

Title: Crime and Policing Act 2026 – Non Criminal Law Measures		Impact Assessment (IA)	
IA No: MoJ017/2024		Date:	
RPC Reference No: N/A		Stage: Enactment	
Lead department or agency: Ministry of Justice (MoJ)		Source of intervention:	
Other departments or agencies: Home Office, CPS		Type of measure:	
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Summary: Intervention and Options	RPC Opinion: Not applicable
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Cost of Preferred (or more likely) Option – 2025/26 prices			
Total Net Present Social Value £-9.7m	Business Net Present Value £-9.7m	Net cost to business per year £-0.7m	Business Impact Target Status Not a regulatory provision

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

Government Intervention via the Crime and Policing Act is required as the below measures require changes to primary legislation.

- Extending the use of polygraph testing to offenders who were (i) convicted of murder who are assessed as posing a risk of committing a sexual offence on release, (ii) convicted of concurrent sexual and non-sexual offences, where the sentence for the former expires earlier than release for the latter, or (iii) convicted of a non-terrorism offence with a terrorism connection or where the Secretary of State is satisfied that it took place in the course of an act of terrorism, or was committed for the purposes of terrorism.
- Create consistency and fairness in sentencing for terrorist offenders by (i) amending Northern Ireland legislation to align with the proportionality requirements in England & Wales, (ii) inserting the offence of breaching a foreign travel restriction order into the Counter-Terrorism Act 2008 and the Sentencing Act 2020 to ensure those so convicted receive a sentence for offenders of particular concern (SOPC), and (iii) make equivalent changes in Scotland and Northern Ireland to ensure this applies UK-wide.
- Impose a new legal obligation on offenders serving Community, Suspended Sentence, Youth Rehabilitation, or Referral Orders to notify probation or Youth Offending Teams of any change of name.
- Create a presumption of anonymity for firearms officers who are defendants in cases in which they have discharged their firearm in the line of duty as part of their official functions.
- Removal of the limitation period for civil damages claims associated with child sexual abuse, and reversing the burden of proof in such cases so that it will be for the defendant to establish that it is not possible for a fair hearing to take place with provision for the express protection of the right to a fair trial for defendants.
- Introducing image deletion orders which will enable the courts to require offenders to delete or destroy all copies of an image related to an intimate image abuse offence, breastfeeding voyeurism and the offence of sharing semen-defaced images, as well as any other relevant images of the victim.

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

The policy objectives are to: improve public protection and reduce the risk of re-offending by giving responsible officers powers to more effectively monitor offenders in the community; extend the use of polygraph testing to strengthen public protection and risk management of those who pose the greatest risk of sexual harm and re-offending or who were convicted of crimes relating to terrorism; strengthen public confidence in the justice system and reduce legal challenges by creating greater consistency and fairness in the sentencing of terrorist offenders across the UK; enable firearms officers to conduct their duties without fear of reprisal by protecting their identity should they be charged with offences related to the discharge of their weapon during their official duties; make it easier for victims and survivors of child sexual abuse to achieve redress in the civil courts, and prevent perpetrators of image-based abuse from retaining access to images.

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

- **Option 0:** Do nothing. No changes are made to the criminal law, management of offenders, or wider criminal justice processes.
 - **Option 1:** Full implementation of the relevant measures in the Crime and Policing Act.
- Option 1 is the preferred option as it best meets the government's strategic and policy objectives.

Will the policy be reviewed? It will not be reviewed. If applicable, set review date: N/A

Is this measure likely to impact on international trade and investment?					
Are any of these organisations in scope?		Micro No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded: N/A		Non-traded: 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 Minister:

Date:

Summary: Analysis & Evidence

Policy Option 1

Description: Full implementation of the relevant measures in the Crime and Policing Act.

FULL ECONOMIC ASSESSMENT

Price Base Year 2026/27	PV Base Year 2026/27	Time Period 2026/27 - 2035/36	Net Benefit (Present Value (PV)) (£m)		
			Low: £0.0m	High: £-12.4m	Best Estimate: £-9.7m

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	0	0
High	£1 m	1	£0.9m	£12.4m
Best Estimate	£0.8m	1	£0.7m	£9.7m

Description and scale of key monetised costs by 'main affected groups'
All costs monetised in this IA are those borne by the Government. For the polygraph expansion measures, these include costs for training and quality assuring new polygraph examiners (£3.1m best estimate) and delivery of polygraph examinations (£3.8m best estimate). For the Terrorist Offenders (Restriction of Early Releases) Act 2020 (TORER) measure, these include costs of extra prison places taken up as a result of affected offenders being held in prison for longer, less the reduced costs associated with decreased time spent on probation (£0.0m best estimate). We estimate there will be 455 deletion orders per year, with an average annual cost of £0.3m and a net present value of £2.8m (best estimates).

Other key non-monetised costs by 'main affected groups'
The measures considered in this IA present a range of costs to Government bodies including His Majesty's Courts and Tribunal Service (HMCTS), the Judiciary, His Majesty's Prisons and Probation Service (HMPPS), and the public. These costs include costs of additional licence conditions; increased court caseloads; probation officer time; probation office resource use by polygraph examiners; and negligible time and resource costs for legal updates in Northern Ireland.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A		N/A	N/A
High	N/A		N/A	N/A
Best Estimate	N/A		N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'
No benefits of the measures in this IA have been monetised due to lack of evidence.

Other key non-monetised benefits by 'main affected groups'
There are a range of intended benefits that have not been monetised due to uncertainty and a lack of data on the quantifiable impacts of the measures. These include enhanced legal certainty; reduced reputational risk to government, strengthened public confidence in the justice system; reduced likelihood of legal challenges under the ECHR; possible reductions in reoffending; enhanced compliance with licence conditions; improvements in public safety; alignment between jurisdictions; and improved outcomes for victims of intimate image abuse, sharing of semen-defaced images and breastfeeding voyeurism.

