



House of Commons

Tuesday 12 April 2016

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: NC57-NC59

POLICING AND CRIME BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [15 March 2016, as amended on 24 March 2016].

Mike Penning

148

Clause 50, page 60, line 18, at end insert—

“(8) In the Criminal Justice Act 2003—

- (a) in section 24A(5)(b) (purposes for which person may be kept in police detention) for “section 37D(1)” substitute “section 47(4A)”, and
- (b) in section 24B(5) (application of provisions of the Police and Criminal Evidence Act 1984)—
 - (i) omit paragraph (a), and
 - (ii) in paragraph (c) at the end insert “except subsections (4D) and (4E)”.

Member’s explanatory statement

This amendment is consequential on the changes made in clause 50. It relates to persons who are arrested because they are believed to have failed to comply with conditions attached to a conditional caution.

Policing and Crime Bill, *continued*

Mr Kevan Jones
Liz Saville Roberts

157

Clause 60, page 68, line 29, at end insert—

- “() Before a house, flat or room where a person is living is used as a place of safety the patient must first be offered one of the following locations as an alternative place of safety—
- (a) a residential accommodation provided by a local social services authority under Part III of the National Assistance Act 1948 or under paragraph 2 of Schedule 8 to the National Health Service Act 1977;
 - (b) a hospital as defined by the Mental Health Act 1983; or
 - (c) a mental health care home.”

Member’s explanatory statement

This amendment would require that a patient was offered a health-based place of safety as an alternative to their, or someone else’s, home being used as a place of safety.

Mr Kevan Jones
Liz Saville Roberts

159

Clause 61, page 69, leave out lines 31 to 38 and insert—

“the point at which the decision is taken to remove a person to a place of safety, or keep them at the current place of safety.”

Member’s explanatory statement

This amendment would mean that the permitted period of detention started when the decision was taken to remove a person to a place of safety, rather than the point at which they arrived at the place of safety.

Mr Kevan Jones
Liz Saville Roberts

158

Clause 61, page 69, line 31, leave out “24” and insert “12”

Member’s explanatory statement

This amendment reduces the permitted period of detention to 12 hours.

Mike Penning

214

Clause 62, page 71, line 29, at end insert—

- “() a National Crime Agency officer having the powers and privileges of a constable in England and Wales under the Crime and Courts Act 2013, or”

Member’s explanatory statement

This amendment makes express provision for National Crime Agency officers to come within the definition of law enforcement officer that applies for the purposes of Chapter 4 of Part 4.

Policing and Crime Bill, *continued*

Lyn Brown

227

Clause 77, page 81, line 7, leave out subsection (5)

Member's explanatory statement

This amendment would remove the exception for airsoft guns from the definition of a lethal barrelled weapon.

Lyn Brown

228

Clause 80, page 83, line 31, leave out “the amount of any fee that may be charged” and insert “that the fee charged must be equal to the full cost to the tax payer of issuing a licence.”

Member's explanatory statement

This amendment would ensure that the firearms licensing system achieves full cost recovery.

Lyn Brown

229

Clause 80, page 84, line 7, leave out “the amount of any fee that may be charged” and insert “that the fee charged must be equal to the full cost to the tax payer of issuing a licence.”

Member's explanatory statement

This amendment would ensure that the firearms licensing system achieves full cost recovery.

Lyn Brown

230

Clause 80, page 84, line 27, leave out “the amount of any fee that may be charged” and insert “that the fee charged must be equal to the full cost to the tax payer of issuing a licence.”

Member's explanatory statement

This amendment would ensure that the firearms licensing system achieves full cost recovery.

Mike Penning

215

Clause 81, page 85, line 20, leave out from “must” to end of line 22 and insert “have regard to any guidance issued under section 55A that is relevant to the appeal.”

Member's explanatory statement

This amendment requires a court or sheriff hearing an appeal against a decision by the police under the Firearms Act 1968 to have regard to any guidance issued to chief officers of police under the new section 55A of that Act inserted by clause 81.

