



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

Wednesday 18 February 2015

*New Amendments handed in are marked thus ★*

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

### CONSIDERATION OF BILL

#### SERIOUS CRIME BILL [*LORDS*], AS AMENDED

#### NOTE

The Amendments have been arranged in accordance with the Serious Crime Bill [*Lords*] Programme (No. 2) Motion to be proposed by Secretary Theresa May.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO THE PROTECTION OF CHILDREN AND OTHERS, BUT NOT TO ABORTION; AMENDMENTS TO PART 5*

Secretary Theresa May

NC8

☆ To move the following Clause—

#### **“Child sexual exploitation**

- (1) The Sexual Offences Act 2003 is amended as set out in subsections (2) to (6).
- (2) For the heading before section 47 substitute “*Sexual exploitation of children*”.
- (3) In section 48 (headed “Causing or inciting child prostitution or pornography”)—
  - 5 (a) in the heading, for “**child prostitution or pornography**” substitute “**sexual exploitation of a child**”;
  - (b) in subsection (1)(a), for “to become a prostitute, or to be involved in pornography,” substitute “to be sexually exploited”.
- 10 (4) In section 49 (headed “Controlling a child prostitute or a child involved in pornography”)—
  - (a) in the heading, for “**prostitute or a child involved in pornography**” substitute “**in relation to sexual exploitation**”;
  - (b) in subsection (1)(a), for “prostitution or involvement in pornography” substitute “sexual exploitation”.

**Serious Crime Bill [Lords], continued**

- 15 (5) In section 50 (headed “Arranging or facilitating child prostitution or pornography”)—
- (a) in the heading, for “**child prostitution or pornography**” substitute “**sexual exploitation of a child**”;
- 20 (b) in subsection (1)(a), for “prostitution or involvement in pornography” substitute “sexual exploitation”.
- (6) In section 51 (interpretation of sections 48 to 50)—
- (a) omit subsection (1);
- (b) for subsection (2) substitute—
- 25 “(2) For the purposes of sections 48 to 50, a person (B) is sexually exploited if—
- (a) on at least one occasion and whether or not compelled to do so, B offers or provides sexual services to another person in return for payment or a promise of payment to B or a third person, or
- 30 (b) an indecent image of B is recorded;
- and “sexual exploitation” is to be interpreted accordingly.”
- (7) In section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution), in subsection (1), after “person” insert “aged 18 or over”.

**Member’s explanatory statement**

*This New Clause replaces the references to child prostitution and pornography in sections 48 to 51 of the Sexual Offences Act 2003 with references to the sexual exploitation of children (without altering the substance of the relevant offences), and also restricts to adults the offence of loitering or soliciting for the purposes of prostitution.*

As an Amendment to Secretary Theresa May’s proposed New Clause (*Child sexual exploitation*) (NC8):—

Diana Johnson  
Jack Dromey  
Mr Steve Reed  
Seema Malhotra

- (a)  
★ Line 27, leave out “offers or provides sexual services to” and insert “prepares to engage in, or engages in, sexual activity with.”

Secretary Theresa May

NC9

☆ To move the following Clause—

**“Duty to notify police of female genital mutilation**

After section 5A of the Female Genital Mutilation Act 2003 (inserted by section 72 above) insert—

**“5B Duty to notify police of female genital mutilation**

- (1) A person who works in a regulated profession in England and Wales must make a notification under this section (an “FGM notification”) if, in

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**Serious Crime Bill [Lords], continued**

the course of his or her work in the profession, the person discovers that an act of female genital mutilation appears to have been carried out on a girl who is aged under 18.

- (2) For the purposes of this section—
  - (a) a person works in a “regulated profession” if the person is—
    - (i) a healthcare professional,
    - (ii) a teacher, or
    - (iii) a social care worker in Wales;
  - (b) a person “discovers” that an act of female genital mutilation appears to have been carried out on a girl in either of the following two cases.
- (3) The first case is where the girl informs the person that an act of female genital mutilation (however described) has been carried out on her.
- (4) The second case is where—
  - (a) the person observes physical signs on the girl appearing to show that an act of female genital mutilation has been carried out on her, and
  - (b) the person has no reason to believe that the act was, or was part of, a surgical operation within section 1(2)(a) or (b).
- (5) An FGM notification—
  - (a) is to be made to the chief officer of police for the area in which the girl resides;
  - (b) must identify the girl and explain why the notification is made;
  - (c) must be made before the end of one month from the time when the person making the notification first discovers that an act of female genital mutilation appears to have been carried out on the girl;
  - (d) may be made orally or in writing.
- (6) The duty of a person working in a particular regulated profession to make an FGM notification does not apply if the person has reason to believe that another person working in that profession has previously made an FGM notification in connection with the same act of female genital mutilation.

For this purpose, all persons falling within subsection (2)(a)(i) are to be treated as working in the same regulated profession.
- (7) A disclosure made in an FGM notification does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information.
- (8) The Secretary of State may by regulations amend this section for the purpose of adding, removing or otherwise altering the descriptions of persons regarded as working in a “regulated profession” for the purposes of this section.
- (9) The power to make regulations under this section—
  - (a) is exercisable by statutory instrument;
  - (b) includes power to make consequential, transitional, transitory or saving provision.

**Serious Crime Bill [Lords], continued**

- (10) A statutory instrument containing regulations under this section is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (11) In this section—
- “act of female genital mutilation” means an act of a kind mentioned in section 1(1);
- “healthcare professional” means a person registered with any of the regulatory bodies mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (bodies within remit of the Professional Standards Authority for Health and Social Care);
- “registered”, in relation to a regulatory body, means registered in a register that the body maintains by virtue of any enactment;
- “social care worker” means a person registered in a register maintained by the Care Council for Wales under section 56 of the Care Standards Act 2000;
- “teacher” means—
- (a) in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England);
  - (b) in relation to Wales, a person who falls within a category listed in the table in paragraph 1 of Schedule 2 to the Education (Wales) Act 2014 (anaw 5) (categories of registration for purposes of Part 2 of that Act) or any other person employed or engaged as a teacher at a school (within the meaning of the Education Act 1996) in Wales.
- (12) For the purposes of the definition of “healthcare professional”, the following provisions of section 25 of the National Health Service Reform and Health Care Professions Act 2002 are to be ignored—
- (a) paragraph (g) of subsection (3);
  - (b) subsection (3A).”

**Member’s explanatory statement**

*This New Clause requires persons working in a “regulated profession” (healthcare professionals, teachers and social care workers) to notify the police if they discover in the course of their work that an act of female genital mutilation appears to have been carried out on a girl under 18.*

Secretary Theresa May

NC10

☆ To move the following Clause—

**“Guidance about female genital mutilation**

- (1) After section 5B of the Female Genital Mutilation Act 2003 (inserted by section *(Duty to notify police of female genital mutilation)* above) insert—

**“5C Guidance**

- (1) The Secretary of State may issue guidance to whatever persons in England and Wales the Secretary of State considers appropriate about—
- (a) the effect of any provision of this Act, or

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**Serious Crime Bill [Lords], continued**

- (b) other matters relating to female genital mutilation.
- (2) A person exercising public functions to whom guidance is given under this section must have regard to it in the exercise of those functions.
- (3) Nothing in this section permits the Secretary of State to give guidance to any court or tribunal.
- (4) Before issuing guidance under this section the Secretary of State must consult—
  - (a) the Welsh Ministers so far as the guidance is to a body exercising devolved Welsh functions;
  - (b) any person whom the Secretary of State considers appropriate.
- (5) A body is exercising “devolved Welsh functions” if its functions are exercisable only in or as regards Wales and are wholly or mainly functions relating to—
  - (a) a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
  - (b) a matter within the legislative competence of the National Assembly for Wales.
- (6) The Secretary of State may from time to time revise any guidance issued under this section.
- (7) Subsections (2) and (3) have effect in relation to any revised guidance.
- (8) Subsection (4) has effect in relation to any revised guidance unless the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (9) The Secretary of State must publish the current version of any guidance issued under this section.”
- (2) Consultation for the purposes of subsection (4) of section 5C of the Female Genital Mutilation Act 2003 (inserted by subsection (1) above) may be, or include, consultation before the coming into force of this section.”

