Offence of forced marriage: Scotland

Secretary Theresa May

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
   (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.’.

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**Fees for criminal record certificates etc**

Secretary Theresa May

Added 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, 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.”’.

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

Secretary Theresa May

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

(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;’.’.

Credit for time in custody awaiting extradition to United Kingdom to serve sentence

Secretary Theresa May

Added 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),

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.”’.

Court and tribunal fees

Secretary Theresa May

Added NC28

To move the following Clause:—

‘(1) In prescribing a fee under an enactment specified in subsection (2), the Lord Chancellor may with the consent of the Treasury prescribe a fee of an amount which is intended to exceed the cost of anything in respect of which the fee is charged.

(2) The enactments are—

(a) section 92 of the Courts Act 2003 (Senior Courts, county courts and magistrates’ courts fees);
(b) section 54 of the Mental Capacity Act 2005 (Court of Protection fees);
(c) section 58(4)(b) of that Act (Public Guardian fees);
(d) section 42 of the Tribunals, Courts and Enforcement Act 2007 (tribunal fees).
Anti-social Behaviour, Crime and Policing Bill, continued

(3) Before prescribing a fee by virtue of subsection (1) under an enactment specified in subsection (2)(a), (b) or (d), the Lord Chancellor must have regard to—

(a) the financial position of the courts and tribunals for which the Lord Chancellor is responsible, including in particular any costs incurred by those courts and tribunals that are not being met by current fee income, and

(b) the competitiveness of the legal services market.

(4) For the purposes of subsection (3)(a), the courts and tribunals for which the Lord Chancellor is responsible are the courts listed in section 1(1) of the Courts Act 2003 and the tribunals listed in section 39(1) of the Tribunals, Courts and Enforcement Act 2007.

(5) A fee prescribed by virtue of subsection (1) under section 58(4)(b) of the Mental Capacity Act 2005 must be used to finance the efficient and effective discharge of functions of the Public Guardian.

(6) A fee prescribed by virtue of subsection (1) under any other enactment specified in subsection (2) must be used to finance an efficient and effective system of courts and tribunals.

(7) A statutory instrument—

(a) containing an order or regulations under an enactment specified in subsection (2), and

(b) setting a fee for the first time in excess of the cost of anything in respect of which the fee is charged,

may not be made unless a draft of the instrument has been laid before both Houses of Parliament and approved by a resolution of each House.

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

(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.

Proportionality

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Not called
NC21

To move the following Clause:—

‘(1) Section 21 of the Extradition Act 2003 is amended as follows—

(a) For “21 Human Rights” substitute “21 Person unlawfully at large: human rights proportionality.”

(b) After “the judge must decide” insert “both of the following questions in respect of the extradition of the person (“D”)—

(a),”

(c) After “the Convention rights within the meaning of the Human Rights Act 1998 (c.42)” and insert “; and

(b) whether the extradition would be disproportionate.’

(d) After subsection (1) insert—

“(1A) In deciding whether the extradition would be disproportionate, the judge must take into account the specified matters relating to proportionality.

(1B) These are the specified matters relating to proportionality—

(a) the seriousness of the conduct for which the requested person was convicted of the extradition offence;

(b) whether the sentence which the person received in respect of the extradition offence was initially suspended;

(c) the conduct of the requested person;

(d) the passage of time since the person became unlawfully at large; and

(e) any other matter which the judge considers to be relevant.

(1C) The judge must order D’s discharge if the judge makes one or both of these decisions—
Anti-social Behaviour, Crime and Policing Bill, continued

(a) that the extradition would not be compatible with the Convention rights;
(b) that the extradition would be disproportionate.”

(1D) The judge must order D to be extradited to the category 1 territory in which the warrant was issued if the judge makes both of these decisions—
(a) that the extradition would be compatible with the Convention rights;
(b) that the extradition would not be disproportionate.”

(e) In subsection (4), after “if the judge makes an order under subsection” for “(3)” substitute “(1D)”.

Service of sentence in United Kingdom

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker  Bob Blackman  Mrs Anne Main
Conor Burns  Mr Douglas Carswell  Simon Reevell
Sir Richard Shepherd  Martin Vickers  Mr John Redwood
Dr Sarah Wollaston  Mark Reckless  Mr Bernard Jenkin
Mr David Ruffley  Mr Phillip Hollobone  Richard Drax
Mr William Cash  Mr Charles Walker  Mark Field
Mr David Nuttall  Mr David Davis  Mark Pritchard
Tim Loughton  Henry Smith

To move the following Clause:—

‘(1) The Extradition Act 2003 is amended as follows.
(2) After Section 20 (Case where person is convicted) insert—

“20A Service of sentence in the United Kingdom

(1) If the judge is required to proceed under this section he must decide whether the person is a United Kingdom national or a resident of the United Kingdom.

