage in sexual activity without intent, knowledge or belief of the child’s (or a person with a mental disorder) awareness can be held criminally responsible for their behaviour. This might include cases involving children who are sleeping when the defendant engages in sexual activity such as masturbating whilst standing next to the child’s bed for the purposes of obtaining sexual

---

<sup>2</sup> Law Commission ‘Modernising Communication Offences: A final report’ July 2021

gratification, where it cannot be proved that they knew or believed the child was aware of the sexual activity, or intended for the child should be aware of it.

15. This measure will amend sections 11, 18, 32, 36 and 40 of the Sexual Offences Act 2003 to capture additional cases of intentionally engaging in sexual activity in the presence of a child or a person with mental disorder. The intention is to ensure that culpable behaviours are prosecuted, to manage offenders and prevent further escalation where there is the potential for more serious sexual offences against children or people with a mental disorder.
16. It is not the intention to criminalise those who engage in sexual activity in the presence of a child, who do not do so for the purposes of obtaining sexual gratification from the child's presence, for example parents sharing a bedroom with a young baby. In those circumstances the presence of the child is incidental to the sexual activity. Therefore, the offences as amended will retain the requirement for there to be a link between the child's presence and obtaining sexual gratification. This will exclude non-malicious behaviour from the offences.

### ***1E: Exposure***

17. This Act amends section 66 of the Sexual Offences Act 2003 ("exposure") to criminalise those who expose their genitals with the intent to cause the victim "humiliation", or where they are acting for the purpose of obtaining sexual gratification whilst reckless as to whether the person who sees their genitals will be caused alarm, distress or humiliation. Currently, a person only commits this offence if they intentionally expose their genitals and intend that someone will see them and be caused alarm or distress.
18. Measure 1E will align the elements of the offence more closely with section 66A of the Sexual Offences Act 2003 which provides for the offence of "sending etc photograph or film of genitals" (colloquially known as the "cyberflashing offence"). Unlike the section 66 exposure offence, the section 66A offence criminalises those who intend that the victim will see the genitals and be caused alarm, distress or humiliation, or who send or give a photograph or film for the purpose of obtaining sexual gratification and are reckless as to whether the person will be caused alarm, distress or humiliation. The creation of the section 66A offence followed recommendations made by the Law Commission in their review 'Modernising Communications Offences'.
19. Adding these additional elements to offence at section 66 will ensure consistency between these analogous offences and strengthen protection for victims.

### ***Measure 1F: Spiking***

20. Spiking is a term used to describe the administration of a substance, whether by adding it to food or drink or otherwise, without a person's consent, and usually with an intent to cause some harm to, or incapacitate, that person. It can include putting alcohol into a non-alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs (such as tranquillisers, amphetamines or GHB - also called liquid ecstasy) into an alcoholic or non-alcoholic drink, food or vape. In Autumn 2021, the police reported a surge in reports of drink-spiking incidents, as well as the emergence of a new practice known as "needle spiking" (surreptitiously injecting victims with a substance).

21. Spiking is currently illegal and can be prosecuted under a range of criminal offences depending on the circumstances of the case. In addition to general offences such as assault, there are specific offences relating to the administration of a substance at sections 22 to 24 of the Offences Against the Person Act 1861 (the 1861 Act) which capture all forms of spiking. Sections 23 and 24 of the 1861 Act also cover other non-spiking behaviours where a noxious substance may be administered, e.g., where a person is sprayed with CS gas (more commonly known as “tear gas” or pepper spray). The current offences target different levels of seriousness and carry relatively high maximum penalties. In cases where a substance is administered with the intention of engaging in sexual activity with the victim, there is also a separate offence at section 61 of the Sexual Offences Act 2003. This offence has a maximum penalty of 10 years’ imprisonment.
22. The Government, in its manifesto, gave a commitment to introduce a new criminal offence to help the police better respond to incidents of spiking. The Government is therefore bringing forward a new administering a harmful substance offence, which is designed to complement and enhance other policy work on spiking - such as providing training for staff in the night time economy to ensure that staff have the skills to detect possible incidents of spiking, encouraging victims to report incidents to the police and gathering better evidence to prosecute such crimes.
23. In seeking to create a new offence which continues to capture the range of criminal behaviours covered by the current offences at sections 23 and 24, consideration was given to a recommendation made by the Law Commission in its 2015 Report on Reform of the Offences against the Person Act. The proposed repeal of sections 22, 23 and 25 and replacement of section 24 of the 1861 Act with a single, modernised offence is based on the Law Commission’s proposal. The new offence will be triable either way and have a 10 year maximum penalty.

### **Measure 1G: Child abduction**

24. It is currently an offence for persons other than parents or persons with similar responsibility to take or detain a child out of the control of any person entitled to lawful control, whether or not the child is taken out of the UK. It is also an offence for a parent or persons with similar responsibility to take or send a child out of the UK without the consent of the other parent or other persons with similar responsibility or of the court. It is not, however, an offence for a parent who has lawfully removed a child from the UK, to detain that child outside the UK for longer than the permitted period. This ‘gap’ in the law was confirmed in the case of *R (on the application of Nicolaou) v Redbridge Magistrates’ Court* [2012] EWHC 1647 (Admin).
25. Reunite International, the leading UK charity, who specialise in international child abduction cases, claim there is an increasing trend away from wrongful taking or sending to wrongful retention of a child abroad. They believe that some parents see this as an ‘easier route’ to permanently keeping their child abroad, with no criminal charges or police involvement, and are therefore using this method to circumvent the law. As a result, they are supportive of legislative change. This matter was also debated by Parliament in March 2023 and on 30 April 2024.
26. In their report<sup>3</sup>, “Simplification of the Criminal Law: Kidnapping and Related Offences”, published in November 2014, the Law Commission recommended that “....the offence under

---

<sup>3</sup> Law Commission ‘Simplification of the criminal law: kidnapping and related offences’ Nov 2014

section 1 of the Child Abduction Act 1984 should be amended to include the case where the connected person, having taken or sent the child out of the UK with the appropriate consent, keeps or retains that child outside the UK without the appropriate consent or in breach of the conditions of the consent given". The Government did not publish a formal response to this Law Commission report.

27. Disputes involving children retained abroad without appropriate consent are usually resolved through civil dispute and family custody processes, rather than by the criminal law. The UK is a contracting State to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the 1980 Hague Convention). The 1980 Hague Convention provides judicial and administrative procedures which aim to: (i) secure the prompt return of children wrongfully removed to or retained in any Contracting State; and (ii) ensure that rights of custody and access under the law of one Contracting State are effectively respected in the other Contracting States. In effect, the court in the country where the child has been taken will decide whether the child should be returned to the country where they were habitually resident. There are limited exceptions to the obligation to return the child. Unlike under the existing domestic criminal law in England and Wales, the 1980 Hague Convention treats the removal and retention of a child abroad equally.
28. Amending the Child Abduction Act 1984 (1984 Act) to cover detention of a child outside the UK without appropriate consent may help deter parents from detaining children abroad in the first place, as they could face extradition to the UK and a criminal sanction if, or when, they returned to the UK.
29. Measure 1G will close the legislative gap by amending the 1984 Act to make it an offence for a parent or person with similar responsibility for a child, to detain that child outside the UK without the appropriate consent, at any time after the child is taken or sent out of the UK with the appropriate consent. DPP consent will be required for the new offence, which will have a maximum penalty of 7 years' imprisonment. This is the penalty which applies to the existing offences at sections 1 and 2 of the 1984 Act. The new offence will apply in England and Wales and separate, but equivalent provision is made for Northern Ireland by amending the Child Abduction (Northern Ireland) Order 1985.