***Member’s explanatory statement***

*This New Clause confers a power on the Secretary of State to issue guidance about the effect of any provision of the Female Genital Mutilation Act 2003 or about other matters relating to female genital mutilation.*

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 Serious Crime Bill [*Lords*], *continued*

John Mann  
 Sarah Champion  
 Mrs Mary Glendon  
 Mr Jim Cunningham  
 Simon Danczuk  
 Andrew George

Mr George Howarth  
 John Hemming  
 Mrs Emma Lewell-Buck  
 Tessa Munt  
 Sir Andrew Stunell  
 Jeremy Lefroy

Mr David Anderson  
 Teresa Pearce  
 Dr Alasdair McDonnell  
 Mr Elfyn Llwyd  
 Ann Clwyd  
 Alex Cunningham

Sir Peter Bottomley  
 Mark Durkan  
 Mr Tom Watson  
 Mr Brian H. Donohoe  
 Graeme Morrice

NC2

To move the following Clause—

**“Official Secrets Act 1989 (additional defence)**

- (1) The Official Secrets Act 1989 is amended as follows—
- (2) After section 8, insert—

“(8A) It is a defence for a person charged with an offence under any provision of this Act to prove that he knew, or had reasonable cause to believe, that the information, document or article disclosed was—

- (a) germane to an official investigation of, or inquiry into, historic child abuse, and
- (b) provided only to an officer of such an investigation or inquiry.

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Ann Coffey  
 Norman Baker  
 Mr Elfyn Llwyd  
 Caroline Lucas  
 Andy McDonald  
 Dr Sarah Wollaston

Sir Andrew Stunell  
 Sarah Champion  
 Sir Peter Bottomley  
 John Cryer

Sir David Amess  
 Mr John Leech  
 Meg Munn  
 Mrs Madeleine Moon

Valerie Vaz  
 Mrs Emma Lewell-Buck  
 Steve Baker

NC3

To move the following Clause—

**“Child sexual exploitation**

- (1) In section 1(1) of the Street Offences Act 1959 (Loitering or soliciting for purposes of prostitution), after “female”, insert “, aged 18 or over,”.
- (2) The Sexual Offences Act 2003 is amended as follows.
- (3) In section 48 (Causing or inciting child prostitution or pornography)—
  - (a) in the title of the section, for “prostitution” substitute “sexual exploitation”; and
  - (b) in subsection (1)(a), for “become a prostitute” substitute “be sexually exploited”.

**Serious Crime Bill [Lords], continued**

- (4) In section 49 (Controlling a child prostitute or a child involved in pornography)—
  - (a) in the title of the section, for “child prostitute” substitute “sexually exploited child”; and
  - (b) in subsection (1)(a), for “prostitution” substitute “sexual exploitation”.
- (5) In section 50 (Arranging or facilitating child prostitution or pornography)—
  - (a) in the title of the section, for “child prostitution or pornography” substitute “the sexual exploitation of a child or sexual images of children”; and
  - (b) in subsection (1)(a), for “prostitution” substitute “sexual exploitation”.
- (6) In section 51 (Sections 48 to 50: interpretation), in subsection (2), for “prostitute” substitute “sexually exploited child”; for “prostitution” substitute “sexual exploitation”.
- (7) References in any Act, Regulation, Order or other legislative instrument to the sections and titles mentioned in this section shall be interpreted as referring to the sections and titles as amended by this section.”

Mr Elfyn Llwyd

NC11

☆ To move the following Clause—

**“Child protection: 16 and 17 year olds living with their families**

- (1) The Children’s Act 1933 is amended as follows.
- (2) After section 1 insert—

**“1A Cruelty to a person aged sixteen or seventeen**

- (1) If any person A, who has attained the age of eighteen years and is personally connected to a child B aged sixteen or seventeen, wilfully assaults, ill-treats (whether physically or psychologically), neglects, abandons, or exposes him, or causes or procures for him to be assaulted, ill-treated (whether physically or psychologically), neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body and whether the injury is of physical or psychological nature), that person shall be guilty of an offence, and shall be liable—
  - (a) on conviction or indictment, to a fine or alternatively, or in addition thereto, to imprisonment for any term not exceeding 10 years;
  - (b) on summary conviction, to a fine not exceeding £400 pounds, or alternatively, or in addition thereto, to imprisonment not exceeding six months.
- (2) For the purposes of this section—
  - (a) A and B are considered to be personally connected if at the time of the offence they live together, and
    - (i) A has parental responsibility for B
    - (ii) A is a relative of B
    - (iii) A is or has been married or civil partner to B’s parent.

**Serious Crime Bill [Lords], continued**

- (b) A shall be deemed to have neglected B in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided to B.
- (3) A person may be convicted of an offence under this section—
- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of B.
- (4) In subsection (2)—  
 “parental responsibility” has the same meaning as in the Children Act 1989;  
 “relative” has the meaning given by section 63(1) of the Family Law Act 1996”

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Mr Elfyn Llwyd

NC12

☆ To move the following Clause—

**“Child Abduction Warning Notices: extension to vulnerable 16 and 17 year olds**

- (1) The Children’s Act 1989 is amended as follows.
- (2) After section 49 of the Children Act 1989 insert—

**“49A Abduction of vulnerable children aged sixteen or seventeen**

- (1) A person shall be guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he
- (a) takes a child to whom this section applies away from a person with parental responsibility or child’s place of residence; or
- (b) keeps such a child away from the responsible person or child’s place of residence; or
- (c) induces, assists or incites such a child to run away or stay away from a person with parental responsibility or child’s place of residence; and
- (d) uses controlling and coercive behaviour to influence a child.
- (2) This section applies in relation to a child who is—
- (a) in need,
- (b) looked after under section 20
- (c) housed under part 7 of the Housing Act 1996,
- (d) suffering or is likely to suffer significant harm subject to section 47 1(b).
- (3) In this section  
 “parental responsibility” has a meaning as in this Act

**Serious Crime Bill [*Lords*], *continued***

“child in need” has a meaning as defined in section 17 of this Act.”

Seema Malhotra  
Jack Dromey  
Mr Steve Reed

NC15

★ To move the following Clause—

**“Encouragement of Female Genital Mutilation Warning Notice and Orders (EWNs and EWOs)**

In the Female Genital Mutilation Act 2003, after section 2A (offence of Encouragement of Female Genital Mutilation) insert—

**“2B Power to issue an Encouragement of Female Genital Mutilation warning notice**

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may issue an Encouragement of Female Genital Mutilation warning notice (an “EWN”) under this section.
- (2) An EWN may be issued to a person (“A”) who is aged 18 or over if the authorising officer has reasonable grounds for believing that A has been encouraging the genital mutilation of women and girls as defined in section 1.
- (3) Before issuing an EWN, the authorising officer must, in particular, consider any representations made by A as to the issuing of the EWN.
- (4) The authorising officer must take reasonable steps to obtain the representations mentioned in subsection (3).
- (5) An EWN must prohibit A from encouraging the genital mutilation of women and girls.

**2C Contents and service of an Encouragement of Female Genital Mutilation warning notice**

- (1) An EWN must state—
  - (a) the grounds on which it has been issued;
  - (b) that a constable may arrest A without warrant if the constable has reasonable grounds for believing that A is in breach of the EWN;
  - (c) that an application for an Encouragement of Female Genital Mutilation warning order an (“EWO”) under (application for an EWO) shall be heard within 48 hours of the time of service of the EWN and notice time and place of the hearing will be given to A, and shall state that the EWN continues in effect until that application has been determined.
- (2) An EWN must be in writing and must be served on A personally by a constable.
- (3) On serving A with an EWN, the constable must ask A for an address for the purposes of being given notice of the hearing of the application for the Encouragement of Female Genital Mutilation Warning Order.

**Serious Crime Bill [*Lords*], *continued*****2D Breach of an Encouragement of Female Genital Mutilation warning notice**

- (1) A person arrested by virtue of section (contents and service of an EWN) for a breach of an EWN shall be held in custody and brought before the magistrates' court which will hear the application for the EWO under (application for an EWO)—
  - (a) before the end of the period of 24 hours beginning with the time of the arrest; or
  - (b) if earlier, at the hearing of that application.
- (2) If the person is brought before the court by virtue of subsection (1)(a), the court may remand the person.
- (3) If the court adjourns the hearing of the application by virtue of subsection 6(8), the court may remand the person.
- (4) In calculating when the period of 24 hours mentioned in subsection (1)(a) ends, Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 are to be disregarded.

