



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 9 October 2013

CONSIDERATION OF BILL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL, AS AMENDED

NEW CLAUSES

Violent offender orders

Secretary Theresa May

NC8

To move the following Clause:—

- ‘(1) In section 98 of the Criminal Justice and Immigration Act 2008 (violent offender orders), after subsection (5) there is inserted—
- “(6) The Secretary of State may by order—
- (a) amend subsection (3);
- (b) make consequential amendments to subsection (4).”
- (2) In section 147(5) of that Act (orders etc subject to affirmative resolution procedure), after paragraph (d) there is inserted—
- “(da) an order under section 98(6),”.
- (3) In section 99 of that Act (qualifying offenders), in paragraph (b) of subsection (5) (meaning of “relevant offence”) after “a specified offence” there is inserted “, or the offence of murder,”.’.

Offence of forced marriage: Scotland

Secretary Theresa May

NC9

To move the following Clause:—

- ‘(1) A person commits an offence under the law of Scotland if he or she—
- (a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and

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- (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- (2) A person commits an offence under the law of Scotland if he or she—
 - (a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and
 - (b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in Scotland.
- (3) “Marriage” means any religious or civil ceremony of marriage (whether or not legally binding).
- (4) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) is directed at the victim of the offence under that subsection or another person.
- (5) A person commits an offence under subsection (1) or (2) only if, at the time of the coercion or deception—
 - (a) the person or the victim or both of them are in Scotland,
 - (b) neither the person nor the victim is in Scotland but at least one of them is habitually resident in Scotland, or
 - (c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.
- (6) “UK national” means an individual who is—
 - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
 - (b) a person who under the British Nationality Act 1981 is a British subject; or
 - (c) a British protected person within the meaning of that Act.
- (7) 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 not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or both.’.

Fees for criminal record certificates etc

Secretary Theresa May

NC10

To move the following Clause:—

‘In Part 5 of the Police Act 1997 (criminal record certificates etc), in section 125 (regulations), after subsection (1) there is inserted—

- “(1A) In prescribing the amount of a fee that—
 - (a) is payable in relation to applications under a particular provision of this Part, but
 - (b) is not payable in relation to applications made by volunteers,

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the Secretary of State may take into account not only the costs associated with applications in relation to which the fee is payable but also the costs associated with applications under that provision made by volunteers.”.

Power of community support officer to issue fixed penalty notice for cycle light offence

Secretary Theresa May

NC11

To move the following Clause:—

- ‘(1) Part 1 of Schedule 4 to the Police Reform Act 2002 (powers of community support officers) is amended as follows.
 - (2) In sub-paragraph (2)(b) of paragraph 1 (power to issue fixed penalty notices)—
 - (a) for “in respect of an offence” there is substituted “in respect of—
 - (i) an offence”;
 - (b) at the end there is inserted “, or
 - (ii) an offence, under section 42 of the Road Traffic Act 1988, of contravening or failing to comply with a construction or use requirement about lighting equipment or reflectors for cycles;”.
 - (3) In sub-paragraph (2) of paragraph 11A (power to stop cycles)—
 - (a) for “has committed an offence” there is substituted “has committed—
 - (a) an offence”;
 - (b) at the end there is inserted “, or
 - (b) an offence, under section 42 of the Road Traffic Act 1988, of contravening or failing to comply with a construction or use requirement about lighting equipment or reflectors for cycles;”.
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Credit for time in custody awaiting extradition to United Kingdom to serve sentence

Secretary Theresa May

NC12

To move the following Clause:—

- ‘In section 49 of the Prison Act 1952 (persons unlawfully at large), after subsection (3) there is inserted—
- “(3A) Where—
- (a) a person is extradited to the United Kingdom from a category 1 territory for the purpose of serving a term of imprisonment or another form of detention mentioned in subsection (2) of this section, and
 - (b) the person was for any time kept in custody in that territory with a view to the extradition (and not also for any other reason),

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the Secretary of State shall exercise the power under that subsection to direct that account shall be taken of that time in calculating the period for which the person is liable to be detained.

- (3B) In subsection (3A) of this section “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.”.

Sexual harm prevention orders and sexual risk orders, etc

Secretary Theresa May

NC14

To move the following Clause:—

- ‘(1) Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*] (amendments of Part 2 of the Sexual Offences Act 2003) has effect.
- (2) In section 142 of the Sexual Offences Act 2003 (extent etc)—
- (a) in subsection (2) (provisions that extend to Northern Ireland, as well as England and Wales), for paragraph (c) there is substituted—
- “(c) sections 80 to 88, 89 to 91, 92 to 96, 96B to 103, 122F and 130 to 136ZB;
- (ca) Part 2A;”;
- (b) after that subsection there is inserted—
- “(2A) Sections 110, 117A, 119 and 123 to 129 extend only to Northern Ireland.”
- (c) In subsection (3) (provisions that extend to Scotland, as well as England and Wales) for paragraph (a) there is substituted—
- “(a) sections 80 to 88, 89 to 91, 92, 94 to 96, 97 to 103, 122F, 130 to 132 and 133 to 136ZB;”;
- (d) after that subsection there is inserted—
- “(3A) Sections 88A to 88I, 96A, 111A, 117B, 120 and 121 extend only to Scotland.
- (3B) Sections 104 to 109, 111, 112 to 117, 118 and 122 extend to Northern Ireland and Scotland but not to England and Wales.”.

Saving and transitional provision

Secretary Theresa May

NC15

To move the following Clause:—

- ‘(1) In this section—
- “the 2003 Act” means the Sexual Offences Act 2003;
- “existing order” means—

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- (a) a sexual offences prevention order under section 104 of the 2003 Act;
 - (b) a foreign travel order under section 114 of that Act;
 - (c) a risk of sexual harm order under section 123 of that Act;
- “new order” means—
- (a) a sexual harm prevention order (made under section 103A of the 2003 Act, inserted by Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*]);
 - (b) a sexual risk order (made under section 122A of that Act, inserted by that Schedule);
- “old order” means—
- (a) a restraining order under section 5A of the Sex Offenders Act 1997;
 - (b) a sex offender order under section 2 of the Crime and Disorder Act 1998.
- (2) The repeal or amendment by this Act of sections 104 to 122 or sections 123 to 129 of the 2003 Act does not apply in relation to—
- (a) an application made before the commencement day for an existing order;
 - (b) an existing order (whether made before or after that day) applied for before that day;
 - (c) anything done in connection with such an application or order.
- (3) The following sections of the 2003 Act inserted by Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*] apply (as appropriate) to an old order as they apply to a new order—
- (a) section 103E (variation, renewal and discharge of sexual harm prevention order);
 - (b) section 103I (offence of breach of sexual harm prevention order);
 - (c) section 122E (variation, renewal and discharge of sexual risk order);
 - (d) section 122H (offence of breach of sexual risk order).
- (4) As from the commencement day there may be no variation of an existing order or an old order that extends the period of the order or of any of its provisions.
- (5) At the end of the period of 5 years beginning with the commencement day—
- (a) in relation to any existing order or old order that is still in force, sections 103E and 103I of the 2003 Act or sections 122E and 122H of that Act (as appropriate) have effect, with any necessary modifications (and with any modifications specified in an order under section 152(6) of this Act), as if the provisions of the order were provisions of a new order;
 - (b) subsections (2) and (3) cease to have effect.
- (6) In this section “commencement day” means the day on which this section comes into force.’.

Functions of Scottish Ministers under Firearms Acts

Secretary Theresa May

NC20

To move the following Clause:—

- ‘(1) In section 5 of the Firearms Act 1968 (weapons subject to general prohibition)—

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

- (a) in subsections (1) and (1A), for the words between “commits an offence if,” and “, he has in his possession” there is substituted “without authority”;
 - (b) in subsection (4), for the words from the beginning to “the Scottish Ministers” there is substituted “An authority shall be subject to conditions specified in it, including such as the Secretary of State or the Scottish Ministers (as appropriate)”;
 - (c) in subsection (6), for the words before “revoke an authority” there is substituted “The Secretary of State or the Scottish Ministers (as appropriate) may at any time, if they think fit.”.
- (2) In section 5A of that Act (exemptions from requirement of authority under section 5)—
- (a) in subsections (1), (2)(a), (2)(b), (3), (4), (5), (6) and (7), for “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)” there is substituted “or the Scottish Ministers”;
 - (b) in subsection (6), for the words after “without the authority of the Secretary of State” there is substituted “or the Scottish Ministers (as appropriate)”.
- (3) In the Firearms (Amendment) Act 1997—
- (a) in sections 2, 3, 4, 5, 6, 7(1) and 8 (exemptions from prohibition on small firearms etc), for “The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)” there is substituted “The authority of the Secretary of State or the Scottish Ministers”;
 - (b) in section 7(3), for the words “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”, in the first place where they occur, there is substituted “or the Scottish Ministers”.
- (4) In the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750)—
- (a) in Schedule 1, in the entry for the Firearms Act 1968, the words “5 and” are omitted;
 - (b) in Schedule 5, paragraph 3 and paragraph 18(2) to (6), (7)(a) and (8) are omitted.’.

Review of funding of early intervention and anti-social behaviour services

Andrea Leadsom

NC1

To move the following Clause:—

- ‘(1) The Secretary of State shall undertake a review of funding arrangements for early intervention services and services designed to prevent or mitigate anti-social behaviour, to report within 12 months of the coming into force of Part 1 of this Act.
 - (2) The purpose of the review shall be to examine whether redistributing funding to early intervention services would be likely to reduce long-term rates of anti-social behaviour.’.
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Anti-social Behaviour, Crime and Policing Bill, *continued*

Amendment of Breeding of Dogs Act 1973

Mr David Amess
Julie Hilling

NC2

To move the following Clause:—

‘In section 1(4) of the Breeding of Dogs Act 1973 omit subsection (g) and insert—

“(g) that bitches do not breed more than two litters per year without an appropriate licence from the local authority.”.’

