NEW CLAUSES AND NEW SCHEDULES RELATING TO THE PROTECTION OF PERSONS FROM HARM OF A SEXUAL NATURE OR RELATING TO VIOLENT OFFENDER ORDERS

Violent offender orders

Secretary Theresa May  

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,”.’

Sexual harm prevention orders and sexual risk orders, etc

Secretary Theresa May  

To move the following Clause:—


(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.”.

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Saving and transitional provision

Secretary Theresa May

To move the following Clause:—

‘(1) In this section—
   “the 2003 Act” means the Sexual Offences Act 2003;
   “existing order” means—
   (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.
Anti-social Behaviour, Crime and Policing Bill, continued

(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.’.

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**Child sexual abuse prevention orders**

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

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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 superintendent 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.

(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.

(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.
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).

(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.
Anti-social Behaviour, Crime and Policing Bill, continued

(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.

(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.
Anti-social Behaviour, Crime and Policing Bill, continued

(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 offender 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;
   (b) on conviction on indictment, to imprisonment for at 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.”.’.

Possession of prohibited written material about children

Sir Paul Beresford
Paul Goggins

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”.'
Anti-social Behaviour, Crime and Policing Bill, continued

(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.”

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

Secretary Theresa May

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—
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
      (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.
Anti-social Behaviour, Crime and Policing Bill, continued

(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—
   (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.

(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
(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;
Anti-social Behaviour, Crime and Policing Bill, continued

(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.

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;

(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 complainant 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 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 re-heard 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 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.
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 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.
Anti-social Behaviour, Crime and Policing Bill, continued

(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.

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;
   (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;
   (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 complainant 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—
Anti-social Behaviour, Crime and Policing Bill, continued

(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,

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
Anti-social Behaviour, Crime and Policing Bill, continued

(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.

(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;
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 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.

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

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.

<table>
<thead>
<tr>
<th>New order</th>
<th>Earlier order</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual harm prevention order</td>
<td>—sexual offences prevention order;</td>
</tr>
<tr>
<td></td>
<td>—foreign travel order.</td>
</tr>
<tr>
<td>Sexual risk order</td>
<td>—risk of sexual harm order;</td>
</tr>
<tr>
<td></td>
<td>—foreign travel order.</td>
</tr>
</tbody>
</table>

(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.

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

(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

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 1 TO 6 OR OTHERWISE RELATING TO ANTI-SOCIAL BEHAVIOUR; AMENDMENTS TO PARTS 1 TO 6; NEW CLAUSES AND NEW SCHEDULES RELATING TO FIREARMS; AMENDMENTS TO PART 8

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

Andrea Leadsom

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.’.

Injunction—best interests of the child

Dr Hywel Francis
Simone Hughes

To move the following Clause:—

‘The courts must take into account the best interests of the child as a primary consideration when deciding whether to impose the following—

(a) an injunction;
(b) the terms of any prohibition or requirement;
(c) sanctions for breach of an injunction; and
(d) when determining reporting of a child’s case.’.

Clause 1, page 1, line 8, after ‘conduct’, insert ‘that might reasonably be regarded as’.

Dr Hywel Francis
Simone Hughes

 Clause 1, page 1, line 10, leave out ‘and’ and insert ‘,’.
Anti-social Behaviour, Crime and Policing Bill, continued

Dr Hywel Francis
Simon Hughes

Clause 1, page 1, line 10, after ‘convenient’, insert ‘and proportionate’.

Dr Hywel Francis
Simon Hughes

Clause 1, page 2, line 1, leave out ‘doing anything’ and insert ‘specified actions’.

Dr Hywel Francis
Simon Hughes

Clause 1, page 2, line 2, after ‘injunction’, insert ‘which relate to the anti-social behaviour which the respondent has engaged or threatened to engage in’.

Dr Hywel Francis
Simon Hughes

Clause 1, page 2, line 3, leave out ‘anything’ and insert ‘specified actions’.

Dr Hywel Francis
Simon Hughes

Clause 1, page 2, line 3, after ‘injunction’, insert ‘which relate to the anti-social behaviour which the respondent has engaged or threatened to engage in’.

Dr Hywel Francis
Simon Hughes

Clause 1, page 2, leave out line 6.

Secretary Theresa May

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

Secretary Theresa May

Clause 4, page 3, line 38, at end insert—
‘( ) the Natural Resources Body for Wales,’.

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.’.
Secretary Theresa May  
Clause 4, page 3, line 44, leave out paragraphs (h) and (i).  

Agreed to 4

Secretary Theresa May  
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.’.  

Agreed to 5

Secretary Theresa May  
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;’.  

Agreed to 6

Secretary Theresa May  
Clause 8, page 5, line 27, leave out ‘(3)(a)’ and insert ‘(3)(za) or (a)’.  

Agreed to 7

Secretary Theresa May  
Clause 9, page 5, line 38, at end insert—  
‘( ) a judge of the High Court, if the injunction was granted by the High Court;’.  

Agreed to 8

Secretary Theresa May  
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.’.  

Agreed to 9

Secretary Theresa May  
Clause 12, page 6, line 24, after ‘lives’ insert ‘(“the premises”)’.  

Agreed to 10

Secretary Theresa May  
Clause 12, page 6, line 25, leave out paragraph (a).  

Agreed to 11
Anti-social Behaviour, Crime and Policing Bill, continued

Secretary Theresa May

Clause 12, page 6, line 27, leave out ‘the local authority or housing provider’ and insert—

‘(i) a local authority,
(ii) the chief officer of police for the police area that the premises are in, or
(iii) if the premises are owned or managed by a housing provider, that housing provider.’.