**2E Application for an Encouragement of Female Genital Mutilation warning order**

- (1) If an EWN has been issued, a constable must apply for an Encouragement of Female Genital mutilation warning order (an "EWO").
- (2) The application must be made by complaint to a magistrates' court.
- (3) The application must be heard by the magistrates' court no later than 48 hours after the EWN was served pursuant to section (contents and service of an EWN).
- (4) In calculating when the period of 48 hours mentioned in subsection (3) ends, Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 are to be disregarded.
- (5) Notice of the time and place of the hearing of the application must be given to A.
- (6) The notice is deemed given if it has been left at the address given by A under section 4(3).
- (7) If the notice has not been given because no address was given by A under section 4(3), the court may hear the application for the EWO if the court is satisfied that the constable applying for the EWO has made reasonable efforts to give A the notice.
- (8) The magistrates' court may adjourn the hearing of the application.
- (9) If the court adjourns the hearing, the EWN continues in effect until the application has been determined.
- (10) On the hearing of an application for an EWO, section 97 of the Magistrates' Court Act 1980 (summons to witness and warrant for his arrest) does not apply in relation to a person for whose protection the EWO would be made, except where the person has given oral or written evidence at the hearing.

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**Serious Crime Bill [*Lords*], *continued*****2F Conditions for and contents of an Encouragement of Female Genital Mutilation warning order (EWO)**

- (1) The court may make an EWO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that the conditions set out in section 3(2) are met.
- (3) The second condition is that the court is satisfied that making the EWO is necessary to protect women and girls from harm as a result of the encouragement of FGM by A.
- (4) An EWO must state that a constable may arrest A without warrant if the constable has reasonable grounds for believing that A is in breach of the EWO.
- (5) An EWO may be in force for—
  - (a) no fewer than 14 days beginning with the day on which it is made; and
  - (b) up to a maximum of seven years from that date.
- (6) An EWO must state the period for which it is to be in force.

**2G Breach of an Encouragement of Female Genital Mutilation warning order**

- (1) A person arrested by virtue of section (conditions for and contents of an EWO) for a breach of an EWO must be held in custody and brought before a magistrates' court within the period of 24 hours beginning with the time of the arrest.
- (2) If the matter is not disposed of when the person is brought before the court, the court may remand the person.
- (3) In calculating when the period of 24 hours mentioned in subsection (1) ends, Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 are to be disregarded.

**2H Further provision about remand**

- (1) This section applies for the purposes of the remand of a person by a magistrates' court under section (Breach of an EWN) or (Breach of an EWO).
- (2) In the application of section 128(6) of the Magistrates' Court Act 1980 for those purposes, the reference to the "other party" is to be read—
  - (a) in the case of a remand prior to the hearing of an application for an EWO, as a reference to the authorising officer; and
  - (b) in any other case, as a reference to the constable who applied for the EWO.
- (3) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made.
- (4) If the person is remanded in custody for that purpose, the adjournment may not be for more than three weeks at a time.

**Serious Crime Bill [*Lords*], *continued***

- (5) If the person is remanded on bail for that purpose, the adjournment may not be for more than four weeks at a time.
- (6) If the court has reason to suspect that the person is suffering from a mental disorder within the meaning of the Mental Health Act 1983, the court has the same power to make an order under section 35 of that Act (remand to hospital for medical report) as it has under that section in the case of an accused person (within the meaning of that section).
- (7) The court may, when remanding the person on bail, require the person to comply before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.

**2I Guidance**

- (1) The Secretary of State may issue guidance relating to the exercise by a constable of functions under section (Power to issue an EWN).
- (2) A constable must have regard to any guidance issued under subsection (1) when exercising a function to which the guidance relates.
- (3) Before issuing guidance under this section, the Secretary of State must consult—
  - (a) the Association of Chief Police Officers;
  - (b) the National Crime Agency; and
  - (c) such other persons as the Secretary of State thinks fit.”

Seema Malhotra  
Jack Dromey  
Mr Steve Reed

NC16

★ To move the following Clause—

**“Offence of encouragement of female genital mutilation**

- (1) The Female Genital Mutilation Act 2003 is amended as follows:
- (2) After section 2 (offence of assisting a girl to mutilate her own genitalia) insert—
 

“(2A) Offence of encouragement of female genital mutilation—

  - (a) a person is guilty of an offence of encouragement of female genital mutilation if he makes a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to mutilate the genitalia of a girl;
  - (b) A person commits an offence if—
    - (i) he publishes a statement to which this section applies or causes another to publish such a statement; and
    - (ii) at the time he publishes it or causes it to be published, he—
      - (a) intends members of the public to be directly or indirectly encouraged or otherwise induced by

Serious Crime Bill [*Lords*], *continued*

- the statement to mutilate the genitalia of a girl;  
or
- (b) is reckless as to whether members of the public will be directly or indirectly encouraged or otherwise induced by the statement to mutilate the genitalia of a girl.””

Seema Malhotra  
Jack Dromey  
Mr Steve Reed

NC17

★ To move the following Clause—

**“Mandatory reporting of suspected child abuse**

- (1) A person commits an offence if—
- (a) they are involved in the provision of regulated activity as defined by section 5 of the Safeguarding Vulnerable Groups Act 2006 for which they are paid;
  - (b) they are a provider of regulated activity as defined by section 6 of the Safeguarding Vulnerable Groups Act 2006;
  - (c) they become aware that a child has been harmed in connection to the regulated activity; and
  - (d) they do not inform a relevant authority of this harm.
- (2) A person does not commit an offence under this section if—
- (a) they can demonstrate they acted in the best interests of the child, or
  - (b) they complied with relevant professional guidelines or institutional guidelines for the reporting of abuse as they believed them to be, complying with institutional guidelines for the reporting of abuse can include informing another individual with relevant safeguarding responsibilities.
- (3) In this section “harm” means conduct which amounts to one of the following offences—
- (a) cruelty to and neglect of children;
  - (b) cruelty to children/young persons;
  - (c) child abduction;
  - (d) rape of a female child under 16;
  - (e) rape of a female child under 13;
  - (f) rape of a male child under 16;
  - (g) rape of a male child under 13;
  - (h) sexual assault on a male child under 13;
  - (i) sexual assault on a female child under 13;
  - (j) sexual activity involving a child under 13;
  - (k) sexual activity involving a child under 16;
  - (l) sexual exploitation of children;
  - (m) abuse of position of trust of a sexual nature; and
  - (n) sexual grooming.

**Serious Crime Bill [Lords], continued**

- (4) The Secretary of State may, by way of regulation, make guidance as to the interpretation of subsection (2) or amend subsection (3).
- (5) Any regulations made under subsection (4) must be subject to an affirmative procedure of both Houses of Parliament.
- (6) In this section “relevant authority” means—
  - (a) the local authority with safeguarding authorities;
  - (b) the local police force; and
  - (c) the Disclosure and Barring Service.
- (7) A person guilty of an offence under this Part of this Act shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both such imprisonment and fine;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding three years.”

Sarah Champion  
Yvette Cooper  
Seema Malhotra  
Diana Johnson

NC19

★ To move the following Clause—

**“Child abduction warning notice**

In the Child Abduction Act 1984, after section 2 (offence of abduction of child by other person) insert—

**“2A Power to issue a child abduction warning notice**

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may issue a child abduction warning notice (“a CAWN”) under this section.
- (2) A CAWN may be issued to a person (“A”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—
  - (a) A has without lawful authority or reasonable excuse been found in the company of a child (“C”); and
  - (b) C is reported missing and is found on two or more occasions to be in the company of A; or
  - (c) there is reason to suspect that C’s behaviour is, by reason of association with the defendant, giving significant cause for concern.
- (3) Before issuing a CAWN, the authorising officer must, in particular, take reasonable steps to gather and consider—
  - (a) representations made by the person with lawful authority for C; and
  - (b) representations made by A as to the issuing of the CAWN.
- (4) A CAWN must prohibit A from being in the company of C.

**Serious Crime Bill [*Lords*], *continued***

**2B Contents and service of a child abduction warning notice**

- (1) A CAWN must state—
  - (a) the grounds on which it has been issued;
  - (b) that a constable may arrest A without warrant if the constable has reasonable grounds for believing that A is in breach of the CAWN;
  - (c) that an application for a child abduction warning order under section 2D will be heard within 48 hours of the time of service of the CAWN and a notice of the hearing will be given to A;
  - (d) that the CAWN continues in effect until that application has been determined; and
  - (e) the provisions that a magistrates' court may include in a child abduction warning order (CAWO) under sections 2D and 2E.
- (2) A CAWN must be in writing and must be served on A personally by a constable.
- (3) On serving A with a CAWN, the constable must ask A for an address for the purposes of being given the notice of the hearing of the application for the child abduction warning order.

