

THE GREAT REPEAL BILL

I have concentrated here on core criminal law rather than regulatory offences, otherwise the list would soon become endless! Those at the top of my hit-wish-list are marked in red.

Otiose law (offences and provisions which the criminal law adequately caters for elsewhere)

Causing nuisance or disturbance on NHS premises (*Criminal Justice and Immigration Act 2008*, ss.119-122)

Encouraging or assisting crime (*Serious Crime Act 2007*, Pt 2) (the common law provisions are much to be preferred)

Loss of control defence to murder (*Coroners and Justice Act 2009*, ss.54, 55)

Sample counts (*Domestic Violence, Crime and Victims Act 2004*, ss.17-21)

Sexual activity in a public lavatory (*Sexual Offences Act 2003*, s.71)

Surcharges (*Criminal Justice Act 2003*, ss.161A, 161B)

Laws which penalise non-criminal (or unproved criminal) behaviour by the back-door

Drinking banning orders (*Violent Crime Reduction Act 2006*, Pt 1, Ch. 1)

Financial reporting orders (*Serious Organised Crime and Police Act 2005*, Pt 2, Ch. 3)

Gang-related violence (*Policing and Crime Act 2009*, Pt 4)

Risk of sexual harm orders (*Sexual Offences Act 2003*, ss.123-129)

Serious crime prevention orders (*Serious Organised Crime and Police Act 2005*, Pt 1)

Violent offender orders (*Criminal Justice and Immigration Act 2008*, Pt 7)

Laws which otherwise infringe civil liberties

Alcohol disorder zones, alcohol consumption in designated public places, directions to individuals who represent a risk of alcohol-related disorder (*Criminal Justice and Police Act 2001*, ss.12-16, *Violent Crime Reduction Act 2006*, Pt 1, Ch. 2, and s.27)

Conditional cautions, youth conditional cautions (*Criminal Justice Act 2003*, Pt 3, *Crime and Disorder Act 1998*, ss.66A-66G)

Control orders (*Prevention of Terrorism Act 2005*)

Post-charge questioning of suspects (*Terrorism Act 2008*, s.22) (as this is not yet in force, it could equally be in the next category but one as well as this one)

Demonstrations in vicinity of Parliament (*Serious Organised Crime and Police Act 2005*, ss.132-138)

Dispersal of groups (*Anti-social Behaviour Act 2003*, Pt 4)

Exclusion zones (*Serious Organised Crime and Police Act 2005*, s.112)

Fixed penalties (starting with the *Criminal Justice and Police Act 2001*, Pt 1)

Matters with which criminal law should not concern itself

Custodial sentences for children

Drugs

Minimum sentences

Outraging public decency

Prostitution, especially in brothels (including most recently closure orders for premises involved with prostitution in the *Sexual Offences Act 2003*, Pt 2A)
Trial of children in the Crown Court

Legislation never (or never fully) brought into force, or brought into force and then effectively suspended

Abolition of committal proceedings (*Criminal Justice Act 2003*, s.41, Sched. 3)

Alteration of penalties for offences, including increased sentencing powers for magistrates' courts (*Criminal Justice Act 2003*, ss.280-283)

Custody plus orders, intermittent custody orders (*Criminal Justice Act 2003*, ss.181-188)
Sexual Offences (Protected Material) Act 1997

Legislation in force but never used

Foreign Enlistment Act 1870

Rationalisation needed

Extension of driving disqualifications (*Powers of Criminal Courts (Sentencing) Act 2000*, ss.147A, 147B, *Road Traffic Offenders Act 1988*, ss.35A, 35B)

Indecent photographs of children (*Protection of Children Act 1978*)/ extreme pornographic images (*Criminal Justice and Immigration Act 2008*)/ prohibited images of children (*Coroners and Justice Act 2009*)

Information society services providers legislation (*Terrorism Act 2000/ Tobacco Advertising and Promotion Act 2002 etc. (Amendment) Regulations 2006/ Serious Crime Act 2007/ Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007/ Electronic Commerce Directive (Racial and Religious Hatred Act 2006) Regulations 2007/ Criminal Justice and Immigration Act 2008/ Coroners and Justice Act 2009*)

Offensive weapons/ knives/ firearms (*Firearms Acts 1968, 1982, 1988, 1998, Knives Act 1977, Prevention of Crime Act 1953, Criminal Justice Act 1988, Violent Crime Reduction Act 2006*)

Preparatory hearings in cases of serious fraud (*Criminal Justice Act 1987*)/ other complex, serious or lengthy cases in the Crown Court (*Criminal Procedure and Investigations Act 1996*)

Serious Fraud Office (*Criminal Justice Act 1987*)/ Serious Organised Crime Agency (*Serious Organised Crime and Police Act 2005*) (better to combine)

Transfer for trial of serious fraud cases (*Criminal Justice Act 1987*)/ cases involving children (*Criminal Justice Act 1991*)

“Scrap and start over”

Confiscation (*Proceeds of Crime Act 2002*, Pt 1) (far too wide)

Disqualification from working with children or vulnerable adults (*Criminal Justice and Courts Services Act 2000, Safeguarding Vulnerable Groups Act 2006*) (complex, ill-thought through, badly drafted (virtually all the detail left to be filled in by subordinate legislation))

Money laundering (*Proceeds of Crime Act 2002*, Pt 7) (far too wide)