Dr Hywel Francis
Simon Hughes

Clause 12, page 6, line 29, after ‘court’, insert ‘is satisfied that the exclusion is necessary and proportionate, and’.

Secretary Theresa May

Clause 12, page 6, line 35, leave out ‘local authority or’.

Secretary Theresa May

Clause 12, page 6, line 37, leave out ‘authority or’ and insert ‘housing’.

Secretary Theresa May

Clause 12, page 6, line 40, leave out ‘authority or’ and insert ‘housing’.

Dr Hywel Francis
Simon Hughes

Clause 21, page 11, line 24, after ‘satisfied’, insert ‘, according to the criminal standard of proof.’.

Secretary Theresa May

Clause 21, page 11, leave out line 26 and insert ‘any person’.

Dr Hywel Francis
Simon Hughes

Clause 21, page 11, line 27, leave out ‘help in preventing’ and insert ‘prevent’.

Dr Hywel Francis
Simon Hughes

Clause 21, page 11, line 31, leave out ‘doing anything’ and insert ‘specified actions’.
Dr Hywel Francis
Simon Hughes

Clause 21, page 11, line 31, after ‘order’, insert ‘which relate to the anti-social
behaviour which the respondent has engaged in’.

Dr Hywel Francis
Simon Hughes

Clause 21, page 11, line 32, leave out ‘anything’ and insert ‘specified actions’.

Dr Hywel Francis
Simon Hughes

Clause 21, page 11, line 32, after ‘order’, insert ‘which relate to the anti-social
behaviour which the respondent has engaged in’.

Dr Hywel Francis
Simon Hughes

Clause 21, page 12, leave out line 3.

Secretary Theresa May

Clause 21, page 12, line 4, leave out paragraph (b).

Not called 170

Clause 22, page 12, line 44, at end insert—
‘(9) The courts must take into account the best interests of the child as a primary
consideration when determining reporting of a child’s case.’.

Not called 174

Clause 29, page 16, line 40, at end insert—
‘(7) The courts must taken into account the best interests of the child as a primary
consideration when determining reporting a child’s case.’.

Not called 175

Secretary Theresa May

Clause 32, page 18, line 23, leave out from ‘if’ to first ‘that’ in line 25 and insert
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‘satisfied on reasonable grounds’.

Dr Hywel Francis
Simon Hughes

Clause 34, page 20, line 17, at end add—
‘(c) any other form of peaceful assembly.’.

Secretary Theresa May

Clause 40, page 23, line 1, leave out subsection (5).

Secretary Theresa May

Clause 43, page 24, leave out lines 19 to 22.

Secretary Theresa May

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

Clause 45, page 26, line 9, leave out ‘specified in’ and insert ‘alleged to constitute a failure to comply with’.

Secretary Theresa May

Clause 45, page 26, line 11, leave out paragraph (a).
Anti-social Behaviour, Crime and Policing Bill, continued

Secretary Theresa May

Clause 45, page 26, line 19, leave out paragraph (a).

Agreed to 24

Secretary Theresa May

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.’.

Agreed to 25

Secretary Theresa May

Clause 62, page 37, line 6, at end insert ‘, or
( ) a variation of a public spaces protection order.’.

Agreed to 26

Secretary Theresa May

Clause 62, page 37, line 10, after ‘order’ insert ‘or variation’.

Agreed to 27

Secretary Theresa May

Clause 62, page 37, line 11, after ‘order’ insert ‘(or by the order as varied)’.

Agreed to 28

Secretary Theresa May

Clause 62, page 37, line 13, after ‘order’ insert ‘or variation’.

Agreed to 29

Secretary Theresa May

Clause 62, page 37, line 15, after ‘order’ insert ‘or variation’.

Agreed to 30

Secretary Theresa May

Clause 62, page 37, line 17, leave out ‘public spaces protection order’ and insert ‘order or variation’.

Agreed to 31

Secretary Theresa May

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)’.

Agreed to 32

Secretary Theresa May

Clause 62, page 37, line 20, after ‘order’ insert ‘or variation’.

Agreed to 33
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Secretary Theresa May

Clause 62, page 37, line 21, after ‘order’ insert ‘(or by the order as varied)’.

Secretary Theresa May

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

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

Clause 62, page 37, line 29, after ‘order’ insert ‘, or of a variation of a public spaces protection order,’.

Secretary Theresa May

Clause 63, page 38, line 3, at end insert—

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

Secretary Theresa May

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

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

‘( ) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.’.
Anti-social Behaviour, Crime and Policing Bill, continued

Secretary Theresa May

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

Secretary Theresa May

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

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

Secretary Theresa May

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

Secretary Theresa May

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;

(b) ensuring that the person makes reparation for the behaviour or offence in question;

(c) punishing the person.’.

Secretary Theresa May

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

(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

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

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.’.

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)”.

(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”;

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Anti-social Behaviour, Crime and Policing Bill, continued

(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.’.

Firearms’ licensing

Mr David Hanson
Phil Wilson
Gloria De Piero

Negatived on division 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.”.’.

Secretary Theresa May

Agreed to 100

Clause 100, page 71, line 37, leave out ‘follows’ and insert ‘set out in subsections (2) to (6)’.
Anti-social Behaviour, Crime and Policing Bill, continued

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.”.

Bill to be further considered tomorrow.