(2) If the judge decides the question in subsection (1) in the negative he must proceed under section 21.

(3) If the judge decides that question in the affirmative he must decide whether it is possible for the person to serve the sentence in the United Kingdom.

(4) If the judge decides the question in subsection (3) in the negative he must proceed under section 21.'
Anti-social Behaviour, Crime and Policing Bill, continued

(5) If the judge decides that question in the affirmative he must decide whether the person consents to serve the sentence for which his extradition is sought in the United Kingdom.

(6) If the judge decides the question in subsection (5) in the negative he must proceed under section 21.

(7) If the judge decides that question in the affirmative he may refuse extradition provided that he orders the person to serve the sentence (or to complete the service of the sentence) in the United Kingdom.

(8) Where the judge makes an order under subsection (7) he shall issue a warrant authorising the person’s detention in the United Kingdom and containing any provisions which the judge considers appropriate for giving effect to the sentence which gave rise to the proceedings (or the portion of the sentence remaining unserved).”

(3) In Section 20, subsections (2), (4) and (6) for “proceed under section 21” substitute “proceed under section 20A”.

Mistaken identity

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker Bob Blackman Mrs Anne Main
Conor Burns Mr Douglas Carswell Simon Reevell
Sir Richard Shepherd Martin Vickers Mr John Redwood
Dr Sarah Wollaston Mark Reckless Mr Bernard Jenkin
Mr David Ruffley Mr Phillip Hollobone Richard Drax
Mr William Cash Mr Charles Walker Mark Field
Mr David Nuttall Mr David Davis Mark Pritchard
Tim Loughton Henry Smith

Not called NC23

To move the following Clause:—

‘(1) The Extradition Act 2003 is amended as follows.

(2) In section 7 (Identity of person arrested) after subsection 4 insert—

“(4A) If the judge decides that question in the affirmative he must decide whether the person in respect of whom the warrant was issued is the person who is alleged to have committed, or to have been convicted for, the offence on which the warrant is based.

(4B) The judge must decide the question in subsection (4A) on the balance of probabilities, but if he considers there is a reasonable doubt as to that question, he may not decide it in the affirmative unless he has first requested the issuing authority to provide further information within the time specified in the request (which must not be less than a reasonable time in all the circumstances) and the issuing authority has provided him with the information requested within that time.'
Human rights: legal and evidential standards

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker Bob Blackman Mrs Anne Main
Conor Burns Mr Douglas Carswell Simon Reevell
Sir Richard Shepherd Martin Vickers Mr John Redwood
Dr Sarah Wollaston Mark Reckless Mr Bernard Jenkin
Mr David Ruffley Mr Phillip Hollobone Richard Drax
Mr William Cash Mr Charles Walker Mark Field
Mr David Nuttall Mr David Davis Mark Pritchard
Tim Loughton Henry Smith

To move the following Clause:—

‘(1) The Extradition Act 2003 is amended as follows.
(2) After section 21 (Human rights) insert—

“21A Human rights: legal and evidential standards

(1) This section applies if the judge is required, under section 21 or 21A, to determine whether extradition would be compatible with the Convention rights.

(2) The person’s extradition would not be compatible with the Convention rights if—

(a) there is a real risk that the person, if surrendered, would be subject to treatment in the category 1 territory that, if taking place in the United Kingdom, would be an act or omission made unlawful by section 6 of the 1998 Act;

(b) in relation to the matters giving rise to the Part 1 warrant, the person has previously been subject to treatment that, if taking place in the United Kingdom, would be an act or omission made unlawful by section 6 of the 1998 Act; or

(c) the person’s removal from the United Kingdom would be incompatible with the Convention rights.

(3) The judge shall not treat a matter set out in subsection (2)(a) or (b) as established unless there is material before him on which a court might reasonably so conclude; but if there is such material before him, he shall treat that matter as established unless satisfied to the contrary.

(4) For the purposes of subsection (3), the judge shall have regard to—
Anti-social Behaviour, Crime and Policing Bill, continued

(a) judgements issued by the European Court of Human Rights against the category 1 territory under Article 46 of the Convention (pilot judgement);
(b) the existence of proceedings under Article 226 of the Treaty on the Functioning of the European Union against the category 1 territory in respect of measures adopted under Article 82(2) of that Treaty, and any judgment given by the Court of Justice of the European Union in such proceedings.

