



House of Commons

Thursday 11 July 2013

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL

NOTE

The amendments have been arranged in accordance with the Order of the Committee [18 June]

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 133, page 103, line 31, leave out '£200' and insert '£100'.

113

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 133, page 103, line 31, leave out '£200' and insert '£40'.

115

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 133, page 103, line 37, at end insert—

'(d) the person accused has not received a Simple Caution, Conditional Caution or Penalty Notice for Disorder for a previous shoplifting offence.'

114

Anti-social Behaviour, Crime and Policing Bill, *continued*
*NEW CLAUSES**Appointment of chief officers of police*

Mr Jeremy Browne

NC9

To move the following Clause:—

- (1) Paragraph 2 of Schedule 8 to the Police Reform and Social Responsibility Act 2011 (appointment of chief constables) is amended as follows.
- (2) In sub-paragraph (1)(a), for “is, or has been, a constable in any part of the United Kingdom” there is substituted “is eligible for appointment”.
- (3) After sub-paragraph (1) there is inserted—
 - “(1A) A person is eligible for appointment if the person is or has been—
 - (a) a constable in any part of the United Kingdom, or
 - (b) a police officer in an approved overseas police force, of at least the approved rank.
 - (1B) An “approved overseas police force” is a police force which—
 - (a) is in a country or territory outside the United Kingdom designated by the College of Policing, and
 - (b) is designated in relation to that country or territory by the College of Policing.
 - (1C) The “approved rank” for an approved overseas police force is the rank which is designated as the approved rank for that police force by the College of Policing.
 - (1D) The College of Policing must make designations under sub-paragraphs (1B) and (1C), but must not do so without the approval of the Secretary of State.”
- (4) Section 42 of that Act (appointment of Commissioner of Police of the Metropolis) is amended as follows.
- (5) In subsection (3), for “is, or has been, a constable in any part of the United Kingdom” there is substituted “is eligible for appointment”.
- (6) After subsection (3) there is inserted—
 - “(3A) A person is eligible for appointment if the person is or has been—
 - (a) a constable in any part of the United Kingdom, or
 - (b) a police officer in an approved overseas police force, of at least the approved rank.
 - (3B) An “approved overseas police force” is a police force which—
 - (a) is in a country or territory outside the United Kingdom designated by the College of Policing, and
 - (b) is designated in relation to that country or territory by the College of Policing.
 - (3C) The “approved rank” for an approved overseas police force is the rank which is designated as the approved rank for that police force by the College of Policing.

Anti-social Behaviour, Crime and Policing Bill, continued

- (3D) The College of Policing must make designations under subsections (3B) and (3C), but must not do so without the approval of the Secretary of State.”.

Retention of personal samples that are or may be disclosable

Mr Jeremy Browne

NC10

To move the following Clause:—

- ‘(1) In section 63U of the Police and Criminal Evidence Act 1984 (fingerprints and samples etc: exclusions from destruction rules)—
- (a) in subsection (5) (material that is or may become disclosable to the defence), for “Sections 63D to 63Q, 63S and 63T” there is substituted “Sections 63D to 63T”;
 - (b) after that subsection there is inserted—

“(5A) A sample that—

 - (a) falls within subsection (5), and
 - (b) but for that subsection would be required to be destroyed under section 63R,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(5B) A sample that once fell within subsection (5) but no longer does, and so becomes a sample to which section 63R applies, must be destroyed immediately if the time specified for its destruction under that section has already passed.”
- (2) In Schedule 8 to the Terrorism Act 2000 (detention of terrorist suspects etc), in paragraph 20I (substituted by paragraph 1 of Schedule 1 to the Protection of Freedoms Act 2012) (fingerprints and samples etc: exclusion from destruction rules of material that is or may become disclosable to the defence)—
- (a) for “Paragraphs 20A to 20F and 20H do not apply to paragraph 20A material” there is substituted “Paragraphs 20A to 20H do not apply to material”;
 - (b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—

“(2) A sample that—

 - (a) falls within sub-paragraph (1), and
 - (b) but for that sub-paragraph would be required to be destroyed under paragraph 20G,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(3) A sample that once fell within sub-paragraph (1) but no longer does, and so becomes a sample to which paragraph 20G

Anti-social Behaviour, Crime and Policing Bill, *continued*

applies, must be destroyed immediately if the time specified for its destruction under that paragraph has already passed.”.

Powers to seize invalid passports etc

Mr Jeremy Browne

NC22

★ To move the following Clause:—

‘Schedule [*Powers to seize invalid passports etc*] (powers to seize invalid passports etc) has effect.’.

Proportionality

Mr Jeremy Browne

NC23

★ To move the following Clause:—

- ‘(1) In section 11 of the Extradition Act 2003 (bars to extradition), in subsection (5), for “21” there is substituted “21A”.
- (2) After section 21 of that Act there is inserted—

“21A Person not convicted: human rights and proportionality

- (1) If the judge is required to proceed under this section (by virtue of section 11), the judge must decide both of the following questions in respect of the extradition of the person (“D”)—
 - (a) whether the extradition would be compatible with the Convention rights within the meaning of the Human Rights Act 1998;
 - (b) whether the extradition would be disproportionate.
- (2) In deciding whether the extradition would be disproportionate, the judge must take into account the specified matters relating to proportionality (so far as the judge thinks it appropriate to do so); but the judge must not take any other matters into account.
- (3) These are the specified matters relating to proportionality—
 - (a) the seriousness of the conduct alleged to constitute the extradition offence;
 - (b) the likely penalty that would be imposed if D was found guilty of the extradition offence;
 - (c) the possibility of the relevant foreign authorities taking measures that would be less coercive than the extradition of D.
- (4) The judge must order D’s discharge if the judge makes one or both of these decisions—

