**Policy Drafting Instructions**

**Creating new offences of Treason**

**SUMMARY**

* The proposed provision is to introduce a new criminal offence of Treason for causing the death of a Monarch, their close relations and key persons or for levying war and assisting the Monarch’s enemies. Further offences will be created for the attempted killing of, or causing of harm to, the Monarch and for the discharging or aiming of a weapon at the Monarch.

**TIMING**

* Due to the recent killing of Queen Francis and associated unrest, we need this offence to come into force as soon as possible to show how seriously we plan to deal with any threat to the Monarch of the State. The current King Jose wishes for the process to be expedited. As such, we hope to have a draft bill for legislative scrutiny in May 1351. We are currently awaiting PBL/OPC confirmation.

**BACKGROUND**

* As has been heavily publicised in the media as of late, the late Queen Francis was killed by a group of persons who invaded the Palace on the night of the 17th of February 1351. Witnesses claim that the group of persons entered the palace and locked the Queen in a small cupboard before taking turns throwing knives. Witnesses say the group then moved through the castle, destroying historic artwork of former Monarchs as they went. It is claimed that one of the group raped the Princess Elinora, eldest daughter of King Jose, and another shot the Chancellor, before they returned to the group. The group then allegedly made their way to the top of the tallest tower and were seen to declare war on the State. There was a subsequent attempt by around 100 persons to storm the palace, but these persons were stopped by military persons who arrived at the palace. All persons seen to be involved have now been taken into custody and are being held at the Tower of London until further notice. The Chancellor died in hospital shortly after the incident and the Queen was pronounced dead at the scene.
* An analysis created by the Royal Protection Group after the above events has noted that since the death of Queen Francis, there has been an increase in anti-monarch messaging online with a number of persons being inspired by the actions of the above group and discussions being had about future plans to harm the Monarch and persons of key public importance. The plans include plans to kill key persons but also to cause harm but not kill said persons e.g., torture. There are also several persons who supposedly intend to use weapons to scare the Monarch as a form of mental torture. The analysis recommended the introduction of a criminal offence focused on attempted harm or actual harm to key persons including the Monarch would be a useful deterrent. The Security Services have provided intelligence showing the threats are credible.
* Following the events on the 17th of February and the above analysis, Prime Minister, made a public statement at the palace on the 28th of March that she intends to introduce a new offence of Treason to punish those who take actions against the Crown or the State and to send a message that this sort of behaviour is unacceptable. She stated the intention for the offence to apply to actions against the Crown, such as killing or sexual assault, but also for harms against the State such as the declaration of war.
* The Secretary of State for Justice would now like to introduce a standalone bill to introduce these offences and create a further offence for attempts against the Crown as well as above completed acts.
* We are currently engaging with the Ministry of Defence to agree the extent to which the offence of Treason will extend to those declaring war against the State but anticipate that this will be included in the provisions as a result of the actions of the above mentioned group on the 17th of February. The Ministry of Defence are currently suggesting that we also include assisting the enemies within Treason as they were looking into legislating for this themselves and they think it fits will within our provisions.

**DEVOLUTION**

* This bill will apply to the whole of the UK and comes within scope of the reserved powers retained by Westminster. We are keeping devolved Governments informed as we develop the policy and will keep them updated as the bill progresses. At present, we have the full support of all devolved nations.

**EXISTING LAW**

* At present there is no offence that relates specifically to actions against the Crown or State, the above persons would have to be tried for Murder (common law offence) for their actions against Queen Francis and the Chancellor and Sexual Assault under the Section 1 of the Sexual Offences Act 1303 for their actions against the then Princess Elinora.
* The offences of Murder and Sexual Assault do not get to the root of the issue which is that any attempt to cause harm to the Crown or key persons, it is not about simply harming the individual but the State more widely. There is a threat here to the security of the State, not just the individual which is why current legislation does not go far enough to recognise this. This is also why direct threats to the State, such as outright declarations of war, are also to be included in provisions.

**POLICY OBJECTIVES**

* The policy objective is to make it a criminal offence for a person to kill or attempt to kill the Monarch, the heir to the Crown and key persons including the Chancellor and the Treasurer as this is an action against the State and not just the person. The objective is to also make it an offence to levy war against the State or assist the enemies of the state.
* The offences will be indictable offences.
* We would like there to be three separate offences. The *actus reus* for the first offence will include:
* the killing of the Monarch and key persons such as the Chancellor or the heir to the throne
* the sexual assault of the Monarch’s consort or the unmarried daughter of the Monarch or the consort of the heir to the throne
* getting a group of individuals together for treasonable purposes to plot or act against the State or assisting the enemy of the State
* The *mens rea* for this offence (the mental element required) will be the intention to commit the above offence.
* The second offence will have the *actus reus* of attempting to kill or cause harm to the Monarch with the *mens rea* being intention to kill or cause harm to the Monarch. We wish for this offence to be treated the same way as if the person was being convicted for Murder and so we wish for intention to be read the same way as with Murder.
* The third offence will have the *actus reus* of discharging or aiming of a weapon at the Monarch with the *mens rea* being an intention to injure or alarm the Monarch.
* We wish to take a hard line when it comes to sentencing and would like for the first and second offence to be punishable by death and the third offence by transportation to Australia for seven years or imprisonment with or without hard Labour for up to three years, with the option to whip the offender up to three times.
* We hope for this legislation to act as a preventive and to show that a hard line will be taken against those who wish to harm the State or representatives of the state, such as the Crown or the Chancellor. We hope for Treason to be the most serious offence that is punishable within our system.
* We have had incidences in the past where attempts have been made against the Crown both publicly but also in private, we wish for the provisions to operate the same way for both and that both be punishable in the same way.
* With regard the third offence, we had an incident last year where a person threw red paint mixed with a chemical substance at the then Queen Francis and Princess Elinora. Though paint might not be seen as a weapon in the ordinary sense, the inclusion of toxic material within the mix would transform this into a weapon as harm would be caused if hit by it. As such, we would like the offence to be quite wide in scope when it comes to the offensive weapon used when drafting the clauses.
* As mentioned above, the Ministry of Defence will play a role when it comes to the offences of levying war and assisting enemies of the State. They will need to be consulted throughout the process when developing the clauses in relation to this, especially in relation to the scope of what an enemy is and the collection of evidence once the offence is implemented.
* We do not anticipate that crown application will be needed here, nor will King’s consent be needed.