 Policing and Crime Bill, *continued*

Lyn Brown

231

Clause 91, page 94, line 37, leave out ‘50%’ and insert ‘200%’

Member’s explanatory statement

This amendment would increase the maximum civil penalty for breaking financial sanctions from half the value of the funds or resources involved to double the value.

 NEW CLAUSES

Mike Penning

NC1

To move the following Clause—

“Initiation of investigations by IPCC

- (1) Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc) is amended as follows.
- (2) In paragraph 4 (reference of complaints to the Commission), in sub-paragraph (7), in the words before paragraph (a), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 4A”.
- (3) After paragraph 4 insert—

“Power of Commission to treat complaint as having been referred

- 4A (1) The Commission may treat a complaint that comes to its attention otherwise than by having been referred to it under paragraph 4 as having been so referred.
- (2) Where the Commission treats a complaint as having been referred to it—
 - (a) paragraphs 2 and 4 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by paragraph 4(7), and
 - (b) paragraphs 5, 6, 6A, 15 and 25 apply in relation to the complaint as if it had been referred to the Commission by the appropriate authority under paragraph 4.
- (3) The Commission must notify the following that it is treating a complaint as having been referred to it—
 - (a) the appropriate authority;
 - (b) the complainant;
 - (c) except in a case where it appears to the Commission that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the appropriate authority must record the complaint.”
- (4) In paragraph 11 (recording etc of conduct matters otherwise than where conduct matters arise in civil proceedings), omit sub-paragraph (5).

Policing and Crime Bill, *continued*

- (5) In paragraph 13 (reference of conduct matters to the Commission), in sub-paragraph (7), in the words before paragraph (a), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 13A”.
- (6) After paragraph 13 insert—

“Power of Commission to treat conduct matter as having been referred

- 13A (1) The Commission may treat a conduct matter that comes to its attention otherwise than by having been referred to it under paragraph 13 as having been so referred.
- (2) Where the Commission treats a conduct matter as having been referred to it—
- (a) paragraphs 10, 11 and 13 do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 13(7), and
 - (b) paragraphs 14 and 15 apply in relation to the matter as if it had been referred to the Commission by the appropriate authority under paragraph 13.
- (3) The Commission must notify the following that it is treating a conduct matter as having been referred to it—
- (a) the appropriate authority;
 - (b) except in a case where it appears to the Commission that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one), the person to whose conduct the matter relates.
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a conduct matter and the matter has not yet been recorded, the appropriate authority must record the matter.”
- (7) In paragraph 14A (duty to record DSI matters), omit sub-paragraph (2).
- (8) In paragraph 14C (reference of DSI matters to the Commission), in sub-paragraph (3), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 14CA,”.
- (9) After paragraph 14C insert—

“Power of Commission to treat DSI matter as having been referred

- 14CA(1) The Commission may treat a DSI matter that comes to its attention otherwise than by having been referred to it under paragraph 14C as having been so referred.
- (2) Where the Commission treats a DSI matter as having been referred to it—
- (a) paragraphs 14A and 14C do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 14C(3), and
 - (b) paragraphs 14D and 15 apply in relation to the matter as if it had been referred to the Commission by the appropriate authority under paragraph 14C.
- (3) The Commission must notify the appropriate authority that it is treating a DSI matter as having been referred to it.

Policing and Crime Bill, *continued*

- (4) Where an appropriate authority receives a notification under subparagraph (3) in respect of a DSI matter and the matter has not yet been recorded, the appropriate authority must record the matter.”
- (10) In section 29 of the Police Reform Act 2002 (interpretation of Part 2 of that Act), in subsection (1), in paragraph (a) of the definition of “recordable conduct matter”, for “or 11” substitute “, 11 or 13A”.”

Member’s explanatory statement

This new clause is intended to take the place of clause 14. The amendments of Schedule 3 to the Police Reform Act 2002 in the new clause are aimed at giving the IPCC the ability to consider whether or not it is necessary for a complaint, conduct matter or DSI matter to be investigated and, if so, to determine what form the investigation should take, as soon as the IPCC becomes aware of the complaint or matter.