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (a) that the extradition would not be compatible with the Convention rights;
 - (b) that the extradition would be disproportionate.
- (5) The judge must order D to be extradited to the category 1 territory in which the warrant was issued if the judge makes both of these decisions—
- (a) that the extradition would be compatible with the Convention rights;
 - (b) that the extradition would not be disproportionate.
- (6) If the judge makes an order under subsection (5) he must remand the person in custody or on bail to wait for extradition to the category 1 territory.
- (7) If the person is remanded in custody, the appropriate judge may later grant bail.
- (8) In this section “relevant foreign authorities” means the authorities in the territory to which D would be extradited if the extradition went ahead.”
- (3) In deciding any question whether section 21A of the Extradition Act 2003 is compatible with European Union law, regard must be had (in particular) to Article 1(3) of the framework decision of the Council of the European Union made on 13 June 2002 on the European arrest warrant and the surrender procedures between member states (2002/584/JHA) (which provides that that decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union).
- (4) In a case where the Part 1 warrant (within the meaning of the Extradition Act 2003) has been issued before the time when the amendments made by this section come into force, those amendments apply to the extradition concerned only if, at that time, the judge has not yet decided all of the questions in section 11(1) of that Act.’

Extradition barred if no prosecution decision in requesting territory

Mr Jeremy Browne

NC24

★ To move the following Clause:—

- ‘(1) In section 11 of the Extradition Act 2003 (bars to extradition), after paragraph (a) of subsection (1) there is inserted—
- “(aa) absence of prosecution decision;”.
- (2) After section 12 of that Act there is inserted—

“12A Absence of prosecution decision

- (1) A person’s extradition to a category 1 territory is barred by reason of absence of prosecution decision if (and only if)—
- (a) it appears to the appropriate judge that there are reasonable grounds for believing that—

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (i) the competent authorities in the category 1 territory have not made a decision to charge or have not made a decision to try (or have made neither of those decisions), and
 - (ii) the person's absence from the category 1 territory is not the sole reason for that failure,
- and
- (b) those representing the category 1 territory do not prove that—
 - (i) the competent authorities in the category 1 territory have made a decision to charge and a decision to try, or
 - (ii) in a case where one of those decisions has not been made (or neither of them has been made), the person's absence from the category 1 territory is the sole reason for that failure.
- (2) In this section “to charge” and “to try”, in relation to a person and an extradition offence, mean—
- (a) to charge the person with the offence in the category 1 territory, and
 - (b) to try the person for the offence in the category 1 territory.”
- (3) In a case where the Part 1 warrant (within the meaning of the Extradition Act 2003) has been issued before the time when the amendments made by this section come into force, those amendments apply to the extradition concerned only if, at that time, the judge has not yet decided all of the questions in section 11(1) of that Act.’

Hostage-taking considerations

Mr Jeremy Browne

NC25

★ To move the following Clause:—

- (1) Section 16 of the Extradition Act 2003 (extradition to category 1 territory barred by reason of hostage-taking considerations) is repealed.
- (2) In section 11 of that Act (bars to extradition), paragraph (e) of subsection (1) is omitted.
- (3) In a case where the Part 1 warrant (within the meaning of the Extradition Act 2003) has been issued before the time when the amendments made by this section come into force, those amendments apply to the extradition concerned only if, at that time, the judge has not yet decided all of the questions in section 11(1) of that Act.’

Anti-social Behaviour, Crime and Policing Bill, *continued**Request for temporary transfer etc*

Mr Jeremy Browne

NC26

★ To move the following Clause:—

‘Before section 22 of the Extradition Act 2003 there is inserted—

“21B Request for temporary transfer etc

- (1) This section applies if—
 - (a) a Part 1 warrant is issued which contains the statement referred to in section 2(3) (warrant issued for purposes of prosecution for offence in category 1 territory), and
 - (b) at any time before or in the extradition hearing, the appropriate judge is informed that a request under subsection (2) or (3) has been made.
- (2) A request under this subsection is a request by a judicial authority of the category 1 territory in which the warrant is issued (“the requesting territory”)—
 - (a) that the person in respect of whom the warrant is issued be temporarily transferred to the requesting territory, or
 - (b) that arrangements be made to enable the person to speak with representatives of an authority in the requesting territory responsible for investigating, prosecuting or trying the offence specified in the warrant.
- (3) A request under this subsection is a request by the person in respect of whom the warrant is issued—
 - (a) to be temporarily transferred to the requesting territory, or
 - (b) that arrangements be made to enable the person to speak with representatives of an authority in the requesting territory responsible for investigating, prosecuting or trying the offence specified in the warrant.
- (4) The judge must order further proceedings in respect of the extradition to be adjourned if the judge thinks it necessary to do so to enable the person (in the case of a request under subsection (2)) or the authority by which the warrant is issued (in the case of a request under subsection (3)) to consider whether to consent to the request.

An adjournment under this subsection must not be for more than 7 days.
- (5) If the person or authority consents to the request, the judge must—
 - (a) make whatever orders and directions seem appropriate for giving effect to the request;
 - (b) order further proceedings in respect of the extradition to be adjourned for however long seems necessary to enable the orders and directions to be carried out.
- (6) If the request, or consent to the request, is withdrawn before effect (or full effect) has been given to it—
 - (a) no steps (or further steps) may be taken to give effect to the request;

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- (b) the judge may make whatever further orders and directions seem appropriate (including an order superseding one made under subsection (5)(b)).
- (7) A person may not make a request under paragraph (a) or (b) of subsection (3) in respect of a warrant if the person has already given consent to a request under the corresponding paragraph of subsection (2) in respect of that warrant (even if that consent has been withdrawn).
- (8) A person may not make a further request under paragraph (a) or (b) of subsection (3) in respect of a warrant if the person has already made a request under that paragraph in respect of that warrant (even if that request has been withdrawn).
- (9) If—
- (a) a request under subsection (2) or (3) is made before a date has been fixed on which the extradition hearing is to begin, and
 - (b) the proceedings are adjourned under this section,
- the permitted period for the purposes of fixing that date (see section 8(4)) is extended by the number of days for which the proceedings are so adjourned.”.