Dog control notices

Mr David Hanson
Phil Wilson
Gloria De Piero
Julie Hilling
Mr Andrew Smith

NC3

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) 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 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.

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

- (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.
 - (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.'.
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Firearms' licensing

Mr David Hanson
Phil Wilson
Gloria De Piero

NC4

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

 - (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.
 - (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.”.
 - (3) Section 113 of the Firearms Act 1968 (power of Secretary of State to alter fees) is amended as follows.
 - (4) 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 appropriate after considering the costs they incur through the administration and assessment of firearms' licences made under this Act.”.
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Anti-social Behaviour, Crime and Policing Bill, *continued*

Child sexual abuse prevention orders

Nicola Blackwood
Mr William Cash
Keith Vaz
Jackie Doyle-Price
Kris Hopkins
Dan Byles

Ann Coffey
Penny Mordaunt
Jason McCartney
Andrea Leadsom
Priti Patel
Richard Harrington
Charlie Elphicke
Chris Heaton-Harris
Harriett Baldwin
Pauline Latham
Mr Jonathan Djanogly
Mr James Clappison
Stephen Barclay
Andrew Stephenson
Charlotte Leslie
Mike Freer
Mr Philip Hollobone
Mr George Howarth
Heather Wheeler

Sarah Newton
Mark Garnier
Valerie Vaz
Dr Philip Lee
Richard Fuller
Mr Brian Binley
Mr Robert Buckland
Julian Sturdy
Sir John Stanley
Philip Davies
Mr Jim Cunningham
Tim Loughton
Bill Wiggin
Sarah Champion
Jim Shannon
Caroline Lucas
Mr Adrian Sanders
Zac Goldsmith
Sir Richard Shepherd

Robert Halfon
Jacob Rees-Mogg
Mr Frank Field
Mr Peter Bone
Robin Walker
Simon Kirby
Gordon Henderson
Mr Julian Brazier
George Freeman
Mr Richard Bacon
Mr Stewart Jackson
Fiona MacTaggart
Mr Mark Spencer
Craig Whittaker
Mike Wood
Mr Dave Watts
Caroline Lucas
Dr Julian Lewis
John Hemming

NC5

To move the following Clause:—

- ‘(1) The Sexual Offences Act 2003 is amended as follows.
- (2) For sections 123 (Risk of sexual harm orders: applications, grounds and effect) to 129 (Effect of conviction etc. of an offence under section 128) substitute—

“123 Child Sexual Abuse Prevention Orders: Applications and grounds

- (1) On the application of a qualifying person, or on conviction of a qualifying offence, a magistrates’ court may make a ‘child sexual abuse prevention order’ if it is satisfied that it is necessary to make such an order for the purposes of protecting children generally or any particular child from serious sexual harm from the defendant.
- (2) A qualifying person under subsection (1) shall be a chief officer of police or an officer, of superintendant rank or above, in the NCA or other relevant agency to be decided by the Home Secretary.
- (3) In subsection (1) a defendant shall be considered to be convicted of a qualifying offence who—
 - (a) is convicted of an offence listed in schedules 3 and 5;
 - (b) is found not guilty of such an offence by reason of insanity;
 - (c) is found to be under a disability and to have done the act charged against him in respect of such an offence;
 - (d) is cautioned in respect of such an offence;
- (4) A chief officer of police may apply for an order under this section in respect of a person who resides in his police area or who the chief officer believes is in, or is intending to come to, his police area.

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

- (5) An application under subsection (1) may be made to a magistrates' court whose commission area includes—
 - (a) any part of the police area, or
 - (b) any place where it is alleged that the defendant committed one or more offences listed in schedules 3 and 5.

124 Section 123: supplemental

- (1) In this Part, 'Child Sexual Abuse Prevention Order' means an order under section 123.
- (2) Subsections (3) and (4) apply for the purposes of Section 1.
- (3) 'Protecting children generally or any particular child from serious sexual harm from the defendant' means protecting persons under 18 or any person under 18, in or outside the United Kingdom, from serious physical or psychological harm caused by the defendant committing one or more offences listed in Schedule 3.
- (4) Acts, behaviour, convictions, and findings include those occurring before the commencement of this Part.
- (5) In subsection (1)(1), a person shall also be considered to have been convicted of a qualifying offence if, under law in force in a country outside the United Kingdom and whether before or after the commencement of this Part—
 - (a) he has been convicted of a relevant offence (whether or not he has been punished for it),
 - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that he is not guilty by reason of insanity,
 - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that he is under a disability and did the act charged against him in respect of the offence, or
 - (d) he has cautioned in respect of a relevant offence.
- (6) In subsection (5), a 'relevant offence' means an act which—
 - (a) constituted an offence under the law in force in the country concerned, and
 - (b) would have constituted an offence within schedules 3 and 5 if it had been done in any part of the United Kingdom.
- (7) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of subsection (6), however it is described in that law.
- (8) Subject to subsection (9), on an application under section 1 the condition in subsection (6)(b) above (where relevant) is to be taken as met unless, not later than rules of the court may provide, the defendant serves on the applicant a notice—
 - (a) stating that, on the facts as alleged with respect to the act concerned, the condition is not in his opinion met,
 - (b) showing his grounds for that opinion, and
 - (c) requiring the applicant to prove that the condition is met.

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

- (9) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without the service of a notice under subsection (8).

125 Child-SAPOs: effect

- (1) A Child Sexual Abuse Prevention Order—
- (a) prohibits the defendant from doing anything described in the order, and
 - (b) has effect for a fixed period (not less than five years) specified in the order or until further order.
- (2) The only prohibitions that may be included in the order are those necessary for the purpose of protecting children generally or any particular child from serious sexual harm from the defendant.
- (3) Where a court makes a child sexual abuse prevention order in relation to a person already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.
- (4) Section 3(3) applies for the purposes of this section and section 5.

126 Child-SAPOs: variations, renewals and discharges

- (1) A person within subsections (2) may apply to the appropriate court for an order varying, renewing or discharging a child sexual abuse prevention order.
- (2) The persons are—
- (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come on to, his police area;
 - (d) where an order was made on an application under section 1(1), the chief officer or other qualifying person who made the application.
- (3) An application under subsection (1) may be made—
- (a) where the appropriate court is the Crown Court, in accordance with rules of the court;
 - (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (6), on the application of the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the child sexual abuse prevention order, that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions on or to lift prohibitions from the defendant, only if it is necessary to do so for the purposes of protecting children generally or any particular child from serious sexual harm from the defendant (and any renewed or varied order may contain only such prohibitions as are necessary for this purpose).

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

- (6) The court must not discharge an order before the end of five years beginning with the day on which the order was made, without the consent of the defendant and—
- (a) where the application is made by a chief officer of police, that chief officer, or other qualifying person or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (7) In this section ‘the appropriate court’ means—
- (a) where the Crown Court or the Court of Appeal made the child sexual abuse prevention order, the Crown Court;
 - (b) where a magistrates’ court made the order, that court, a magistrates’ court for the area in which the defendant resides, or where the application is made by a chief officer of police, any magistrates’ court whose commission area includes any part of the chief officers’ police area or any area where the alleged offences occurred.
 - (c) where a youth court made the order, that court, the youth court for the area in which the defendant resides or, where the application is made, any youth court whose commission area includes any part of a chief officer’s police area or any place where the alleged offences occurred.
- (8) This section applies to orders under—
- (a) Section 5A of the Sex Offenders Act 1997 (c.51) (restraining orders),
 - (b) Section 2 or 20 of the Crime and Disorder Act 1998 (c.37) (sex offender orders made in England and Wales and Scotland),
 - (c) Article 6 of the Criminal Justice (Northern Ireland) Order 1998 (S.I., 1998/2839 (N.I. 20)) (sex offender orders made in Northern Ireland), and
 - (d) as it applies to child sexual abuse prevention orders.

127 Interim Child-SAPOs

- (1) This section applies where an application under section 123(1) (‘the main application’) has not been determined.
- (2) An application for an order under this section (‘an interim child sexual abuse prevention order’)—
- (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The Court may, if it considers it just to do so, make an interim child sexual abuse prevention order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
- (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.

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

- (5) The applicant or the defendant may by complaint apply to the court that made the interim child sexual abuse prevention order for the order to be varied, renewed or discharged.
- (6) Subsection (5) applies to orders under—
 - (a) Sections 2A or 20(4)(a) of the Crime and Disorder Act 1998 (c.37) (interim orders made in England and Wales Scotland), and
 - (b) Article 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I., 1998/2839 (N.I. 20)) (interim orders made in Northern Ireland),as it applies to interim child sexual abuse prevention orders.

128 Child-SAPO and interim Child-SAPO appeals

- (1) A defendant may appeal to the Crown Court against the making of a child sexual abuse prevention order under section 123(1).
- (2) A defendant may appeal to the Crown Court against the making of an interim child sexual abuse prevention order under section 127(3).
- (3) A defendant may appeal against the making of an order under section 127(3), or the refusal to make such an order—
 - (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
 - (b) in any other case, to the Crown Court.
- (4) On an appeal under section (1), (2) or subsection (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under sections (1) or (2) (other than an order directing that an application be re-heard by a magistrates' court) is for the purpose of subsections 126(7) and 127(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

129 Offence: breach of a Child-SAPO or interim Child-SAPO

- (1) A person commits an offence if, without reasonable excuse, he does anything which he is prohibited from doing by—
 - (a) a child sexual abuse prevention order;
 - (b) an interim child sexual abuse prevention order,
 - (c) an order under section 5A of the Sex Offenders Act 1997 (c.51) (restraining orders);
 - (d) an order under sections 2, 2A or 20 of the Crime and Disorder Act 1998 (c.37) (sex offenders orders and interim orders made in England and Wales and in Scotland);
 - (e) an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I., 1998/2839 (N.I. 20)) (sex offender orders and interim orders made in Northern Ireland).
- (2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding five years.
 - (c) where a person is convicted of an offence under this section, it is not open to the court by or before which he is convicted to make, in respect of the offence, an order for conditional discharge or, in Scotland, a probation order.
- (3) The Home Secretary shall issue guidance on the use of child sexual abuse prevention orders and interim child sexual abuse prevention orders within six months of this section coming into force.”’.

