

## Equalities, Human Rights and Civil Justice Committee

### Border Security, Asylum and Immigration Bill Legislative Consent Memorandum

Submission from Police Scotland – 27 May 2025

Border Security, Asylum Immigration Bill		
Executive Sponsor: ACC Houston – Organised Crime, Counter Terrorism Intelligence		
Specific Clauses	Clause Details	IMPACT
Part 1, Chapter 1 Clauses 3, 5 & 6	<p>Makes provision for the designation of a civil servant as the ‘Border Security Commander.’</p> <p>The ‘Border Security Commander’ must from time to time issue a ‘strategic priority document’, setting out the strategic priorities to which partner authorities (including PSoS) must have regard when exercising their functions in relation to border security.</p> <p>PSoS must, as far as appropriate and reasonably practicable, cooperate with the</p>	<p>Clause 3- The CC/PSoS must have regard to the BSC ‘strategic priority document’ when allocating/deploying resources with respect to the prevention/detection of immigration offences/ other threats to border security in relation to which PSoS has a function.</p> <p>Clause 5 - The CC/PSoS must cooperate with the BSC.</p> <p>In PSoS view, Clauses 3 and 5, if enacted as drafted, will allow for continued operational flexibility and, as such, there are no concerns that these provisions will interfere with or indeed unduly impact upon the CC/PSoS operational independence. Indeed, in PSoS view, these clauses as drafted will ensure the unique features of policing Scotland’s Borders can be continued and aligned with that of the SPD as set by the Border Commander.</p> <p>Clause 6 - It would seem sensible for PSoS (as the largest police force outside of the Met, with jurisdiction over a vast coastline and multiple entry points into the UK), to be represented on the Board established and maintained by the BSC to assist the Commander in</p>

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	BSC, in the carrying out of the BSC's functions.	the exercise of the Commander's functions ( <i>see Clause 6</i> ). It might be helpful for policy colleagues at SG to engage with UKG/Home office to ensure the intention is for PSoS ( and potentially other affected criminal justice partners) to be represented on the Board.
Clauses 13 – 18	Set out new offences in relation to the preparatory acts to commit an immigration offence and endangering another during a sea crossing to the United Kingdom	<p>It is anticipated that the impact upon PSoS operations/policing plan will depend upon the locus of the offence.</p> <p>If the crime(s) is identified at border crossing – UK Border Force / Border Policing Command (BPC) may both be involved in preventing/detecting/investigating offences and dealing with offenders.</p> <p>Online activity or offences orchestrated by individuals away from borders may impact other policing areas (Cyber / Local Policing / CID)</p> <p>Creation of new charge codes to accompany the new offences. Officer/ staff training i.e. legislative awareness via Moodle/ CPD. Possibility of an increase in offences identified at Borders (Cairnryan) leading to associated increase and impact on logistics namely, transport aspect, custody involvement, translators, solicitor activity, HOIE.</p> <p>Likely cost impact associated with the respective clauses but as yet unquantifiable.</p> <p>Further discussion needed with other affected partners to determine full impact and likely cost of implementation.</p>

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Clauses 19 - 26	<p>Powers of search etc in relation to electronic devices. Clauses 19 to 26 of the Bill give the police in England and Immigration Officers powers to search persons. The clauses extend to Scotland (except for police constables).</p>	<p>As regards to the extension of these powers to PSoS constables, colleagues in the 'Police Policy' team at SG initially advised that, at Ministerial level, there was no appetite for these powers to be extended to police constables in Scotland.</p> <p>It remains unclear why this is the policy position being adopted by SG/ and or the Home Office.</p> <p>In terms of this Bill, and the powers of search etc. provided for in Clauses 20, 21 and 23, PSoS would adopt the position that these powers should be extended to police constables in Scotland. There are very often times at the border in Scotland, (especially at Loch Ryan) when the only law enforcement officers conducting checks / stops are police officers and the lack of any powers of search as stated would significantly impact PSoS effectiveness and diminish the impacts and powers of the Act and their intended aims of ensuring that the UK's borders are secure, particularly given the freedom of movement within the Common Travel Area (CTA).</p> <p>It is respectfully recommended that further engagement on this matter between and amongst police colleagues in SG and in the Home Office would be beneficial, with the aim of ensuring that police constables in Scotland have equivalent powers to those in England and Wales extended and the search powers provided for in these clauses are not limited in Scotland to immigration officers. In PSoS view, to limit the powers provided for in Clauses 20,21 and 23 to immigration officers would undermine the parliamentary intention in providing for such powers and limit the effectiveness of PSoS in policing our borders.</p>
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Clauses 27 - 33	Supply of customs information by HMRC and Supply of trailer registration information. Mentions sharing of information with Police and other law enforcement bodies.	Previous PSoS engagement on this matter in 2021 and supportive of same.  Likely low-cost impact associated with respective clauses.
Clause 36	Provision of biometric information at ports in Scotland.	This legislation has been discussed since 2021, with positive impact noted if biometrics could be taken at Ports (livescan device already at Glasgow Airport.)  The new legislation would reduce travel times / costs and be fairer to persons subject to biometric procedures.  Of note, there are ongoing issues when foreign nominals claim to be children with Social Work being required to accommodate them as children until such times as they are properly age assessed. Biometric data cannot be taken without consent. There is a reluctance on the part of partners to act as the guardians of such individuals to provide consent, current engagement undertaken with partners is working through this aspect. At present the downstream consequences of this is such that there would be significant issues regarding the taking of biometric data.
Clauses 43 – 44  Clause 45	Offences relating to things for use in serious crime.  Confiscation of assets	Clause 43 makes provision for new offences relating to 'Articles for use in Serious Crime'.  Clause 44 provides that in Clause 43 'relevant article' means any of the following:  a) a 3D printer firearms template; b) an encapsulator;

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		<p>mechanisms for breach of SCPO. There will inevitably be a cost implication in this, that is not covered under existing police budgets.</p> <p>It is noted that, pursuant to Clauses 50 and 51 and Schedule 2, there are additional notification requirements etc. in England and Wales that, as presently drafted, are not extended to Scotland.</p> <p>PSoS would welcome further discussion with SG, the UKG Bill team, and other affected partners to better understand how these provisions are intended to operate in Scotland.</p>
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