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Forum

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith
Steve Baker
Conor Burns
Sir Richard Shepherd
Dr Sarah Wollaston
Mr David Ruffley
Mr William Cash
Mr David Nuttall
Tim Loughton

Bob Blackman
Mr Douglas Carswell
Martin Vickers
Mark Reckless
Mr Phillip Hollobone
Mr Charles Walker
Mr David Davis
Henry Smith

Mrs Anne Main
Simon Reevell
Mr John Redwood
Mr Bernard Jenkin
Richard Drax
Mark Field
Mark Pritchard

Not called
NC25

To move the following Clause:—

‘(1) Schedule 20 (Extradition) of the Crime and Court Act 2013 is amended as follows.
(2) In paragraph 3, omit from subparagraph (2)(a) to the end of the paragraph and substitute—

“decides that a substantial measure of D’s relevant activity was performed in the United Kingdom unless, having regard to the interest of justice, the judge decides that the extradition should take place.

(3) Matters relevant to the interests of justice include but are not limited to—
(a) the extent and place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;
(b) the interests of any victims of the extradition offence;
(c) the availability of evidence necessary for a fair trial in the United Kingdom and in jurisdictions outside the United Kingdom;
(d) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction;
(e) D’s nationality, place of habitual residence and other connections with the United Kingdom.

(4) In this section “D’s relevant activity” means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.”
Anti-social Behaviour, Crime and Policing Bill, continued

(3) In paragraph 6, omit from subparagraph (2)(a) to the end of the paragraph and substitute—
“decides that a substantial measure of D’s relevant activity was performed in the United Kingdom unless, having regard to the interests of justice, the judge decides that the extradition should take place.

“(3) Matters relevant to the interest of justice include but are not limited to—
(a) the extent and place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;
(b) the interest of any victims of the extradition offence;
(c) the availability of evidence necessary for a trial in the United Kingdom and in jurisdictions outside the United Kingdom;
(d) the desirability and practicability of all prosecution, relating to the extradition offence taking place in one jurisdiction;
(e) D’s nationality, place of habitual residence and other connections with the United Kingdom.

(4) In this section “D’s relevant activity” means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.”.’.

Assault on workers in public facing roles

Jack Dromey
Mr David Hanson
Helen Jones
Diana Johnson
Mr Steve Reed
Phil Wilson

To move the following Clause:—

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

(2) No offence is committed—
(a) under subsection (1)(a) unless the person who assaults knows or ought to know that the worker is acting in the course of the worker’s employment;
(b) under subsection (1)(b) unless the assault is motivated, in whole or in part, by malice towards the worker by reason of the worker’s employment.

(3) In this section—
“worker” means a person whose employment involves dealing with members of the public, to any extent, but only if that employment involves—
(a) being physically present in the same place and at the same time as one or more members of the public; and
(b) (i) interacting with those members of the public for the purposes of the employment; or
(ii) providing a service to either particular members of the public or the public generally.
“employment” in this context means any paid or unpaid work whether under a contract, apprenticeship, or otherwise.

(4) Evidence from a single source is sufficient evidence to establish for the purpose of subsection (1) whether a person is a worker.

(5) A person guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding level 5 on the standard scale.’.

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**Long-term police authorisation requiring independent approval**

Jack Dromey
Mr David Hanson
Helen Jones
Diana Johnson
Mr Steve Reed
Phil Wilson

**Not called NC27**

To move the following Clause:—

‘( ) The Regulation of Investigatory Powers Act 2000 is amended as follows—

(a) after section 32A (Authorisations requiring judicial approval) insert—

“32AA Long-term police authorisations requiring independent approval

(1) This section applies where a relevant person has granted a long-term authorisation under section 29.

(2) The authorisation is not to take effect until such time (if any) as the relevant independent body has made an order approving the grant of the authorisation.

(3) The relevant independent body may give approval under this section to the granting of an authorisation under section 29 if, and only if, the relevant independent body is satisfied that—

(a) at the time of the grant—

(i) there were reasonable grounds for believing that the requirements of section 29(2), and any requirements imposed by virtue of section 29(7)(b) are satisfied in relation to that authorisation, and

(ii) the relevant conditions were satisfied in relation to that authorisation, and

(b) at the time when the relevant independent body is considering the matter, there remain reasonable grounds for believing that the requirements of section 29(2), and any requirements imposed by virtue of section 29(7)(b) are satisfied in relation to that authorisation.

(4) For the purposes of subsection (3) the relevant conditions in relation to a grant by an individual holding an office, rank or position in a relevant law enforcement agency, that—
(a) the individual was a designated person for the purposes of section 29,
(b) the grant of an authorisation was not in breach of any prohibition imposed by virtue of section 29(7)(a) or any restriction imposed by virtue of section 30(3), and
(c) any other conditions that may be provided for by the Secretary of State were satisfied.

(5) In this section—
“relevant law enforcement authority” means—
(a) a police force in the United Kingdom, and
(b) the National Crime Agency.
“relevant judicial authority” means—
(a) in relation to England and Wales, the High Court of Justice in England and Wales,
(b) in relation to Scotland, the Court of Session, and
(c) in relation to Northern Ireland, the High Court of Justice in Northern Ireland.
“relevant person” means—
(a) an individual holding an office, rank or position in a police force in the United Kingdom, and
(b) an individual holding an office, rank or position in the National Crime Agency.