Dog number control notice

Julie Hilling
Mr Andrew Smith
Paul Goggins

NC6

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—

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

“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.?

Possession of prohibited written material about children

Sir Paul Beresford
Paul Goggins

NC7

To move the following Clause:—

- (1) Section 62 of the Coroners and Justice Act 2009 (offence of possession of prohibited images of children) is amended as follows.
- (2) In subsection (1), after “prohibited image of a child” insert “or prohibited written material about a child”.
- (3) After subsection (2) insert—

“(2A) Prohibited written material about a child is written material which—

- (a) is pornographic,
- (b) falls within subsection (6), and
- (c) is grossly offensive, disgusting or otherwise of an obscene character.”

- (4) In subsection (3), after “image” insert “or written material”.

- (5) After subsection (5) insert—

“(5A) Where (as found in the person’s possession) written material forms part of a series of written material, the question whether the written material is of such a nature as is mentioned in subsection (2A) is to be determined by reference to—

- (a) the written material itself, and
- (b) (if the series of written material is such as to be capable of providing a context for the written material) the context in which it occurs in the series of written material.

- (5B) So, for example, where—

- (a) written material forms an integral part of a narrative constituted by a series of written material, and
- (b) having regard to those written materials as a whole, they are not of such a nature that they must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal,

the written material may, by virtue of being part of that narrative, be found not to be pornographic, even though it might have been found to be pornographic if taken by itself.”

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

- (6) In subsection (6), insert “or written material” after the word “image” each time it appears.’.
-

Requirement to fit a post box guard where a dog is present

Ann Coffey

NC13

To move the following Clause:—

- ‘(1) The Secretary of State shall bring forward regulations to require householders to fit a guard to their letterbox if—
- (a) the householder owns a dog,
 - (b) the dog is kept in residential premises to which the letterbox is fitted, and
 - (c) the letterbox opens directly into those premises.
- (2) Regulations made under subsection (1) shall include provision concerning—
- (a) the size and style of the guard to be fitted, and
 - (b) the householder being liable to a civil penalty for any harm caused as a result of failing to comply with this requirement.
- (3) Regulations under this section—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.’.

Control of new psychoactive substances

Diana Johnson
Mr Steve Reed
Mr David Hanson
Helen Jones
Jack Dromey
John Woodcock

NC16

To move the following Clause:—

- ‘(1) Any person supplying, or offering to supply, a synthetic 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 is likely to be consumed by a person for the purpose of causing intoxication will be subject to a Synthetic Psychoactive Product Order prohibiting its supply.
- (2) Any subsequent breach of that Order will be an offence.

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

- (3) 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.
- (4) 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.’.

Community protection notices (dogs)

Angela Smith

NC17

To move the following Clause:—

- ‘(1) An authorised person may issue a community protection notice (dogs) to the owner or person for the time being in control of the dog if they have reasonable cause to believe that—
 - (a) the dog is not under sufficient control, and
 - (b) preventative measures are required to protect the public, the dog itself, or another protected animal.
- (2) An “authorised person” means a police officer, local authority dog warden, or other authorised person.
- (3) A community protection notice (dogs) is a notice that imposes any of the following requirements on the owner or person for the time being in control of the dog—
 - (a) a requirement to have the dog microchipped;
 - (b) a requirement to obtain third party liability insurance;
 - (c) a requirement for the dog to be kept on a leash in public;
 - (d) a requirement for the dog to be muzzled in public;
 - (e) a requirement for the transferring or relinquishing of ownership of the dog without notifying the enforcing authority.
- (4) A community protection notice may be issued—
 - (a) without notice, and
 - (b) with immediate effect.
- (5) A person issued with a community protection notice (dogs) who fails to comply with it commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.’.

Requirement to fit a post box guard where a dog is present

Ann Coffey

NC18

To move the following Clause:—

- ‘(1) The Secretary of State shall bring forward regulations to require householders to fit a guard to their letterbox if—

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

- (a) the householder owns a dog,
 - (b) the dog is kept in residential premises to which the letterbox is fitted,
 - (c) the letterbox opens directly into those premises, and
 - (d) a person may reasonably conclude that there is the possibility of the dog causing harm to someone using the letterbox.
- (2) Regulations made under subsection (1) shall include provision in respect of—
- (a) the size and style of the guard to be fitted, and
 - (b) the householder to be liable to a civil penalty for any harm caused as a result of failing to comply with this requirement.
- (3) Regulations under this section—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.’

Written control notice

Miss Anne McIntosh

NC19

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) 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 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.

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

- (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.
- (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 wild state.
- (7) A person served with a dog control notice may appeal against the notice to a magistrates' court within the period of 14 days beginning with the date on which that person was served with the notice.
- (8) The grounds on which a person served such a notice may appeal are one or more of the following—
 - (a) that the notice contains required steps which are unreasonable in character, or extent, or are unnecessary; or
 - (b) that there has been some defect or error in, or in connection with, the notice.
- (9) On hearing of the appeal the court may—
 - (a) quash the dog control notice to which the appeal relates; or
 - (b) vary the notice in such a manner as it thinks fit; or
 - (c) dismiss the appeal.'.

Secretary Theresa May

Clause 1, page 2, line 7, leave out paragraph (b).

1

Secretary Theresa May

Clause 4, page 3, line 38, at end insert—

'() the Natural Resources Body for Wales,'.

2

Secretary Theresa May

Clause 4, page 3, line 39, leave out from 'functions' to end of line 43 and insert '
or a Special Health Authority exercising security management functions on the direction of the Secretary of State, or

() the Welsh Ministers exercising security management functions, or a person or body exercising security management functions on the direction of the Welsh Ministers or under arrangements made between the Welsh Ministers and that person or body.'.

3

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

- Secretary Theresa May 4
- Clause 4, page 3, line 44, leave out paragraphs (h) and (i).
- Secretary Theresa May 5
- Clause 4, page 4, line 1, at end insert—
- ‘() In subsection (1) “security management functions” means—
- (a) the Secretary of State’s security management functions within the meaning given by section 195(3) of the National Health Service Act 2006;
- (b) the functions of the Welsh Ministers corresponding to those functions.’
-
- Secretary Theresa May 6
- Clause 8, page 5, line 21, at end insert—
- ‘(za) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;’.
- Secretary Theresa May 7
- Clause 8, page 5, line 27, leave out ‘(3)(a)’ and insert ‘(3)(za) or (a)’.
-
- Secretary Theresa May 8
- Clause 9, page 5, line 38, at end insert—
- ‘() a judge of the High Court, if the injunction was granted by the High Court;’.
- Secretary Theresa May 9
- Clause 9, page 6, line 3, at end insert—
- ‘() A warrant issued by a judge of the High Court must require the respondent to be brought before that court.’.
-
- Secretary Theresa May 10
- Clause 12, page 6, line 24, after ‘lives’ insert ‘(“the premises”)’.
- Secretary Theresa May 11
- Clause 12, page 6, line 25, leave out paragraph (a).

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

Secretary Theresa May	12
<p>Clause 12, page 6, line 27, leave out ‘the local authority or housing provider’ and insert—</p> <p style="padding-left: 40px;">(i) a local authority,</p> <p style="padding-left: 40px;">(ii) the chief officer of police for the police area that the premises are in, or</p> <p style="padding-left: 40px;">(iii) if the premises are owned or managed by a housing provider, that housing provider.’</p>	
Secretary Theresa May	13
<p>Clause 12, page 6, line 35, leave out ‘local authority or’.</p>	
Secretary Theresa May	14
<p>Clause 12, page 6, line 37, leave out ‘authority or’ and insert ‘housing’.</p>	
Secretary Theresa May	15
<p>Clause 12, page 6, line 40, leave out ‘authority or’ and insert ‘housing’.</p>	

Secretary Theresa May	16
<p>Clause 21, page 11, leave out line 26 and insert ‘any person’.</p>	
Secretary Theresa May	17
<p>Clause 21, page 12, line 4, leave out paragraph (b).</p>	

Secretary Theresa May	18
<p>Clause 32, page 18, line 23, leave out from ‘if’ to first ‘that’ in line 25 and insert ‘satisfied on reasonable grounds’.</p>	

Secretary Theresa May	19
<p>Clause 40, page 23, line 1, leave out subsection (5).</p>	

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

- Secretary Theresa May 20
Clause 43, page 24, leave out lines 19 to 22.
- Secretary Theresa May 21
Clause 43, page 24, line 31, leave out subsection (3) and insert—
(3) While an appeal against a community protection notice is in progress—
(a) a requirement imposed by the notice to stop doing specified things remains in effect, unless the court orders otherwise, but
(b) any other requirement imposed by the notice is of no effect.
For this purpose an appeal is “in progress” until it is finally determined or is withdrawn.’
-
- Secretary Theresa May 22
Clause 45, page 26, line 9, leave out ‘specified in’ and insert ‘alleged to constitute a failure to comply with’.
- Secretary Theresa May 23
Clause 45, page 26, line 11, leave out paragraph (a).
- Secretary Theresa May 24
Clause 45, page 26, line 19, leave out paragraph (a).
-
- Secretary Theresa May 25
Clause 60, page 36, line 7, at end insert—
() Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.’
-
- Secretary Theresa May 26
Clause 62, page 37, line 6, at end insert ‘, or
() a variation of a public spaces protection order.’.
- Secretary Theresa May 27
Clause 62, page 37, line 10, after ‘order’ insert ‘or variation’.