### ***Measure 1H: Under 16 penetrative offences***

30. This measure delivers on the Government's acceptance of recommendation 1 in Baroness Casey's National Audit of Group Based Child Sexual Exploitation in June 2025. The Audit recommended that "The law in England and Wales should be changed so adults who intentionally penetrate the vagina, anus or mouth of a child under 16 receive mandatory charges of rape." It also recommended that government consider "a 'Romeo and Juliet clause' to prevent criminalising teenagers in relationships with each other"; Government will be considering this through a separate consultation.
31. This measure will create new offences covering rape and other penetrative sexual activity with a child under 16 by an adult, where the adult did not reasonably believe that the child was aged 16 or over (as long as they are at least 13). The prosecution does not have to prove that the child did not consent, so ostensible or purported consent, and reasonable belief in consent, are irrelevant. The offences can only be committed by adults, which means that they do not apply to anyone under 18 years old.

### ***Measure 1I: Animal sexual abuse***

32. Under section 69 of the Sexual Offences Act 2003 it is an offence for a person to penetrate the vagina or anus of a living animal with their penis; or to allow their vagina or anus to be penetrated by the penis of a living animal. However, campaigners, MPs and Peers have expressed concerns that the current legislation does not adequately capture the full range or seriousness of animal sexual abuse (ASA), such as non-penile penetrative acts or other sexual activity involving animals where “unnecessary suffering” cannot be demonstrated and sexual acts involving dead animals.
33. This measure replaces and broadens the offence of sexual intercourse with an animal under section 69 of the Sexual Offences Act 2003. This will capture intentional touching of an animal, whether the animal is alive or dead and where the touching is sexual. This will encompass penetrative sexual acts with animals, but also a broader range of sexual activity such as oral sex with an animal or training an animal to perform oral sex on an individual. It also captures sexual activity with dead animals.

#### ***Measure 1J: Sharing semen-defaced images***

34. The term “semen-defaced image” describes a photograph or film of a victim, usually a woman, with semen or something that appears to be semen on or next to the image, or a photograph or film depicting such an image. AI can also be used to make it look like semen has been deposited on the image. These images are often shared to violate, degrade or abuse the victim and when this is done without consent it can cause immense distress and harm.
35. Like intimate image abuse, the nature of offending around semen-defaced images means that victims and prosecutors may be unaware an image has been shared until after the standard time limit for prosecution of summary only offences (6 months) has passed.

#### ***Measure 1K: Pornography depicting sex between relatives***

36. In February 2025, the Independent Review of Pornography was published by Baroness Bertin. Recommendation 25 of the Review was “that pornographic content that depicts incest should be made illegal”.
37. There are concerns that the proliferation of incest-themed pornography can contribute to harmful attitudes, particularly where it risks normalising child sexual abuse which is extremely harmful. This is why the Government criminalised the possession and publication of pornography portraying sexual activity between certain family members in this Act. This includes the ‘core’ family relationships (such as parents and children) and also includes stepparents and stepchildren, foster parents and foster children and stepsiblings where one of the persons is, or is pretending to be, under the age of 18. The new offence therefore criminalises pornographic images that portray sexual activity that are illegal in real life.
38. This will be a priority offence requiring platforms to take proactive steps to prevent this material appearing online.

#### ***Measure 1L: Pornography depicting sexual activity with a child under 16***

39. Pornographic content that mimics or risks normalising child sexual abuse is unacceptable, which is why the Act has criminalised the possession or publication of pornography portraying sexual activity with a child under 16. The offence therefore criminalises pornographic images that portray sexual activity that would be illegal in real life.
40. This will be a priority offence requiring platforms to take proactive steps to prevent this material appearing online.

### ***Measure 1M: Pornography depicting strangulation or suffocation***

41. The Independent Review of Pornography also highlighted the prevalence of pornography depicting strangulation and the role of pornography in shaping 'offline' sexual behaviour. It suggested that the depiction of this behaviour is normalising strangulation during sexual activity; behaviour which is inherently risky with significant potential adverse consequences that are not always understood by those who carry it out. It recommended that "non-fatal" strangulation pornography should be illegal to possess, distribute or publish (recommendation 2).
42. This measure criminalises the possession and publication of pornographic images portraying strangulation or suffocation. This will be a priority offence requiring platforms to take proactive steps to prevent this material appearing online.

### ***Measure 1N: Copying without consent an intimate image shared temporarily***

43. Measure 1A protects victims where intimate images are taken or recorded of them, that would not otherwise exist. However, victims whose temporarily shared intimate images have been copied without their consent, can experience harms comparable to those suffered by victims whose intimate images have been taken or recorded without their consent. Consent to view a person in an intimate state temporarily is not consent to view permanently.
44. This measure criminalises copying without consent an intimate image that has been shared temporarily, such as on Snapchat or a videocall. It sits alongside, and mirrors wherever relevant, the offences of taking an intimate image without consent or installing equipment to do so (included in this Act and detailed above) as well as the existing offences of sharing or creating an intimate image without consent. This includes extending the time limit for prosecution beyond the default position for summary-only offences of six months, to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute

## **B. Policy Rationale and Objectives**

### **Rationale**

45. The conventional approach to government intervention is based on efficiency or equity arguments. Government may consider intervening if there are strong enough failures in the way markets operate, for example monopolies overcharging debtors, or if there are strong enough failures in existing government interventions, such as outdated regulations generating inefficiencies. In all cases the proposed intervention should avoid generating a further set of disproportionate costs and distortions. Government may also intervene for reasons of equity (fairness) and for re-distributional reasons (e.g. reallocating resources from one group in society to another).
46. The rationale for intervention via the Crime and Policing Act measures in this instance relates to both efficiency and equity. Government intervention is necessary to ensure that the criminal law covers these harmful acts, remains up to date as society and technology evolves, is well understood, adequately delivers justice to victims and protects the public.

### **Policy Objectives**

47. The associated overall policy objectives are to ensure that i) the criminal law is capturing harmful behaviour that is currently not criminal; ii) the maximum penalty for a criminal offence is appropriate; and iii) the criminal law is clear and understood by the public. The

measures assessed in this IA are also necessary to protect the public, provide justice to victims and improve trust in the criminal justice system.

48. The policy objectives for each measure are outlined below:

**Measure 1A: Intimate Images**

- Ensure the criminal law is adequately equipped to protect the public from the disturbing and distressing behaviour of intimate image abuse.
- Effectively manage these offenders through notification requirements where specific criteria are met.

**Measure 1B: Encouraging or assisting serious self-harm**

- Ensure the criminal law is adequately equipped to protect people from those who intend to encourage or assist another person to seriously self-harm.
- Ensure that vulnerable people who share their experiences of self-harm are not disproportionately affected.
- Ensure those who intentionally encourage or assist others to seriously self-harm can be brought to justice.