**2C Breach of a child abduction warning notice**

- (1) A person arrested by virtue of section 2B(1)(b) for a breach of a CAWN must be held in custody and brought before the magistrates' court which will hear the application for a child abduction warning order (CAWO) under sections 2D and 2E—
  - (a) before the end of the period of 24 hours beginning with the time of the arrest; or
  - (b) if earlier, at the hearing of that application.
- (2) If the person is brought before the court by virtue of subsection (1)(a), the court may remand the person.
- (3) If the court adjourns the hearing of the application by virtue of subsection 2D(8), the court may remand the person.
- (4) In calculating when the period of 24 hours mentioned in subsection (1)(a) of this section ends, Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 are to be disregarded.

**2D Application for a child abduction warning order**

- (1) If a CAWN has been issued, a constable must apply for a child abduction warning order ("a CAWO").
- (2) The application must be made by complaint to a magistrates' court.
- (3) The application must be heard by the magistrates' court no later than 48 hours after the CAWN was served pursuant to section 2B(2).
- (4) In calculating when the period of 48 hours mentioned in subsection (3) of this section ends, Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 are to be disregarded.
- (5) A notice of the hearing of the application must be given to A.

**Serious Crime Bill [Lords], continued**

- (6) The notice is deemed given if it has been left at the address given by A under section 2B(3).
- (7) But if the notice has not been given because no address was given by A under section 2B(3), the court may hear the application for the CAWO if the court is satisfied that the constable applying for the CAWO has made reasonable efforts to give A the notice.
- (8) The magistrates' court may adjourn the hearing of the application.
- (9) If the court adjourns the hearing, the CAWN continues in effect until the application has been determined.
- (10) On the hearing of an application for a CAWO, section 97 of the Magistrates' Court Act 1980 (summons to witness and warrant for his arrest) does not apply in relation to a person for whose protection the CAWO would be made, except where the person has given oral or written evidence at the hearing.

**2E Conditions for and contents of a child abduction warning order**

- (1) The court may make a CAWO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that one or more of the criteria in section 2A(2)(a)-(c) are satisfied.
- (3) The second condition is that the court thinks that making the CAWO is necessary to protect C from harm as a result of association with A.
- (4) A CAWO must state that a constable may arrest A without warrant if the constable has reasonable grounds for believing A is in breach of the CAWO.
- (5) A CAWO may be in force for—
  - (a) no fewer than 14 days beginning with the day on which it is made; and
  - (b) until the date of the 16th birthday of C.
- (6) A CAWO must state the period for which it is to be in force.

**2F Breach of a child abduction warning order**

- (1) A person arrested by virtue of section 2E(4) for a breach of a CAWO must be held in custody and brought before a magistrates' court within the period of 24 hours beginning with the time of the arrest.
- (2) If the matter is not disposed of when the person is brought before the court, the court may remand the person.
- (3) In calculating when the period of 24 hours mentioned in subsection (1) ends, Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 are to be disregarded.

**2G Further provision about remand**

- (1) This section applies for the purposes of the remand of a person by a magistrates' court under section 2C(2) or (3) or 2F(2).

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**Serious Crime Bill [Lords], continued**

- (2) In the application of section 128(6) of the Magistrates' Court Act 1980 for those purposes, the reference to the "other party" is to be read—
  - (a) in the case of a remand prior to the hearing of an application for a CAWO, as a reference to the authorising officer; and
  - (b) in any other case, as a reference to the constable who applied for the CAWO.
- (3) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made.
- (4) If the person is remanded in custody for that purpose, the adjournment may not be for more than three weeks at a time.
- (5) If the person is remanded on bail for that purpose, the adjournment may not be for more than four weeks at a time.
- (6) If the court has reason to suspect that the person is suffering from a mental disorder within the meaning of the Mental Health Act 1983, the court has the same power to make an order under section 35 of that Act (remand to hospital for medical report) as it has under that section in the case of an accused person (within the meaning of that section).
- (7) The court may, when remanding the person on bail, require the person to comply before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.

**2H Guidance**

- (1) The Secretary of State may issue guidance relating to the exercise by a constable of functions under sections 2A to 2F.
- (2) The guidance must set out the behaviours associated with "giving significant cause for concern", including, in particular, behaviours associated with giving cause for concern of sexual exploitation or grooming.
- (3) A constable must have regard to any guidance issued under subsection (1) when exercising a function to which the guidance relates.
- (4) Before issuing guidance under this section, the Secretary of State must consult—
  - (a) the Association of Chief Police Officers;
  - (b) the National Crime Agency; and
  - (c) such other persons as the Secretary of State thinks fit."

**Member's explanatory statement**

*This amendment establishes child abduction warning notices (CAWNs) on a statutory basis, addressing concerns raised in the House of Lords on the issue, by introducing a two-stage process providing judicial oversight, without compromising the ability of the police to issue a CAWN without delay. The proposed process is similar to that in place for Domestic Violence Prevention Notices/Domestic Violence Prevention Orders (DVPN/DVPO).*

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**Serious Crime Bill [*Lords*], *continued***

Seema Malhotra  
Diana Johnson  
Jack Dromey  
Mr Steve Reed

NC22

★ To move the following Clause—

**“Offence of child exploitation**

- (1) A person commits an offence if they exploit a child.
- (2) A child may be in a situation of exploitation whether or not—
  - (a) escape from the situation is practically possible for the child; or
  - (b) the child has attempted to escape from the situation.
- (3) The consent or apparent consent of the child to the exploitation is irrelevant.
- (4) “Child Exploitation” includes but is not limited to, the exploitation of the prostitute of others or other forms of sexual exploitation; the exploitation of labour or services including begging or practices similar to slavery, servitude or forced or compulsory labour; the exploitation of or for criminal activities including benefit fraud; the removal of organs; forced or servile marriage or enforced surrogacy; exploitation for unlawful adoption; and exploitation by enforced drugs smuggling, manufacture, production or distribution.
- (5) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.”

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Seema Malhotra  
Diana Johnson  
Jack Dromey  
Mr Steve Reed

NC26

★ To move the following Clause—

**“Automatic Special Measures: controlling or coercive behaviour cases**

The Youth Justice and Criminal Evidence Act 1999 is amended as follows—

In section 17, after “offence” insert “an offence of controlling or coercive behaviour in an intimate or family setting contrary to section 73 of the Serious Crime Act 2015.””

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Serious Crime Bill [*Lords*], *continued*

Nicola Blackwood

NC27

★ To move the following Clause—

**“Offence of abduction of child by other person**

(1) In section 2 of the Child Abduction Act 1984, after subsection (1), insert—

“(1A) Subject to subsection (3)(a)-(c), a person, other than one mentioned in subsection (2), commits an offence if, without lawful authority or reasonable excuse, he takes or detains a child between the ages of sixteen and eighteen—

- (a) so as to remove him from the lawful control of any person having lawful control of the child; or
- (b) so as to keep him out of the lawful control of any person entitled to lawful control of the child.”

(2) In section 2(3) of the Child Abduction Act 1984, for paragraph (b) substitute—

- “(b) that, at the time of the alleged offence under subsection 2(1), he believed that the child had attained the age of sixteen,
- (bA) that, at the time of the alleged offence under subsection 2(2), he believed the child had attained the age of eighteen,””

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Secretary Theresa May

1

☆ Clause 65, page 52, line 45, at end insert—

“( ) An application to a sheriff for an order under section 60, 61, 63 or 64 must be made by summary application.”

***Member’s explanatory statement***

*Under clauses 60, 61, 63 and 64 an application may be made to the appropriate court (in Scotland, a sheriff) for continued retention of seized substances, for forfeiture or return of substances and for compensation where no forfeiture order is made. This amendment provides that such applications to a sheriff must be made by summary application.*

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Sir William Cash  
Pauline Latham

20

☆ Clause 72, page 63, line 27, leave out “the” and insert “a risk of”

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Norman Baker

21

★ Clause 73, page 78, line 22, leave out “he or she was acting” and insert “their behaviour was necessary in order to act, and”

*Serious Crime Bill [Lords], continued*

Norman Baker

22

★ Clause 73, page 78, line 23, at end insert—

“(aa) a reasonable person in possession of the same information would think that A’s behaviour was necessary in order to act in B’s best interests.”