Key assumptions/sensitivities/risks	Discount rate (%)
Measure 1 is sensitive to assumptions over the number of offenders polygraph tested annually, the number of tests per offender, the capacity of each examiner, and the costs which arise from the future resourcing strategy. Measure 2 is sensitive to the uncertain volume of historic terrorism connected offenders and the future cost of additional prison places and increased probation caseload.	3.5%

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m: N/A			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. It is important that criminal justice is administered fairly and consistently and that offenders are managed effectively. These Crime and Policing Act measures are intended to help ensure consistency in existing legislation and to improve public safety. The key themes of the measures in this Impact Assessment (IA) are: expanding polygraph testing, addressing a gap in the sentencing, release and management regime for terrorism offences, protecting the identify of at-risk defendants, and strengthening the monitoring of offenders on licence. The measures in the Act which are included in this IA are summarised in the table below:

Policy Measure	Policy Description
1A - Extend polygraph testing to serious sexual offenders	• Extend polygraph testing to offenders convicted of murder where they are assessed as posing a risk of committing a sexual offence on release, and people convicted of concurrent sexual and non-sexual offences, where the sentence for the sexual offence expires earlier than release for the non-sexual offence to be polygraph tested.
1B - Extend polygraph testing to historic terrorism connected offenders	• Extend polygraph testing to offenders who committed a non-terrorism offence with a terrorism connection. • Enable the Secretary of State to extend polygraph licence conditions to offenders where the SoS is satisfied that the offence was, or took place in the course of, an act of terrorism, or was committed for the purposes of terrorism.
2A - Length of terrorism sentence with fixed licence period (Northern Ireland sentencing)	• Create consistency and fairness in sentencing for terrorist offenders across the UK by amending Northern Ireland legislation under Article 15A of the Criminal Justice (Northern Ireland) Order 2008 to align with proportionality requirements in England & Wales.
2B - Additional offence within scope of terrorism sentencing, release and management regime	2. Insert the offence of breaching a foreign travel restriction order to paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 so that it is aligned, for the purposes of sentencing and release arrangements, with other (non-serious) terrorism offences carrying a maximum penalty of more than two years' imprisonment. 3. Add the same offence to Schedules A1 and 13 to the Sentencing Act 2020 to ensure that there is not a requirement for the court to consider whether it has been committed with a terrorist connection and ensure that those convicted for the offence are eligible to receive a sentence for offenders of particular concern (SOPC). 4. Ensure equivalent changes in Scotland and Northern Ireland are made to ensure this applies UK-wide.
3 - Community and suspended sentences (notification of details)	• A new legal obligation on offenders serving Community, Suspended Sentence, Youth Rehabilitation, or Referral Orders to notify probation or Youth Offending Teams (YOTs) of any change of name. • A change of name includes formal legal changes or the use of an alias, for example, online.

	• Failure to comply will count as a breach of a requirement of the order.
4 - Presumption of anonymity for firearms officers	5. A new presumption that the names, date of birth and addresses of firearms officers who are charged with offences relating to the discharge of their firearm and committed during their duties ('a qualifying defendant') will not be included in court listings from the first hearing or be provided in open court. 6. A new presumption that reporting restrictions will be ordered which prevent the publication of details relating to a qualifying defendant that are likely to reveal their identity. 7. A new statutory power to enable the court to direct that any measure be taken to prevent a qualifying defendant's identity from being known by the public present in the courtroom, where necessary in the interests of justice. 8. The above will be available in, and apply to both, the magistrates' courts and the Crown Court. It will apply up to the point of sentence. 9. A new statutory power for the court to direct that anonymity should continue post-sentence, should a qualifying defendant wish to appeal the conviction, where the court is satisfied that this is necessary in the interests of justice. 10. There will continue to be judicial discretion to allow for identifying details to be released and to not impose reporting restrictions. In deciding whether to order these, the court should consider the facts of individual cases and the interests of justice.
5. Reform of limitation law in child sexual abuse cases	11. Removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse and; 12. The introduction of a rebuttable presumption in such cases so that it will be for the defendant to establish that it is not possible for a fair hearing to take place with provision for the express protection of the right to a fair trial for defendants.
6. Image Deletion Order	13. A bespoke image deletion order which will enable courts to require offenders to delete and destroy all copies of an image related to a specified offence, and any other relevant images of the same victim. 14. This order will be available upon conviction for an intimate image abuse offence, breastfeeding voyeurism and the offence of sharing semen-defaced images. 15. The court will be required to give reasons if it declines to make a deletion order in a case where it is available. Breach of the order will be a separate criminal offence itself, carrying a maximum penalty of up to 5 years' imprisonment.

Measure 1: Expanding Polygraph Testing

1. Polygraph tests measure the physiological changes in the body when the individual being tested is asked certain questions. The polygraph instruments measure changes in heart

rate, blood pressure, respiratory rate and sweat and the changes to the individual's normal rates can indicate the person is attempting to be deceptive.

2. Polygraph testing was first piloted in two probation regions in England as an additional risk management measure for eligible high-risk people convicted of sexual offences from 2009. A MoJ evaluation of this pilot was conducted between April 2010 and December 2011 (Gannon et al, 2012)¹ and testing was subsequently rolled out across the remaining regions in 2014. Sections 28-30 of the Offender Management Act 2007 set out the legislative criteria that someone must meet to be eligible.
3. The Counter-Terrorism and Sentencing Act 2021 ("CTSA") extended the condition to specified terrorist offenders, and the polygraph provisions of the Domestic Abuse Act 2021 were brought into force to enable a three-year pilot of polygraph testing with high-risk domestic abuse perpetrators in certain specified police areas (the related MoJ impact, process and value for money evaluations are ongoing).
16. Most recently the Police, Crime, Sentencing and Courts Act 2022 made changes to legislation to ensure that people could be polygraph tested if they were supervised on licence in England and Wales for a wider range of sexual offences, where they had been convicted as a member of the armed forces, overseas or in another part of the British Isles for equivalent polygraph-eligible offences. Since 2014, the Probation Service has carried out over 9,000 polygraph tests.
17. Two legislative measures in the Crime and Policing Act will further extend the use of polygraph testing. The background for these measures is described below.

Measure 1A: Extend polygraph testing to serious sexual offenders

4. This measure will extend polygraph testing to offenders convicted of murder where they are assessed as posing a risk of committing a sexual offence on release, and people convicted of concurrent sexual and non-sexual offences, where the sentence for the sexual offence expires earlier than release for the non-sexual offence to be polygraph tested.
5. Previous evaluation has found that the addition of a polygraph condition to the licence of individuals convicted for eligible sexual offences increases the likelihood of preventative actions being taken by offender managers to protect the public from harm. Nearly half of interviewed individuals who were subject to polygraph testing said that being polygraph tested made them more inclined to abide by their licence conditions (Gannon et al. 2012)².

Measure 1B: Extend polygraph testing to historic terrorism connected offenders

6. The CTSA introduced polygraph testing as a licence condition for individuals who have committed a relevant terrorist offence and who fulfil certain other statutory and policy criteria. 'Relevant terrorist offence' includes those who have committed 'terrorism-connected' offences, where 'terrorism connected' is a statutory sentencing aggravating factor permitting courts to impose a terrorism connection 'label' to offenders who committed a non-terrorism offence with a terrorism connection.
7. The terrorist connection label, introduced by the Counter-Terrorism Act 2008 (CTA), applied to a specific list of non-terrorism offences committed on or after the commencement in 2009 of the CTA. Under the CTSA, a terrorist connection could be found for any non-terrorism offence committed on or after the Act's commencement in 2021, punishable on indictment

¹ [The evaluation of the mandatory polygraph pilot](#)

² [The evaluation of the mandatory polygraph pilot](#)

with more than two years' imprisonment. This means there is a gap in the polygraph testing regime depending on when an offender committed their offence.