**Measure 1C: Sexual activity with a corpse**

- Ensure the criminal law adequately protects the public.
- Ensure the criminal law captures those people who commit these harmful acts so that they can be brought to justice.

**Measure 1D: Sexual activity in the presence of a child or adult with a mental disorder**

- Ensure the criminal law adequately protects the public, particularly children and those with a mental disorder.
- Ensure that the criminal law captures people who commit these harmful acts and that they can be brought to justice.

**Measure 1E: Exposure**

- Ensure consistency in the criminal law's approach to exposure offences with the 'cyberflashing' offence at section 66A of the Sexual Offences Act 2003.
- Provide more victims of in-person exposure with protection under the criminal law.

**Measure 1F: Spiking**

- Ensure that the criminal law clearly captures people who commit acts of spiking and that individuals committing such offences are brought to justice.

**Measure 1G: Child abduction**

- Close a known gap in the criminal law on child abduction, to prevent a parent wrongfully detaining a child abroad without appropriate permission from the other parent.

**Measure 1H: Under 16 penetrative offences**

- Ensure that adults who engage in penetrative sexual activity with children under 16 can be charged with rape or other serious sexual offences that carry a penalty of life imprisonment, rather than other sexual offences which carry lower maximum penalties.

#### **Measure 1I: Animal sexual abuse**

- Ensure the criminal law is adequately equipped to reflect the breadth and seriousness of animal sexual abuse.

#### **Measure 1J: Sharing Semen-defaced images**

- Ensure the criminal law adequately protects the public from the disturbing and distressing behaviour of sharing semen-defaced images without consent.

#### **Measure 1K: Pornography depicting sex between relatives**

- Criminalise the possession and publication of the most egregious pornographic images which depict sexual conduct which is illegal in real-life and may risk normalising child sexual abuse.

#### **Measure 1L: Pornography depicting sexual activity with a child under 16**

- Criminalise the possession and publication of the most egregious pornographic images which depict sexual conduct which is illegal in real-life and may risk normalising child sexual abuse.

#### **Measure 1M: Pornography depicting strangulation or suffocation**

- Criminalising this type of harmful behaviour in pornography, which is being internalised by its viewers and is informing offline behaviour, normalising strangulation and suffocation during sexual activity.

#### **Measure 1N: Copying without consent intimate images shared temporarily**

- Ensure the criminal law is adequately equipped to protect the public from the disturbing and distressing behaviour of intimate image abuse.

### **C. Affected Stakeholder Groups, Organisations and Sectors**

49. A list of all main groups that would be affected by the measures described in this IA is shown below:

- Victims and potential witnesses;
- The Police;
- The Judiciary
- The Crown Prosecution Service (CPS);
- His Majesty's Courts and Tribunals Service (HMCTS);
- Ofcom
- The Legal Aid Agency (LAA);
- His Majesty's Prison and Probation Service (HMPPS);
- The Ministry of Justice;
- The Home Office;
- Porn Providers and content producers;

- RSPCA and Veterinarians and;
- The public.

## **D. Description of Options Considered**

50. The following two options are considered in this IA:

- **Option 0 Do Nothing. Do not implement the criminal law measures in the Crime and Policing Act.**
- **Option 1: Full implementation of the criminal law measures in the Crime and Policing Act**

51. Option 1 is the preferred option as it best meets the above policy objectives.

### **Option 0: Do nothing**

52. Under this Option, the changes to the criminal law would not be commenced. This option would mean that the criminal law would not cover the harmful acts described above and so would not remain up to date, adequately deliver justice to victims nor protect the public.

### **Option 1**

53. Option 1 involves commencing the following legislative measures under the Crime and Policing Act:

#### **Measure 1A: Intimate images**

54. Under this measure three new criminal offences will be inserted into the Sexual Offences Act 2003 to capture:

- a. A person (A) who intentionally takes or records an intimate image of a person (B), without their consent (or a reasonable belief in consent). This will be a summary only offence with a maximum sentence of imprisonment of 6 months or a fine (or both).
- b. A person (A) who intentionally takes or records an intimate image of a person (B), without their consent, and intends that the person (B) is caused alarm, distress, or humiliation. This offence will be triable either way with a maximum of six months imprisonment or a fine (or both) on summary conviction; and on indictment of imprisonment for 2 years.
- c. A person (A) who intentionally takes or records an intimate image of a person (B), without their consent (or a reasonable belief in consent), for the purpose of the defendant (A), or a third person (C), obtaining sexual gratification. This offence will be triable either way with a maximum of six months imprisonment or a fine (or both) on summary conviction; and on indictment of imprisonment for 2 years, and will, subject to certain caveats, attract sexual offender registration requirements.

55. If a person is convicted of one of these offences, but is additionally found not guilty of the offence by reason of insanity, or found to be under a disability and to have done the act charged against him, or cautioned in respect of the offence, and one of the following criteria are met, then the Sexual Offender Notification requirements will be imposed:

- a. where the offender was under 18, they are or have been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - b. in any other case—
    - i. the victim was under 18, or
    - ii. the offender, in respect of the offence or finding, is or has been—
      - 1) sentenced to a term of imprisonment,
      - 2) detained in a hospital or
      - 3) made the subject of a community sentence of at least 12 months.
56. Under this measure, two new criminal offences will be inserted into the Sexual Offences Act 2003 to capture a person who installs, adapts, prepares or maintains equipment to enable themselves or another to commit a taking offence:
- a. A person (A) who installs, adapts, prepares or maintains equipment to enable themselves or another person (C) to intentionally take an intimate image of another person (B) without their consent or a reasonable belief in their consent. This offence will be summary only with a maximum 6-month prison sentence.
  - b. A person (A) who installs, adapts, prepares or maintains equipment to enable themselves or another person (C) to intentionally take an intimate image of another person (B) without their consent and with either the intention of causing B alarm, distress or humiliation or for the purpose of sexual gratification of A or (C).
57. These specific intent offences will be triable either way with a maximum sentence of 2 years imprisonment.
58. When convicted of this offence with the intent to enable the sexual gratification offence, sexual offender notification requirements will apply in the same way as they would for the relevant “taking” offence when the same seriousness threshold is met.
59. The time limit for prosecuting any of the following offences will also be extended beyond the default position for summary-only offences of 6 months, to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute: taking an intimate image without consent; installing equipment with intent to take an intimate image without consent; or sharing an intimate image without consent.
60. All five new offences will apply to England and Wales.

### **Measure 1B: Encouraging or assisting serious self-harm**

- 61. The Online Safety Act 2023 includes an offence of encouraging or assisting serious self-harm by means of communication. Under this measure, the government will create a broader offence to capture a person who intentionally encourages or assists, by any means, another person or persons to seriously self-harm.
- 62. The new offence, like the communications offence, is designed to capture only the most serious behaviour and includes essentially the same two key constraints. The first is that the defendant must do an act capable of encouraging or assisting the serious self-harm of another person. The second is that the defendant’s act must be intended to encourage or assist the serious self-harm of another person. “Serious self-harm” means self-harm amounting to, in England and Wales, grievous bodily harm within the meaning of the Offences Against the Person Act 1861, and it includes successive acts of self-harm which

cumulatively reach that threshold. An offence may be committed regardless of whether serious self-harm occurs.