(6) In this section—
“relevant independent body” must be set out by the Home Secretary in a motion passed by both Houses of Parliament before this Clause is enacted.
“long-term” must be set out by the Home Secretary in a motion passed by both Houses of Parliament before this Clause is enacted.”.

Annual review of Schedule 7 to the Terrorism Act

Dr Julian Huppert

To move the following Clause:—

‘(1) The Independent Reviewer of Terrorism Legislation shall monitor and publish a report to Parliament providing an analysis of the application of Schedule 7 to the Terrorism Act 2000.

(2) The report shall include an assessment of those persons stopped, questioned or detained who have protected characteristics within the meaning of section 4 of the Equality Act 2010 (The protected characteristics).
Anti-social Behaviour, Crime and Policing Bill, continued

(3) A Minister of the Crown, must not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”.

Sunset provision for Schedule 7 to the Terrorism Act 2000

Dr Julian Huppert

To move the following Clause:—

‘(1) Schedule 7 to the Terrorism Act 2000 shall be repealed, five years after the commencement of this Act, unless continued in force by an order under subsection (2).

(2) The Secretary of State may by order made by statutory instrument provide—
   (a) that those provisions which are in force shall continue in force for a period not exceeding five years from the coming into operation of the order; or
   (b) that those provisions which are for the time being in force shall cease to be in force.

(3) No order shall be made under subsection (2) unless a draft of the order has been laid before and approved by a resolution of both Houses of Parliament.’.

Public order offences committed against constables in private dwellings

Ann Coffey

To move the following Clause:—

‘(1) In section 4A of the Public Order Act 1986, after subsection (3) there is inserted—
   “(4) Subsection 2 and subsection 3(a) do not apply where the person who is harassed, alarmed or distressed is a constable who is present in the dwelling in the execution of his duty.”.

(2) In section 5 of the Public Order Act 1986, after subsection (3) there is inserted—
   “(4) Subsection 2 and subsection 3(b) do not apply where the person who is harassed, alarmed or distressed is a constable who is present in the dwelling in the execution of his duty.”.

(3) In section 18 of the Public Order Act 1986, after subsection (2) there is inserted—
   “(3) Subsection 2 and subsection (4) do not apply where the person who is harassed, alarmed or distressed is a constable who is present in the dwelling in the execution of his duty.”.’.
Anti-social Behaviour, Crime and Policing Bill, continued

Secretary Theresa May

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

Secretary Theresa May

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

Secretary Theresa May

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

Clause 114, page 83, line 22, leave out ‘Police Advisory Board for England and Wales’ and insert ‘appropriate advisory or negotiating body’.

Secretary Theresa May

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

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

Secretary Theresa May

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

(c) consult with the Northern Ireland Policing Board and the Police Association for Northern Ireland before exercising the power as regards Northern Ireland.”.

Dr Julian Huppert

Clause 127, page 98, line 17, leave out lines 17 and 18 and insert ‘Schedule 7 to the Terrorism Act 2000 is repealed.’.

Dr Julian Huppert

Clause 127, page 98, line 18, at end add—

‘(2) The Secretary of State shall by order make any amendments to Schedule 7 or 8 to the Terrorism Act 2000 recommended by the Independent Reviewer of Terrorism Legislation to limit the scope of its application.’.

Secretary Theresa May

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.”.

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker
Conor Burns
Sir Richard Shepherd
Dr Sarah Wollaston
Mr David Ruffley
Mr William Cash
Mr David Nuttall
Tim Loughton
Bob Blackman
Mr Douglas Carswell
Martin Vickers
Mark Reckless
Mr Phillip Hollobone
Mr Charles Walker
Mr David Davis
Henry Smith
Mrs Anne Main
Simon Reevell
Mr John Redwood
Mr Bernard Jenkin
Richard Drax
Mark Field
Mark Pritchard

Not called 106

Clause 130, page 99, line 14, leave out ‘prosecution decision’ and insert ‘decision to try’.

Not called 148

Not called 150

Agreed to 56

Not called 106
Clause 130, page 99, line 20, leave out ‘have not made a decision to charge or’.

Clause 130, page 99, line 24, after ‘failure’, insert ‘, and the category 1 territory’s unreasonable refusal to consent to a request for a temporary transfer under subsection (3) of section 21B is not the sole reason for that failure.’.
Clause 130, page 99, line 29, leave out from ‘(ii)’ to ‘the’ in line 30.