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

Secretary Theresa May	28
Clause 62, page 37, line 11, after ‘order’ insert ‘(or by the order as varied)’.	
Secretary Theresa May	29
Clause 62, page 37, line 13, after ‘order’ insert ‘or variation’.	
Secretary Theresa May	30
Clause 62, page 37, line 15, after ‘order’ insert ‘or variation’.	
Secretary Theresa May	31
Clause 62, page 37, line 17, leave out ‘public spaces protection order’ and insert ‘order or variation’.	
Secretary Theresa May	32
Clause 62, page 37, line 17, leave out ‘its prohibitions or requirements’ and insert ‘the prohibitions or requirements imposed by the order (or by the order as varied)’.	
Secretary Theresa May	33
Clause 62, page 37, line 20, after ‘order’ insert ‘or variation’.	
Secretary Theresa May	34
Clause 62, page 37, line 21, after ‘order’ insert ‘(or by the order as varied)’.	
Secretary Theresa May	35
Clause 62, page 37, line 24, leave out from first ‘or’ to end of line and insert ‘variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied)’.	
Secretary Theresa May	36
Clause 62, page 37, line 25, leave out ‘its prohibitions or requirements’ and insert ‘the prohibitions or requirements imposed by the order (or by the order as varied)’.	
Secretary Theresa May	37
Clause 62, page 37, line 29, after ‘order’ insert ‘, or of a variation of a public spaces protection order,’.	
<hr/>	
Secretary Theresa May	38
Clause 63, page 38, line 3, at end insert—	

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

- () Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 59).'
-

Secretary Theresa May

39

Clause 70, page 42, line 14, at end insert—

- () In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.'
-

Secretary Theresa May

40

Clause 73, page 44, line 11, at end insert—

- () In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.'
-

Secretary Theresa May

41

Clause 81, page 49, line 17, after 'owner' insert 'or occupier'.

Secretary Theresa May

42

Clause 81, page 49, line 21, at end insert—

- () An order under this section may be made only against a person who has been served with the application for the order.'

Secretary Theresa May

43

Clause 81, page 49, line 22, after 'must' insert 'also'.

Secretary Theresa May

44

Clause 81, page 49, line 26, leave out paragraph (c).

Secretary Theresa May

45

Clause 93, page 64, line 3, at end insert—

- () For the purposes of subsection (2), an action is appropriate to be carried out by a person only if it has one or more of the following objects—
- (a) assisting in the person's rehabilitation;

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

- (b) ensuring that the person makes reparation for the behaviour or offence in question;
- (c) punishing the person.’.

Secretary Theresa May

46

Clause 93, page 64, leave out lines 6 to 11 and insert—

- ‘(a) have regard to the need promote public confidence in the out-of-court disposal process;
 - (b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;
 - (c) carry out the necessary consultation and take account of all views expressed by those consulted.
- () In subsection (3)(c) “the necessary consultation” means—
- (a) consultation with the chief officer of police for the area,
 - (b) consultation with whatever community representatives the local policing body thinks it appropriate to consult, and
 - (c) whatever other public consultation the local policing body thinks appropriate.’.

Secretary Theresa May

47

Clause 93, page 64, line 16, at end insert—

- ‘() The Secretary of State must publish any guidance issued under subsection (3)(b).’.

Secretary Theresa May

48

Clause 93, page 64, line 22, at end insert—

“out-of-court disposal process” means the process by which a person is dealt with under section 94 or by means of a conditional caution or youth conditional caution.’.

Miss Anne McIntosh

98

Clause 98, page 70, leave out lines 45 and 46 and insert ‘for the purposes of this Act, “assistance dog” means a dog which has been accredited to assist a disabled person by a prescribed charity or other organisation.’.

Miss Anne McIntosh

97

Clause 98, page 70, line 46, at end insert ““dwelling”, for the purposes of section 3, includes enclosed buildings within the curtilage of the dwelling and associated with it, where a person might reasonably expect to find a dog, such as garages, sheds and other outbuildings;’.

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

Miss Anne McIntosh

99

Clause 99, page 71, line 33, at end add—

‘(5) After section 7 there is inserted—

“7A Fit and proper person code of practice

- (1) The Secretary of State must prepare a draft code of practice giving guidance about the matters to be considered when determining whether someone is a fit and proper person for the purposes of sections 1, 4 and 4B.
- (2) The Secretary of State must lay before Parliament—
 - (a) any draft code of practice prepared under this section; and
 - (b) an order to be made by statutory instrument providing for the code to come into force, subject to subsection (4).
- (3) Before preparing such a draft code, the Secretary of State must consult such persons as the Secretary of State thinks appropriate.
- (4) Where a draft is laid before Parliament under subsection (2)(a), if neither House passes a resolution disapproving the draft within 40 days—
 - (a) the Secretary of State may issue the code in the form of the draft; and
 - (b) it shall come into force in accordance with provision made under subsection (2)(b).”’.

Secretary Theresa May

100

Clause 100, page 71, line 37, leave out ‘follows’ and insert ‘set out in subsections (2) to (6)’.

Secretary Theresa May

101

Clause 100, page 72, line 2, leave out from ‘without’ to end of line at line 4 and insert ‘authority’.

Secretary Theresa May

102

Clause 100, page 72, line 12, at end insert—

‘() For subsection (3) of that section there is substituted—

- “(3) In this section “authority” means an authority given in writing by—
- (a) the Secretary of State (in or as regards England and Wales), or
 - (b) the Scottish Ministers (in or as regards Scotland).”’.

Secretary Theresa May

103

Clause 100, page 72, line 12, at end insert—

‘() In section 5A (exemptions from requirement of authority under section 5)—

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

- (a) in subsections (1), (3), (4), (5), (6) and (7), the words “subsection (1A) of” are omitted;
- (b) in subsections (1) and (3), for “any prohibited weapon or ammunition” there is substituted “any weapon, ammunition or missile specified in subsection (1A) of that section”.

Secretary Theresa May

104

Clause **100**, page **72**, line **30**, at end insert—

- ‘() In section 1 of the Firearms (Amendment) Act 1997 (extension of section 5 of the 1968 Act to prohibit certain small firearms etc), after subsection (7) there is inserted—
 - “(7A) In sections 2 to 7 below any reference to subsection (1)(aba) of section 5 of the 1968 Act shall include a reference to subsection (2A) of that section as it applies in relation to a firearm specified in subsection (1)(aba) of that section.
 - (7B) In section 8 below the reference to subsection (1)(aba), (b) or (c) of section 5 of the 1968 Act shall include a reference to subsection (2A) of that section as it applies in relation to any weapon or ammunition specified in subsection (1)(aba), (b) or (c) of that section.”’.

Secretary Theresa May

49

Clause **104**, page **75**, line **17**, after ‘offence’ insert ‘under the law of England and Wales’.

Secretary Theresa May

50

Clause **104**, page **75**, line **22**, after ‘offence’ insert ‘under the law of England and Wales’.

Secretary Theresa May

51

Clause **112**, page **80**, line **24**, at end insert—

- ‘() The Secretary of State may secure the reimbursement of payments made under section 61(5) or (7) of the Police Act 1996 (payment by Scottish Ministers or Department of Justice in Northern Ireland towards expenses incurred by the Police Negotiating Board for the United Kingdom) to the extent that, by reason of the abolition of the Board, the payments are not needed.’.

Secretary Theresa May

52

Clause **114**, page **83**, line **22**, leave out ‘Police Advisory Board for England and

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

Wales’ and insert ‘appropriate advisory or negotiating body’.

Secretary Theresa May

53

Clause 114, page 83, line 24, at end insert—

“(1A) In subsection (1) above, “the appropriate advisory or negotiating body” means—

- (a) as regards England and Wales, the Police Advisory Board for England and Wales;
- (b) as regards Scotland, the Police Negotiating Board for Scotland.’.

Secretary Theresa May

54

Clause 114, page 83, line 25, after ‘above’ insert ‘as regards England and Wales,’.

Secretary Theresa May

55

Clause 114, page 83, line 37, leave out from ‘paragraph’ to end of line 40 and insert ‘3, for sub-paragraph (3) there is substituted—

“(3) The Secretary of State shall—

- (a) consult with the Police Advisory Board for England and Wales before exercising the power as regards England and Wales;
- (b) consult with the Police Negotiating Board for Scotland before exercising the power as regards Scotland;
- (c) consult with the Northern Ireland Policing Board and the Police Association for Northern Ireland before exercising the power as regards Northern Ireland.”’.

Secretary Theresa May

56

Clause 129, page 99, line 6, leave out from ‘But’ to end of line 8 and insert ‘if proceedings in respect of the extradition are adjourned under section 8A or 8B, the permitted period is extended by the number of days for which the proceedings are so adjourned.’”’.

Secretary Theresa May

57

Clause 134, page 103, line 2, at end insert—

() In section 28 of that Act (appeal against discharge at extradition hearing: category 1 territory)—

- (a) in subsection (4), for “section may” there is substituted “section—
 - (a) may”;
- (b) at the end of that subsection there is inserted “, but
 - (b) lies only with the leave of the High Court.”’.

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

Secretary Theresa May

58

Clause 134, page 103, line 13, at end insert—

- ‘() In section 105 of that Act (appeal against discharge at extradition hearing: category 2 territory)—
 - (a) in subsection (4), for “section may” there is substituted “section—
(a) may”;
 - (b) at the end of that subsection there is inserted “, but
(b) lies only with the leave of the High Court.”’.

Secretary Theresa May

59

Clause 134, page 103, line 20, leave out from ‘subsection’ to third ‘the’ in line 22 and insert ‘(7) there is inserted—

- “(7A) Where a person gives notice of application for leave to appeal after the end of the permitted period (whether or not the application is for leave to appeal on human rights grounds),”’.