63. The offence will be triable either way and have a 5-year maximum prison sentence following conviction on indictment, or on summary conviction, in England and Wales, to imprisonment or a term not exceeding the general limit in a magistrates' court, or in Northern Ireland to 6 months' imprisonment.

64. The offence will extend to (and apply in) England and Wales and Northern Ireland.

#### **Measure 1C: Sexual activity with a corpse**

65. Measure 1C will replace section 70 of the Sexual Offences Act 2003 with a revised offence that expands the scope of the criminal law to include non-penetrative sexual activity with a corpse with a maximum penalty of 5 years at section 70 and to increase the maximum penalty for sexual penetration of a corpse from 2 to 7 years' imprisonment.

66. This offence will extend to (and apply in) England and Wales.

#### **Measure 1D: Sexual activity in the presence of a child or adult with a mental disorder**

67. Measure 1D will amend existing offences 11, 18, 32, 36 and 40 of the Sexual Offences Act 2003 to remove the current requirement that the perpetrator must know, believe or intend for the child (or person with a mental disorder) to be aware of the sexual activity.

68. These amendments will mean the offences capture cases of intentionally engaging in sexual activity in the presence of a child or person with mental disorder (B), or when B is in a place from which they can observe the defendant, where the defendant acts for the purpose of obtaining sexual gratification from the mere presence or observation of B regardless of whether the defendant knows, believes or intends for B to be aware.

69. All these offences will continue to extend to (and apply in) England and Wales.

#### **Measure 1E: Exposure**

70. Measure 1E will amend section 66 of the Sexual Offences Act 2003 (the "exposure offence") to also criminalise those who expose their genitals with the intent to cause the victim "humiliation", or where they are acting for the purpose of obtaining sexual gratification whilst reckless as to whether the person who sees their genitals will be caused alarm, distress or humiliation.

71. The legislative changes will extend to (and apply in) England and Wales.

#### **Measure 1F: Spiking**

72. Measure 1F will repeal sections 22 to 25 of the Offences against the Person Act 1861 and replace sections 23 and 24 with a single, modernised offence of administering a harmful substance, which will be triable either way.

73. This legislative change will not (and is not designed to) exclude the range of criminal behaviours that are currently captured under sections 23 and 24. The maximum penalty proposed for the new offence is 10 years.

74. These legislative changes will extend to (and apply in) England and Wales and Northern Ireland.

#### **Measure 1G: Child Abduction**

- 75. Measure 1G will criminalise the detention of a child outside the UK without the appropriate consent. It will cover the situation where one parent or person with similar responsibility, with the consent of the other parent or persons with similar responsibility or of the court, takes or sends the child out of the UK with consent, but detains the child abroad beyond the time agreed and without the appropriate consent.
- 76. The offence is triable either way and the maximum penalty on indictment is 7 years' imprisonment.
- 77. The legislative change in one measure will extend to (and apply in) England and Wales. The other extends to (and applies in) and Northern Ireland.

#### **Measure 1H: Under 16 Penetrative Offences**

- 78. This measure creates three new offences in the Sexual Offences Act 2003 covering rape and other penetrative sexual activity with a child under 16 by an adult, where the adult did not reasonably believe that the child was aged 16 or over (as long as they are at least 13). The prosecution does not have to prove that the child did not consent, so ostensible or purported consent, and reasonable belief in consent, is irrelevant.
- 79. All the new offences are indictable only and have maximum penalties of life imprisonment. They will sit alongside other existing offences that will continue to apply, including sexual activity with a child.
- 80. The offences will extend to (and apply in) England and Wales.

#### **Measure 1I: Animal Sexual Abuse**

- 81. Measure 1I replaces and broadens the offence of sexual intercourse with an animal under section 69 SOA 2003 to capture additional forms of sexual activity with animals and sexual activity with dead animals, ensuring that conduct not currently criminalised can be prosecuted effectively. It criminalises the intentional touching of an animal, whether living or dead, where that touching is sexual and where an individual knows, or is reckless as to whether, what is touched is an animal. This better reflects the reality of offending behaviour and ensures the law is fit for purpose.
- 82. The offence is triable either way. On indictment, the maximum penalty is 2 years' imprisonment.
- 83. The offence will extend to (and apply in) England and Wales.

#### **Measure 1J: Sharing semen-defaced images**

- 84. This measure adds to the Sexual Offences Act 2003 a new offence of sharing a semen-defaced image of another person without consent, or reasonable belief in consent. The term "semen-defaced image" describes a photograph or film, upon or next to which semen has been deposited, or a photo or film which depicts such an image.
- 85. The offence is summary only. The maximum penalty is imprisonment for a term not exceeding the maximum term for summary offences (currently 6 months), or a fine, or both. The time limit for prosecuting the offence will be extended beyond the default position for summary-only offences of 6 months to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute.
- 86. The offence will extend to (and apply in) England and Wales.

#### **Measure 1K: Pornography depicting sex between relatives**

87. Measure 1K amends the Criminal Justice and Immigration Act 2008 to make it a criminal offence to possess or publish a pornographic image portraying penetrative sex between persons who are related, or pretending to be related, as certain family members.
88. These offences will be listed as priority offences under the Online Safety Act 2023, obligating platforms to take proactive and proportionate steps to stop this harmful material from appearing online.
89. The offences will be triable either way. The maximum penalty on conviction on indictment is 2 years imprisonment for the possession offence and 5 years for the publication offence.
90. These offences will extend to (and apply in) England & Wales only.

#### **Measure 1L: Pornography depicting sexual activity with a child under 16**

91. Measure 1L amends the Criminal Justice and Immigration Act 2008 to make it a criminal offence to possess or publish pornographic images portraying sexual activity between persons where at least one person is, or is pretending to be, under 16. These offences will be listed as priority under the Online Safety Act 2023, obligating platforms to take proactive and proportionate steps to stop this harmful material from appearing online.
92. The offences will be triable either way. The maximum penalty on conviction on indictment is 3 years imprisonment for the possession offence and 5 years for the publication offence.
93. These offences will extend to (and apply in) England & Wales only.

#### **Measure 1M: Pornography depicting strangulation or suffocation**

94. Measure 1M amends the Criminal Justice and Immigration Act 2008 to make it a criminal offence to possess or publish a pornographic image portraying strangulation or suffocation.
95. The terms strangulation and suffocation carry their ordinary meaning.
96. The offences will be triable either way. The maximum penalty on conviction on indictment is 2 years imprisonment for the possession offence and 5 years for the publication offence.
97. One measure extends to (and applies in) England and Wales and Northern Ireland. The other extends to (and applies in) Scotland.