*NEW CLAUSES AND NEW SCHEDULES RELATING TO ABORTION*

Fiona Bruce  
Robert Ffello  
Steve Baker  
Mr David Burrowes  
Mr Dominic Grieve  
Sir David Amess

Mr Joe Benton	Richard Benyon	Jake Berry
Mr Brian Binley	Bob Blackman	Mr Graham Brady
Angie Bray	Mr Peter Bone	Sir Peter Bottomley
Conor Burns	Paul Burstow	Alistair Burt
Mr Ronnie Campbell	Sir William Cash	Martin Caton
Mr Tom Clarke	Ann Clwyd	Oliver Colvile
Michael Connarty	Rosie Cooper	Alex Cunningham
David T.C. Davies	Nick de Bois	Mr Nigel Dodds
Mr Jeffrey M. Donaldson	Mark Durkan	Bill Esterson
Jonathan Evans	Mr Nigel Evans	Mr Frank Field
Dr Liam Fox	Sir Roger Gale	Mrs Cheryl Gillan
Mr James Gray	Damian Green	Mr Dai Havard
Chris Heaton-Harris	John Hemming	Mr Mark Hoban
Kate Hoey	Mr Philip Hollobone	Kelvin Hopkins
Sir Gerald Howarth	Mr Stewart Jackson	Jeremy Lefroy
Sir Edward Leigh	Naomi Long	Sir Peter Luff
Mark Menzies	Mr David Nuttall	Mr Mark Prisk
Jacob Rees-Mogg	Jim Shannon	Mr Virendra Sharma
Jim Sheridan	David Simpson	Henry Smith
Mrs Caroline Spelman	John Stevenson	Sarah Teather
Mr Michael Thornton	Martin Vickers	Dame Angela Watkinson
Craig Whittaker	Bill Wiggin	Paul Maynard
Mr Alan Reid	Mr Christopher Chope	Mrs Mary Glendon
Gordon Henderson	Mr Dave Watts	Mr Charles Walker
Sir Nick Harvey	Mark Pritchard	Mr Gary Streeter
Graham Evans	Mark Reckless	Daniel Kawczynski
Karl McCartney	Stephen McPartland	Mr Laurence Robertson
Mr Douglas Carswell	Mr Gregory Campbell	David Simpson
Dr Julian Lewis	Ms Margaret Ritchie	Jackie Doyle-Price
Stephen Pound	Thomas Docherty	Sammy Wilson
Zac Goldsmith	Pat Glass	Sir Alan Beith
Mr Jim Cunningham	Charlotte Leslie	Mr Gordon Marsden
Peter Aldous	Sir James Paice	Sir Greg Knight

NC1

To move the following Clause—

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**Serious Crime Bill [*Lords*], *continued*****“Termination of pregnancy on the grounds of the sex of the unborn child**

Nothing in section 1 of the Abortion Act 1967 is to be interpreted as allowing a pregnancy to be terminated on the grounds of the sex of the unborn child.”

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Ann Coffey  
Jenny Willott  
Dame Tessa Jowell  
Valerie Vaz  
Sarah Newton

NC25

★ To move the following Clause—

**“Termination of pregnancy on grounds of sex of foetus**

- (1) The Secretary of State shall arrange for an assessment to be made of the evidence of termination of pregnancy on the grounds of the sex of the foetus in England, Wales and Scotland.
  - (2) The arrangements made under subsection (1) shall be such as to enable publication of the assessment by the Secretary of State within 6 months of the date of Royal Assent to this Act.
  - (3) The Secretary of State shall consider the assessment made under subsection (1) and—
    - (a) determine and publish a strategic plan to tackle substantiated concerns identified in the assessment made under subsection (1); or
    - (b) a statement and explanation in relation to why a plan under subsection (3)(a) is not required.
  - (4) Any strategic plan under subsection (3)(a) must include, but not be limited to, steps—
    - (a) to promote change in the social and cultural patterns of behaviour with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women and which may amount to pressure to seek a termination on the grounds of the sex of the foetus;
    - (b) to ensure best practise exists in identifying women being coerced or pressured into seeking a termination on the grounds of the sex of the foetus, or at risk of being so, and in the provision of protection and support to potential victims; and
    - (c) to promote guidance to service providers, health professionals and other stakeholders.
  - (5) The Secretary of State must lay a copy of the plan, determined under subsection (3)(a), before each House of Parliament within 6 months of the publication date of the assessment under subsection (2).”
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**Serious Crime Bill [*Lords*], *continued***
**REMAINING NEW CLAUSES AND NEW SCHEDULES; REMAINING PROCEEDINGS ON  
CONSIDERATION**

Secretary Theresa May

NC23

★ To move the following Clause—

**“Throwing articles into prisons**

After section 40CA of the Prison Act 1952 (inserted by section 75 above) insert—

**“40CB Throwing articles into prison**

- (1) A person who, without authorisation, throws any article or substance into a prison is guilty of an offence.
- (2) For the purposes of subsection (1)—
  - (a) the reference to an article or substance does not include a reference to a List A article, a List B article or a List C article (as defined by section 40A);
  - (b) the reference to “throwing” an article or substance into a prison includes a reference to doing anything from outside the prison that results in the article or substance being projected or conveyed over or through a boundary of the prison so as to land inside the prison.
- (3) In proceedings for an offence under this section it is a defence for the accused to show that—
  - (a) he reasonably believed that he had authorisation to do the act in respect of which the proceedings are brought, or
  - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (4) A person guilty of an offence under subsection (1) is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine (or both);
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine (or both).
- (5) In this section “authorisation” means authorisation given for the purposes of this section; and subsections (1) to (3) of section 40E apply in relation to authorisations so given as they apply to authorisations given for the purposes of section 40D.””

***Member’s explanatory statement***

*This New Clause creates a new offence of throwing any article or substance into a prison without authorisation (so far as not already prohibited under the Prison Act 1952). The offence would be triable either way with a maximum penalty (on conviction on indictment) of two years’ imprisonment.*

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Serious Crime Bill [*Lords*], *continued*

Secretary Theresa May

NC24

★ To move the following Clause—

**“Codes of practice about investigatory powers: journalistic sources**

In section 71 of the Regulation of Investigatory Powers Act 2000 (issue and revision of codes of practice), after subsection (2) insert—

- “(2A) A code of practice under subsection (1) that relates (expressly or otherwise) to the exercise and performance, in connection with the prevention or detection of serious crime, of powers and duties conferred or imposed by or under Part 1 of this Act—
- (a) shall include provision designed to protect the public interest in the confidentiality of journalistic sources;
  - (b) shall not be issued unless the Secretary of State has first consulted the Interception of Communications Commissioner and considered any relevant report made to the Prime Minister under section 58.”

***Member’s explanatory statement***

*This New Clause requires a code of practice made under section 71 of the Regulation of Investigatory Powers Act 2000 relating to the exercise of powers in Part 1 of that Act in relation to the prevention or detection of serious crime to include provision to protect the public interest in the confidentiality of journalistic sources.*

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Dr Julian Huppert  
 Mr Dominic Raab  
 Mr John Leech  
 John McDonnell  
 Mr David Davis  
 Mr Tom Watson

Caroline Lucas  
 Greg Mulholland  
 Mr John Whittingdale

Keith Vaz  
 Sir Alan Beith

Mark Reckless  
 John Hemming

NC4

To move the following Clause—

**“Investigation of crime: journalistic and privileged material**

- (1) After section 22(5B) of the Regulation of Investigatory Powers Act 2000 (obtaining and disclosing communications data) insert—

“(5C) An authorisation granted or notice given under subsection (3), (3B) or (4) for the purpose of preventing or detecting crime may not authorise or require any activity which is likely to result in journalistic source information or privileged information being obtained or disclosed, unless a judge has permitted the grant of the authorisation or the giving of the notice in accordance with section 22A.

(5D) For the purposes of this section “journalistic source information” means information which identifies, or might reasonably be expected to lead to

**Serious Crime Bill [*Lords*], *continued***

the identification of, the source of confidential journalistic material, within the meaning given by section 100 of the Police Act 1997.