Clause 130, page 99, line 32, after ‘failure’, insert ‘and the person’s presence in order to enable either decision to be made could not be arranged by video-link, subject to appropriate safeguards to ensure respect for the requested person’s rights of defence, or ‘(iii) in a case where one of those decisions has not been made (or neither of them has been made), the unreasonable refusal of the category 1 territory to consent to a request for a temporary transfer under subsection (3) of section 21B is not sole reason for that failure.’.
Clause 130, page 99, line 32, at end insert—

‘(2) In order to assess whether there are “reasonable grounds” within the meaning of paragraph (a) of subsection (1) in this section, the judge shall have regard to—

(a) the statement contained in the Part 1 warrant; and

(b) any other relevant evidence, including external evidence regarding the state of the proceedings and the past record of the Part 1 territory.’.

Clause 130, page 99, line 33, leave out ‘“to charge” and’.
Anti-social Behaviour, Crime and Policing Bill, continued

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Clause  **130**, page **99**, line **34**, leave out ‘mean’ and insert ‘means’.

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Clause  **130**, page **99**, line **35**, leave out paragraph (a).

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Clause  **131**, page **100**, line **15**, leave out from ‘proportionality’ to end of line 16.
Report Stage Proceedings: 15 October 2013

Anti-social Behaviour, Crime and Policing Bill, continued

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
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Mr Phillip Hollobone
Mr Charles Walker
Mr David Davis
Henry Smith

Mrs Anne Main
Simon Reevell
Mr John Redwood
Mr Bernard Jenkin
Richard Drax
Mark Field
Mark Pritchard

Not called 119

Clause 131, page 100, line 22, leave out ‘the possibility of the relevant authorities taking’ and insert ‘the availability to the relevant foreign authorities, of’.

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker
Conor Burns
Sir Richard Shepherd
Dr Sarah Wollaston
Mr David Ruffley
Mr William Cash
Mr David Nuttall
Tim Loughton

Bob Blackman
Mr Douglas Carswell
Martin Vickers
Mark Reckless
Mr Phillip Hollobone
Mr Charles Walker
Mr David Davis
Henry Smith

Mrs Anne Main
Simon Reevell
Mr John Redwood
Mr Bernard Jenkin
Richard Drax
Mark Field
Mark Pritchard

Not called 117

Clause 131, page 100, line 23, at end insert—
‘(d) the likely consequence of extradition for the suspect and their family;
(e) the passage of time since the conduct alleged to constitute the extradition offence;
(f) the costs of extradition for the United Kingdom;
(g) the public interest in the extradition; and
(h) any other matter which the judge considers to be relevant.’.
Clause 131, page 100, line 23, at end insert—
‘(3A) If the judge decides that the relevant foreign authorities have available to them other measures which would be less coercive than the extradition of D, the judge shall conclude that extradition would be disproportionate.’.

Clause 131, page 100, line 40, after ‘means’ insert ‘all’.

Clause 131, page 100, line 42, after ‘ahead’, insert ‘and not only the judicial
authority which issued the Part 1 warrant’.

Clause 133, page 102, line 10, after ‘request’, insert ‘(which must include a specific timeframe within which the person must be returned to the United Kingdom)’.

Clause 133, page 102, line 13, at end insert—

‘(5A) However, the judge must not make any order under subsection (5) if the Part 1 territory has not provided assurances, which the judge considers satisfactory, that the person will be returned to the United Kingdom within the period specified in the judge’s order made under that subsection.’.
Clause 133, page 102, line 24, after ‘withdrawn’) insert ‘, unless new circumstances arising since that consent was given justify it.’.

Clause 133, page 102, line 28, after ‘withdrawn’) insert ‘unless new circumstances arising since that request was made justify it.’.

Clause 133, page 102, line 35, at end add—

‘(10) If the requested person makes a request under subsection (3), and the Part 1 territory unreasonably refuses to consent to that request, the judge shall consider
that there are less coercive measures available for the purposes of section 21A of this Act.

(11) If the Part 1 territory refuses to provide the assurance required under subsection (6), the judge shall consider that there are less coercive measures available for the purposes of section 21A of this Act.'.

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Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker  
Conor Burns  
Sir Richard Shepherd  
Dr Sarah Wollaston  
Mr David Ruffley  
Mr William Cash  
Mr David Nuttall  
Tim Loughton

Bob Blackman  
Mr Douglas Carswell  
Martin Vickers  
Mark Reckless  
Mr Phillip Hollobone  
Mr Charles Walker  
Mr David Davis  
Henry Smith

Mrs Anne Main  
Simon Reevell  
Mr John Redwood  
Mr Bernard Jenkin  
Richard Drax  
Mark Field  
Mark Pritchard

Clause 134, page 102, line 39, leave out paragraphs (a) and (b).

