

Policing and Crime Act 2017

Forced Marriages

The Policing and Crime Act grants [anonymity for victims where an allegation of forced marriage](#) has been made. This applies in the same way as anonymity provisions for victims of sexual offences. It lasts for life and liability can arise not just by publishing the victim's identity, but any information that may lead to that person's identification.

Breaching a victim's anonymity is a criminal offence. A victim can, however, give their written consent to waive anonymity and the judge can vary and lift anonymity if they consider it in the interest of justice.

These provisions come into force in April 2017.

Child pornography streaming offence

The Policing and Crime Act adds the streaming of pornographic images of children to child pornography offences. Child victims of these offences are also subject to life-long anonymity on the terms set out above.

HMIC

The Act gives the Her Majesty's Inspectors of Constabulary (HMIC) [powers to serve a notice](#) on anyone to provide them with information, documents and other evidence that it "reasonably requires" for its inspections of police forces.

This power can be used on anyone, not just members of the police force. Failure to comply will be treated as contempt of court. Journalistic material is not exempt.

There is, however, a right to appeal against a notice to the First Tier Tribunal, which could result in the order being quashed or replaced with a different one.

These provisions have come into force.

IPCC investigations

The Policing and Crime Act also contains [restrictions on the publication of "sensitive information" received by the Independent Police Complaints Commission](#) as part of its investigations. This information cannot be disclosed by the Commission or anyone else, without the permission of a "relevant authority."

"Sensitive information" means:

- a) Intelligence services information, including information from any part of the Armed Forces that engages in intelligence activities;

- b) Information related to certain warrants under the Investigatory Powers Act 2016 (specifically, bulk interception warrants, targeted interception warrants, targeted examination warrants, and mutual assistance warrants). The prohibition includes disclosing whether a warrant exists.
- c) Information which a government department besides the intelligence services considers could damage national security, international relations, and information damaging to the UK or any part of it.

Publication can go ahead, however, if a “relevant authority” consents.

A ‘relevant authority’ is:

- Where the disclosure is of intelligence services information, the relevant authority will be the director of the agency concerned.
- Where the information relates to the Armed Forces or the Minister of Defence, the relevant authority will be the Secretary of State for Defence.
- For information considered damaging by other government department - category (c)- the relevant authority is the Secretary of State, or the Minister of the Crown in charge of the department from which the information was obtained.

These provisions are now in force. They add to those in the Investigatory Powers Act 2016 which made it a criminal offence to disclose information related to the warrants mentioned above.

Bail

The Act has made [changes to the powers of the police](#) to keep people on bail for extended periods of time. This was identified as a problem in 2013 when it emerged that over 3,000 people had been kept on bail for longer than six months before finding out if they would be charged. Journalists have endured considerable periods on bail while the Crown Prosecution Service (CPS) decided whether to charge them with phone-hacking and other media-related offences.

The Act sets an initial bail limit of 28 days. A super-intendent can authorise further bail limit up to three months from the date the suspect was released from bail.

There are then two options available to the police to extend bail further. The CPS designate the case as “exceptionally complex” allowing bail to continue until six months of the date of release.

Alternatively, the Investigating Officer makes an application to the Magistrate’s Court who can further authorise bail for up to nine months from release.

Police Federation

The Act adds the Police Federation to organisations covered by the Freedom of Information Act 2000 and the Data Protection Act 1998.

Digital Economy Bill

Public sector information

Under this bill, government departments will be able to share personal information they hold on people provided this is necessary to prevent fraud against the public sector. [Sharing this information for other purposes is prohibited as would be publishing any prohibited disclosures](#). However, the News Media Association, fearing that these provisions could criminalise leaks to the press, has secured an exemption for disclosures for journalistic works in the public interest.