8. This measure will fill this gap by expanding the scope for polygraph examinations to individuals who committed a non-terrorism offence that was connected to terrorism before the 2009 commencement of the CTA or who committed such an offence between 2009 and 2021 which fell outside the specified list in the CTA – i.e. where the terrorism connection aggravating factor was not available to the court to apply. The new power will enable the SoS to extend polygraph licence conditions to offenders where the SoS is satisfied that the offence was, or took place in the course of, an act of terrorism, or was committed for the purposes of terrorism.
18. In 2023, a two-year review of polygraph testing of individuals convicted of a relevant terrorist offence concluded that, overall, polygraph testing was an effective risk management tool. Stakeholders considered polygraph examination to provide insight into new risk related information, to contribute to an overall understanding of compliance, and to spur further compliance related investigations (Keeton et al, 2023)³.

Measure 2: Adjustments to the terrorism sentencing, release and management regime

Measure 2A: Length of terrorism sentence with fixed licence period (Northern Ireland sentencing)

9. The CTSA introduced stricter sentencing frameworks for terrorist offenders but inadvertently created a discrepancy between Northern Ireland (NI) and England and Wales (E&W).
10. In E&W, sentencing under the Sentence for Offenders of Particular Concern (SOPC) requires proportionality, while in NI, sentences under Article 15A of the Criminal Justice (Northern Ireland) Order 2008 can be longer and lack the same proportionality requirements.
19. This inconsistency creates potential legal risks, including challenges under Article 7 of the European Convention on Human Rights (ECHR).
20. This measure will create consistency and fairness in sentencing for terrorist offenders across the UK by amending NI legislation under Article 15A of the Criminal Justice (Northern Ireland) Order 2008 to align with proportionality requirements in E&W. Where a sentencing court in Northern Ireland is handing down this type of sentence, the length of the sentence must be commensurate with the seriousness of the offending.

Measure 2B: Additional offence within scope of terrorism sentencing, release and management regime

11. This measure will make the following legislative changes:
 - Insert the offence of breaching a foreign travel restriction order to paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 so that it is aligned, for the purposes of sentencing and release arrangements, with other (non-serious) terrorism offences carrying a maximum penalty of more than two years' imprisonment.
 - Add the same offence to Schedules A1 and 13 to the Sentencing Act 2020 to ensure that there is not a requirement for the court to consider whether it has been committed with a terrorist connection and ensure that those convicted for the offence are eligible to receive a sentence for offenders of particular concern (SOPC).

³ [Use and operation of counter-terrorism polygraph examination - GOV.UK](#)

- Ensure equivalent changes in Scotland and Northern Ireland are made to ensure this applies UK-wide.
12. The Terrorist Offenders (Restriction of Early Release) (TORER) Act 2020 ended the automatic (i.e. without Parole Board approval) early release of individuals who committed a terrorist offence carrying a maximum penalty of more than two years' imprisonment and increased their release eligibility date from the halfway point of their sentence to the two-thirds point.
 13. However, paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 (offence of breaching a foreign travel restriction order) is not currently covered by the TORER Act or other relevant legislation, despite having a maximum penalty of five years' imprisonment and being a terrorism specific offence (although other similar orders exist for other types of offence).
 14. This measure amends Schedule 5 to the CTA 2008, amends Schedules A1 and A13 to the Sentencing Act 2020, and ensures equivalent changes are made in Scotland and Northern Ireland.
 15. Making the changes suggested will ensure consistency with other terrorism offences which are contained in those Schedules, including similar offences involving breaching orders/requirements (e.g. breaching police notification requirements, breaching a TPIM notice and breaching a temporary exclusion order).
 16. This change will ensure that all relevant terrorist offending is captured by the TORER Act, and that offenders are subject to the appropriate release eligibility conditions.

Measure 3: Community and suspended sentences (notification of details)

17. It is not currently a requirement for offenders under probation supervision to notify their responsible officer of a change of their name or contact details. Without this information, it can be difficult to effectively monitor these offenders, especially if they breach a requirement of their order.
18. The Government recognises the importance of ensuring that the public are protected and that means ensuring offenders managed in the community can be properly monitored by probation services with the ability for services to take enforcement action where necessary.
19. The Sentencing Code establishes a requirement for an offender to keep in touch with their Responsible Officer. Furthermore, in 2022, secondary legislation was passed requiring offenders on licence to inform their probation or YOT officer if they change their name.
20. However, this secondary legislation covering offenders on licence created an inconsistency for offenders serving a sentence in the community, i.e. Community Orders (COs) and Suspended Sentence Orders (SSOs), as there is currently no existing provision explicitly requiring these offenders to inform the responsible officer if they use a different name or change their contact details.
21. This measure will create a duty on offenders to notify probation or YOTs of any change of name or contact details if they are sentenced to a Community Order, Suspended Sentence Order, Youth Rehabilitation Order, or Referral Order.

Measure 4: Presumption of anonymity for firearms officers

22. The open justice principle requires that justice should be administered in public, and the general rule is that proceedings must be held in public; evidence must be communicated publicly; and fair, accurate and contemporaneous media reporting of proceedings should not be prevented unless strictly necessary.
23. In line with this principle, there is currently no presumption of anonymity or automatic anonymity in place for any adult defendant involved in proceedings in the criminal courts. Judges do have the power to grant discretionary reporting restrictions to prevent the name of a defendant being published in exceptional circumstances. These include cases where revealing the identity of the defendant would pose a substantial risk of prejudice to the administration of justice. This power only applies once the person has been charged; however, suspects who have not yet been charged with a criminal offence should not routinely be named.
24. Police use lethal force very rarely in the UK. In the year ending March 2025 there were 5 incidents in which a police officer intentionally discharged a firearm at a person. This is 0.03% of a total of 17,249 firearms operations over the same period⁴. Of these instances of intentional discharge, a very small proportion are assessed as potentially criminal. In such cases, the defence will routinely make an application for an anonymity order and it is for the trial judge to decide whether to grant such an order.
25. The work of firearms officers is unique and dangerous. Firearms officers face greater exposure to dangerous individuals and organised crime groups than most other types of police officer. Officers and their families are therefore likely to be at increased risk if their identity is revealed following an armed incident. This measure will mean that in these cases the starting point will be that anonymity should be granted and will remain in place until sentence.

Measure 5: Reform of Limitation law in child sexual abuse cases

21. Limitation law sets time limits within which a party must bring a claim, or give notice of a claim, to the other party in a legal dispute. The Limitation Act 1980 currently provides that for any personal injury claim, such as sexual abuse, there is a time limit of three years (or the claim has to be brought by the age of 21 if the abuse happened when the victim was under 18), and a claimant is required to get a court order to proceed if that time has expired. In addition, when an out of time application is made, the onus is currently on the claimant to satisfy the court that a fair trial can proceed, given the time that has elapsed.
22. The Independent Inquiry into Child Sexual Abuse in England and Wales (IICSA) was established in 2015 to carry out a wide-ranging review into historical child sex abuse. In its final report in October 2022 the Inquiry recommended that the UK Government makes changes to legislation in order to ensure: the removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse; and the express protection of the right to a fair trial, with the burden falling on defendants to show that a fair trial is not possible. This measure will implement these recommendations. These provisions will apply whether or not the current three-year period has already started to run or has expired, except where claims have been dismissed by a

⁴ [Police use of firearms statistics, April 2024 to March 2025 - GOV.UK](#)

court or settled by agreement. They will however, only apply to claims brought by victims and survivors, not claims brought on behalf of victims and survivors' estates.