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker  
Conor Burns  
Sir Richard Shepherd  
Dr Sarah Wollaston  
Mr David Ruffley  
Mr William Cash  
Mr David Nuttall  
Tim Loughton

Bob Blackman  
Mr Douglas Carswell  
Martin Vickers  
Mark Reckless  
Mr Phillip Hollobone  
Mr Charles Walker  
Mr David Davis  
Henry Smith

Mrs Anne Main  
Simon Reevell  
Mr John Redwood  
Mr Bernard Jenkin  
Richard Drax  
Mark Field  
Mark Pritchard

Clause 134, page 102, line 44, leave out from beginning to end of line 2 on page 103, and insert—

‘(5) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interests of justice to do so.’.

Not called 127

Secretary Theresa May

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—

Agreed to 57
Anti-social Behaviour, Crime and Policing Bill, continued

(a) "may";

(b) at the end of that subsection there is inserted "but lies only with the leave of the High Court.".

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

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

(d) in subsection (4), for “7” there is substituted “14”.

Secretary Theresa May

Agreed to 58

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

‘(10) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interests of justice to do so.’.

Not called 131

Clause 134, page 103, line 9, leave out from beginning to end of line 13, and insert—

‘(10) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interests of justice to do so.’.

Not called 129

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

‘(10) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interests of justice to do so.’.

Agreed to 58
Anti-social Behaviour, Crime and Policing Bill, continued

Secretary Theresa May

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),”’.

Mr Dominic Raab
Nick de Bois
Keith Vaz
Ms Gisela Stuart
Mr Graham Brady
Zac Goldsmith

Steve Baker
Conor Burns
Sir Richard Shepherd
Dr Sarah Wollaston
Mr David Ruffley
Mr William Cash
Mr David Nuttall
Tim Loughton
Bob Blackman
Mr Douglas Carswell
Martin Vickers
Mark Reckless
Mr Phillip Hollobone
Mr Charles Walker
Mr David Davis
Henry Smith

Mrs Anne Main
Simon Reevell
Mr John Redwood
Mr Bernard Jenkin
Richard Drax
Mark Field
Mark Pritchard

Not called 130

Clause 134, page 103, line 21, leave out from beginning to end of line 25, and insert—

‘(5) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interest of justice to do so.’.

Secretary Theresa May

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.”’.

Dr Hywel Francis
Simon Hughes

Not called 184

Page 115, line 19, leave out Clause 143.

Jeremy Corbyn
Mark Durkan
Emily Thornberry

Not called 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
Anti-social Behaviour, Crime and Policing Bill, continued

evidence now to be considered.’.

Philip Davies

Clause 144, page 116, line 4, leave out subsection (2).

Secretary Theresa May

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—

“(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

Page 118, leave out Clause 147.

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’.

Secretary Theresa May

Clause 149, page 119, leave out line 23.

Secretary Theresa May

Clause 151, page 120, line 11, at end insert—

‘( ) section [Violent offender orders];’.

Secretary Theresa May

Clause 151, page 120, line 11, at end insert—
Anti-social Behaviour, Crime and Policing Bill, continued

‘( ) section [Saving and transitional provision];’.

Secretary Theresa May

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

Secretary Theresa May

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

Secretary Theresa May

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

Secretary Theresa May

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

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’.

Secretary Theresa May

Clause 151, page 120, leave out line 19 and insert—
‘(j) section 144 except subsection (5B);
(k) section 146.’.

Secretary Theresa May

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

Secretary Theresa May

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

Secretary Theresa May

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

Clause 151, page 120, line 32, at end insert—
‘( ) section 114(5);’.
Anti-social Behaviour, Crime and Policing Bill, continued

Secretary Theresa May

Clause 151, page 120, line 37, leave out ‘147’ and insert ‘[Court and tribunal fees]’.

Secretary Theresa May

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

Secretary Theresa May

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

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

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

Secretary Theresa May

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

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

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.’.

Secretary Theresa May

Schedule 6, page 145, line 2, at end insert—

‘( ) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;

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

Secretary Theresa May

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

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

Dr Julian Huppert

Page 146, line 26, leave out Schedule 7.

Dr Julian Huppert

Schedule 7, page 147, line 15, at end insert—

‘Power to stop, question and detain

1A (1) Schedule 7 to the Terrorism Act 2000 is amended as follows.

(2) Paragraph 2(4) is repealed.

(3) After paragraph 4 there is inserted—

‘4A An examining officer must ensure that all questioning, beginning at the commencement of the examination, is recorded and retained for as long as is deemed necessary, which must be no less than one year, so that it may be used in any complaints process that may follow.’.

Not called
Anti-social Behaviour, Crime and Policing Bill, continued

Dr Hywel Francis
Simon Hughes

Schedule 7, page 147, line 16, at end insert—

‘Limits on duty to give information and documents

1A In paragraph 5(1) of Schedule 7 to the Terrorism Act 2000, before “A person who is questioned” there is inserted “Subject to paragraph 9A below”.