Mike Penning

NC2

To move the following Clause—

“Sensitive information received by IPCC: restriction on disclosure

- (1) Part 2 of the Police Reform Act 2002 (complaints and misconduct) is amended as follows.
- (2) After section 21 insert—

“21A Restriction on disclosure of sensitive information

- (1) Where the Commission receives information within subsection (3), the Commission must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) Where a person appointed under paragraph 18 of Schedule 3 to investigate a complaint or matter (a “paragraph 18 investigator”) receives information within subsection (3), the paragraph 18 investigator must not disclose the information, or the fact that it has been received, to any person other than the Commission unless the relevant authority consents to the disclosure.
- (3) The information is—
- (a) intelligence service information;
 - (b) intercept information;
 - (c) information obtained from a government department which, at the time it is provided to the Commission or the paragraph 18 investigator, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
 - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
 - (ii) jeopardise the safety of any person.
- (4) Where the Commission or a paragraph 18 investigator discloses to another person information within subsection (3), or the fact that the Commission or the paragraph 18 investigator has received it, the other

Policing and Crime Bill, *continued*

person must not disclose that information or that fact unless the relevant authority consents to the disclosure.

(5) In this section—

“government department” means a department of Her Majesty’s Government but does not include—

- (a) the Security Service,
- (b) the Secret Intelligence Service, or
- (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“intercept information” means information relating to any of the matters mentioned in section 19(3) of the Regulation of Investigatory Powers Act 2000;

“Minister of the Crown” includes the Treasury;

“paragraph 18 investigator” has the meaning given by subsection (2);

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of intercept information, the person to whom the relevant interception warrant is or was addressed;
- (f) in the case of information within subsection (3)(c)—
 - (i) the Secretary of State, or
 - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant interception warrant” means the interception warrant issued under section 5 of the Regulation of Investigatory Powers Act 2000 that relates to the intercept information.

21B Provision of sensitive information to the Commission and certain investigators

- (1) A person who provides information that is intelligence service information or intercept information to the Commission or a paragraph 18 investigator (whether under a provision of this Part or otherwise) must—

Policing and Crime Bill, *continued*

- (a) make the Commission or the paragraph 18 investigator aware that the information is intelligence service information or (as the case may be) intercept information, and
 - (b) provide the Commission or the paragraph 18 investigator with such additional information as will enable the Commission or the paragraph 18 investigator to identify the relevant authority in relation to the information.
- (2) In this section, “intelligence service information”, “intercept information”, “paragraph 18 investigator” and “relevant authority” have the same meaning as in section 21A.”
- (3) In Schedule 3 (handling of complaints and conduct matters etc), in Part 3 (investigations and subsequent proceedings)—
- (a) omit paragraph 19ZD (sensitive information: restriction on further disclosure of information received under an information notice);
 - (b) in paragraph 22 (final reports on investigations: complaints, conduct matters and certain DSI matters)—
 - (i) after sub-paragraph (6) insert—

“(6A) Where a person would contravene section 21A by submitting, or (as the case may be) sending a copy of, a report in its entirety to the appropriate authority under sub-paragraph (2) or (3)(b), the person must instead submit, or send a copy of, the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.”;
 - (ii) in sub-paragraph (8), at the end insert “except so far as the person is prevented from doing so by section 21A”;
 - (c) in paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), after sub-paragraph (2) insert—

“(2ZA) Where the Commission would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(a) or to the Director of Public Prosecutions under sub-paragraph (2)(c), the Commission must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the Commission must not disclose.”;
 - (d) in paragraph 24A (final reports on investigations: other DSI matters), after sub-paragraph (3) insert—

“(3A) Where a person would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(b), the person must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.””

Member’s explanatory statement

Paragraph 19ZD of Schedule 3 to the Police Reform Act 2002 currently imposes restrictions on the further disclosure by the IPCC of certain sensitive information received by it under an information notice. This new clause replaces paragraph 19ZD with new section 21A of the 2002 Act, which applies irrespective of how the IPCC has obtained the information. New section 21A also applies to investigators appointed under paragraph 18 of Schedule 3 to the 2002 Act (investigations by an appropriate authority under the IPCC’s direction). New section 21A is

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supplemented by new section 21B, which is intended to assist those needing to comply with section 21A.