Measure 6: Image Deletion Orders

23. Intimate image abuse, which includes the creating, sharing or threatening to share of intimate images without consent, can cause significant and ongoing harm for victims when perpetrators retain possession or control of intimate images, even after they have been convicted.
24. While courts currently have access to Deprivation Orders, which can be used to deprive offenders of intimate images and the devices on which they are stored, these are not well-suited to the realities of digital image abuse and are not being used consistently in practice. Deprivation Orders can be disproportionate, may require the seizure of entire devices, and do not always capture images stored online, in cloud backups, or across multiple platforms. As a result, offenders may continue to access or further share intimate images, prolonging victims' distress and undermining confidence in the criminal justice response.
26. There is therefore a gap in the existing framework for a clear, proportionate and targeted mechanism that focuses specifically on the deletion of intimate images, reduces the risk of further harm, and provides victims with greater assurance that the abuse will not continue following conviction.
27. This measure introduces a bespoke image deletion order which will enable courts to require offenders to delete and destroy all copies of an image related to a specified offence, and any other relevant images of the same victim. This order will be available upon conviction for an intimate image abuse offence, breastfeeding voyeurism and the offence of sharing semen-defaced images. The court will be required to give reasons if it declines to make a deletion order in a case where it is available. Breach of the order will be a separate criminal offence itself, carrying a maximum penalty of up to 5 years' imprisonment.

B. Rationale and Policy Objectives

Overarching Policy Rationale

25. The conventional approaches to Government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way the markets operate or there are strong enough failures in existing Government interventions where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to certain groups in society).
28. The primary rationale for government intervention for these measures are both efficiency and equity: to improve public safety, improve the ability to manage offenders on licence, to create greater consistency in sentencing and to mitigate the risks of reputational harm to and litigation against Government.

Policy Objectives

Measure 1: Expanding Polygraph Testing

Measure 1A: Extend polygraph testing to serious sexual offenders

29. The policy objective of extending the use of polygraph testing is to ensure that it can be used to strengthen public protection and risk management of those on licence who pose the greatest risk of sexual harm and re-offending.

Measure 1B Extend polygraph testing to historic terrorism connected offenders

30. The policy objective of enabling the Secretary of State to extend polygraph licence conditions to offenders where they are satisfied that the offence was, or took place in the course of, an act of terrorism, or was committed for the purposes of terrorism, is to strengthen public protection and risk management of historic terrorism connected offenders released on licence.

Measure 2: Adjustments to the terrorism sentencing, release and management regime

Measure 2A: Length of terrorism sentence with fixed licence period (Northern Ireland sentencing)

31. This measure's primary policy objective is to create consistency and fairness in sentencing for terrorist offenders across the UK. This will strengthen public confidence in the justice system. It also seeks to avoid the legal risks posed by the current inconsistency, particularly under Article 7 of the European Convention on Human Rights (ECHR). Intervention also ensures fairness, equity, and alignment between jurisdictions whilst mitigating potential challenges.

Measure 2B: Additional offence within scope of terrorism sentencing release and management regime

32. The primary policy objective of this measure is to enable the Government to ensure consistency in the sentencing and management of individuals convicted of a terrorism offence with a maximum penalty of more than two years' imprisonment.

Measure 3: Community and suspended sentences (notification of details)

33. The policy objective is to improve public protection by giving responsible officers the powers they need to monitor offenders more effectively.

Measure 4: Presumption of anonymity for firearms officers

34. The policy objective for introducing a presumption of anonymity for firearms officers is to reduce the threat to the safety of officers and their families if they are identified in criminal proceedings which is higher compared to other types of defendants due to the nature of the work that firearms officers undertake.

Measure 5: Reform of limitation law in child sexual abuse cases

35. The policy objective of this measure is to enhance access to justice for victims and survivors of child sexual abuse by removing barriers currently faced by them. As set out in our response to the IICSA, the Government recognises that it might take years, and in many cases decades, for victims and survivors of child sexual abuse to come forward and feel ready to disclose their trauma. Therefore, this measure will make it easier for victims and survivors to achieve the redress which they deserve.

Measure 6: Image Deletion Orders

26. This measure is to address gaps in existing powers, provide a targeted, clear and proportionate mechanism to reduce the ongoing harm caused by the retention of intimate images.

C. Affected stakeholder groups, organisations and sectors

36. The following groups will be affected by the options considered in this IA:

- Defendants;
- Victims and potential witnesses;
- The Police;
- The Judiciary (including in Northern Ireland);
- His Majesty's Courts and Tribunals Service (HMCTS);
- The Parole Board which is responsible for setting licence conditions for people subject to indeterminate sentences or re-release following recall;
- The Ministry of Justice;
- His Majesty's Prison and Probation Service, the Prison Service ("HMPPS-Prison" Youth Custody Service and the National Probation Service ("HMPPS-Probation");
- Youth offending teams ("YOTs");

27. Offenders and their families, including:

28. those on licence for murder, sexual and relevant terrorism connected offences who will become eligible for polygraph testing;

- those serving existing sentences for the offence of breaching a foreign travel restriction order; and

29. terrorist offenders in NI, whose sentencing will align with proportionality standards in England & Wales;

- The general public in the UK.

D. Description of options considered

37. To meet the policy objectives, the following options are assessed in this IA:

- **Option 0:** Do nothing: Under this option current legislation would continue.
- **Option 1:** Full implementation of the relevant measures in the Crime and Policing Act.

38. Option 1 is the government's preferred option as it meets strategic and policy objectives.

Option 0

39. Under this option, no changes would be made to current legislation. For the various reasons explained above, this option would not address various issues with current legislation and would therefore not meet the government's policy objectives.

Option 1

Measure 1: Expanding Polygraph Testing

Measure 1A: Extend polygraph testing to serious sexual offenders

40. This measure will amend the Offender Management Act 2007, under which polygraph testing will become available to strengthen risk management with:

- People convicted of murder who are assessed by the Secretary of State (on advice from the offender's probation practitioner) as posing a risk of sexual offending upon release.
- People serving concurrent sentences for a sexual and non-sexual offence, where the sentence for the sexual offence terminates before the end of the licence for the non-sexual offence.