Dr Hywel Francis
Simon Hughes

Schedule 7, page 147, line 25, at end insert—

‘(2A) A person questioned under paragraph 2 or 3 may not be detained under paragraph 6 unless the examining officer has reasonable grounds to suspect that he is a person falling within section 40(1)(b).’.

Not called 178

Dr Hywel Francis
Simon Hughes

Schedule 7, page 147, line 33, before paragraph 3 insert—

‘2A In paragraph 8(1) of Schedule 7 to the Terrorism Act 2000, before ‘An examining officer’ there is inserted ‘Subject to paragraph 9A below.’.

‘3A In paragraph 9(1) of Schedule 7 to the Terrorism Act 2000, before “An examining officer” there is inserted “Subject to paragraph 9A below.”.

3B In Schedule 7 to the Terrorism Act 2000, after paragraph 9 there is inserted—

“Data stored on personal electronic devices

9A (1) For the purposes of this Schedule—

(a) the information or documents which a person can be required to give the examining officer under paragraph 5,
(b) the things which may be searched under paragraph 8, and
(c) the property which may be examined under paragraph 9,
do not include data stored on personal electronic devices unless the person is detained under paragraph 6.

(2) “Personal electronic device” includes a mobile phone, a personal computer and any other portable electronic device on which personal information is stored.”.’.

Dr Julian Huppert

Schedule 7, page 148, line 38, at end insert—

‘(4) The copy, and information derived from it, may be used for no other purposes than those specified in subparagraph (3).’.
Anti-social Behaviour, Crime and Policing Bill, continued

Dr Hywel Francis
Simon Hughes

Schedule 7, page 148, line 38, at end insert—

'Audio and video-recording of interviews

4A In paragraph 3(6) of Schedule 8 to the Terrorism Act 2000, the words “if the interview takes place in a police station” are omitted.’.

Dr Julian Huppert

Schedule 7, page 148, line 38, at end insert—

'Right to silence

4A In Schedule 7 to the Terrorism Act 2000, after paragraph 18 there is inserted—

“18A Right to silence

Nothing in this Schedule—
(a) imposes a duty on a person to respond to questioning; or
(b) allows inferences to be drawn from their silence.”.’.

Dr Julian Huppert

Schedule 7, page 148, line 42, at end insert—

‘(2A) In paragraph 6(1) the words “Subject to paragraph 8” are omitted.’.

Dr Julian Huppert

Schedule 7, page 148, line 43, after ‘7(1)’, insert—

‘(a) the words “Subject to paragraphs 8 and 9” are omitted;
(b) ’.

Dr Julian Huppert

Schedule 7, page 148, line 43, at end insert—

‘(3A) Paragraph 8 is omitted.’.

Dr Julian Huppert

Schedule 7, page 149, line 1, at end insert—

‘(4A) Paragraph 9 is omitted.’.

Dr Hywel Francis
Simon Hughes

Schedule 7, page 150, line 2, after ‘officer’ leave out ‘at such intervals as may be specified in, and otherwise in accordance with, the code of practice, and insert—

‘(2A) The first review shall be carried out as soon as is reasonably practicable after the time of the person’s detention and not more than one hour from that time.’.
Anti-social Behaviour, Crime and Policing Bill, continued

(2B) Subsequent reviews shall be carried out at intervals of not more than 2 hours.’.

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

Negatived on division  96

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

Secretary Theresa May

Agreed to  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

Agreed to  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”.

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.

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

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

(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).”

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”.

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

“(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) 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)”.

(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) 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).”
(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;
(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—
“(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—
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(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

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

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


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

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

Secretary Theresa May

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).’.

Secretary Theresa May

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”.’
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Secretary Theresa May

Agreed to 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

Agreed to 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

Agreed to 90

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

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

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

“(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;”.

NEW CLAUSES AND NEW SCHEDULES RELATING TO THE CONTROL OF DOGS;
AMENDMENTS TO PART 7; REMAINING PROCEEDINGS ON CONSIDERATION

Amendment of Breeding of Dogs Act 1973

Mr David Amess
Julie Hilling

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
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 a wild state.'
Dog number control notice

Julie Hilling
Mr Andrew Smith
Paul Goggins
Jim Fitzpatrick
Nic Dakin
Mrs Mary Glindon

Jim Fitzpatrick  Rosie Cooper  Mrs Madeleine Moon
Mr David Blunkett  Graeme Morrice  Joan Walley

Not called  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—

“authorised officer” means a person appointed by a local authority within whose area the domestic property is situated for the purposes of this section;

“domestic property” means a building, or part of a building, that is a dwelling or is forces accommodation (or both);

“person in charge” means the owner or owners, and if different, person or persons for the time being in charge of the dogs.’.
Anti-social Behaviour, Crime and Policing Bill, continued

Community protection notices (dogs)

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.’.