Secretary Theresa May

60

Clause 134, page 103, line 25, at end insert—

- ‘() In section 110 of that Act (appeal against discharge by Secretary of State)—
 - (a) in subsection (4), for “section may” there is substituted “section—
(a) may”;
 - (b) at the end of that subsection there is inserted “, but
(b) lies only with the leave of the High Court.”’.

Jeremy Corbyn

95

Clause 143, page 115, line 26, leave out ‘the person was innocent of the offence’ and insert ‘no reasonable court properly directed as to the law, could convict on the evidence now to be considered.’.

Secretary Theresa May

61

Clause 144, page 117, line 13, at end insert—

- ‘(5A) Any reference in the Police and Criminal Evidence Act 1984 to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980).
- (5B) In section 84 of the Armed Forces Act 2006 (definitions), after subsection (2) there is inserted—

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

“(2A) In subsection (2)(a), the reference to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980).”.

Secretary Theresa May

Clause 149, page 119, line 21, at end insert ‘, but this does not apply to a power of the Scottish Ministers to make an order under section 152’.

62

Secretary Theresa May

Clause 151, page 120, line 11, at end insert—
‘() section [*Violent offender orders*];’.

63

Secretary Theresa May

Clause 151, page 120, line 11, at end insert—
‘() section [*Saving and transitional provision*];’.

92

Secretary Theresa May

Clause 151, page 120, line 12, leave out ‘Part 9’ and insert ‘sections 103 and 104’.

64

Secretary Theresa May

Clause 151, page 120, line 14, leave out ‘114’ and insert ‘114(1), (2) and (4)’.

65

Secretary Theresa May

Clause 151, page 120, line 17, leave out ‘section 128’ and insert ‘sections 128, [*Fees for criminal record certificates etc*]’.

66

Secretary Theresa May

Clause 151, page 120, line 17, at end insert ‘and [*Power of community support officer to issue fixed penalty notice for cycle light offence*]’.

67

Secretary Theresa May

Clause 151, page 120, line 18, leave out ‘section’ and insert ‘sections [*Credit for time in custody awaiting extradition to United Kingdom to serve sentence*] and’.

68

Secretary Theresa May

Clause 151, page 120, leave out line 19 and insert—
‘(j) section 144 except subsection (5B);’.

69

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

(k) section 146.’.

Secretary Theresa May 105

Clause 151, page 120, line 23, after ‘100’ insert ‘, [*Functions of Scottish Ministers under Firearms Acts*]’.

Secretary Theresa May 70

Clause 151, page 120, line 23, at end insert—
‘() section 114(3);’.

Secretary Theresa May 93

Clause 151, page 120, line 31, at end insert—
‘() section [*Sexual harm prevention orders and sexual risk orders, etc*] and Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*];’.

Secretary Theresa May 71

Clause 151, page 120, line 32, at end insert—
‘() section 114(5);’.

Secretary Theresa May 72

Clause 151, page 120, line 37, at end insert—
‘() Section [*Offence of forced marriage: Scotland*] extends only to Scotland.’.

Secretary Theresa May 73

Clause 151, page 120, line 38, at end insert—
‘(5A) Section 144(5B) has the same extent as section 84 of the Armed Forces Act 2006, and the powers conferred by section 384 of that Act (power to extend Act to the Channel Islands and powers to make provisions of that Act apply with modifications in relation to the Channel Islands, British overseas territories and the Isle of Man) are exercisable in relation to the amendment of that Act made by section 144(5B) of this Act.’.

Secretary Theresa May 74

Clause 152, page 121, line 9, at end insert—
‘() section [*Fees for criminal record certificates etc*], which comes into force at the end of the period of 2 months beginning with that day;’.

Secretary Theresa May 75

Clause 152, page 121, line 11, at end insert—
‘() section [*Offence of forced marriage: Scotland*].’.

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

Secretary Theresa May

76

Clause 152, page 121, line 19, at end insert—

- ‘() Section [*Offence of forced marriage: Scotland*] comes into force on whatever day the Scottish Ministers appoint by order.’

Secretary Theresa May

77

Clause 152, page 121, line 27, at end insert—

- ‘() The Scottish Ministers may by order make whatever saving, transitional or transitory provision they think appropriate in connection with the coming into force of section [*Offence of forced marriage: Scotland*].’

Secretary Theresa May

78

Clause 152, page 121, line 27, at end insert—

- ‘() An order under this section bringing into force on a particular day a provision which refers to the Police Negotiating Board for Scotland may, if it appears to the Secretary of State that no body of that name will be in existence on that day, bring the provision into force subject to whatever consequential amendment or transitional provision the Secretary of State thinks appropriate.’

NEW SCHEDULE

Secretary Theresa May

NS1

To move the following Schedule:—

‘SCHEDULE

AMENDMENTS OF PART 2 OF THE SEXUAL OFFENCES ACT 2003

Introduction

- 1 Part 2 of the Sexual Offences Act 2003 (notification and orders) is amended as set out in this Schedule.

Sexual harm prevention orders

- 2 After section 103 there is inserted—

*“Sexual harm prevention orders (England and Wales)***103A Sexual harm prevention orders: applications and grounds**

- (1) A court may make an order under this section (a “sexual harm prevention order”) in respect of a person (“the defendant”) where subsection (2) or (3) applies to the defendant.
- (2) This subsection applies to the defendant where—
- (a) the court deals with the defendant in respect of—
- (i) an offence listed in Schedule 3 or 5, or

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

- (ii) a finding that the defendant is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or
 - (iii) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of an offence listed in Schedule 3 or 5,

and

 - (b) the court is satisfied that it is necessary to make a sexual harm prevention order, for the purpose of—
 - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (3) This subsection applies to the defendant where—
- (a) an application under subsection (4) has been made in respect of the defendant and it is proved on the application that the defendant is a qualifying offender, and
 - (b) the court is satisfied that the defendant’s behaviour since the appropriate date makes it necessary to make a sexual harm prevention order, for the purpose of—
 - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (4) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates’ court apply for a sexual harm prevention order in respect of a person if it appears to the chief officer or the Director General that—
- (a) the person is a qualifying offender, and
 - (b) the person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.
- (5) A chief officer of police may make an application under subsection (4) only in respect of a person—
- (a) who resides in the chief officer’s police area, or
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (6) An application under subsection (4) may be made to any magistrates’ court whose commission area includes—
- (a) any part of a relevant police area, or
 - (b) any place where it is alleged that the person acted in a way mentioned in subsection (4)(b).
- (7) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (4).
- (8) In this section “relevant police area” means—

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

- (a) where the applicant is a chief officer of police, the officer's police area;
- (b) where the applicant is the Director General—
 - (i) the police area where the person in question resides, or
 - (ii) a police area which the Director General believes the person is in or is intending to come to.

103B Section 103A: supplemental

- (1) In section 103A—
 - “appropriate date”, in relation to a qualifying offender, means the date or (as the case may be) the first date on which the offender was convicted, found or cautioned as mentioned in subsection (2) or (3) below;
 - “child” means a person under 18;
 - “the public” means the public in the United Kingdom;
 - “sexual harm” from a person means physical or psychological harm caused—
 - (a) by the person committing one or more offences listed in Schedule 3, or
 - (b) (in the context of harm outside the United Kingdom) by the person doing, outside the United Kingdom, anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom;
 - “qualifying offender” means a person within subsection (2) or (3) below;
 - “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.
- (2) A person is within this subsection if, whether before or after the commencement of this Part, the person—
 - (a) has been convicted of an offence listed in Schedule 3 (other than at paragraph 60) or in Schedule 5,
 - (b) has been found not guilty of such an offence by reason of insanity,
 - (c) has been found to be under a disability and to have done the act charged against him in respect of such an offence, or
 - (d) has been cautioned in respect of such an offence.
- (3) A person is within this subsection if, under the law in force in a country outside the United Kingdom and whether before or after the commencement of this Part—
 - (a) the person has been convicted of a relevant offence (whether or not the person has been punished for it),
 - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the person is not guilty by reason of insanity,
 - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence, or
 - (d) the person has been cautioned in respect of a relevant offence.

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

- (4) In subsection (3), “relevant offence” means an act which—
- (a) constituted an offence under the law in force in the country concerned, and
 - (b) would have constituted an offence listed in Schedule 3 (other than at paragraph 60) or in Schedule 5 if it had been done in any part of the United Kingdom.

For this purpose an act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.

- (5) For the purposes of section 103A, acts, behaviour, convictions and findings include those occurring before the commencement of this Part.
- (6) Subject to subsection (7), on an application under section 103A(4) the condition in subsection (4)(b) above (where relevant) is to be taken as met unless, not later than rules of court may provide, the defendant serves on the applicant a notice—
- (a) stating that, on the facts as alleged with respect to the act concerned, the condition is not in the defendant’s opinion met,
 - (b) showing the grounds for that opinion, and
 - (c) requiring the applicant to prove that the condition is met.
- (7) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without service of a notice under subsection (6).
- (8) Subsection (9) applies for the purposes of section 103A and this section.
- (9) In construing any reference to an offence listed in Schedule 3, any condition subject to which an offence is so listed that relates—
- (a) to the way in which the defendant is dealt with in respect of an offence so listed or a relevant finding (as defined by section 132(9)), or
 - (b) to the age of any person,
- is to be disregarded.