Judge informed after extradition hearing or order that person charged with offence or serving sentence in United Kingdom

Mr Jeremy Browne

NC27

★ To move the following Clause:—

‘(1) After section 36 of the Extradition Act 2003 there is inserted—

“36A Judge informed after extradition hearing that person charged with offence in United Kingdom

- (1) This section applies if—
- (a) an order has been made for the extradition of the person in respect of whom the Part 1 warrant is issued, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The appropriate judge must order the extradition order not to be carried out until one of these occurs—
- (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the appropriate judge may order the

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extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).

- (4) Rules of court may provide that where there is an appeal against the extradition order —
- (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.

36B Judge informed after extradition hearing that person serving sentence in United Kingdom

- (1) This section applies if—
- (a) an order has been made for the extradition of the person in respect of whom the Part 1 warrant is issued, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (3) Rules of court may provide that where there is an appeal against the extradition order —
- (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.”
- (2) After section 118 of that Act there is inserted—

“118A Judge informed after extradition order that person charged with offence in United Kingdom

- (1) This section applies if—
- (a) the Secretary of State has made an order for a person’s extradition under this Part, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The appropriate judge must order the extradition order not to be carried out until one of these occurs—
- (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (4) Rules of court may provide that where there is an appeal against the extradition order —

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
- (b) this section has effect with any other prescribed modifications.

118B Judge informed after extradition order that person serving sentence in United Kingdom

- (1) This section applies if—
 - (a) the Secretary of State has made an order for a person’s extradition under this Part, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (3) Rules of court may provide that where there is an appeal against the extradition order —
 - (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.’’.

Consent to extradition not to be taken as waiver of speciality rights

Mr Jeremy Browne

NC28

★ To move the following Clause:—

- ‘In the Extradition Act 2003 the following provisions are repealed—
- (a) section 45(3);
 - (b) section 128(5).’.

Definition of “extradition offence”

Mr Jeremy Browne

NC29

★ To move the following Clause:—

- ‘(1) For sections 64 and 65 of the Extradition Act 2003 there is substituted—

Anti-social Behaviour, Crime and Policing Bill, *continued***“64 Extradition offences: person not sentenced for offence**

- (1) This section sets out whether a person’s conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—
 - (a) is accused in a category 1 territory of an offence constituted by the conduct, or
 - (b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
 - (a) the conduct occurs in the category 1 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
 - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (4) The conditions in this subsection are that—
 - (a) the conduct occurs outside the category 1 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom;
 - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (5) The conditions in this subsection are that—
 - (a) the conduct occurs in the category 1 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) a certificate issued by an appropriate authority of the category 1 territory shows that the conduct falls within the European framework list;
 - (d) the certificate shows that the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 3 years or a greater punishment.
- (6) For the purposes of subsections (3)(b) and (4)(b)—
 - (a) if the conduct relates to a tax or duty, it does not matter whether the law of the relevant part of the United Kingdom imposes the same kind of tax or duty or contains rules of the same kind as those of the law of the category 1 territory;
 - (b) if the conduct relates to customs or exchange, it does not matter whether the law of the relevant part of the United Kingdom contains rules of the same kind as those of the law of the category 1 territory.

65 Extradition offences: person sentenced for offence

- (1) This section sets out whether a person’s conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (a) has been convicted in a category 1 territory of an offence constituted by the conduct, and
 - (b) has been sentenced for the offence.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
- (a) the conduct occurs in the category 1 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (4) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 1 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (5) The conditions in this subsection are that—
- (a) the conduct occurs in the category 1 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) a certificate issued by an appropriate authority of the category 1 territory shows that the conduct falls within the European framework list;
 - (d) the certificate shows that a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (6) For the purposes of subsections (3)(b) and (4)(b)—
- (a) if the conduct relates to a tax or duty, it does not matter whether the law of the relevant part of the United Kingdom imposes the same kind of tax or duty or contains rules of the same kind as those of the law of the category 1 territory;
 - (b) if the conduct relates to customs or exchange, it does not matter whether the law of the relevant part of the United Kingdom contains rules of the same kind as those of the law of the category 1 territory.”
- (2) In section 66 (supplementary provision for the purposes of sections 64 and 65) after subsection (1) there is inserted—
- “(1A) References to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the Part 1 warrant.”
- (3) In section 137 of that Act (definition of extradition offence for the purposes of Part 2 of the Act: person not sentenced for offence) for subsections (1) to (5) there is substituted—

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- “(1) This section sets out whether a person’s conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—
- (a) is accused in a category 2 territory of an offence constituted by the conduct, or
 - (b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.
- (2) The conduct constitutes an extradition offence in relation to the category 2 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
- (a) the conduct occurs in the category 2 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;
 - (c) the conduct is so punishable under the law of the category 2 territory.
- (4) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment;
 - (c) the conduct is so punishable under the law of the category 2 territory.
- (5) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) the conduct constitutes, or if committed in the United Kingdom would constitute, an offence mentioned in subsection (6);
 - (d) the conduct is punishable under the law of the category 2 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.”
- (4) After subsection (7) of that section there is inserted—
- “(7A) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person’s extradition”.
- (5) In section 138 of that Act (definition of “extradition offence” for the purposes of Part 2 of the Act: person sentenced for offence) for subsections (1) to (5) there is substituted—
- “(1) This section sets out whether a person’s conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—
- (a) has been convicted, in the category 2 territory to which extradition is requested, of an offence constituted by the conduct, and
 - (b) has been sentenced for the offence.

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- (2) The conduct constitutes an extradition offence in relation to the category 2 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
- (a) the conduct occurs in the category 2 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.
- (4) The conditions in this subsection are—
- (a) the conduct occurs outside the category 2 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the relevant part of the United Kingdom punishable as mentioned in subsection (3)(b);
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.
- (5) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) the conduct constitutes, or if committed in the United Kingdom would constitute, an offence mentioned in subsection (6);
 - (d) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.”
- (6) After subsection (7) of that section there is inserted—
- “(7A) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person’s extradition”.’.

