CONSIDERATION OF BILL

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

Control of new psychoactive substances

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

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.

(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.’.
Angela Smith

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.’.

Ann Coffey

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,
   (c) the letterbox opens directly into those premises,
   (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
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Jeremy Corbyn

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.’.

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

Phil Wilson

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

Miss Anne McIntosh

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;”.

Miss Anne McIntosh

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

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).

Written control notice

Miss Anne McIntosh

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.

(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.
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(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.’.

Functions of Scottish Ministers under Firearms Acts

Secretary Theresa May

To move the following Clause:—

‘(1) In section 5 of the Firearms Act 1968 (weapons subject to general prohibition)—
   (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) may at any time, if they think fit,.”.

(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;
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(b) in Schedule 5, paragraph 3 and paragraph 18(2) to (6), (7)(a) and (8) are omitted.’.

Secretary Theresa May

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

Secretary Theresa May

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

Secretary Theresa May

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

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

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

(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

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.”’. 
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Secretary Theresa May

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

NOTICES WITHDRAWN

The following Notices were withdrawn on: 9 October 2013

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