103C SHPOs: effect

- (1) A sexual harm prevention order prohibits the defendant from doing anything described in the order.
- (2) Subject to section 103D(1), a prohibition contained in a sexual harm prevention order has effect—
- (a) for a fixed period, specified in the order, of at least 5 years, or
 - (b) until further order.
- (3) A sexual harm prevention order—
- (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
 - (b) may specify different periods for different prohibitions.
- (4) The only prohibitions that may be included in a sexual harm prevention order are those necessary for the purpose of—
- (a) protecting the public or any particular members of the public from sexual harm from the defendant, or

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

- (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (5) In subsection (4) “the public”, “sexual harm”, “child” and “vulnerable adult” each has the meaning given in section 103B(1).
- (6) Where a court makes a sexual harm prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

103D SHPOs: prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a sexual harm prevention order must be for a fixed period of not more than 5 years.
- (2) A “prohibition on foreign travel” means—
 - (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
 - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 103E.
- (4) A sexual harm prevention order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
 - (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a sexual harm prevention order containing a prohibition within subsection (2)(c) (unless the person is subject to an equivalent prohibition under another order).
- (6) Subsection (5) does not apply in relation to—
 - (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
 - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (7) In this section “passport” means—
 - (a) a United Kingdom passport within the meaning of the Immigration Act 1971;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
 - (c) a document that can be used (in some or all circumstances) instead of a passport.

Anti-social Behaviour, Crime and Policing Bill, *continued***103E SHPOs: variations, renewals and discharges**

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a sexual harm prevention order.
- (2) The persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
 - (d) where the order was made on an application by a chief officer of police under section 103A(4), that officer.
- (3) An application under subsection (1) may be made—
 - (a) where the appropriate court is the Crown Court, in accordance with rules of court;
 - (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (6), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual harm prevention order, that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of—
 - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.
- (6) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and—
 - (a) where the application is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (7) Subsection (6) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.
- (8) In this section “the appropriate court” means—
 - (a) where the Crown Court or the Court of Appeal made the sexual harm prevention order, the Crown Court;
 - (b) where a magistrates' court made the order, that court, a magistrates' court for the area in which the defendant resides or, where the application is made by a chief officer of police, any magistrates' court whose commission area includes any part of the chief officer's police area;

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- (c) where a youth court made the order, that court, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court whose commission area includes any part of the chief officer's police area.

103F Interim SHPOs

- (1) This section applies where an application under section 103A(4) ("the main application") has not been determined.
- (2) An application for an order under this section ("an interim sexual harm prevention order")—
 - (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim sexual harm prevention order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
 - (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim sexual harm prevention order for the order to be varied, renewed or discharged.

103G SHPOs and interim SHPOs: notification requirements

- (1) Where—
 - (a) a sexual harm prevention order is made in respect of a defendant who was a relevant offender immediately before the making of the order, and
 - (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the order (as renewed from time to time) has effect,the defendant remains subject to the notification requirements.
- (2) Where a sexual harm prevention order is made in respect of a defendant who was not a relevant offender immediately before the making of the order—
 - (a) the order causes the defendant to become subject to the notification requirements of this Part from the making of the order until the order (as renewed from time to time) ceases to have effect, and
 - (b) this Part applies to the defendant, subject to the modification set out in subsection (3).
- (3) The "relevant date" is the date of service of the order.
- (4) Subsections (1) to (3) apply to an interim sexual harm prevention order as if references to a sexual harm prevention order were references to

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

an interim sexual harm prevention order, and with the omission of “(as renewed from time to time)” in both places.

- (5) Where—
 - (a) a sexual harm prevention order is in effect in relation to a relevant sex offender (within the meaning of section 88A), and
 - (b) by virtue of section 88F or 88G the relevant sex offender ceases to be subject to the notification requirements of this Part,the sexual harm prevention order ceases to have effect.
- (6) On an application for a sexual harm prevention order made by a chief officer of police, the court must make a notification order in respect of the defendant (either in addition to or instead of a sexual harm prevention order) if—
 - (a) the applicant invites the court to do so, and
 - (b) it is proved that the conditions in section 97(2) to (4) are met.
- (7) On an application for an interim sexual harm prevention order made by a chief officer of police, the court may, if it considers it just to do so, make an interim notification order (either in addition to or instead of an interim sexual harm prevention order).

103H SHPOs and interim SHPOs: appeals

- (1) A defendant may appeal against the making of a sexual harm prevention order—
 - (a) where the order was made by virtue of section 103A(2)(a)(i), as if the order were a sentence passed on the defendant for the offence;
 - (b) where the order was made by virtue of section 103A(2)(a)(ii) or (iii), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence;
 - (c) where the order was made on an application under section 103A(4), to the Crown Court.
- (2) A defendant may appeal to the Crown Court against the making of an interim sexual harm prevention order.
- (3) A defendant may appeal against the making of an order under section 103E, or the refusal to make such an order—
 - (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
 - (b) in any other case, to the Crown Court.
- (4) On an appeal under subsection (1)(c), (2) or (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be reheard by a magistrates’ court) is for the purposes of section 103E(8) or 103F(5) (respectively) to be treated as if it were an order of the court

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from which the appeal was brought (and not an order of the Crown Court).

103I Offence: breach of SHPO or interim SHPO etc

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
 - (a) a sexual harm prevention order,
 - (b) an interim sexual harm prevention order,
 - (c) a sexual offences prevention order,
 - (d) an interim sexual offences prevention order, or
 - (e) a foreign travel order,
 commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 103D(4).
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

103J SHPOs and interim SHPOs: guidance

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to sexual harm prevention orders and interim sexual harm prevention orders.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.”

Sexual offences prevention orders and foreign travel orders

- 3 (1) Sections 104 to 122 (sexual offences prevention orders and foreign travel orders) are repealed.
- (2) This paragraph extends only to England and Wales.

Sexual risk orders

- 4 Before section 123 there is inserted—

“Sexual risk orders (England and Wales)

122A Sexual risk orders: applications, grounds and effect

- (1) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates’ court apply for an order under this section (a “sexual risk order”) in

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

respect of a person (“the defendant”) if it appears to the chief officer or the Director General that the following condition is met.

- (2) The condition is that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for a sexual risk order to be made.
- (3) A chief officer of police may make an application under subsection (1) only in respect of a person—
 - (a) who resides in the chief officer’s police area, or
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) An application under subsection (1) may be made to any magistrates’ court whose commission area includes—
 - (a) any part of a relevant police area, or
 - (b) any place where it is alleged that the person acted in a way mentioned in subsection (2).
- (5) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (1).
- (6) On an application under subsection (1), the court may make a sexual risk order if it is satisfied that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which it is necessary to make such an order for the purpose of—
 - (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (7) Such an order—
 - (a) prohibits the defendant from doing anything described in the order;
 - (b) has effect for a fixed period (not less than 2 years) specified in the order or until further order.
- (8) A sexual risk order may specify different periods for different prohibitions.
- (9) The only prohibitions that may be imposed are those necessary for the purpose of—
 - (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (10) Where a court makes a sexual risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

Anti-social Behaviour, Crime and Policing Bill, *continued***122B Section 122A: interpretation**

- (1) In section 122A—
 - “child” means a person under 18;
 - “harm” from the defendant means physical or psychological harm caused by the defendant doing an act of a sexual nature;
 - “the public” means the public in the United Kingdom;
 - “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.
- (2) In that section “relevant police area” means—
 - (a) where the applicant is a chief officer of police, the officer’s police area;
 - (b) where the applicant is the Director General of the National Crime Agency—
 - (i) the police area where the person in question resides, or
 - (ii) a police area which the Director General believes the person is in or is intending to come to.

122C Sexual risk orders: prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a sexual risk order must not be for a period of more than 5 years.
- (2) A “prohibition on foreign travel” means—
 - (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
 - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 122D.
- (4) A sexual risk order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
 - (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a sexual risk order containing such a prohibition (unless the person is subject to an equivalent prohibition under another order).
- (6) Subsection (5) does not apply in relation to—
 - (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;

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- (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (7) In this section “passport” means—
 - (a) a United Kingdom passport within the meaning of the Immigration Act 1971;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
 - (c) a document that can be used (in some or all circumstances) instead of a passport.

122D Sexual risk order: variations, renewals and discharges

- (1) A person within subsection (2) may by complaint to the appropriate court apply for an order varying, renewing or discharging a sexual risk order.
- (2) The persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area;
 - (d) where the order was made on an application by a chief officer of police, that officer.
- (3) Subject to subsections (4) and (5), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual risk order, that the court considers appropriate.
- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of—
 - (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.
- (5) The court must not discharge an order before the end of 2 years beginning with the day on which the order was made, without the consent of the defendant and—
 - (a) where the application is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (6) Section 122B(1) applies for the purposes of this section.
- (7) In this section “the appropriate court” means—
 - (a) the court which made the sexual risk order;

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- (b) a magistrates' court for the area in which the defendant resides;
- (c) where the application is made by a chief officer of police, any magistrates' court whose commission area includes any part of the officer's police area.

122E Interim sexual risk orders

- (1) This section applies where an application for a sexual risk order ("the main application") has not been determined.
- (2) An application for an order under this section ("an interim sexual risk order")—
 - (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim sexual risk order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
 - (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim sexual risk order for the order to be varied, renewed or discharged.

122F Sexual risk orders and interim sexual risk orders: notification requirements

- (1) A person in respect of whom a court makes—
 - (a) a sexual risk order (other than one that replaces an interim sexual risk order), or
 - (b) an interim sexual risk order,must, within the period of 3 days beginning with the date of service of the order, notify to the police the information set out in subsection (2) (unless the person is subject to the notification requirements of this Part on that date).
- (2) The information is—
 - (a) the person's name and, where the person uses one or more other names, each of those names;
 - (b) the person's home address.
- (3) A person who—
 - (a) is subject to a sexual risk order or an interim sexual risk order (but is not subject to the notification requirements of this Part), and
 - (b) uses a name which has not been notified under this section (or under any other provision of this Part), or changes home address,

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must, within the period of 3 days beginning with the date on which that happens, notify to the police that name or (as the case may be) the new home address.

- (4) Sections 87 (method of notification and related matters) and 91 (offences relating to notification) apply for the purposes of this section—
- (a) with references to section 83(1) being read as references to subsection (1) above,
 - (b) with references to section 84(1) being read as references to subsection (3) above, and
 - (c) with the omission of section 87(2)(b).