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

Ann Coffey
Mr Clive Betts
Mr Bob Ainsworth
Graham Stringer
Derek Twigg
Andrew Gwynne

David Heyes

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

(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
Mrs Mary Glindon
Mr Mark Spencer

Not called 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.
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(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.’.

Improving the welfare of seized dogs

Angela Smith

To move the following Clause:—

‘(1) Where an expert examination is required for a dog that is alleged to be one to which section 1 of the Dangerous Dogs Act 1991 applies that examination must be carried out and completed by both the defence and prosecution within 28 days of seizure of the dog and a written report produced within one week of the examination.

(2) If the prosecution or defence fail to carry out the examination as described in subsection 1 within the requisite period the prosecution or defence, as the case may be, may not rely in evidence on any expert report involving an examination of that dog after the 28 day period unless the Court extends this period.

(3) In considering any application to extend the examination period the Court must take into account the welfare of the dog, the costs of kennelling the dog and any other relevant matters.’.
Angela Smith

To move the following Clause:—

‘(1) The Dangerous Dogs Act 1991 is amended as follows.
(2) In section 4B(1)(b) (Destruction orders otherwise than on a conviction) after the first “owner” there is inserted “or prospective owner”, and after the second “owner” there is inserted “or prospective owner”.

Philips Davies

Clause 98, page 69, line 43, leave out subsection 2(a).

Richard Fuller

Clause 98, page 70, line 3, leave out line 3 and insert—

‘(ii) for “injures any person” there is substituted “injures or kills any person or assistance dog”.

Philip Davies

Clause 98, page 70, line 6, after ‘householder’, add ‘or business’.

Philip Davies

Clause 98, page 70, line 7, after ‘householder’, add ‘or business’.

Philip Davies

Clause 98, page 70, line 11, after ‘(or is both)’, add ‘or in premises used partially or wholly for business purposes’.

Philip Davies

Clause 98, page 70, line 17, at end insert—

‘(iii) D (if not present at any time) could have reasonably believed V to be in, or entering the building or part as a trespasser if they had been present.’.

Philip Davies

Clause 98, page 70, line 23, at end insert—

‘(1C) A person (“D”) is not guilty of an offence under subsection (1) in a case where they, or an associated person, are being attacked by another person or another dog at the relevant time.’.
(1D) A person ("D") is not guilty of an offence under subsection (1) if they are a vet or someone working in a veterinary practice at the relevant time.
(1E) A person ("D") is not guilty of an offence under subsection (1) if they themselves are the victim of any incident involving their dog.
(1F) A person ("D") is not guilty of an offence under subsection (1) if they are in charge of a dog they are removing in connection with their work.
(1G) A person ("D") is not guilty of an offence under subsection (1) if they are in charge of a dog they are required to maintain in any police or court proceedings or if they are assisting the courts as a witness (expert or otherwise).
(1H) A person ("D") is not guilty of an offence under subsection (1) if they are in charge of a dog that they are authorised or required to look after in connection with their work.
(1I) A person ("D") is not guilty of an offence under subsection (1) if the dog is a police dog or a dog being used in an official capacity to assist with their work.
(1J) A person ("D") is not guilty of an offence under subsection (1) if the dog is an assistance dog.
(1K) A person ("D") is not guilty of an offence under subsection (1) if they are registered blind.
(1L) A person ("D") is not guilty of the aggravated offence under subsection (1) if, as a result of any disability, they were not able to physically prevent the offence.
(1M) A person ("D") is not guilty of the aggravated offence under subsection (1) unless they encouraged the dog in its actions.'.

Tracey Crouch
Clause 98, page 70, line 28, at end insert—
‘(2A) If an owner of a dog, and if different the person for the time being in charge of a dog unreasonably omits to keep the dog under proper control, or if he causes, or encourages the dog to attack a protected animal, and any of those things lead to the injury or death of a protected animal he shall be guilty of an offence.
(2B) A “protected animal” has the same meaning as in section 2 of the Animal Welfare Act 2006.’.

Richard Fuller
Clause 98, page 70, line 28, at end insert—
‘(iii) for “two years” there is substituted “fourteen years”.’.

Angela Smith
Clause 98, page 70, line 28, at end insert—
‘(1C) In proceedings for an offence under section 3(1) it shall be a defence for the accused to prove that he took reasonable steps to prevent the dog being dangerously out of control.’.

Philip Davies
Clause 98, page 70, line 41, at end insert—
‘(1B) Anyone authorised to seize a dog under subsection 1A is exempted from the provisions of the Dangerous Dogs Act 1991.’.
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
Mrs Mary Glindon
Mr Mark Spencer

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;’.

Tracey Crouch

Clause 98, page 70, line 47, leave out subsection (6)(b).

Miss Anne McIntosh
Mrs Mary Glindon
Mr Mark Spencer

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
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(b) it shall come into force in accordance with provision made under subsection (2)(b).”.

Bill read the third time, and passed.