Criminal Procedure Rules to apply to extradition proceedings etc

Mr Jeremy Browne

NC30

★ To move the following Clause:—

- ‘(1) In section 68 of the Courts Act 2003 (Criminal Procedure Rules: meaning of “criminal court”), at the end there is inserted—

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- “(c) the High Court in relation to its jurisdiction under the Extradition Act 2003.”
- (2) In section 1 of the Civil Procedure Act 1997 (Civil Procedure Rules), in subsection (1)(b), after “the High Court” there is inserted “except in relation to its jurisdiction under the Extradition Act 2003”.
- (3) In section 157 of the Extradition Act 2003 (production orders), after subsection (8) there is inserted—
- “(9) Criminal Procedure Rules may make provision about applications under this section to a circuit judge.”
- (4) In section 160 of that Act (warrants: special procedure material and excluded material), after subsection (9) there is inserted—
- “(10) Criminal Procedure Rules may make provision about applications under this section to a circuit judge.”.

Content of community remedy document

Stephen Phillips
Tracey Crouch
Mr David Hanson
Gloria De Piero
Phil Wilson

NC1

To move the following Clause:—

- “(1) Each of the actions contained in a community remedy document must—
- (a) consist of one or more of the elements within subsection (2),
- (b) promote public confidence in the out of court disposal of any anti-social behaviour or offences capable of being dealt with under section 94.
- (2) The elements within this subsection are—
- (a) a punitive element reflecting the effects on the victim (if any) and the wider community of any anti-social behaviour or offences capable of being dealt with under section 94 in a manner proportionate to those effects;
- (b) a restorative element ensuring appropriate restitution to the victim (if any) and the wider community of any anti-social behaviour or offences capable of being dealt with under section 94.
- (3) The Secretary of State shall from time to time publish guidance as to appropriate actions to be contained in a community remedy document.
- (4) In this section—
- “anti-social behaviour” means behaviour capable of causing nuisance or annoyance to any person.
- “punitive element” includes any action which results in a loss of free time to the person carrying it out.
- “restorative action” includes an apology in writing.
- “victim” means a person affected or principally affected by any anti-social behaviour or offence capable of being dealt with under section 94.

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“the wider community” means those living, working or visiting the area for which the policing body has responsibility.’.

Legal highs—offence

Mr David Hanson
Gloria De Piero
Phil Wilson

NC2

To move the following Clause:—

- ‘(1) It is an offence for a person to supply, or offer to supply, a psychoactive substance, including but not restricted to—
- (a) a powder;
 - (b) a pill;
 - (c) a liquid; or
 - (d) a herbal substance with the appearance of cannabis,
- which he knows, or has reasonable cause to believe, to be so acting, that the substance is likely to be consumed by a person for the purpose of causing intoxication.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (3) This section does not apply to alcohol, tobacco, or any drug currently scheduled under the Misuse of Drugs Act 1971 or the Medicines Act 1968.
-

Review of effect of legal highs on anti-social behaviour

Mr David Hanson
Gloria De Piero
Phil Wilson

NC3

To move the following Clause:—

- ‘The Secretary of State shall carry out a review no more than 12 months following Royal Assent to this Act to assess the effect of legal psychoactive drugs on—
- (a) anti-social behaviour offending rates; and
 - (b) NHS, policing and local authority resources dedicated to tackling anti-social behaviour.’.

Anti-social Behaviour, Crime and Policing Bill, *continued**Dog control notice*

Mr David Hanson
Gloria De Piero
Phil Wilson
Julie Hilling
Huw Irranca-Davies
Luciana Berger

NC4

To move the following Clause:—

- ‘(1) Where an authorised officer has reasonable cause to believe that a dog is not under sufficient control and requires greater control in any place, as a preventative measure to protect the public, the dog itself, or another protected animal, he or she may serve on the owner, and if different, person for the time being in charge of the dog a written control notice which—
- (a) states that he or she is of that belief;
 - (b) specifies the respects in which he or she believes the owner, and if different, the person for the time being in charge of the dog is failing to keep the dog under sufficient control;
 - (c) specifies the steps he or she requires the owner, and if different, the person for the time being in charge of the dog to take in order to comply with the notice;
 - (d) specifies the date by which the terms of the notice must be complied with; and
 - (e) specifies the date that the notice expires which will not be for a period which exceeds six months.
- (2) In a control notice pursuant to subsection (1)(c) an authorised officer must require a dog to be microchipped (if not already done so) and the owner, and if different, the person for the time being in charge of the dog, register the dog with a microchip database, and may require the following steps, where appropriate, but is not limited to—
- (a) keeping the dog muzzled as directed;
 - (b) keeping the dog on a lead when in public or under control as directed;
 - (c) requiring the owner, and if different, the person for the time being in charge of the dog, to seek and implement expert advice about training and behaviour for the dog;
 - (d) having the dog neutered where appropriate; and
 - (e) keeping the dog away from particular places or persons.
- (3) Failure to comply with the steps required in a control notice within the time period specified, to the satisfaction of the authorised officer may lead to a complaint to a Magistrates Court under section 2 of the Dogs Act 1871.
- (4) The provisions of section 2 of the Dogs Act 1871 shall have effect if the owner, and if different, the person for the time being in charge of a dog fails to comply with the steps required in a control notice within the time period specified in accordance with subsection (3) above as they would apply if a dog was dangerous and not kept under proper control.
- (5) An “authorised officer” is a person that has been appointed by the local authority or police for the purposes of this Act.

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (6) A “protected animal” is one that is commonly domesticated in the British Islands, is under the control of man whether on a permanent or temporary basis, or is not living in a wild state.’.