122G Sexual risk orders and interim sexual risk orders: appeals

- (1) A defendant may appeal to the Crown Court—
- (a) against the making of a sexual risk order;
 - (b) against the making of an interim sexual risk order; or
 - (c) against the making of an order under section 122D, or the refusal to make such an order.
- (2) On any such appeal, the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order made by the Crown Court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a magistrates' court) is for the purposes of section 122D(7) or 122E(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

122H Offence: breach of sexual risk order or interim sexual risk order etc

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
- (a) a sexual risk order,
 - (b) an interim sexual risk order,
 - (c) a risk of sexual harm order,
 - (d) an interim risk of sexual harm order,
 - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
 - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
- commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 122C(4).
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.

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

- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

122I Effect of conviction etc of an offence under section 122H etc

- (1) This section applies to a person (“the defendant”) who—
- (a) is convicted of an offence mentioned in subsection (2);
 - (b) is found not guilty of such an offence by reason of insanity;
 - (c) is found to be under a disability and to have done the act charged against him in respect of such an offence; or
 - (d) is cautioned in respect of such an offence.
- (2) Those offences are—
- (a) an offence under section 122H or 128 of this Act;
 - (b) an offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (contravention of risk of sexual harm order or interim risk of sexual harm order in Scotland).
- (3) Where—
- (a) a defendant was a relevant offender immediately before this section applied to the defendant, and
 - (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the relevant order (as renewed from time to time) has effect,
- the defendant remains subject to the notification requirements.
- (4) Where the defendant was not a relevant offender immediately before this section applied to the defendant—
- (a) this section causes the defendant to become subject to the notification requirements of this Part from the time the section first applies to the defendant until the relevant order (as renewed from time to time) ceases to have effect, and
 - (b) this Part applies to the defendant, subject to the modification set out in subsection (5).
- (5) The “relevant date” is the date on which this section first applies to the defendant.
- (6) In this section “relevant order” means—
- (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a sexual risk order or a risk of sexual harm order, that order;
 - (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim sexual risk order or an interim risk of sexual harm order, any sexual risk order or risk of sexual harm order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (7) In subsection (6) “risk of sexual harm order” and “interim risk of sexual harm order” include orders under sections 2 and 5 (respectively) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

Anti-social Behaviour, Crime and Policing Bill, *continued***122J Sexual risk orders and interim sexual risk orders: guidance**

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to sexual risk orders and interim sexual risk orders.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.”

Risk of sexual harm orders

- 5 (1) Sections 123 to 129 (risk of sexual harm orders) are repealed.
- (2) This paragraph extends only to England and Wales.

Application etc of orders

- 6 After section 136 there is inserted—

“136ZA Application of orders throughout the United Kingdom

- (1) In this section “relevant order” means—
 - (a) a sexual harm prevention order;
 - (b) an interim sexual harm prevention order;
 - (c) a sexual offences prevention order;
 - (d) an interim sexual offences prevention order;
 - (e) a foreign travel order;
 - (f) a sexual risk order;
 - (g) an interim sexual risk order;
 - (h) a risk of sexual harm order;
 - (i) an interim risk of sexual harm order;
 - (j) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland);
 - (k) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland).
- (2) For the purposes of sections 103I, 113, 122, 122H and 128, prohibitions imposed by a relevant order made in one part of the United Kingdom apply (unless expressly confined to particular localities) throughout that and every other part of the United Kingdom.

136ZB Order ceases to have effect when new order made

- (1) Where a court in England and Wales makes an order listed in the first column of the following Table in relation to a person who is already subject to an order listed opposite it in the second column, the earlier order ceases to have effect (whichever part of the United Kingdom it was made in) unless the court orders otherwise.

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

<i>New order</i>	<i>Earlier order</i>
Sexual harm prevention order	—sexual offences prevention order; —foreign travel order.
Sexual risk order	—risk of sexual harm order; —foreign travel order.

- (2) Where a court in Northern Ireland or Scotland makes an order listed in the first column of the following Table in relation to a person who is already subject to an order or prohibition listed opposite it in the second column, the earlier order or prohibition ceases to have effect (even though it was made or imposed by a court in England and Wales) unless the court orders otherwise.

<i>New order</i>	<i>Earlier order or prohibition</i>
Sexual offences prevention order	—sexual harm prevention order not containing a prohibition on foreign travel; —in the case of a sexual harm prevention order containing a prohibition on foreign travel, each of its other prohibitions.
Foreign travel order	—prohibition on foreign travel contained in a sexual harm prevention order.
Risk of sexual harm order	—sexual risk order not containing a prohibition on foreign travel; —in the case of a sexual risk order containing a prohibition on foreign travel, each of its other prohibitions.

- (3) In this section—
- (a) “court”, in Scotland, includes sheriff;
 - (b) “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.”.

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

- () may authorise a person to carry out on the officer’s behalf a search under this paragraph.’.

Secretary Theresa May

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Schedule 6, page 145, line 29, at end insert—

‘() A constable—

- (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
- (b) may authorise a person to carry out on the constable’s behalf a search under this paragraph.’.

Secretary Theresa May

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Schedule 6, page 146, line 5, leave out paragraph 5.

Yvette Cooper
Mr David Hanson
Jack Dromey
Diana Johnson
Mr Steve Reed
Helen Jones

Phil Wilson

96

Schedule 8, page 155, line 32, leave out paragraphs 24 to 27.

Secretary Theresa May

82

Schedule 8, page 158, line 20, at end insert—

‘Government of Wales Act 2006 (c. 32)

In Schedule 7 to the Government of Wales Act 2006 (legislative competence of Welsh Assembly), in the list of exceptions in paragraph 12, for “Anti-social behaviour orders” there is substituted “Orders to protect people from behaviour that causes or is likely to cause harassment, alarm or distress”.’.

Secretary Theresa May

94

Schedule 8, page 161, line 8, at end insert—

‘PART 1A

AMENDMENTS RELATING TO PART 8A

Criminal Procedure (Scotland) Act 1995 (c. 46)

In section 19AA of the Criminal Procedure (Scotland) Act 1995 (samples etc from sex offenders), in subsection (1)(c), after “an order under section” there is inserted “122A or”.

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

In section 19AB of that Act (supplementary provision in risk of sexual harm order cases), in subsection (7), at the end of the definition of “risk of sexual harm order” there is inserted—

“and also includes an order under section 122A of the 2003 Act (sexual risk orders);”.

Police Act 1997 (c. 50)

(1) Section 113CA of the Police Act 1997 (suitability information relating to children) is amended as follows.

(2) After paragraph (f) of subsection (2) there is inserted—

“(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;

(fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.

(2) After paragraph (i) of that subsection there is inserted—

“(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;

(ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

(1) Section 113CB of that Act (suitability information relating to protected adults) is amended as follows.

(2) After paragraph (f) of subsection (2) there is inserted—

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

- “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
 - (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.
- (2) After paragraph (i) of that subsection there is inserted—
- “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;
 - (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

Crime and Disorder Act 1998 (c. 37)

- (1) Section 8 of the Crime and Disorder Act 1998 (parenting orders) is amended as follows.
- (2) For “sexual offences prevention order” there is substituted “sexual harm prevention order”—
 - (a) in subsection (1)(b);
 - (b) in subsection (6)(a).
- (3) For subsection (9) there is substituted—
 - “(9) In this section “sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders).”

Anti-social Behaviour, Crime and Policing Bill, *continued*
Sexual Offences Act 2003 (c. 42)

In section 88 of the Sexual Offences Act 2003 (section 87: interpretation), in subsection (4)(c), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.

In section 89 of that Act (young offenders: parental directions), in the Table in subsection (1), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.

In section 91A of that Act (review of indefinite notification requirements: qualifying young offender), in subsection (2)(b), after “not subject to” there is inserted “a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F,”.

In the cross-heading before section 104 of that Act (sexual offences prevention orders: application and grounds), after “orders” there is inserted “(*Scotland and Northern Ireland*)”.

In section 108 of that Act (SOPOs: variations, renewals and discharges), in subsection (8)(b) the words “2 or” and “England and Wales or” are omitted.

In section 109 of that Act (interim SOPOs), in subsection (7)(a) the words “2A or” and “England and Wales or” are omitted.

- (1) Section 110 of that Act (SOPO and interim SOPOs: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to SOPOs and interim SOPOs: Northern Ireland**”.
- (3) In subsections (1)(c), (2) and (3)(b), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (4), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (5) there is substituted—

“(5) Any order made by a county court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 108(7) or 109(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

- (1) Section 113 of that Act (offence: breach of SOPO or interim SOPO) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1), in paragraph (d) the words “2, 2A or” and “in England and Wales and” are omitted.
- (4) After that subsection there is inserted—

“(1A) A person commits an offence if, without reasonable excuse, he contravenes a prohibition imposed by—

- (a) a sexual harm prevention order, or
 - (b) an interim sexual harm prevention order,
- other than a prohibition on foreign travel.”

In the cross-heading before section 114 of that Act (foreign travel orders: applications and grounds), after “orders” there is inserted “(*Scotland and Northern Ireland*)”.

- (1) Section 117A of that Act (foreign travel orders: surrender of passports) is amended as follows.
- (2) For the heading there is substituted “**Surrender of passports: Northern Ireland**”.