#### **Measure 1N: Copying without consent an intimate image shared temporarily**

98. The measure inserts a new offence into the Sexual Offences Act 2003 of copying, without consent or reasonable belief in consent, of an intimate image shared temporarily (such as those sent via Snapchat or on a video call).
99. The offence is summary only. The maximum penalty for this offence is imprisonment for a term not exceeding the maximum term for summary offences (currently 6 months), or a fine, or both. The time limit for prosecuting the offence will be extended beyond the default position for summary-only offences of 6 months to a period that is both within three years of the commission of the offence and within six months of the date when the prosecutor had sufficient evidence to prosecute.
100. The offence will extend to (and apply in) England & Wales only.

## E. Cost & Benefit Analysis

101. This section of the IA summarises the main monetised and non-monetised impacts of the above legislative measures on individuals and groups in the UK\*. These impacts have been assessed using the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
102. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on the monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. These might be impacts on certain groups of society or data privacy impacts, both positive and negative. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
103. The costs and benefits of each option are compared to option 0, the counterfactual or “do nothing” scenario. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present social value (NPSV).
104. The expected impacts of the legislative measures described above are summarised for each measure below.
105. Where necessary, and to make our estimates of the costs and benefits of each measure comparable, the following conventions are used:
- All monetised costs and benefits are stated in 2026-27 prices.
  - The Net Present Social Value (NPSV) of each measure has been calculated over a ten-year appraisal period from the expected implementation from 2026/27, using a 3.5 per cent discount rate.
  - Where appropriate, 20% optimism bias (OB) has been applied.
  - Unless otherwise stated, the annualised costs or savings are those which would be achieved in ‘steady state’ (i.e. when a measure is fully in operation).
106. As is normal practice in MoJ IAs, the impacts on offenders associated with upholding the sentence of the court are not included in the costs and benefits of each option. All impacts presented are best estimates, and subject to a degree of uncertainty.
107. Some measures in this IA have monetised costs and/or benefits of low magnitude. These have been classified as de minimis and are instead classed as non-monetised impacts. This approach reflects the natural level of uncertainty in the analysis, which makes it disproportionate to include monetised costs and benefits of such low magnitude.

### **Option 1: Full implementation of the Criminal Law measures in the Crime and Policing Act.**

#### **Monetised Impacts**

---

\* See section D for detail on the jurisdiction of each policy measure.

108. Table 2 summarises the monetised impacts of the legislative measures in this Act. Only those measures for which there are monetised costs or benefits are included in Table 2, with the non-monetised costs and benefits presented later in Table 4.

| <b>Table 2: Summary of Monetised Impacts, Best Estimates</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                  |                                                                                  |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|                                                              | <b>Costs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Benefits</b>                                                                                  | <b>10 Year NPSV</b>                                                              |
| 1A: Intimate Images                                          | <p>This measure is estimated to lead to an additional 4,600 police recorded crimes, 400 prosecutions and 310 convictions per year.</p> <p>The average annual cost to the police is estimated to be £7.9m.</p> <p>The average annual cost to HCMTS is estimated to be £0.2m in both the Crown and magistrates' courts.</p> <p>The average annual cost to Legal Aid is estimated to be £0.3m.</p> <p>It is estimated that the additional 310 convictions will require 17 prison places per year and 220 Community Orders/Suspended Sentence Orders. This will incur average annual costs of £1.8m and £1.3m for prisons and probation respectively.</p>                                                                                | <p>It has not been possible to identify any monetised benefits associated with this measure.</p> | <p>The 10 year net present value of this measure is estimated to be -£98.3m.</p> |
| 1B: Encouraging or assisting serious self-harm               | <p>This measure is estimated to lead to an additional 60-600 police investigations, resulting in 1-10 additional prosecutions and convictions.</p> <p>We take the midpoint of these volumes, to estimate the best estimate of the costs of this measure. The low and high ranges can be seen in Section F.</p> <p>The average annual cost to the police is estimated to be £1.0m</p> <p>The average annual cost to HCMTS is estimated to be &lt;£0.05m in both the Crown and magistrates' courts.</p> <p>The average annual cost to Legal Aid is estimated to be £0.1m.</p> <p>It is estimated that the additional convictions will require 8 prison places per year. This will incur average annual costs of £0.2m for HMPPS**.</p> | <p>It has not been possible to identify any monetised benefits associated with this measure.</p> | <p>The 10 year net present value of this measure is estimated to be -£11.2m.</p> |

\*\* £0.17m and £0.02m for prisons and probation respectively

|                                                                                |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                           |                                                                           |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1D: Sexual Activity in the presence of a child or adult with a mental disorder | <p>Our best estimate assumes two cases per year will lead to a conviction and flow through the criminal justice system each year.</p> <p>This would incur an average annual cost of &lt;£10k for HMCTS and the LAA respectively with costs of &lt;£50k for HMPs.</p>                                                                                                         | It has not been possible to identify any monetised benefits associated with this measure. | The 10 year net present value of this measure is estimated to be -£0.7m.  |
| 1H: Under 16 Penetrative Offences                                              | <p>The existing offences of sexual activity with a child carry lower maximum and average custodial sentence lengths than rape, assault by penetration and causing a person to engage in penetrative sexual activity without consent.</p> <p>As a result we estimate that this measure may lead to 200-350 additional prison places, at an average annual cost of £11.7m.</p> | It has not been possible to identify any monetised benefits associated with this measure. | The 10 year net present value of this measure is estimated to be -£98.5m. |

109. The net present value of each of the measures in Option 1 are set out in Table 3 below:

**Table 3: Summary of the monetised costs of Option 1 (Best Estimates)**

| Policy Measure                                                                        | 10-year NPV (£m) |
|---------------------------------------------------------------------------------------|------------------|
| <b>1A:</b> Intimate Images                                                            | -£98.3m          |
| <b>1B:</b> Encouraging or assisting serious self-harm                                 | -£11.3m          |
| <b>1C:</b> Sexual activity with a corpse                                              | -                |
| <b>1D:</b> Sexual activity in the presence of a child or adult with a mental disorder | -£0.7m           |
| <b>1E:</b> Exposure                                                                   | -                |
| <b>1F:</b> Spiking                                                                    | -                |
| <b>1G:</b> Child Abduction                                                            | -                |
| <b>1H:</b> Under 16 penetrative offences                                              | -£98.5m          |
| <b>1I:</b> Animal sexual abuse                                                        | -                |
| <b>1J:</b> Sharing semen-defaced images                                               | -                |
| <b>1K:</b> Pornography depicting sex between relatives                                | -                |
| <b>1L:</b> Pornography depicting sexual activity with a child under 16                | -                |
| <b>1M:</b> Pornography depicting strangulation or suffocation                         | -                |
| <b>1N:</b> Copying without consent an intimate image shared temporarily               | -                |
| <b>TOTAL</b>                                                                          | <b>-£208.9m</b>  |

## Non-monetised Impacts

### Measures 1K, I & M: Pornographic Offences

110. It is difficult to estimate the additional number of proceedings and convictions arising from these measures. Offenders who commit these offences, once commenced, are likely to also be guilty of more serious offences. For example, in the year to September 2025, only one case out of 79 prosecutions for possession of extreme pornographic images depicting rape or assault by penetration was the most serious offence which resulted in a net increase to demand on the criminal justice system.
111. Operational information also confirmed that investigations and charges for illegal pornography are predominately brought as part of a wider indictment on sexual offences.
112. The CPS may face additional costs associated with updating their prosecutors' guidance on illegal pornography.
113. We have therefore not monetised the impact of these offences in the main section of this IA. We have produced sensitivity analysis for the offences in Section F.