Firearms licences—assessing public safety

Mr David Hanson
Gloria De Piero
Phil Wilson
Grahame M. Morris

NC5

To move the following Clause:—

- ‘(1) The Firearms Act 1968 is amended as follows.
(2) After section 28A (Certificates: supplementary) insert—

“28B Assessing public safety

- 5 (1) When assessing the threat to public safety under sections 27, 28, 30A,
30B or 30C the Chief Police Officer must ensure that a range of
background checks are performed.
- 10 (2) Where these checks uncover substantiated evidence of violent conduct,
domestic violence, mental illness or drug or alcohol abuse, the
presumption is that the Chief Police Officer should refuse the licence
application unless exceptional evidence can be brought forward by the
applicant as to their suitability to possess a weapon.
- (3) When assessing public safety within this section the Chief Police Officer
must follow any guidance issued by the Secretary of State.”’.

As an Amendment to Mr David Hanson’s proposed New Clause (*Firearms licences—
assessing public safety*) (NC5):—

Bridget Phillipson

(a)

Line 6, at end insert—

- ‘(1A) Background checks under subsection (1) must include, so far as practicable,
consultation with current and former partners of the applicant.’.

Anti-social Behaviour, Crime and Policing Bill, *continued*

Firearms: power of Secretary of State to alter fees

Mr David Hanson
Gloria De Piero
Phil Wilson
Grahame M. Morris

NC6

To move the following Clause:—

- ‘(1) Section 43 of the Firearms Act 1968 (power of Secretary of State to alter fees) is amended as follows.
- (2) After subsection (1) insert—
 - “(1A) Before making an order under this section the Secretary of State must consult with chief police officers to ensure the level of fees collected by the police under sections 32 and 35 are sufficient for the police to recoup the costs they incur through the administration and assessment of firearms licences made under this Act.”.’.

Requirement for review of alcohol licences where public spaces protection order is made

Gloria De Piero
Mr David Hanson
Phil Wilson

NC8

To move the following Clause:—

- ‘Where a local authority has made a public spaces protection order which prohibits the consumption of alcohol, it must—
- (a) inform all premises licensed to sell alcohol within the restricted area that such an order has been issued;
 - (b) carry out a formal review of all licenses issued under the Licensing Act 2003 to those premises, in order to ensure that the licensing conditions are appropriate for minimising the detrimental effects of alcohol in the local area; and
 - (c) where a premises has been identified by the police or local authority as a particular cause of nuisance or anti-social behaviour, revoke that premises’ alcohol licence or review the conditions imposed by it.’.

Anti-social Behaviour, Crime and Policing Bill, *continued*
Dog number control notice

Julie Hilling
 Sarah Champion
 Rosie Cooper
 Mrs Emma Lewell-Buck
 Simon Danczuk

NC11

To move the following Clause:—

- (1) This section applies where more than one dog is being kept in a domestic property in England or Wales.
 - (2) Where an authorised officer has reasonable cause to believe that the number of dogs being kept in a domestic property gives rise to a risk that any one or more of the dogs may become dangerously out of control while in or partly in the domestic property (“the risk”), he or she may serve on the person in charge a written control notice which—
 - (a) states that the authorised officer is of that belief;
 - (b) specifies the maximum number of dogs which, in the opinion of the authorised officer, are capable of being kept in the domestic property such as to sufficiently reduce the risk;
 - (c) requires the person in charge to reduce the number of dogs kept in the domestic property to no more than the number specified under paragraph (b); and
 - (d) specifies the date by which the terms of the control notice must be complied with.
 - (3) A control notice may be served on more than one person in respect of one domestic property.
 - (4) It is an offence for a person without reasonable excuse to fail to comply with a requirement under subsection (2).
 - (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (6) An authorised officer may make a complaint to a Magistrates’ Court if a person in charge fails, to the satisfaction of the authorised officer, to comply with the steps required in a control notice within the time period specified.
 - (7) A Magistrates’ Court receiving a complaint under subsection (6) shall, if it finds that the person in charge has failed to comply with the steps required in a control notice, make an order in a summary way directing any of the dogs kept in the domestic property to be destroyed.
 - (8) In this section—
 - “authorised officer” means a person appointed by a local authority within whose area the domestic property is situated for the purposes of this section;
 - “domestic property” means a building, or part of a building, that is a dwelling or is forces accommodation (or both);
 - “person in charge” means the owner or owners, and if different, person or persons for the time being in charge of the dogs.’.
-

Anti-social Behaviour, Crime and Policing Bill, *continued*

Status of off-duty civilian police staff

Mr David Hanson
Gloria De Piero
Phil Wilson

NC12

To move the following Clause:—

‘In section 29 of the Police Reform Act 2002 (Interpretation of Part 2), at the end of subsection (4)(a) there is inserted “except where that person was a member of the civilian staff of the police force and was off-duty at the time when the conduct is supposed to have taken place.”’.

Treatment of police support volunteers

Mr David Hanson
Gloria De Piero
Phil Wilson

NC13

To move the following Clause:—

‘The Secretary of State may make regulations providing that, for the purposes of this Part, a police support volunteer is to be treated as a person serving with the police.’.

Female genital mutilation review of legislation

Stephen Phillips
Richard Fuller
Stephen Barclay
Tracey Crouch

NC14

To move the following Clause:—

‘The Secretary of State must carry out an assessment of the Female Genital Mutilation Act 2003, and must lay a copy of the assessment before Parliament within 12 months of this section coming into force.’.