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

- (3) In subsection (2), after “at a police station” there is inserted “in Northern Ireland”.
 - (4) In subsection (3), at the end there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- In section 117B of that Act (surrender of passports: Scotland), at the end of subsection (3) there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- (1) Section 119 of that Act (foreign travel orders: appeals) is amended as follows.
 - (2) For the heading there is substituted “**Appeals in relation to foreign travel orders: Northern Ireland**”.
 - (3) In subsection (1), for “the Crown Court” there is substituted “a county court”.
 - (4) In subsection (2), for “the Crown Court” there is substituted “the county court”.
 - (5) For subsection (3) there is substituted—
 - “(3) Any order made by a county court on an appeal under subsection (1)(a) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 118(5) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- (1) Section 122 (offence: breach of foreign travel order) is amended as follows.
 - (2) In the heading, at the end there is inserted “etc”.
 - (3) In subsection (1)—
 - (a) for “excuse, he” there is substituted “excuse—
 - (a) he”;
 - (b) at the end there is inserted “, or
 - (b) he contravenes a prohibition on foreign travel imposed by a sexual harm prevention order.”
 - (4) In subsection (1B)(a) the words “England and Wales and” are omitted.
- In the cross-heading before section 123 of that Act, after “orders” there is inserted “(Northern Ireland)”.
- (1) Section 123 of that Act (risk of sexual harm orders: application, grounds and effect) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “A chief officer of police” there is substituted “The Chief Constable of the Police Service of Northern Ireland”;
 - (b) for “a magistrates’ court” there is substituted “a court of summary jurisdiction”;
 - (c) for “his police area” (in both places) there is substituted “Northern Ireland”;
 - (d) for “the chief officer” (in both places) there is substituted “the Chief Constable”.
 - (3) Subsection (2) is repealed.
 - (1) Section 125 (RSHOs: variation, renewals and discharges) is amended as follows.
 - (2) In subsection (2), for paragraphs (b) to (d) there is substituted—
 - “(b) the Chief Constable of the Police Service of Northern Ireland.”
 - (3) In subsection (3), for “and (if they wish to be heard) the other persons mentioned in subsection (2)” there is substituted “, and the other person mentioned in subsection (2) (if that person wishes to be heard)”.

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

- (4) In subsection (5), for the words after “without the consent of the defendant and” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- (5) In subsection (7), for paragraphs (b) and (c) there is inserted—
- “(b) a court of summary jurisdiction for the petty sessions district which includes the area where the defendant resides;
 - (c) where the application is made by the Chief Constable of the Police Service of Northern Ireland, any court of summary jurisdiction.”

In section 126 (interim RSHOs), in subsection (2)(b), for “the person who has made that application” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.

- (1) Section 127 (RSHOs and interim RSHOs) is amended as follows.
- (2) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (3) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (4) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 125(7) or 126(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- (1) Section 128 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) For subsections (1) and (1A) there is substituted—
- “(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
 - (a) a risk of sexual harm order,
 - (b) an interim risk of sexual harm order,
 - (c) a sexual risk order,
 - (d) an interim sexual risk order,
 - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
 - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
 commits an offence.”

- (1) Section 129 (effect of conviction etc of an offence under section 128) is amended as follows.
- (2) In the heading, after “**section 128**” there is inserted “**etc**”
- (3) In subsection (1A)(a), after “an offence under section” there is inserted “122H or”.
- (4) For subsection (5) there is substituted—
- “(5) In this section “relevant order” means—
 - (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a risk of sexual harm order or a sexual risk order, that order;

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

- (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim risk of sexual harm order or an interim sexual risk order, any risk of sexual harm order or sexual risk order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (6) In subsection (5)—
 - “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
 - “interim risk of sexual harm order” includes an order under section 5 of that Act.”
- (1) Section 133 of that Act (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there is inserted—
 - ““interim sexual harm prevention order” has the meaning given by section 103F(2);”;
 - ““interim sexual risk order” has the meaning given by section 122E(2);”;
 - ““prohibition on foreign travel” has the meaning given by section 103D(2) or 122C(2);”;
 - ““sexual harm prevention order” has the meaning given by section 103A(1);”;
 - ““sexual risk order” has the meaning given by section 122A(1);”.
- In section 136 of that Act (Part 2: Northern Ireland), for subsection (8) there is substituted—
 - “(8) The reference in section 101 to the Crown Court is to be read as a reference to a county court.”

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)

- (1) Section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) In subsection (2), after “an order made under” there is inserted “section 122A or 122E or”.
- (1) Section 8 of that Act (effect of conviction etc under section 7 of that Act or section 128 of the Sexual Offences Act 2003) is amended as follows.
- (2) In the heading, after “**or section**” there is inserted “**122H or**”.
- (3) In subsection (1)(a), for the words after “an offence under section 7 above” there is substituted “, section 122H of the 2003 Act (breach of sexual risk order or interim sexual risk order in England and Wales) or section 128 of that Act (breach of risk of sexual harm order or interim risk of sexual harm order in Northern Ireland)”.
- (4) In subsection (1)(b), after “an offence under section” there is inserted “122H or”.
- (5) In the definition of “relevant order” in subsection (5)—
 - (a) in paragraph (a), for “section 123” there is substituted “an order under section 122A or section 123”;
 - (b) in paragraph (b), after “a breach of” there is inserted “a sexual risk order under section 122A of the 2003 Act or”;
 - (c) for paragraphs (c) and (d) there is substituted—

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

- “(c) where the conviction or finding referred to in subsection (1)(a), (c) or (d) above is in respect of a breach of an interim risk of sexual harm order under section 5 above or an interim order under section 122E or 126 of the 2003 Act—
- (i) any risk of sexual harm order or sexual risk order made upon the application to which the interim order relates; or
 - (ii) if no risk of sexual harm order or sexual risk order has been made, the interim order;
- (d) where the caution referred to in subsection (1)(b) above is in respect of a breach of an interim order under section 122E or 126 of the 2003 Act—
- (i) any order under section 122A or 123 of that Act made upon the application to which the interim order relates; or
 - (ii) if no order under section 122A or 123 of that Act has been made, the interim order.”

Violent Crime Reduction Act 2006 (c. 38)

In section 56 of the Violent Crime Reduction Act 2006 (cross-border provisions relating to sexual offences), subsection (2) is repealed.’

Secretary Theresa May

83

Schedule 8, page 161, line 36, at end insert—

Police Act 1997 (c. 50)

In section 137 of the Police Act 1997 (extent), in subsection (2) (provisions extending to England and Wales only), after “sections” in paragraph (e) there is inserted “125(1A),”.

Secretary Theresa May

84

Schedule 8, page 163, line 35, at end insert—

Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)

In article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (pensions: special constables and police cadets), in paragraph (2), for “the Police Negotiating Board for the United Kingdom” there is substituted “the Police Negotiating Board for Scotland”.

Secretary Theresa May

85

Schedule 8, page 164, line 4, leave out ‘The’ and insert ‘In the Schedule, the’.

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

Secretary Theresa May

86

Schedule 8, page 164, line 32, at end insert—

‘Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 1, paragraph 5(4) to (6).’
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Secretary Theresa May

87

Schedule 8, page 165, line 4, at end insert—

‘In section 28 of that Act (appeal against discharge at extradition hearing: category 1 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.’

Secretary Theresa May

88

Schedule 8, page 165, line 23, at end insert—

‘In section 105 of that Act (appeal against discharge at extradition hearing: category 2 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.’

Secretary Theresa May

89

Schedule 8, page 165, line 24, leave out paragraph 74 and insert—

- 74 (1) Section 108 of that Act (appeal against extradition order: category 2 territory) is amended as follows.
- (2) In subsection (4), for the words before “is 14 days” there is substituted “Notice of application for leave to appeal under this section must be given—
- (a) in accordance with rules of court, and
 - (a) subject to subsections (5) and (7A), before the end of the permitted period, which”.
- (3) In subsection (5)—
- (a) for “But notice of an appeal” there is substituted “Notice of application for leave to appeal”
 - (b) after “if it is an” there is inserted “application for leave to”.
- (4) In subsection (6), for the words before “before the person is extradited” there is substituted “Notice of application for leave to appeal on human rights grounds given after the end of the permitted period must be given”.
- (5) In subsection (7)—
- (a) for “notice of an appeal” there is substituted “notice of application for leave to appeal”;
 - (b) for “consider the appeal” there is substituted “grant leave”;
 - (c) for “to consider the appeal” there is substituted “for the appeal to be heard”.
- (6) In subsection (8), for ““appeal on human rights grounds” means an appeal” there is substituted ““to appeal on human rights grounds” means to appeal”.’

Secretary Theresa May

90

Schedule 8, page 165, line 26, at end insert—

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

In section 110 of that Act (appeal against discharge by Secretary of State), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.

Secretary Theresa May

91

Schedule 8, page 166, line 33, at end insert—

‘PART 4

AMENDMENTS CONSEQUENTIAL ON ESTABLISHMENT OF POLICE SERVICE OF SCOTLAND

Terrorism Act 2000 (c. 11)

- (1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- (2) In paragraph 20B(10), for paragraph (b) of the definition of “a specified chief officer of police” there is substituted—
 - “(b) the chief constable of the Police Service of Scotland, where—
 - (i) the person who provided the material, or from whom it was taken, resides in Scotland, or
 - (ii) the chief constable believes that the person is in, or is intending to come to, Scotland.”
- (3) In paragraph 20J—
 - (a) for paragraphs (d) and (e) of the definition of “police force” there is substituted—
 - “(d) the Police Service of Scotland;
 - (e) the Scottish Police Authority;”;
 - (b) in the second of the three definitions of “responsible chief officer of police”, for the words after “the chief constable of” there is substituted “the Police Service of Scotland”.

Counter-Terrorism Act 2008 (c. 28)

In section 18D of the Counter-Terrorism Act 2008 (use of retained material), in subsection (2) for “the Scottish Police Services Authority” there is substituted “the Scottish Police Authority”.

In section 18E(1) of that Act (interpretation of sections 18 to 18E), for paragraph (d) of the definition of “police force” there is substituted—

“(d) the Police Service of Scotland;”.

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.

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

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.

NOTICES WITHDRAWN

The following Notices were withdrawn on: 9 October 2013

NC13