**Table 4: Summary of Non-Monetised Impacts, Best Estimates**

|                                                | Non-monetised Costs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Non-monetised Benefits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1A: Intimate Images                            | <p>There may also be some familiarisation costs for the police for the new offences. These impacts have not been monetised but are assumed to be minimal.</p> <p>The new offences will mean that some offenders may be subject to notification requirements. The notification requirements, responding to any breaches and the police-administered voluntary tagging scheme, are expected to require some additional police time and resource. In the absence of robust evidence, however, these potential additional impacts have not been quantified.</p> <p>There will be costs to the CPS associated with the additional cases being prosecuted under these offences.</p> | <p>This measure will strengthen the criminal law so that it more adequately captures the intrusive and distressing practice of taking intimate photographs or films without consent. It will offer greater protection to victims, and where certain criteria are met, trigger notification requirements in any individual case, which will assist the authorities to manage the offender in the community.</p> <p>Further, the expected deterrent effect of criminalisation in the new base offence should see a reduction in abusive conduct; this should result in the avoidance of emotional distress and adverse physical health impacts due to being a victim of such abuse.</p> <p>Overall, this should result in enhanced public confidence in the Criminal Justice System.</p> |
| 1B: Encouraging or assisting serious self-harm | <p>There may also be some familiarisation costs for the police for the new offence. These impacts have not been monetised but are assumed to be minimal.</p> <p>There will be costs to the CPS associated with the additional cases being prosecuted under this offence, however, it has not been possible to</p>                                                                                                                                                                                                                                                                                                                                                             | <p>This measure will strengthen the criminal law so that it is adequately equipped to protect people from deliberate encouragement or assistance to seriously self-harm thereby potentially reducing the number of victims of self-harm and associated issues.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                | monetise these due to lack of information on CPS unit costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | This measure will also benefit victims' families who are negatively impacted by this offence, particularly in cases involving children and young people.                                                                                                                                                                                                               |
| 1C: Sexual activity with a corpse                                              | <p>In the past 10 years, one person has had section 70 of the Sexual Offences Act 2003 (sexual penetration of a corpse) recorded as their principal offence (most serious offence). The number of convictions for section 70 is higher, but in the remaining cases the defendant was convicted of a more serious offence so that s70 was not recorded as the principal offence.</p> <p>Therefore, we assume the net impact of extending the section 70 offence and increasing the sentence length will be negligible.</p> <p>There may also be some familiarisation costs for the police for the amended offences. These impacts have not been monetised but are assumed to be minimal.</p> | This measure will increase confidence in the criminal justice system for the public and ensure offenders who engage in non-penetrative sexual activity with a corpse are captured under this offence and held criminally accountable for this behaviour.                                                                                                               |
| 1D: Sexual Activity in the presence of a child or adult with a mental disorder | There will be costs to the Police and CPS associated with the additional cases being prosecuted under these offences.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>This measure will benefit victims by providing justice and ensuring that offenders can be held criminally accountable for this harmful behaviour. This measure could also help identify offenders who pose a risk of going on to commit more serious offences.</p> <p>This could increase confidence in the criminal justice system for the public and victims.</p> |
| 1E: Exposure                                                                   | <p>We are not aware that the CPS has faced any difficulties in prosecuting section 66 of the Sexual Offences Act 2003 (the "exposure offence in the Sexual Offences Act 2003"), or of any cases in which a person has been acquitted (or has not been charged) because they were acting for the purpose of obtaining sexual gratification, or solely with the intent of causing their victim humiliation (as opposed to alarm or distress).</p> <p>On this basis we have assumed that it is unlikely that there will be additional cases prosecuted or convicted and therefore the impact on the criminal justice system will be negligible.</p>                                            | Parity between the section 66 offence and the section 66A offence will improve consistency in the criminal law and provide victims of in-person exposure with greater protection from this behaviour.                                                                                                                                                                  |

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1F: Spiking                       | <p>It is difficult to quantify the costs of this measure, given that the number of spiking cases prosecuted and convicted are difficult to determine. While data is available about prosecutions and convictions under sections 23 and 24 of the 1861 Act, these do not all represent 'spiking' cases, as the two offences cover a wider range of other criminal behaviours.</p> <p>There may be increased costs to the police if the number of cases reported increase. The likely costs are difficult, however, to determine. There may also be costs associated with updating guidance, etc although this is anticipated to be minimal.</p> <p>No additional costs are anticipated to the CPS given these offences currently exist and are used in cases of spiking. It is possible that there may be some additional costs to the CPS associated with any increase in the number of cases prosecuted in relation to spiking, but it has not been possible to monetise these due to lack of information on CPS unit costs. There may also be costs associated with updating guidance etc, although this is anticipated to be minimal.</p> | <p>Creates a single modern offence of administering a harmful substance, the aim of which is to increase public awareness of this crime and encourage victims to report such incidents to the police at the earliest opportunity. Equally, increased awareness of the illegality of spiking may aid prevention of spiking but will also enable those working in the nighttime economy to provide better support and help to victims who are spiked.</p>                                                           |
| 1G: Child Abduction               | <p>There may be costs to the police, CPS, LAA, HMCTS and HMPPS if this measure were to lead to an increase in extraditions, prosecutions, convictions and sentences.</p> <p>Although the UK would bear the cost of issuing a warrant, preparing an extradition request and transporting the parent back to the UK for trial, we do not expect these costs to be significant given these cases are not high in volume.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Amends the Child Abduction Act 1984 to make it an offence for a parent or person with similar responsibility for a child, to detain that child outside the UK without the consent of the other parent or persons with similar responsibility, or with the agreement of the court.</p> <p>The new offence closes a known gap in the current criminal law. It aims to act as a deterrent and ensure that prosecutions can be brought in appropriate cases where a child is being unlawfully detained abroad.</p> |
| 1H: Under 16 Penetrative Offences | <p>There will be costs to the Police and CPS associated with ensuring guidance and training is in place for the new offences.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>It will protect children by making it clear to adults (18 or older) that engaging in penetrative sexual activity with a child under 16 is inherently wrong, regardless of whether the sex was ostensibly consensual.</p> <p>Furthermore, the expected deterrent effect of increasing the maximum penalty that adults may face to life could see a reduction in abusive conduct; this should result in the</p>                                                                                                  |