Anti-social Behaviour, Crime and Policing Bill, *continued**Powers of community support officers*

Stephen Barclay
Tracey Crouch
Stephen Phillips

NC15

To move the following Clause:—

- (1) Part 1 of Schedule 4 to the Police Reform Act 2002 (powers exercisable by community support officers) is amended as follows.
- (2) After section 1(2)(b) insert—
 - “(ba) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 42 of the Road Traffic Act 1988 c.53 (Breach of other construction and use requirement) as specified by Table III (Pedal cycle) of Schedule 1 (Obligatory Lamps, Reflectors, Rear Markings and Devices) of the Road Vehicles Lighting Regulations 1989/1796.”.
- (3) In section 7B(1) after “sub-paragraphs” insert “(1A),”.
- (4) After section 7B(1) insert—
 - “(1A) Where, in the exercise of the power referred to in paragraph 1A or paragraph 3, a CSO has required a person to give his name and address, and has reasonable grounds to suspect that person is in possession of a controlled drug in contravention of the Misuse of Drugs Act 1971 or of any regulations (or orders) made thereunder, the CSO may—
 - (a) search that person, and detain him for the purpose of searching him;
 - (b) search any vehicle in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle to stop it.”.
- (5) In section 11A(2) after “footway”, insert “or an offence under section 42 of the Road Traffic Act 1988 c.53 (Breach of other construction and use requirement) as specified by Table III (Pedal cycle) of Schedule 1 (Obligatory Lamps, Reflectors, Rear Markings and Devices) of the Road Vehicles (Lighting Regulations 1989/1796.”.

Assault of workers

Mr David Hanson
Phil Wilson
Gloria De Piero

NC16

To move the following Clause:—

- (1) A person, being a member of the public, who assaults a worker—
 - (a) in the course of that worker’s employment, or
 - (b) by reason of that worker’s employment,
 commits an offence.

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (2) No offence is committed—
- (a) under subsection (1)(a) unless the person who assaults knows or ought to know that the worker is acting in the course of the worker’s employment,
 - (b) under subsection (1)(b) unless the assault is motivated, in whole or in part, by malice towards the worker by reason of the worker’s employment.
- (3) In this section—
- “worker” means a person whose employment involves dealing with members of the public, to any extent, but only if that employment involves—
- (a) being physically present in the same place and at the same time as one or more members of the public, and
 - (b) (either or both)—
 - (i) interacting with those members of the public for the purposes of the employment, or
 - (ii) providing a service to either particular members of the public or the public generally,
- “employment” in this context means any paid or unpaid work whether under a contract, apprenticeship, or otherwise.
- (4) Evidence from a single source is sufficient evidence to establish for the purpose of subsection (1) whether a person is a worker.
- (5) A person guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding level 5 on the standard scale.’

Offence of using a sham marriage to avoid immigration requirements

Richard Fuller

NC17

To move the following Clause:—

- ‘(1) A person commits an offence if he or she—
- (a) applies to enter, for leave to remain or to settle in the United Kingdom, and
 - (b) relies on a sham marriage in support of that application.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years.
- (3) A “sham marriage” is a marriage entered into primarily for the purpose of avoiding the effect on one or both of the parties of one or more provisions of United Kingdom immigration law or the immigration rules.’

Anti-social Behaviour, Crime and Policing Bill, *continued**Requirement for parliamentary approval: changes to College of Policing*

Mr David Hanson
Gloria De Piero
Phil Wilson

NC18

To move the following Clause:—

‘It shall be a duty of the Secretary of State to have approval from both Houses of Parliament before any changes in funding or the introduction of membership are made to the College of Policing.’

Irregular rendition

Stephen Phillips
Tracey Crouch
Stephen Barclay
Richard Fuller

NC19

To move the following Clause:—

- ‘(1) A person who conducts, participates in or facilitates the apprehension and extrajudicial transfer of a person from one country to another commits an offence.
 - (2) An offence is committed under subsection (1),
 - (a) whether the apprehension of the person takes place in the United Kingdom or not,
 - (b) whether the transfer of the person is to or from the United Kingdom or not.
 - (3) A person guilty of an offence under subsection (1) is liable on conviction on indictment to a term not exceeding life imprisonment.’
-

Regulation of newly-developed psychoactive substances

John Woodcock

NC20

To move the following Clause:—

- ‘(1) The Secretary of State, no more than six months following Royal Assent of this Act, shall publish proposals for reforms to the Misuse of Drugs Act 1971 for consultation, to provide for a stand-alone regulatory and approval regime for newly-developed psychoactive substances.
- (2) Within three months of the consultation exercise referred to in subsection (1), the Secretary of State shall lay before both Houses of Parliament an analysis of the consultation responses and legislative proposals they consider necessary to

Anti-social Behaviour, Crime and Policing Bill, *continued*

improve the operation of the 1971 Act in relation to the regulation of newly-developed psychoactive substances.’

Consultation on proposals for reform of the Misuse of Drugs Act 1971

John Woodcock

NC21

To move the following Clause:—

- ‘(1) The Secretary of State, no more than six months following Royal Assent of this Act, shall publish proposals for reforms to the Misuse of Drugs Act 1971 and other relevant legislation, for consultation, to reduce the evidential burden placed on prosecuting authorities when demonstrating that a psychoactive substance has been supplied, or offered to be supplied, for the purposes of causing intoxication.
- (2) Within three months of the consultation exercise referred to in subsection (1), the Secretary of State shall lay before both Houses of Parliament an analysis of the consultation responses and legislative proposals they consider necessary to improve the operation of the 1971 Act and other relevant legislation in relation to the evidential burden in cases relating to the supply of psychoactive substances.’

NEW SCHEDULE

Mr Jeremy Browne

NS1

★ To move the following Schedule:—

‘SCHEDULE**POWERS TO SEIZE INVALID PASSPORTS ETC***Interpretation*

- 1 (1) In this Schedule “examining officer” means—
 - (a) a constable,
 - (b) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971, or
 - (c) a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009.
- (2) In this Schedule “travel document” means anything that is, or appears to be, a passport or other document which—
 - (a) has been issued by or for Her Majesty’s Government, or the government of another state, and
 - (b) enables or facilitates travel from one state to another.
- (3) For the purposes of this Schedule a travel document is “invalid” if—
 - (a) it has been cancelled,
 - (b) it has expired,

Anti-social Behaviour, Crime and Policing Bill, continued

- (c) it was not issued by the government or authority by which it purports to have been issued, or
 - (d) it has undergone an unauthorised alteration.
- (4) In this Schedule “port” means—
- (a) an airport,
 - (b) a sea port,
 - (c) a hoverport,
 - (d) a heliport,
 - (e) a railway station where passenger trains depart for, or arrive from, places outside the United Kingdom, or
 - (f) any other place at which a person is able, or attempting, to get on or off any craft, vessel or vehicle in connection with entering or leaving Great Britain or Northern Ireland.