Mike Penning

NC3

To move the following Clause—

“Release without bail: fingerprinting and samples

- (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 61(5A) (fingerprinting of person arrested for a recordable offence) —
 - (a) in paragraph (a) omit “in the case of a person who is on bail,”, and
 - (b) in paragraph (b) omit “in any case,”.
- (3) In section 63(3ZA) (taking of non-intimate sample from person arrested for a recordable offence)—
 - (a) in paragraph (a) omit “in the case of a person who is on bail,”, and
 - (b) in paragraph (b) omit “in any case,”.

Member’s explanatory statement

Sections 61(5A) and 63(3ZA) of PACE allow fingerprints and samples to be taken from persons released on bail. Because of changes in the Bill, persons will be released without bail (rather than on bail) unless pre-conditions are met. The amendments change those sections so they cover persons released without bail too.

Mike Penning

NC4

To move the following Clause—

“Release under section 24A of the Criminal Justice Act 2003

- (1) Section 24A of the Criminal Justice Act 2003 (arrest for failure to comply with conditions attached to conditional caution) is amended as follows.
- (2) In subsection (2) for paragraphs (b) and (c) substitute—
 - “(b) released without charge and without bail (with or without any variation in the conditions attached to the caution) unless paragraph (c)(i) and (ii) applies, or
 - (c) released without charge and on bail if—
 - (i) the release is to enable a decision to be made as to whether the person should be charged with the offence, and
 - (ii) the pre-conditions for bail are satisfied.”
- (3) In subsections (3)(a) and (4) for “subsection (2)(b)” substitute “subsection (2)(c)”.

Policing and Crime Bill, continued

(4) After subsection (8) insert—

“(8A) In subsection (2) the reference to the pre-conditions for bail is to be read in accordance with section 50A of the 1984 Act.”

Member’s explanatory statement

This new clause changes the provisions in the Criminal Justice Act 2003 relating to persons who are arrested because they are believed to have failed to comply with conditions attached to a conditional caution. To reflect the changes made in the Bill, those persons will be released without bail (rather than on bail) unless pre-conditions are met.

Mike Penning

NC5

To move the following Clause—

“Duty to notify person released under section 34, 37 or 37CA of PACE that not to be prosecuted

- (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 34 (limitations on police detention) after subsection (5A) (inserted by section 42 of this Act) insert—

“(5B) Subsection (5C) applies where—

- (a) a person is released under subsection (5), and
- (b) the custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.

(5C) The custody officer must give the person notice in writing that the person is not to be prosecuted.

(5D) Subsection (5C) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.

(5E) In this Part “caution” includes—

- (a) a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
- (b) a youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;
- (c) a youth caution under section 66ZA of that Act.”

(3) Section 37 (duties of custody officer before charge) is amended as follows.

(4) After subsection (6) insert—

“(6A) Subsection (6B) applies where—

- (a) a person is released under subsection (2), and
- (b) the custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or

Policing and Crime Bill, *continued*

- (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
- (6B) The custody officer must give the person notice in writing that the person is not to be prosecuted.
- (6C) Subsection (6B) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.”
- (5) After subsection (8) insert—
 - “(8ZA) Where—
 - (a) a person is released under subsection (7)(b) or (c), and
 - (b) the custody officer makes a determination as mentioned in subsection (6A)(b),
 subsections (6B) and (6C) apply.”
- (6) Section 37B (consultation with Director of Public Prosecutions) is amended as follows.
- (7) After subsection (5) insert—
 - “(5A) Subsection (5) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.”
- (8) Omit subsection (9).
- (9) In section 37CA (release following arrest for breach of bail) after subsection (4) insert—
 - “(5) Subsection (6) applies where—
 - (a) a person is released under subsection (2), and
 - (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
 - (6) The custody officer must give the person notice in writing that the person is not to be prosecuted.
 - (7) Subsection (6) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.”
- (10) In section 24B(2) of the Criminal Justice Act 2003 (application of provisions of Police and Criminal Evidence Act 1984)—
 - (a) in paragraph (d) for “(5)” substitute “(5E)”, and
 - (b) in paragraph (f) for “(6)” substitute “(6C)”.