- (5E) For the purposes of this section “privileged information” means—
- (a) information amounting to or contained in matters subject to legal privilege within the meaning given by section 98 of the Police Act 1997; and
  - (b) confidential personal information, within the meaning given by section 99 of that Act, acquired or created in the course of, or otherwise obtained in connection with, a person’s acting as a minister of religion, as a healthcare professional or as a Member of the House of Commons.”
- (2) After section 22 of the Regulation of Investigatory Powers Act 2000 insert—

**“22A Judicial protection of journalistic and privileged material**

- (1) This section applies where—
  - (a) a person wishes to grant an authorisation or give a notice under section 22(3), (3B) or (4) for the purpose of preventing or detecting crime; and
  - (b) the authorisation or notice is likely to result in journalistic source information or privileged information (as defined in section 22(5D) and (5E)) being obtained or disclosed.
- (2) The person may apply to a Circuit Judge for permission to grant the authorisation or to give the notice.
- (3) The application must—
  - (a) be in writing;
  - (b) set out the grounds on which it is made;
  - (c) be made on notice to any person to whom the authorisation or notice would be granted or given or who might reasonably be expected to be required to comply with it, unless the applicant certifies that there is reason to believe that giving notice under this paragraph might seriously prejudice a criminal investigation; and
  - (d) comply with any other provision, including as to timing, made by rules of court.
- (4) A judge may give permission under this section only if satisfied that—
  - (a) the grant of the authorisation or the giving of the notice is necessary for the purposes of the prevention or detection of serious crime;
  - (b) obtaining the data in question by the conduct authorised or required by the authorisation or notice is proportionate to what is sought to be achieved by so obtaining the data; and
  - (c) it is right to give permission, having regard to the importance of the public interest in—
    - (i) protecting the confidentiality of journalists’ sources;
    - (ii) maintaining legal professional privilege; or
    - (iii) protecting the confidentiality of personal information in the circumstances specified in section 22(5E)(b).
- (5) It is an offence for a person who is given notice of an application under this section to conceal, destroy, alter or dispose of the material to which the application relates except with the permission of a Circuit Judge; and

**Serious Crime Bill [Lords], continued**

- (a) this subsection ceases to apply if the application is dismissed or withdrawn or if an authorisation or notice granted or given in reliance on this section has been complied with; and
- (b) a person who is guilty of an offence under this subsection is liable—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or both; or
  - (ii) on summary conviction, to a fine not exceeding the statutory maximum.””

**Member’s explanatory statement**

*This Clause would provide for judicial oversight for police and other authorities’ access to communications data which might involve the identification of journalist sources, as recommended by the Interception of Communications Commissioner. It provides the same level of protection for legally privileged and medically privileged communications and for communications between people and their ministers of religion or their MP.*

Dr Julian Huppert  
 Mr Dominic Raab  
 Mr John Leech  
 John McDonnell  
 Mr David Davis  
 Mr Tom Watson

Caroline Lucas  
 Greg Mulholland

Keith Vaz  
 John Hemming

Mark Reckless  
 Mr John Whittingdale  
**NC5**

To move the following Clause—

**“Code of practice on investigatory powers: journalistic and privileged material**

- (1) The Secretary of State must ensure that any code of practice under section 71 of the Regulation of Investigatory Powers Act 2000 that deals (expressly or otherwise) with the use of powers under that Act in relation to the prevention or detection of serious crime, includes provisions designed to protect the public interest in—
  - (a) the confidentiality of journalists’ sources;
  - (b) legal professional privilege; and
  - (c) the confidentiality of personal information obtained in connection with a person’s acting as a minister of religion, as a healthcare professional or as a Member of the House of Commons.
- (2) In complying with subsection (1) the Secretary of State must—
  - (a) consult the Interception of Communications Commissioner appointed under section 57(1) of that Act; and

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**Serious Crime Bill [*Lords*], *continued***

- (b) have regard to any relevant report of an inquiry submitted by that Commissioner to the Prime Minister.”

***Member's explanatory statement***

*This new Clause provides that the RIPA Code of Practice includes provisions which protect the public interest in the confidentiality of journalists' sources and the other privileged communications.*

---

Andy McDonald

NC7

☆ To move the following Clause—

**“Criminal Cases Review Commission (extension of supplementary powers)**

- (1) After section 17 of the Criminal Appeal Act 1995 insert—

**“17A Power to obtain documents and other material (review of cases involving serious crime)**

- (1) In reviewing a case involving a serious crime, the Commission may apply to the Crown Court for an order requiring a person to provide the Commission with access to, or a copy of, a document or other material that is in the person's possession or under that person's control.
- (2) The court may make an order applied for under subsection (1) where it is satisfied that the document or other material may assist the Commission in the exercise of any of its functions in relation to the review of a case involving a serious crime.
- (3) An order made under this section may provide for the manner in which access is required to be given, including—
- (a) removal of a document or other material,
  - (b) copying of a document or other material, or
  - (c) copying alongside specific provision for inspection and verification of the original document or other material.
- (4) An order under this section may direct the person named therein not to destroy, damage or alter the document or other material before the direction has been discharged or is withdrawn by the court.
- (5) An order under this section may not be applied for against a person on whom the Commission has imposed a requirement under section 17 (person serving in a public body) until that requirement has been discharged or withdrawn by the Commission.
- (6) Where an order falling under the terms of subsection (5) has been applied for, the Commission must draw the especial attention of the court to that fact and provide an explanatory statement to the court containing the reasons for the application of the provisions of this section and the disapplication of the provisions of section 17.
- (7) Subsections (3) and (4) of section 17 apply for the purposes of this section as they apply for the purposes of that section.”
- (2) At the end of the heading to section 17 of that Act insert “from those serving in public bodies”.

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**Serious Crime Bill [*Lords*], *continued***

- (3) In section 25 of that Act (restrictions on onward disclosure without consent)—
    - (a) in subsection (1) after “requirement is imposed under section 17” insert “or by an order under section 17A”; and
    - (b) in subsection (2)(a) after “section 17” insert “or 17A”.
- 

Mr Elfyn Llwyd

**NC13**

★ To move the following Clause—

**“Violence in prisons: report to Parliament**

- (1) Before section 75 comes into force, the Secretary of State shall lay a report before Parliament setting out a strategy to reduce violence in prisons.
  - (2) The report shall include (but need not be restricted to)—
    - (a) an assessment of research evidence on effective approaches to reducing violence in prisons;
    - (b) an assessment of existing strategies and approaches which the prison service has in place to reduce violence in prisons;
    - (c) an assessment of the necessary ratio of staff to prisoners required to maintain a safe and secure prison environment;
    - (d) an assessment of the arrangements in place for the training and monitoring of prison staff in preventing and reducing violence.”
- 

Mr Steve Reed  
 Jack Dromey  
 Seema Malhotra

**NC14**

★ To move the following Clause—

**“Annual reports: cyber-crime strategy**

The Police Reform and Social Responsibility Act 2011 is amended as follows—

In section 12 (Annual reports), at end insert—

- “(8) A report under this section must include details of the policing body’s strategy for reducing cyber-crime and progress or performance against any targets or equivalent metrics contained therein.”
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 Serious Crime Bill [*Lords*], *continued*

Mr Dominic Raab  
 Keith Vaz  
 Sir Malcolm Rifkind  
 Sir Menzies Campbell  
 Margaret Hodge  
 Sir Edward Garnier

Norman Baker  
 Dr Sarah Wollaston  
 Mr David Davies  
 Andrew Rosindell  
 Zac Goldsmith  
 Jacob Rees-Mogg

Mr John Whittingdale  
 Mr Charles Walker  
 Stephen Barclay  
 Tim Loughton  
 Dr Julian Lewis

Mr Ben Bradshaw  
 Tessa Munt  
 Sir Peter Bottomley  
 Nick de Bois  
 Dr Phillip Lee