Powers of search and seizure etc: ports

- 2 (1) An examining officer may exercise any of the powers under this paragraph in the case of a person at a port whom the officer believes to be there in connection with—
- (a) entering or leaving Great Britain or Northern Ireland, or
 - (b) travelling by air within Great Britain or within Northern Ireland.
- (2) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by the examining officer;
 - (b) to search for travel documents and to take possession of any that the officer finds;
 - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
 - (d) (subject to paragraph 4) to retain any travel document taken from the person that the examining officer believes to be invalid.
- (3) The power under sub-paragraph (2)(b) is a power to search—
- (a) the person;
 - (b) anything that the person has with him or her;
 - (c) any vehicle in which the examining officer believes the person to have been travelling or to be about to travel.
- (4) An examining officer may stop a person or vehicle for the purposes of exercising a power under this paragraph.

Powers of search and seizure etc: constables

- 3 (1) A constable may exercise any of the powers under this paragraph, at a place that is not a port, in the case of a person whom the constable reasonably believes to be in possession of a passport to which this paragraph applies.
- (2) This paragraph applies to a passport if—
- (a) the passport was issued by or for Her Majesty’s Government,
 - (b) the Secretary of State has cancelled the passport on the basis that the person to whom it was issued has or may have been, or will or may become, involved in activities so undesirable that it is contrary to the public interest for the person to have access to passport facilities, and
 - (c) the passport is specified in an authorisation issued by the Secretary of State for the use of the powers under this paragraph.
- (3) The powers are—

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (a) to require the person to hand over all travel documents in his or her possession for inspection by the constable;
 - (b) to search for travel documents and to take possession of any that the constable finds;
 - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
 - (d) (subject to paragraph 4) to retain any travel document taken from the person that the constable believes to be invalid.
- (4) The power under sub-paragraph (3)(b) is a power to search—
- (a) the person;
 - (b) anything that the person has with him or her;
 - (c) any vehicle in which the constable believes the person to have been travelling or to be about to travel;
 - (d) any premises on which the constable is lawfully present.

Retention or return of documents seized

- 4 (1) If a travel document is retained under paragraph 2(2)(c) or 3(3)(c) while its validity is checked, the checking must be carried out as soon as possible.
- (2) If it is established that a travel document taken from a person under paragraph 2 or 3—
- (a) is valid, or
 - (b) is invalid only because it has expired,
- it must be returned to the person straight away.
- (3) A travel document taken from a person under paragraph 2 or 3 must be returned to the person before the end of the period of 7 days beginning with the day on which it was taken, unless during that period it is established that the document is invalid for some reason other than expiry.
- (4) A requirement under sub-paragraph (2)(b) or (3) to return an expired travel document does not apply where the officer concerned reasonably believes that the person from whom he or she took the document, or some other person, intends to use it for purposes for which it is no longer valid.
- (5) A requirement under sub-paragraph (2) or (3) to return a travel document has effect subject to any provision not in this Schedule under which the document may be lawfully retained.

General

- 5 (1) An examining officer may if necessary use reasonable force for the purpose of exercising a power under paragraph 2 or 3.
- (2) An examining officer may authorise a person to carry out on the officer's behalf a search under paragraph 2 or 3.

Offences

- 6 (1) A person who is required under paragraph 2(2)(a) or 3(3)(a) to hand over all travel documents in the person's possession commits an offence if he or she fails without reasonable excuse to do so.
- (2) A person who intentionally obstructs, or seeks to frustrate, a search under paragraph 2 or 3 commits an offence.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 6 months, or

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (b) to a fine, which in Scotland or Northern Ireland may not exceed £5,000,
or to both.
- 7 An examining officer, other than a constable, exercising a power under paragraph 2 has the same powers of arrest without warrant as a constable in relation to an offence under—
- (a) paragraph 6, or
(b) section 4 or 6 of the Identity Documents Act 2010.’.

Mr Jeremy Browne

112

Schedule 7, page 146, line 16, at end insert—

- ‘() In paragraph 20A(4), at the end there is inserted “, but this is subject to paragraph 19ZD (restriction on disclosure of sensitive information)”.
- () In paragraph 20C(4)—
- (a) the words from the beginning to “sub-paragraph (3),” are omitted;
- (b) at the end there is inserted “, except so far as—
- (a) regulations made by virtue of sub-paragraph (3) provide otherwise, or
- (b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”
- () In paragraph 20H(5)—
- (a) the words from the beginning to “sub-paragraph (4),” are omitted;
- (b) at the end there is inserted “, except so far as—
- (a) regulations made by virtue of sub-paragraph (4) provide otherwise, or
- (b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”
- () In paragraph 23(12)—
- (a) the words from the beginning to “sub-paragraph (11),” are omitted;
- (b) at the end there is inserted “, except so far as—
- (a) regulations made by virtue of sub-paragraph (11) provide otherwise, or
- (b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”
- () In paragraph 24A(3), after “a report” there is inserted “to the Commission”.’.

Mr Jeremy Browne

148

★ Schedule 7, page 148, line 3, at end insert—

- ‘ In section 11 of the Extradition Act 2003 (bars to extradition), in subsection (1A), for “by reason of forum only” there is substituted “by reason of—
- (a) absence of prosecution decision, or
- (b) forum,

Anti-social Behaviour, Crime and Policing Bill, *continued*

only”’.

Mr Jeremy Browne

149

★ Schedule 7, page 148, line 3, at end insert—

‘(1) Section 21 of that Act (human rights) is amended as follows.

(1) For the heading there is substituted “**Person unlawfully at large: human rights**”.

(2) In subsection (1) the words “11 or” are omitted.’.