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | avoidance of emotional distress and adverse physical health impacts due to being a victim of such abuse.                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1I: Animal Sexual Abuse                                         | <p>Since 2017, there have been an average of 1-2 prosecutions per year for the offence of 'intercourse with an animal'. The average number of convictions is higher, but in the remaining cases the defendant was convicted of a more serious offence alongside the s69 offence so that it was not recorded as the principal offence.</p> <p>Given this, and alongside evidence provided by the RSPCA on prevalence, we assume that the net impact of this offence will be negligible.</p> <p>There may also be some familiarisation costs for the police for the amended offences. These impacts have not been monetised but are assumed to be minimal.</p> | <p>This measure will ensure that the full scope of the conduct involved in animal sexual abuse is criminalised.</p> <p>Increasing public confidence that sexually abusive conduct against animals is taken seriously.</p>                                                                                                                                                                                                                                                                                                                          |
| 1J: Sharing semen-defaced images                                | <p>It is difficult to assess the impacts of this measure as we do not have a clear scale of prevalence. However, this is a targeted and specific offence that is likely to surface alongside other existing offences.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>This measure will ensure convictions of those who share semen-defaced images whilst protecting the rights of those whose images are shared in this way.</p> <p>Further, the expected deterrent effect of criminalisation could see a reduction in abusive conduct; this should result in the avoidance of emotional distress and adverse physical health impacts due to being a victim of such abuse.</p> <p>Finally, criminalising is expected to reduce the availability of this type of imagery online, benefitting victims and society.</p> |
| 1K: Pornography depicting sex between relatives                 | <p>Pornography depicting strangulation or suffocation, sex between relatives and sexual activity with a child under 16 are prevalent online. However, we expect that the majority of offenders who commit these offences will be guilty of more serious offences, so consider that any additional prosecutions will require a minimal number of prison places per year, of which the financial implications are negligible.</p> <p>The CPS may face additional costs associated with updating their</p>                                                                                                                                                      | <p>The non-monetised benefit of 1K and 1L is the prevention of normalising abusive sexual behaviour through pornography. The proliferation of material depicted in 1K and 1L can contribute to harmful attitudes, particularly where such imagery risks normalising child sexual abuse. Removing depiction of imagery established in 1K and 1L in pornography, reduces the risk that they are normalised in real-life through that content.</p> <p>In relation to 1M; Pornography depicting strangulation is rife online,</p>                      |
| 1L: Pornography depicting sexual activity with a child under 16 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1M: Pornography depicting strangulation or suffocation          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                | <p>prosecutors' guidance on illegal pornography.</p> <p>New criminal measures (and given these are to be priority offences) will require Ofcom to update their Illegal Content Judgement Guidance, to inform the industry of changes to illegal pornographic content online. This may result in additional costs for them.</p> <p>Individuals and companies who currently possess such pornographic images, or to the extent they continually publish such images online, will need to delete or otherwise get rid of the image or cease publication of the image before the offences come into force to avoid committing the offence.</p> | <p>and evidence suggests strangulation in sex is becoming more commonplace in real life - particularly among young people who may be unaware of the serious harm it can cause. In criminalising, it is expected to reduce the availability of this type of imagery online, which will prevent the further normalisation of sexual strangulation which can potentially be very harmful.</p>                        |
| 1N: Copying without consent intimate images shared temporarily | <p>We expect minimal resource impacts on the criminal justice system because this offence is only likely to be detected and reported alongside other existing intimate image abuse offences, such as sharing an intimate image without consent.</p>                                                                                                                                                                                                                                                                                                                                                                                        | <p>This measure will ensure convictions of those who create copies, without consent, of time-limited intimate images, and better protect the rights of victims.</p> <p>Further, the expected deterrent effect of criminalisation could see a reduction in abusive conduct; this should result in the avoidance of emotional distress and adverse physical health impacts due to being a victim of such abuse.</p> |

## F. Assumptions, Risks and Sensitivity Analysis

114. The key assumptions behind the cost benefit analysis presented in this IA are described Table 5 below.

### *Assumptions & Risks*

**Table 5: Key Assumptions, Risks & Uncertainties**

| Assumption                                                            | Risk / uncertainties                                                                         |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| The Implementation date of the new offences is assumed to be FY26/27. | Were the date of implementation to change, this would impact on the NPV reported in this IA. |

Assumptions have been made to estimate the volumes of each of the new offences, the volumes are described in table 2 and the rationale for our assumptions are explained below.

#### Measure 1A: Intimate Images

The volumes for Measure 1A are derived from the Law Commission's Impact Assessment<sup>4</sup> on their proposed reforms to the criminal law around taking and sharing intimate images without consent.

#### Measure 1B: Encouraging or assisting serious self-harm

There is no reliable measure of the prevalence of encouraging or assisting self-harm and consequently significant uncertainty of the number of additional prosecutions that will arise under this new offence. Therefore, a range is presented. The existing offence of 'intentionally doing an act of capable of encouraging or assisting the suicide or attempted suicide of another' under section 2 of the Suicide Act 1961, was used as the best available proxy for this new offence.

This offence had an annual average of 1 prosecution between 2017-2025. Thus the 'low' scenario assumes 1 additional prosecution per year for the new offence. The 'high' scenario presents an additional annual prosecution volume of 10 to reflect the likely higher prevalence of this new offence to its proxy of encouraging or assisting suicide.

#### Measure 1D: Sexual Activity in the presence of a child or adult with a mental disorder

The National Police Chiefs Council (NPCC) have provided the MoJ and the HO with the details of six incidents from the past three years from different police forces, which were referred to the CPS by the police for a charging decision and for which a decision to take 'no further action' was subsequently made. This was because there was insufficient evidence the suspect knew, believed or intended that the child was (or should be) aware that they were engaging in sexual activity.

Assuming the six incidents provided by the NPCC represent all cases which were reported for a charging decision over the past three years, this is equivalent to two cases per year.

There is uncertainty in the volume of police recorded crimes, prosecutions and convictions for all of the measures in Option 1.

Sensitivity analysis has been conducted for Measures 1A, 1B, 1E and 1H, see paragraph 111 and Table 6.

---

<sup>4</sup> The Law Commission Intimate Image Abuse Impact Assessment July 2022

|                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Measure 1H: Under 16 Penetrative Offences</u></p> <p>Sexual activity with a child under the age of 16 is an existing offence. Therefore, we assume no change in the volumes of this of offence and instead assume changes to sentencing behaviour as described in table 2.</p> |                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>To estimate the cost of to the police we use the following unit costs for the offences of 'Violence with/without injury' are £1,056/£1,473, and multipliers of 1.5/2.6 from the Economic and Social Cost of Crime<sup>5</sup>.</p>                                                | <p>This unit cost is a published figure from the Home Office<sup>6</sup>.</p> <p>The multiplier is applied to calculate the direct costs to the police of each measure. The unit costs capture the cost of all crimes included those which are unreported and do not incur police costs. Running costs and incidents per year may vary year on year, impacting the unit cost.</p>       |
| <p>We have made assumptions concerning the prosecution and conviction rates for Measures 1A, 1B, 1D and 1H.</p>                                                                                                                                                                      | <p>Conviction and custody rates in the future may vary from the assumptions made for Measures 1A, 1B and 1E.</p> <p>These rates have been estimated using historic data for similar offences and we consider the uncertainty here to be low.</p>                                                                                                                                        |
| <p>We have made assumptions for the Average Custodial Sentence Length (ACSL) for Measures 1A, 1B, 1D and 1H.</p>                                                                                                                                                                     | <p>Any differences between the assumed average custodial sentence lengths for these measures and actual sentencing will affect the NPV. Any increase in ACSL will increase the number of prison places required and associated costs, and vice versa.</p> <p>The ACSLs have been estimated using historic data for similar offences and we consider the uncertainty here to be low.</p> |
| <p>Offenders serve 33% of their sentence in custody.</p>                                                                                                                                                                                                                             | <p>This reflects business as usual arrangements for these types of offences.</p>                                                                                                                                                                                                                                                                                                        |
| <p>The average annual cost of providing a prison place is £62,218 and, is based on overall resource expenditure and includes staffing and estate cost.</p>                                                                                                                           | <p>Prison estate unit costs cover the day-to-day running costs of a prison only, and do not incorporate any capital costs associated with construction, investment and costs associated with any developing or contracted out services or rehabilitative activities these prisoners might undertake while in custody.</p>                                                               |
| <p>We have not monetised extending the time limit for Measure 1A: Intimate Images.</p>                                                                                                                                                                                               | <p>There is a risk that this could have an inflationary impact on prison places and increase demand on the criminal justice system by bringing additional cases in scope for prosecution.</p>                                                                                                                                                                                           |
| <p>That investigations and charges for illegal pornography are predominately brought as part of a wider indictment on sexual offences.</p>                                                                                                                                           | <p>The legislation should result in this type of harmful pornography content no longer being available online. To illustrate the potential impact of these new offences,</p>                                                                                                                                                                                                            |