Measure 1B: Extend polygraph testing to historic terrorism connected offenders

41. This measure will amend the Offender Management Act 2007, under which polygraph testing will become available to strengthen risk management with:

- People who were convicted of a non-terrorism offence that they committed before 18 June 2009 (the commencement date of the relevant terrorism connection provisions in the CTA 2008), and who under current legislation would have been designated a 'terrorist connected' offender, and who are still currently serving their sentence either in custody or on licence in the community.
- People who were convicted of a non-terrorism offence not listed in Schedule 2 to the CTA 2008 that they committed on or after 18 June 2009 but before 29 June 2021 (the commencement date of the relevant terrorism connection provisions in the CTSA 2021), and who under current legislation would have been designated a 'terrorist connected' offender, and who are still currently serving their sentence either in custody or on licence in the community.

Measure 2: Adjustments to the terrorism sentencing, release and management regime

Measure 2A: Length of terrorism sentence with fixed licence period (Northern Ireland sentencing)

42. This measure involves a narrow legislative amendment to align sentencing provisions for terrorist offenders in NI under Article 15A of the Criminal Justice (Northern Ireland) Order 2008 with those in E&W under the Sentencing Act 2020 (as amended by the Counter-Terrorism and Sentencing Act 2021).

Measure 2B: Additional offence within scope of terrorism sentencing, release and management regime

43. This measure will include the offence of breaching a foreign travel restriction order into the necessary legislation to ensure that all relevant terrorist offending is consistently captured by the TORER Act, and that offenders are subject to the appropriate release eligibility conditions by ensuring that an individual who commits the offence:

- Can no longer receive a standard determinate sentence – if they do not receive a life sentence or an extended sentence, they must receive a 'sentence for offenders of particular concern' (or 'terrorism sentence' in Northern Ireland and Scotland);
- Will be eligible for risk management powers available for terrorist offenders on licence that apply UK-wide (e.g. power of urgent arrest pending recall decision under section 43B of the Terrorism Act 2000) as well as the polygraph licence condition (which is available in England and Wales only); and
- Can no longer be capable of being found by the court at the point of sentencing to have committed the offence with a terrorist connection.

44. The appropriate legislative changes are to:

- Insert the offence of breaching a foreign travel restriction order to paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 so that it is aligned, for the purposes of sentencing and release arrangements, with other (non-serious) terrorism offences carrying a maximum penalty of more than two years' imprisonment.
- Add the same offence to Schedules A1 and 13 to the Sentencing Act 2020 to ensure that there is not a requirement for the court to consider whether it has been committed with a terrorist connection and ensure that those convicted for the offence are eligible to receive a sentence for offenders of particular concern (SOPC).
- Ensure equivalent changes in Scotland and Northern Ireland are made to ensure this applies UK-wide.

Measure 3: Community and suspended sentences (notification of details)

45. This measure will place a legal obligation on offenders to notify probation or YOTs of any change of name (including formal legal changes of name by deed poll but also, for example, the use of an online alias) if they are sentenced to a Community Order, Suspended Sentence Order, Youth Rehabilitation Order or Referral Order.
46. Under this measure, a duty on offenders (as with offenders on licence) will be introduced, to inform the responsible officer of any additions or changes to contact details, including any phone number or email.
47. Failure to comply with the duty will count as a breach of a requirement in the same way as failure to comply with any other requirement of the order. Where such a breach occurs, an offender could be taken back to court where the judge can revoke the original order and resentence the offender. They then, for example, could impose curfew requirements or unpaid work requirements. The decision whether to return the offender to court for breach will continue to be a matter for the responsible officer.
48. It is expected that the impact of this measure on breach rates and the associated costs will be minimal.
49. Primary legislation is required to amend the Sentencing Code and we do not expect to require any other secondary legislation.

Measure 4: Presumption of anonymity for firearms officers

50. This measure will introduce a presumption of anonymity for firearms officers who are charged with offences involving the discharge of their firearm relating to, and committed during, their duties as a firearms officer. The presumption will apply to both fatal and non-fatal incidents and will only be available and apply up to the point of sentence. It will not change the current rules around pre-charge anonymity.
30. Anonymity in these measures means that the defendant's name, address and date of birth will be withheld both in court and in the listing information from the first hearing and reporting restrictions will be placed on the publication of information that would be likely to lead to the identification of the defendant by any person or organisation, including traditional media, online media, and individuals online.
51. There will also be a power for the court to consider an application for anonymity to continue post-sentence. Anonymity will not be put in place without the court having considered all factors relevant to the issue of reporting restrictions and whether those factors justify departing from the presumption of ordering reporting restrictions. The media will also continue to be able to make representations to the court to argue that anonymity should not apply in any particular case. This measure will only apply in England and Wales.

52. The presumption of anonymity will apply to firearms officers in all territorial police forces in England and Wales, as well as firearms officers in the Civil Nuclear Constabulary, the British Transport Police, Ministry of Defence Police, officers of the National Crime Agency, and military personnel where they are deployed to assist the police in Military Aid to the Civil Authority (MACA) tasks. It will not apply to any other police officers who are not acting as firearms officers.

Measure 5: Reform of limitation law in child sexual abuse cases

31. This measure will fully implement the IICSA recommendations that the UK government makes the necessary changes to legislation in order to ensure: the removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse; and the express protection of the right to a fair trial. These provisions will apply whether or not the current three-year period has already started to run or has expired, except where claims have been dismissed by a court or settled by agreement. They will, however, only apply to claims brought by victims and survivors, not claims brought on behalf of victims and survivors' estates.
32. In addition, this measure will introduce a rebuttable presumption child sexual abuse cases. At present limitation law can operate as a complete procedural defence to a claim of child sexual abuse. If a defendant raises limitation in their defence, then it is incumbent on the claimant to persuade the court to exercise its discretion under section 33 of the Limitation Act 1980 to allow their claim to proceed. This measure will allow an action to proceed unless the defendant satisfies the Court that it is not possible to have a fair hearing.

Measure 6: Image Deletion Orders

33. This measure will create a bespoke order, targeted at images specifically, that seeks to address concerns about proportionality with the existing Deprivation Order whilst preventing offenders' access to copies of intimate images upon conviction. This order will also apply to a wider range of property, including copies of an image stored online (cloud storage or user-to-user platforms); copies stored on devices beyond those which were seized from the offender or in their possession or control when they were apprehended/summonsed; and or/ copies which were created after the offender was apprehended/summonsed.

E. Costs and Benefits Analysis

53. This IA follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with His Majesty's Treasury Green Book guidance.
54. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups, and businesses in Great Britain with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. 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.
55. The costs and benefits of the options are compared to Option 0, the counterfactual or 'do nothing' option. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present value (NPV).
34. The impacts in this IA have been estimated as follows:
- Price base year of 2026/27
 - 10-year appraisal period beginning 2026/27

- Discounting base year of 2026/27
- 20% Optimism Bias has been applied to all unit costs.

56. As is the case with Ministry of Justice IAs, we do not assess the direct impacts of punishment on offenders as these are required to uphold the sentence of the court.