Mr Jeremy Browne

150

★ Schedule 7, page 148, line 6, at end insert—

‘In section 35 of that Act (extradition where there is no appeal), after subsection (4) there is inserted—

“(4A) If the day referred to in paragraph (a) of subsection (4) is earlier than the earliest day on which, by reason of an order under section 36A or 36B, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.”

In section 36 of that Act (extradition following appeal), after subsection (3) there is inserted—

“(3A) If the day referred to in paragraph (a) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 36A or 36B, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.”’.

Mr Jeremy Browne

151

★ Schedule 7, page 148, line 6, at end insert—

‘In section 66 of that Act (supplementary provision for the purposes of sections 64 and 65), in subsection (1), for “(2)” there is substituted “(1A)”’.

Mr Jeremy Browne

152

★ Schedule 7, page 148, line 12, at end insert—

‘In section 117 of that Act (extradition where there is no appeal), in subsection (2), for the words after “28 days” there is substituted “starting with—

(a) the day on which the Secretary of State makes the extradition order, or

(b) if an order is made under section 118A or 118B, the earliest day on which the extradition order may be carried out.”

In section 118 of that Act (extradition following appeal), after subsection (2) there is inserted—

“(2A) But if the day referred to in paragraph (a) or (b) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 118A or 118B, the extradition order may be carried out (“the postponed date”), the required period is 28 days beginning with the postponed date.”’.

Anti-social Behaviour, Crime and Policing Bill, *continued*

Mr Jeremy Browne

153

- ★ Schedule 7, page 148, line 12, at end insert—

‘In section 137 (definition of extradition offence for the purposes of Part 2 of the Act: person not sentenced for offence) subsection (9) is repealed.

In section 138 (definition of extradition offence for the purposes of Part 2 of the Act: person sentenced for offence) subsection (9) is repealed.’

Mr Jeremy Browne

154

- ★ Schedule 7, page 148, line 12, at end insert—

‘(1) Section 197 of that Act (custody) is amended as follows.

(2) In subsection (1), at the end there is inserted—

“This is subject to the power to order the temporary transfer of a person under section 21B.”

(3) After subsection (6) there is inserted—

“(6A) An order for a person’s temporary transfer under section 21B is sufficient authority for an appropriate person—

(a) to receive him;

(b) to keep him in custody until he is transferred in accordance with the order;

(c) to convey him to and from the territory to which he is to be transferred;

(d) on his return from that territory, to keep him in custody until he is brought back to the institution to which he was committed.”’.

Mr Jeremy Browne

155

- ★ Schedule 7, page 148, line 29, at end insert—

‘In Part 1 of Schedule 1 to that Act (re-extradition: category 1 territories), in paragraph 3, after “21(3)” there is inserted “and section 21A(5)”.’.

Mr Jeremy Browne

109

Clause 140, page 107, line 30, at end insert—

‘() section [*Retention of personal samples that are or may be disclosable*](1);’.

Mr Jeremy Browne

145

- ★ Clause 140, page 107, line 31, at end insert—

‘() section [*Criminal Procedure Rules to apply to extradition proceedings etc*];’.

Mr Jeremy Browne

146

- ★ Clause 140, page 108, line 2, at end insert—

Anti-social Behaviour, Crime and Policing Bill, continued

‘() section [*Powers to seize invalid passports etc*] and Schedule [*Powers to seize invalid passports etc*];’.

Mr Jeremy Browne

110

Clause 140, page 108, line 2, at end insert—

‘() section [*Retention of personal samples that are or may be disclosable*](2);’.

Mr Jeremy Browne

147

★ Clause 140, page 108, line 4, after ‘11’, insert ‘, except section [*Criminal Procedure Rules to apply to extradition proceedings etc*]’.

ORDER OF THE HOUSE [10 JUNE 2013]

That the following provisions shall apply to the Anti-social Behaviour, Crime and Policing Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 16 July 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other Proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
-

ORDER OF THE COMMITTEE [18 JUNE 2013]
[AS AMENDED 27 JUNE AND 9 JULY 2013]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 18 June) meet—
 - (a) at 2.00 pm on Tuesday 18 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 20 June;

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- (c) at 8.55 am and 2.00 pm on Tuesday 25 June;
 (d) at 11.30 am and 2.00 pm on Thursday 27 June;
 (e) 2.00 pm on Tuesday 2 July;
 (f) at 11.30 am and 2.00 pm on Thursday 4 July;
 (g) at 8.55 am and 2.00 pm on Tuesday 9 July;
 (h) at 11.30 am on Thursday 11 July.
 (i) at 8.55 am and 2.00 pm on Tuesday 16 July.
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 18 June	Until no later than 10.00 am	Police Superintendents' Association of England and Wales; Police Federation of England and Wales
	Until no later than 2.30 pm	Independent Police Complaints Commission
	Until no later than 4.00 pm	Local Government Association; Social Landlords Crime and Nuisance Group; Chartered Institute of Housing; Standing Committee on Youth Justice
	Until no later than 5.00 pm	College of Policing; John Randall, Independent Chair of the Police Negotiating Board and Police Advisory Board for England and Wales
Thursday 20 June	Until no later than 12.30 pm	Association of Police and Crime Commissioners; Chief police officers
	Until no later than 1.00 pm	Karma Nirvana; Freedom
	Until no later than 2.45 pm	Victim Support
	Until no later than 3.15 pm	Fair Trials International
	Until no later than 4.00 pm	Liberty
	Until no later than 4.30 pm	Royal Society for the Prevention of Cruelty to Animals; Dogs Trust
	Until no later than 5.15 pm	Home Office

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10; Schedule 1; Clause 11; Schedule 2; Clauses 12 to 86; Schedule 3; Clauses 87 to 96; Schedule 4; Clauses 97 to 113;

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Schedule 5; Clauses 114 to 124; Schedule 6; Clauses 125 to 136; new Clauses; new Schedules; Clause 137; Schedule 7; Clauses 138 to 142; remaining proceedings on the Bill;

- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 16 July.
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