NC18

★ To move the following Clause—

**“Excluded persons (involvement in serious crime): publication of names**

- (1) Where the Secretary of State has exercised prerogative powers to exclude from, or deny entry into, the United Kingdom any foreign national on grounds of a reasonable belief that the named person has benefited from, or has a material connection to or involvement in, one or more serious crimes, including but not limited, to the commission of—
    - (a) an act or acts deliberately undertaken to foster extremism or hatred;
    - (b) an act or acts deliberately undertaken to facilitate, contribute to, support, encourage or promote terrorism;
    - (c) an act or acts of torture or any other international crime or serious violation of international human rights law; or
    - (d) a money-laundering offence or any other offence relating to serious organised crime or more than one such offence,
 the Secretary of State shall, subject to subsection (2), publish the name of each such person, and the ground or grounds for exclusion, within one month of the exclusion coming into effect.
  - (2) The publication of the name of an excluded person under subsection (1) may be deferred by the Secretary of State, where there are reasonable grounds for believing that such publication would present a risk to—
    - (a) national security or public safety;
    - (b) enable suspects in a United Kingdom criminal investigation to avoid arrest, or
    - (c) materially reduce the prospects of a conviction in an existing criminal prosecution in the United Kingdom,
 for no longer than is required to materially mitigate the risk or risks identified in this subsection and, in any case for no longer than up to a maximum of six months.
  - (3) In the case of a deferred publication of the name of an excluded person, the Secretary of State shall, on publication of such a deferred name, also publish a statement identifying which risk, or which of the risks, identified in subsection (3) applied in making the decision to defer publication.
  - (4) This section shall apply to persons already excluded from, or denied entry into, the United Kingdom, on grounds included in subsection (1), from the date on which it comes into force.”
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**Serious Crime Bill [*Lords*], *continued***

Diana Johnson  
 Jack Dromey  
 Seema Malhotra  
 Mr Steve Reed

NC20

★ To move the following Clause—

**“Prevention of firearms offences**

In the Firearms Act 1968 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 or domestic violence, 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.
- (4) The Secretary of State must ensure adequate resourcing of licence applications and consult with Chief Police Officers to ensure the level of fees collected by the Police under sections 32 and 35 are sufficient for the Police to recoup the costs they incur through the administration and assessment of firearms licences issued or applied for under this Act.””

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Seema Malhotra  
 Diana Johnson  
 Jack Dromey  
 Mr Steve Reed

NC21

★ To move the following Clause—

**“New psychoactive substances**

- (1) It is an offence for a person to supply, or offer 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 he knows, or has reasonable cause to believe, to be so acting, that the substance is likely to be consumed by a person for the purpose of causing intoxication.
- (2) 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 or any substance, product or foodstuff specified by the Secretary of State following consultation with the Advisory Council on the Misuse of Drugs.

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**Serious Crime Bill [Lords], continued**

- (3) A person guilty of an offence under this Part of this Act shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both such imprisonment and fine;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding three years.”
- 

Stephen Barclay

NC28

- ★ To move the following Clause—

**“Proceeds of Crime: detection and prevention of money-laundering measures**

The Proceeds of Crime Act is amended as follows—

In section 335, after subsection (6), insert—

- “(6A) Where the National Crime Agency has reasonable grounds to believe that—
- (a) activity that gave rise to a Suspicious Activity Report is related to money-laundering; and
  - (b) there is a realistic prospect of investigating the case effectively, the Agency may seek an order from the court for an extension, for a period of up to a further 31 days, of the moratorium period under section (6).
- (6B) An order under subsection (6A) may be granted where the court is satisfied that that criteria in that subsection have been met.”
- 

Secretary Theresa May

2

- ☆ Clause 80, page 83, line 24, at end insert—

“( ) Subsection (7) of section (*Child sexual exploitation*) and paragraph 1A of Schedule 4 do not apply in the case of an offence proceedings for which are started before the commencement of that subsection.”

***Member’s explanatory statement***

*This amendment is consequential on subsection (7) of NC8. It provides that the restriction of the offence of loitering or soliciting for the purposes of prostitution to persons aged 18 or over does not apply where proceedings for such an offence have started prior to commencement of that subsection.*

Secretary Theresa May

23

- ★ Clause 80, page 83, line 24, at end insert—

**Serious Crime Bill [Lords], continued**

“( ) The amendment made by section (*Codes of practice about investigatory powers: journalistic sources*) applies only to a code of practice that is issued or revised on or after the day on which this Act is passed.”

**Member’s explanatory statement**

*This amendment ensures that NC24 applies only to a new or newly-revised code of practice under section 71 of the Regulation of Investigatory Powers Act 2000.*

Secretary Theresa May

24

★ Clause 80, page 83, line 44, at end insert—

“( ) in that Act, subsection (4)(b) of the section 40CB inserted by section (*Throwing articles into prisons*) above.”

**Member’s explanatory statement**

*This amendment is consequential on NC23. It provides that the maximum penalty on summary conviction for the new offence is six months’ imprisonment, rather than 12 months’, pending the coming into force of section 154(1) of the Criminal Justice Act 2003.*

Secretary Theresa May

25

★ Clause 80, page 84, line 10, at end insert—

“( ) in that Act, subsection (4)(b) of the section 40CB inserted by section (*Throwing articles into prisons*) above;”

**Member’s explanatory statement**

*This amendment is consequential on NC23. It provides that the maximum fine on summary conviction for the new offence is the current statutory maximum (£5,000), rather than an unlimited fine, pending the coming into force of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.*

Secretary Theresa May

3

☆ Clause 81, page 84, line 27, leave out paragraphs (d) and (e) and insert—

“( ) sections 66 to (*Child sexual exploitation*);”

**Member’s explanatory statement**

*This amendment is consequential on NC8. It provides that the New Clause extends to England and Wales only.*

Secretary Theresa May

4

☆ Clause 81, page 84, line 28, at end insert—

“( ) sections (*Duty to notify police of female genital mutilation*) and (*Guidance about female genital mutilation*);”.

**Member’s explanatory statement**

*This amendment and amendment 7 are consequential on NC9 and NC10. They provide that the new clauses and the new sections they insert into the Female Genital Mutilation Act 2003 extend to England and Wales only.*

Secretary Theresa May

26

★ Clause 81, page 84, line 30, leave out “section 75” and insert “sections 75 and

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 Serious Crime Bill [*Lords*], *continued*

*(Throwing articles into prisons)*”

**Member’s explanatory statement**

*This amendment is consequential on NC23. It provides that the New Clause extends to England and Wales only.*

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Secretary Theresa May

27

★ Clause 82, page 85, line 28, at end insert—

“( ) section (*Codes of practice about investigatory powers: journalistic sources*);”

**Member’s explanatory statement**

*This amendment ensures that NC24 comes into force as soon as the Bill receives Royal Assent.*

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Secretary Theresa May

5

☆ Schedule 4, page 108, line 38, at end insert—

*“Street Offences Act 1959 (c. 57)*

- 1A (1) The Schedule to the Street Offences Act 1959 (orders under section 1(2A): breach, amendment etc) is amended as follows.
- (2) In paragraphs 2(3), 3(3) and 5(4), for paragraphs (a) and (b) substitute “a magistrates’ court acting in the relevant local justice area”.
- (3) In paragraph 9(2), for paragraphs (a) and (b) substitute “any magistrates’ court”.
- (4) Omit paragraph 9(4).
- (5) In paragraph 10(4), for paragraphs (a) and (b) substitute “to a prison”.
- (6) Omit paragraph 10(5).
- (7) In paragraph 11(1) omit “youth court or other”.

**Member’s explanatory statement**

*This amendment makes consequential amendments to the Street Offences Act 1959 as a result of the restriction of the offence of loitering or soliciting for the purposes of prostitution to persons aged 18 or over, as provided for in subsection (7) of New Clause 8 [Child sexual exploitation].*

Secretary Theresa May

28

★ Schedule 4, page 110, line 32, at end insert—

*“Regulation of Investigatory Powers Act 2000 (c. 23)*

In section 71 of the Regulation of Investigatory Powers Act 2000 (issue and revision of codes of practice), in subsection (8), for “(3)” substitute “(2A)”.

**Member’s explanatory statement**

*This amendment, which is consequential on NC24, ensures that the new subsection (2A) inserted by that New Clause applies not just to a new code of practice but also to a revised code.*

**Serious Crime Bill [Lords], continued**

Secretary Theresa May

6

- ☆ Schedule 4, page 117, line 3, at end insert—
- “( ) In Schedule 2 to that Act (lifestyle offences: England and Wales), in paragraph 8 (prostitution and child sex), sub-paragraph (2) is amended as follows.
- ( ) In paragraph (b), for “child prostitution or pornography” substitute “sexual exploitation of a child”.
- ( ) In paragraph (c), for “prostitute or a child involved in pornography” substitute “in relation to sexual exploitation”.
- ( ) In paragraph (d), for “child prostitution or pornography” substitute “sexual exploitation of a child”.”