|  |                                                                                                                                                   |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------|
|  | assumptions have been made to an increase in the existing extreme pornographic and obscene publications offences. See paragraph 106 in Section F. |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------|

## Sensitivity Analysis

115. Sensitivity analysis has been performed for each monetised measure to illustrate how costs and benefits vary with changes to key assumptions. These are illustrated in table 6.

| Table 6: Sensitivity Analysis for Monetised costs and benefits of Measures 1A, 1B, 1D and 1H |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |               |           |
|----------------------------------------------------------------------------------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------|
| Policy Measure                                                                               |                        | Low                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Best Estimate | High      |
| 1A: Intimate Images                                                                          | Description            | <p>This sensitivity analysis estimates a high/low range of 4,000 - 5,100 additional police recorded cases, 320 – 480 prosecutions and 250 – 370 convictions.</p> <p>The best estimate for this measure is 4,600 additional police recorded crimes, 400 prosecutions and 310 convictions.</p> <p>We estimated these ranges by adjusting key assumptions such as the percentage of reports leading to prosecutions and the increase in reports submitted.</p> |               |           |
|                                                                                              | Average Annual Cost    | £9.2m                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £11.4m        | £14.1m    |
|                                                                                              | Average Annual Benefit | -                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -             | -         |
|                                                                                              | NPSV                   | - £79.4m                                                                                                                                                                                                                                                                                                                                                                                                                                                    | - £98.3m      | - £121.3m |
| 1B: Encouraging or assisting serious self-harm                                               | Description            | <p>Taking the low and high scenarios of 60-600 police investigations and 1-10 prosecutions, we estimate the following average annual costs and NPSV.</p> <p>The best estimate takes the midpoint of these ranges.</p>                                                                                                                                                                                                                                       |               |           |
|                                                                                              | Average Annual Cost    | £0.2m                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £1.3m         | £2.4m     |
|                                                                                              | Average Annual Benefit | -                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -             | -         |
|                                                                                              | NPSV                   | - £2.1m                                                                                                                                                                                                                                                                                                                                                                                                                                                     | - £11.3m      | - £20.5m  |
| 1D: Sexual Activity in the presence of a child or adult with a mental disorder               | Description            | <p>The low and high scenarios assume 1 and 4 additional prosecutions flowing through the criminal justice system.</p> <p>The best estimate assumes 2 additional prosecutions.</p>                                                                                                                                                                                                                                                                           |               |           |
|                                                                                              | Average Annual Cost    | <£0.05m                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £0.1m         | £0.2m     |

<sup>5</sup> <https://www.gov.uk/government/publications/the-economic-and-social-costs-of-crime>

|                                   |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |                 |
|-----------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
|                                   | Average Annual Benefit     | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -               | -               |
|                                   | NPSV                       | - £0.2m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | - £0.7m         | - £1.4m         |
| 1H: Under 16 Penetrative Offences | Description                | <p>Our low scenario assumes that the new offences will mean that more people will be charged with those offences as opposed to the existing, less serious, offences, and therefore create an increase to the average custodial sentence lengths (ACSLs) for such offenders.</p> <p>Our high scenario assumes that the new offence will increase to the ACSL of the existing more serious offences that already apply generally (e.g. rape).</p> <p>We assume no changes to the number of investigations, prosecutions or convictions as this measure does not criminalise any behaviour that is not already an offence.</p> |                 |                 |
|                                   | Average Annual Cost        | £8.9m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £11.7m          | £14.4m          |
|                                   | Average Annual Benefit     | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -               | -               |
|                                   | NPSV                       | -£75.4m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | -£98.5m         | £121.7m         |
|                                   |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |                 |
| <b>Total</b>                      | <b>Average Annual Cost</b> | <b>£18.4m</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>£24.5m</b>   | <b>£31.0m</b>   |
|                                   | <b>NPSV</b>                | <b>-£157.1m</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>-£208.9m</b> | <b>-£264.9m</b> |

#### *Measures 1K, L and M: Pornography Offences*

116. It is difficult to estimate the additional number of proceedings and convictions arising from these measures. This is because offenders who are convicted of possessing extreme pornography are likely to be guilty of more serious offences (see paragraph 109). We assume this will continue to be the case for these existing offences.
117. Data is available for prosecutions and convictions for the existing offence of publishing an obscene article (obscene publication offence), but this covers a wide range of criminal behaviours and is not limited to publishing pornographic images. There is also data available for the existing offence of possessing extreme pornographic images, but this captures different categories of harmful pornography.
118. However, we have decided to illustrate the potential impact of these new offences by making assumptions to an increase in prosecutions based on the existing possession of extreme pornography and obscene publications offences.
119. We have taken a per annum average between 2017 and 2024 of possession of extreme pornography prosecutions and 20% of obscene publication prosecutions to estimate 87 additional prosecutions per year.
120. This additional 87 prosecutions per year would result in an increase in caseload for HMCTS and legal aid at an average annual cost of £0.2m respectively. This would require an additional 3 prison places at a cost of £0.2m per year.
121. Police recorded crime data shows that approx.10% of obscene publication offence reported to the police are proceeded against. This rate is applied to the 87 additional prosecutions to estimate the number of police recorded crimes for the new offence. In this scenario, there would be 925 additional police recorded crimes as a result of the new offence, with an associated average annual cost of £1.5m

122. In this scenario, over the 10-year appraisal period the NPSV of this measure is estimated to be £20.2m, with an average annual cost £2.1m.

## **G. Wider Impacts**

### **Equalities**

123. An Equalities Impact Assessment has been carried out in addition to this IA.

### **Better Regulation**

124. These proposals are out of scope of the government's Better Regulation Framework.

### **Environmental Impact Assessment**

125. We expect there to be no environmental impacts as a result of the options within this IA.

### **International Trade**

126. There are no international trade implications from the options considered in this IA.

### **Economic Growth Impacts**

127. The options considered in this IA are not expected to have an impact on the rate of economic growth.