Option 1: Full implementation of the relevant measures in the Crime and Policing Act

Measure 1: Expanding Polygraph Testing

Measure 1A: Extend polygraph testing to serious sexual offenders

Measure 1B Extend polygraph testing to historic terrorism connected offenders

Costs of Measures 1A and 1B

Monetised Costs

57. The scenarios analysed in this IA differ only in resourcing strategy and cohort sizes.

58. There are two resource options for implementation of this measure. The low scenario involves testing offenders newly in scope by taking from existing polygraph resource (i.e. examiners and budget for testing). This means the new offender cohort will displace offenders who would otherwise have been polygraph tested and for whom testing is discretionary rather than mandatory. Therefore, there is no direct cost impact, rather a reprioritising of existing resource.

35. In the best estimate and high scenarios, new resource is acquired by hiring and training new examiners to meet the new testing demands. The high scenario reflects a higher volume of tests compare to the best estimate. This IA details the expected cost impacts in each scenario but does not commit to a resourcing strategy.

59. For the sexual risk cohort, we have assumed a cohort size of 175 (best estimate) or 190 (high) offenders each year through the 10-year appraisal period. Each offender is expected to receive on average 3 polygraph tests annually in the best estimate, and 3.5 tests annually in the high scenario. These costs are included in the total cost impacts.

60. The cohort of historic terrorism connected offenders is assumed to be small and static between scenarios. Each offender is expected to receive on average 3 polygraph tests annually in the best estimate, and 3.5 tests annually in the high scenario. The annual costs of these tests are expected to be small and are included in the total cost impacts.

36. The net present social cost over the 10-year appraisal period of performing polygraph tests for both sexual risk and historic terrorism connected cohorts is expected to be £0.0m in the low scenario (as the total number of tests performed will remain the same), £3.8m in the best estimate scenario, and £4.8m in the high scenario.

37. These measures will incur costs related to training and employing examiners. In the best estimate scenario, the new demand for tests requires four new examiners be hired, with a net present social cost of £3.1m over the 10-year appraisal period. In the high scenario, a fifth examiner must be hired, bringing examiner costs up to a total of £3.8m over the appraisal period. These figures include optimism bias.

Non-Monetised Costs

38. It is expected that this measure will involve costs associated with recalls, particularly in cases where offenders fail polygraph tests. However, these are not expected to be significant.
61. Whilst the number of people eligible for polygraph testing will increase, existing examiners will not be expected to undertake any more tests than they are currently – either new examiners will be hired, or existing examiners will be expected to prioritise the offenders detailed in this document as mandatory cases in place of some that are currently polygraph tested on a discretionary basis.
62. There are expected to be additional costs associated with increased administration for probation officers making referrals for these additional cases, the scale of which will depend on how much of this cohort is tested within new resource as opposed to current resource. These additional costs are expected to be most strongly felt under the low scenario where the benefits of extending polygraph testing will be partially offset by a reduction in the volume of tests on those currently in scope.

Benefits of Measures 1A and 1B

Monetised Benefits

63. Due to a lack of evidence, it has not been possible to monetise the benefits of these measures.
64. The main monetised benefit would be a reduction in costs of crime due to the risk of reoffending being more successfully managed. However, the evaluation of the mandatory polygraph pilot for people convicted of a sexual offence was not conducted over a long enough period to assess reoffending rates (Gannon et al, 2012)⁵.
65. To date, there have not been enough people convicted of a terrorist related offence subject to polygraph to allow a robust assessment of any change to reoffending rates (Keeton et al, 2023)⁶.

Non-Monetised Benefits

The General Public

66. Severe harm and risk to the public may be avoided by risk information becoming known early to probation practitioners. Uncovering additional information relevant to an offender's management, supervision, treatment, and risk assessment will permit probation practitioners to take greater action to protect the public from harm. Having this condition available may lead to increased confidence about people being released on indeterminate sentences from custody and more effective partnership working through information sharing with agencies such as the Police. People on licence may be more inclined to comply with their licence conditions after receiving regular polygraph testing.
67. In addition to the above, polygraph testing will improve the ability of operational partners to prevent terrorism-related activity.

⁵ [The evaluation of the mandatory polygraph pilot](#)

⁶ [Use and operation of counter-terrorism polygraph examination - GOV.UK](#)

68. The benefits of these measures depend on the chosen resource strategy. If the specified new offender cohorts are tested using existing resource (therefore taking away tests from other, less prioritised offenders), then the benefits of testing these new cohorts may be offset by disbenefits of reduced polygraph testing elsewhere.

Measure 1: Summary

39. The total NPSV at the end of the appraisal period for these measures, including a 20% optimism bias level, is estimated to be £-6.9m.

Measure 2: Adjustments to the terrorism sentencing, release and management regime

Measure 2A: Length of terrorism sentence with fixed licence period (Northern Ireland sentencing)

Costs of Measure 2A

Monetised Costs

69. This IA does not monetise the operational and administrative costs of this measure as these are expected to be minimal. No significant new resources or infrastructure will be required.

Benefits of Measure 2A

Monetised Benefits

70. Due to a lack of evidence, it has not been possible to monetise the benefits of Measure 2A.

Non-Monetised Benefits

71. This measure may have positive impacts on public confidence, social stability, long-term crime and reoffending rates, operational efficiency, and risks of legal challenges under the ECHR, though these are difficult to quantify.

Measure 2B: Additional offence within scope of terrorism sentencing, release and management regime

Costs of Measure 2B

Monetised Costs

72. With regard to this measure, no costs other than those directly associated with managing prisons and people on probation are monetised in this IA.

73. This measure implies greater time spent in prison but less time spent on probation for the average offender sentenced under this offence. This will have an additional cost impact due to the greater unit costs associated with prison compared to those of probation.

40. In both the low and the best estimate scenarios, this IA assumes that the observed historical trend of 0 people annually being sentenced for the offence will continue. Based on this assumption, this measure incurs no cost impact as it affects no offenders. The high scenario reflects potential departure from this assumption, where the small number of cases arise and generate associated costs.

74. However, in the high scenario, this IA assumes 3 offenders will be sentenced under the offence in question per year. This produces an annual cost impact of £0.1m to HMPPS for additional demand for prison and probation services, including optimism bias.

Non-Monetised Costs

75. The non-monetised costs associated with this measure are expected to be minimal: it does not introduce any new offences and therefore should not affect court caseload pressures, nor should it affect the work of police investigating the crime in question.

Benefits of Measure 2B

Monetised Benefits

76. Due to a lack of evidence, it has not been possible to monetise the benefits of Measure 2B.

Non-Monetised Benefits

The General Public

77. Public safety may benefit by keeping terrorist offenders in prison for a greater proportion of their sentence. Additionally, the increased severity of extra time spent in prison may act as a deterrent against individuals in scope breaching a foreign travel restriction order.

41. The impact of increased sentence severity on reoffending outcomes (positive or negative) has not been monetised due to the lack of available evidence specific to the cohort of individuals affected by this measure.