**Member’s explanatory statement**

*This amendment and amendments 9 and 11 to 17 are consequential on NC8. In each case they carry through to other legislative provisions the changes to the nomenclature used in the offences in sections 48 to 50 of the Sexual Offences Act 2003, as amended by the New Clause.*

Secretary Theresa May

7

- ☆ Schedule 4, page 117, line 6, at end insert—

*“Female Genital Mutilation Act 2003 (c.31)*

In section 8 of the Female Genital Mutilation Act 2003 (extent etc), in subsection (4) after “Scotland” insert “and sections 5B and 5C do not extend to Northern Ireland”.

Secretary Theresa May

8

- ☆ Schedule 4, page 117, line 10, at end insert—
- “ In section 54 of the Sexual Offences Act 2003 (sections 51A to 53A: interpretation), for subsections (2) and (3) substitute—
- “(2) In sections 51A, 52, 53 and 53A “prostitute” means a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person; and “prostitution” is to be interpreted accordingly.
- (3) In subsection (2) and section 53A, “payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.””

**Member’s explanatory statement**

*This amendment is consequential on NC8. It amends section 54 of the Sexual Offences Act 2003 so as to preserve the existing definitions of “prostitute” and “payment” for the purposes of sections 51A to 53A of that Act.*

Secretary Theresa May

9

- ☆ Schedule 4, page 117, line 12, at end insert—
- “( ) In section 136A of that Act (meaning of specified prostitution offence etc) subsection (2) is amended as follows.

**Serious Crime Bill [Lords], continued**

- ( ) After paragraph (a) insert—
  - “(aa) an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(a);”.
- ( ) In paragraph (b), for “section 48 of this Act, or Article 38 of the Northern Ireland order,” substitute “Article 38 of the Northern Ireland order”.
- ( ) After paragraph (b) insert—
  - “(ba) an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(a);”.
- ( ) In paragraph (c), for “section 49 of this Act, or Article 39 of the Northern Ireland order,” substitute “Article 39 of the Northern Ireland order”.
- ( ) After paragraph (c) insert—
  - “(ca) an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(a), of a child;”.
- ( ) In paragraph (d), for “section 50 of this Act, or Article 40 of the Northern Ireland order,” substitute “Article 49 of the Northern Ireland order”.
- ( ) Subsection (3) of that section is amended as follows.
- ( ) Before paragraph (a) insert—
  - “(za) an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(b);”.
- ( ) In paragraph (a), for “section 48 of this Act, or Article 38 of the Northern Ireland order,” substitute “Article 38 of the Northern Ireland order”.
- ( ) After paragraph (a) insert—
  - “(aa) an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(b);”.
- ( ) In paragraph (b), for “section 49 of this Act, or Article 39 of the Northern Ireland order,” substitute “Article 39 of the Northern Ireland order”.
- ( ) After paragraph (b) insert—
  - “(ba) an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(b), of a child;”.
- ( ) In paragraph (c), for “section 50 of this Act, or Article 40 of the Northern Ireland order,” substitute “Article 49 of the Northern Ireland order”.

Secretary Theresa May

10

☆ Schedule 4, page 117, line 13, leave out paragraph 59

***Member’s explanatory statement***

*The effect of this amendment is that new offence of sexual communication with a child under clause 67 will be subject to those provisions of the Sexual Offences Act 2003 which provide for extra-territorial jurisdiction; as such, offences committed outside the United Kingdom may in certain circumstances be prosecuted in England and Wales.*

Sir Paul Beresford

32

★ Schedule 4, page 117, line 13, leave out paragraph 59.

***Member’s explanatory statement***

*This amendment applies extra-territoriality in relation to a new child abuse offence in the Bill.*

**Serious Crime Bill [Lords], continued**

*Provisions in the Sexual Offences Act 2003 enable such offences committed outside the UK to be prosecuted in England and Wales in some circumstances. Removing paragraph 59 of Schedule 4 enables these extra-territorial provisions to apply to the new offence of sexual communications with a child under the age of 16 for the purposes of obtaining sexual gratification.*

Secretary Theresa May 11

- ☆ Schedule 4, page 117, line 36, leave out “In”

Secretary Theresa May 12

- ☆ Schedule 4, page 117, line 37, leave out “, after” and insert “is amended as follows.  
( ) After”

Secretary Theresa May 13

- ☆ Schedule 4, page 117, line 39, at end insert—
  - “( ) In paragraph 136, for “child prostitution or pornography” substitute “sexual exploitation of a child”.
  - ( ) In paragraph 137, for “prostitute or a child involved in pornography” substitute “in relation to sexual exploitation”.
  - ( ) In paragraph 138, for “child prostitution or pornography” substitute “sexual exploitation of a child”.

Secretary Theresa May 14

- ☆ Schedule 4, page 117, line 39, at end insert—
  - “( ) Schedule 15B to that Act (offences listed for the purposes of sections 224A, 226A and 246A) is amended as follows.
  - ( ) In paragraph 35, for “child prostitution or pornography” substitute “sexual exploitation of a child”.
  - ( ) In paragraph 36, for “prostitute or a child involved in pornography” substitute “in relation to sexual exploitation”.
  - ( ) In paragraph 37, for “child prostitution or pornography” substitute “sexual exploitation of a child”.

Secretary Theresa May 15

- ☆ Schedule 4, page 118, line 3, at end insert—
  - “( ) In paragraph 7(e), for “abuse of children through prostitution and pornography” substitute “sexual exploitation of children”.

Secretary Theresa May 16

- ☆ Schedule 4, page 119, line 16, after “Wales),” insert “in paragraph 4 (prostitution and child sex), in sub-paragraph (2)—
  - (a) in paragraph (b), for “child prostitution or pornography” substitute “sexual exploitation of a child”;
  - (b) in paragraph (c), for “prostitute or a child involved in pornography” substitute “in relation to sexual exploitation”;
  - (c) in paragraph (d), for “child prostitution or pornography” substitute “sexual exploitation of a child”.

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 Serious Crime Bill [*Lords*], *continued*

( ) In that Part,”

Secretary Theresa May

17

☆ Schedule 4, page 120, line 36, at end insert—

*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

“ In section 116 of the Anti-social Behaviour, Crime and Policing Act 2014 (information about guests at hotels believed to be used for child sexual exploitation), in subsection (8)(a), for “prostitution and pornography” substitute “sexual exploitation”.”

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Secretary Theresa May

18

☆ Title, line 2, after “1933,” insert “the Sexual Offences Act 2003, the Street Offences Act 1959,”

Secretary Theresa May

29

★ Title, line 3, after “2005” insert “, the Prison Act 1952”

Secretary Theresa May

19

☆ Title, line 5, leave out from “agents;” to first “to” in line 6

Secretary Theresa May

30

★ Title, line 8, leave out from “relationships;” to “to” in line 9

Secretary Theresa May

31

★ Title, line 12, after “crime;” insert “to make provision about codes of practice that relate to the exercise and performance, in connection with the prevention or detection of serious crime, of powers and duties in relation to communications;”

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 ORDER OF THE HOUSE [5 JANUARY 2015]

That the following provisions shall apply to the Serious Crime Bill [*Lords*]—

*Committal*

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

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 22 January 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Serious Crime Bill [*Lords*], *continued***

*Consideration and Third Reading*

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

*Other Proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.

SERIOUS CRIME BILL [*LORDS*] PROGRAMME (NO. 2) MOTION

Secretary Theresa May

That the following provisions shall apply to the Serious Crime Bill [*Lords*], in place of paragraphs (4) and (5) of the Order of 5 January 2015:

1. Proceedings on Consideration and proceedings on Third Reading shall be taken at today's sitting in accordance with the following provisions of this Order.
2. Proceedings on Consideration—
  - (a) shall be taken in the order shown in the Table;
  - (b) shall (so far as not previously concluded) be brought to a conclusion at the times shown.

**TABLE**

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to the protection of children and others, but not to abortion; amendments to Part 5	5.15pm
New Clauses and new Schedules relating to abortion	7.15pm
Remaining new Clauses and new Schedules; remaining proceedings on Consideration	9.00pm

3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 10.00pm.

**Serious Crime Bill [*Lords*], *continued***

**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 12 February 2015:*

NC6

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