Measure 2: Summary

42. The total Net Present Social Value (NPSV) for this measure is estimated at £0m, reflecting the very low observed use of this offence to date. However, the primary aim of the measure is to ensure clarity and consistency in the sentencing framework, rather than to drive measurable changes in volumes or costs.

Measure 3: Community and suspended sentences (notification of details)

Costs of Measure 3

Monetised Costs

43. This IA does not monetise the costs of Measure 3 as there is no evidence to indicate that there would be costs incurred.

Non-Monetised Costs

78. Any additional enforcement action taken because of this measure will have resource implications for HMPPS Probation and YOTs and could result in additional breach hearings at court. As court sitting day capacity is fixed, any additional breach hearings are not expected to have direct resource implications for HMCTS, but there may be a knock-on effect on other cases by delaying their start.

79. Any additional breach hearings will also increase the volume of cases entering the courts. This would challenge our efforts to dispose of more cases and therefore likely increase the overall outstanding caseload. Any additional breaches that result in an offender being sent to custody would have impacts for HMPPS Prison and the youth secure estate.

Benefits of Measure 3

Monetised Benefits

44. This IA does not monetise the benefits of Measure 3 as there no evidence to indicate that there would be benefits incurred.

Non-Monetised Benefits of Measure 3

80. This measure will improve public protection by strengthening the ability of HMPPS Probation and YOTs to monitor offenders managed in the community under a court order, ensuring the responsible officer has the information that they need to effectively monitor supervised individuals.

81. It is also possible that this measure will provide potential benefits to the rehabilitation of offenders; this is because if the responsible officer doesn't have up to date names or contact details for an offender it makes it harder to engage them in rehabilitative activity.

Measure 4: Presumption of anonymity for firearms officers

Costs of Measure 4

Monetised Costs

82. It has not been possible to monetise the costs of Measure 4.

Non-Monetised Costs

HMCTS & the Judiciary

83. The Judiciary will face some familiarisation costs with the legislation. However, these costs will be part of their business as usual (BAU) training and are expected to be negligible.

45. The number of potentially criminal incidents in which a police officer intentionally discharges a firearm at a person during their duties is expected to continue to be very small. As a result, any additional costs are likely to be minimal.

Benefits of Measure 4

Monetised Benefits

46. This IA does not monetise the benefits of Measure 4 due to limited evidence on their monetisation, although the measure is expected to deliver non-quantitative benefits.

Non-Monetised Benefits

Firearms Officers and their Families

84. The intended benefit of this measure is that it will reduce the threat to the safety of firearms officers and their families in relevant cases where they are charged with offences involving the discharge of their firearm relating to, and committed during, their duties as a firearms officer and who are subject to criminal trial following a shooting.

Measure 5: Reform of limitation law in child sexual abuse cases

Costs of Measure 5

Monetised Costs

47. Measuring the scale and nature of child sexual abuse is difficult because it is usually hidden

from view and victims often feel unable to report their experiences. As a result, there is no data available to represent the full scale of the issue. Government therefore do not know how many people are currently experiencing, or have experienced, child sexual abuse or how many potential victims and survivors may be impacted by these changes. Therefore, due to the lack of available data, it is not possible to calculate the monetised costs of this option.

Non-Monetised Costs

48. This measure may have resource implications for HMCTS, the Judiciary and the providers of legal services as more victims and survivors may bring civil claims for compensation against those who they claim have abused them as well as potentially against local authorities and other organisations that have run schools and other residential facilities, organisations that have previously run child migration programmes, religious organisations and settings. Insurance companies and their policy holders may also be impacted by the cost of claims made against organisations that they insure (through increased compensation payouts and enhanced premiums, respectively).

Benefits of Measure 5

Monetised Benefits

85. Measuring the scale and nature of child sexual abuse is difficult because it is usually hidden from view. Victims often feel unable to report their experiences and adults are not always able to recognise that abuse is taking place. As a result, there is no data available to represent the full scale of the issue. We therefore do not know how many people are currently experiencing, or have experienced, child sexual abuse or how many potential victims and survivors may be impacted by these changes. Therefore, due to lack of available data, it is not possible to calculate the monetised benefits of this option.

Non-Monetised Benefits

86. Evidence received by the Inquiry suggested that limitation acted as a barrier at stages of the litigation process. This option may therefore be beneficial to those groups of victims and survivors by removing those barriers so allowing for them to claim compensation.

Measure 6: Image Deletion Orders

Costs of Measure 6

Method

49. There is no breach offence for deprivation orders, therefore, we have looked at the best available proxy, breaches of stalking protection orders (SPOs). As, similar to SPOs, the Police will not be actively investigating whether a deletion order has been breached, therefore, breaches will only be identified if the victim or others report to the police or the offender commits another crime that resulted in their device being re-checked.
50. In 2025, 392 offenders were convicted of the triable either way intimate image offences currently in operation that will be subject to deletion orders and 41 convicted of the summary only offence. Both figures were uplifted by 10% to account for the other offences for which image deletion orders will be available on conviction. As judges are required to give reasons if they decide not to make an order in a case where it is available, we assume in 95% of cases an image deletion order will be granted giving an estimated 455 orders per annum.

51. Between Feb 2020 and Sept 2025, on average 10% of SPOs granted resulted in breaches and this figure is applied to the 455 number of image deletion orders granted. Therefore, the estimate for the additional breaches / prosecutions per annum is 45.

Monetised costs

Police

87. The additional 45 breaches recorded by the police, is multiplied by the 1.5 violence without injury multiplier from the Home Office report on the Economic and Social Costs of Crime (2015), to convert recorded crimes to all crimes (recorded and unrecorded). The police investigation cost (£1,144 in 26/27 prices) associated with all recorded and unrecorded violence without injury offences is then applied to the 67 additional recorded and unrecorded cases, giving an estimated annual cost of £77k.

HMCTS

88. The additional 45 breaches per year will result in an increase in caseload for HMCTS, using SPO as the proxy, 40 of these breaches are triable either way offences and therefore, it is estimated that 80% of cases will be heard in the Crown Court and the remaining 20% in the magistrates' courts. Whilst the remaining 4 breaches are summary only offences and will be heard in the magistrates' court.

89. The total additional cost, per year, to HMCTS is estimated to be £67k.

LAA

90. The additional 45 breaches will also result in a higher caseload for the LAA. It is assumed that 75% of defendants are eligible for Legal Aid in the Crown Court and 50% are eligible in the magistrates' courts.

52. The total additional cost, per year, to the LAA is estimated to be £36k.

HMPPS

91. The additional prosecutions will also result in additional convictions and convicted offenders will receive custodial sentences, this will result in an additional cost for HMPPS.

53. The conviction rate and the proportion of convicted offenders sentenced to immediate custody are both assumed to be 30%, ⁷[OBJ].

92. On this basis, it is estimated that the additional 45 breaches result in 23 months of additional prison time per year, requiring 2 additional prison places.

54. The published cost of a prison place per year, uplifted to 26/27 prices, is £62,218. Applying a 20% OB uplift to this figure increases it to £74,662. Therefore, the additional 23 months of prison time is estimated to result in an average annual resource cost of £0.1m per year.

Benefits of Measure 6

Monetised Benefits

93. There are no anticipated monetised benefits associated with this measure.

⁷ This assumption is based on the average custodial sentence lengths for stalking protection orders which has the same maximum sentence of up to 5 years imprisonment.

Non-Monetised Benefits

HMCTS

94. Courts will have the power to order deletion of intimate images of a victim following a conviction, which may be viewed to be more proportionate than a deprivation order for intimate image abuse.

Victims

95. Victims will have greater reassurance that offenders will not have access to intimate images.

Measure 6: Summary

55. The total Net Present Social Value (NPSV) at the end of the appraisal period for this measure is estimated to be -£2.8m.

F. Risks and Assumptions

56. The key assumptions behind the cost benefit analysis presented in this IA are described below, along with the associated risks and uncertainties. Where applicable, sensitivity analysis is also presented.

Assumptions

Measure 1: Expanding Polygraph Testing

Assumptions	Risks / uncertainties
Cohort sizes	We have reasonable confidence in the assumed cohort sizes (SO: 175/190 and CT: small and static between scenarios), as these are based on reliable data for number of offenders currently on licence. The high scenario permits significant flex in the SO cohort size by assuming it increases to approx. 20% above its current value. The terrorist-connected offender cohort size will not increase as it is applicable only to a specific cohort of individuals who committed a terrorism-linked offence before the commencement of the Counter Terrorism Act 2008 (CTA) on 18 June 2009 or who committed a terrorism-linked offence between 2009 and 2021 which fell outside the specified list in Schedule 2 to the CTA.
Unit costs of tests	We have reasonable confidence in the unit cost of a polygraph test, which is an estimate based on inflating to 2026/27 prices the unit cost of a test in 2021.
Resourcing	The best estimate and high scenarios both assume that the offenders in scope of this measure are tested by new resource, i.e. newly hired examiners. The full costs of training and employing these examiners are therefore borne by this measure.
Examiner workload	Assume examiners can perform 168 tests per year, based on historical data.
Examiner costs	Assume costs of training, equipment, quality control, and salary of examiners is £100k in year 1 and £73k thereafter. Based on historical data and on estimated increases in prices offered by suppliers in procurement deals.

Inflation	Assume examiner costs inflate with the Average Weekly Earnings Index (AWE) and assume that test unit costs inflate with CPI.
Optimism bias	An optimism bias level of 20% is assumed.

Measure 2: Adjustments to the terrorism sentencing, release and management regime

Measure 2A: Length of terrorism sentence with fixed licence period (Northern Ireland sentencing)

57. We consider any risks resulting from making this change to be minimal. Indeed, by making the change we are ensuring the commensurateness of Northern Ireland sentencing for terrorist offenders with that of England and Wales.

Measure 2B: Additional offence within scope of terrorism sentencing, release and management regime

96. The key assumptions and risks underlying the impacts of this measure are described in the table below.

Assumptions	Risks / uncertainties
Cohort sizes	Assume 3 individuals are sentenced annually for the offence impacted by this measure in the high scenario. In the low and best estimate scenarios, assume 0 individuals sentenced annually for the offence in question. This assumption is informed by the fact that no offender has been sentenced under the specific breach of foreign travel restriction measure since its introduction in 2009. As a result, the offending cohort, if in fact surpassing zero, is expected to be very small.
Unit costs	Assume unit cost of one prison place per year to be £52,418 in 2023/24 prices and marginal cost of one additional person on the probation caseload to be approximately £4500. This assumption is taken from the most recent publicly available data.
Average sentence length	Assume average total sentence length for offenders in scope is 4 years in the high scenario. This assumption is informed by the fact that the measure in question wields a maximum sentence length of 5 years. As such, the average sentence length is expected to be shy of this maximum.
Time for release after eligibility	Assume offenders on average released at eligibility date plus an additional 10% of their minimum time in prison. For example, an offender eligible for release after 4 years in prison would expect to be released after 4.4 years. This assumption is informed by the fact that not all offenders are released immediately after release eligibility. The accuracy of this assumption may affect the accuracy of estimated cost impacts of this measure. For example, if offenders in scope are in practice (for both BAU and Option 1) not released after becoming eligible for release but are held in prison until the end of

	their sentence, then a movement of their eligibility window will have no impact on costs regardless of how large the offending cohort is.
Inflation	Assume unit costs of persons in prison / on probation inflate with AWE.
Optimism bias	An optimism bias level of 20% is assumed.

Measure 3: Community and suspended sentences (notification of details)

97. It is expected that the impact of this measure on breach rates and the associated costs will be minimal.

Measure 4: Presumption of anonymity for firearms officers

98. It is expected that the impact of this measure and the associated costs will be minimal.

Measure 5: Reform of limitation law in child sexual abuse cases

99. As noted above measuring the scale and nature of child sexual abuse and therefore the total number of victims and survivors is difficult. As a result, there is no data available to represent the full scale of the issue. We therefore do not know how many people are currently experiencing, or have experienced, child sexual abuse or how many potential victims and survivors may be impacted by these changes.

Measure 6: Image Deletion Orders

100. The key assumptions and risks underlying the impacts of this measure are described in the table below.

Assumptions	Risks / uncertainties
That courts will make use of these orders following conviction, recognising them as a more proportionate and targeted alternative to Deprivation Orders, providing improved protection for victims.	Courts might not use these orders even when available to them (although courts will be required to give reasons if they decide not to make this order upon conviction if it is available).
Delivery partners will have the capacity and capability to implement these orders.	Delivery partners might not have capacity/capability. We will mitigate this through early engagement.
Breach of the Order will be reported to the police/courts.	There is no verification process for deletion of images. We are therefore reliant on reporting of breach of order and threat of up to 5 years custodial sentence as a deterrent. We do not yet know if this will be enough to mitigate the risk of non-verification.

G. Wider Impacts

Equalities

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

Better Regulation

102. These proposals are out of scope of the Government's Better Regulation Framework.

Environmental Impact Assessment

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

International Trade

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

Economic Growth

58. The measures in this IA are not expected to have a direct impact on the rate of UK economic growth.

H. Monitoring and Evaluation

Measures 1, 3, 4, 5 and 6

59. The provisions in the Act will be subject to post-legislative review three to five years after Royal Assent.

Measure 2: Adjustments to the terrorism sentencing, release and management regime

60. The impact of the changes will be monitored closely by MoJ and HMPPS jointly. The Independent Reviewer of Terrorism Legislation also has routine oversight of the operation of the relevant Terrorism Acts and the provisions in the Act will also be subject to post-legislative review three to five years from Royal Assent.