Member’s explanatory statement

This new clause requires a custody officer to notify a person released under section 34(5), 37(2) or (7)(b) or (c) or 37CA(2) of PACE if it is decided not to prosecute. So the person is put in the same position as a person released under section 37(7)(a) (who is notified under section 37B(5)).

Policing and Crime Bill, *continued*

Mike Penning

NC6

To move the following Clause—

“Duty to notify person released under any of sections 41 to 44 of PACE that not to be prosecuted

- (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 41 (limits on period of detention without charge) after subsection (9) insert—
 - “(10) Subsection (11) applies where—
 - (a) a person is released under subsection (7), and
 - (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
 - (11) The custody officer must give the person notice in writing that the person is not to be prosecuted.
 - (12) Subsection (11) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.”
- (3) In section 42 (authorisation of continued detention) after subsection (11) insert—
 - “(12) Subsection (13) applies where—
 - (a) a person is released under subsection (10), and
 - (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
 - (13) The custody officer must give the person notice in writing that the person is not to be prosecuted.
 - (14) Subsection (13) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.”
- (4) In section 43 (warrants of further detention) after subsection (19) insert—
 - “(20) Subsection (21) applies where—
 - (a) a person is released under subsection (15) or (18), and
 - (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
 - (21) The custody officer must give the person notice in writing that the person is not to be prosecuted.
 - (22) Subsection (21) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.”

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- (5) In section 44 (extension of warrants of further detention) after subsection (8) insert—
- “(9) Subsection (10) applies where—
- (a) a person is released under subsection (7), and
 - (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
- (10) The custody officer must give the person notice in writing that the person is not to be prosecuted.
- (11) Subsection (10) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.””

Member’s explanatory statement

This new clause requires a custody officer to notify a person released under section 41(7), 42(10), 43(15) or (18) or 44(7) of PACE if it is decided not to prosecute. So the person is put in the same position as a person released under section 37(7)(a) (who is notified under section 37B(5)).

Mike Penning

NC22

To move the following Clause—

“Combined authority mayors: exercise of fire and rescue functions

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (4).
- (2) After section 107E insert—

“107EA Exercise of fire and rescue functions

- (1) This section applies to a mayor for the area of a combined authority who—
 - (a) by virtue of section 107D(1), may exercise functions which are conferred on a fire and rescue authority in that name (“fire and rescue functions”), and
 - (b) by virtue of section 107F(1), may exercise functions of a police and crime commissioner.
- (2) The Secretary of State may by order make provision—
 - (a) authorising the mayor to arrange for the chief constable of the police force for the police area which corresponds to the area of the combined authority to exercise fire and rescue functions exercisable by the mayor;
 - (b) authorising that chief constable to arrange for a person within subsection (4) to exercise functions exercisable by the chief constable under arrangements made by virtue of paragraph (a).

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- (3) An order under subsection (2) may provide that arrangements made under the order—
 - (a) may authorise the exercise of any fire and rescue functions exercisable by the mayor;
 - (b) may authorise the exercise of any fire and rescue functions exercisable by the mayor other than those specified or described in the order;
 - (c) may authorise the exercise of fire and rescue functions exercisable by the mayor which are specified or described in the order.
- (4) The persons mentioned in subsection (2)(b) are—
 - (a) members of the chief constable's police force;
 - (b) the civilian staff of that police force, as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011;
 - (c) members of staff transferred to the chief constable under a scheme made by virtue of section 107EC(1);
 - (d) members of staff appointed by the chief constable under section 107EC(2).
- (5) Provision in an order under section 107D(1) for a function to be exercisable only by the mayor for the area of a combined authority is subject to provision made by virtue of subsection (2).
- (6) This section is subject to—
 - (a) section 107EB (section 107EA orders: procedure), and
 - (b) section 37 of the Fire and Rescue Services Act 2004 (prohibition on employment of police in fire-fighting).

107EB Section 107EA orders: procedure

- (1) An order under section 107EA(2) may be made in relation to the mayor for the area of a combined authority only if the mayor has requested the Secretary of State to make the order.
- (2) A request under subsection (1) must be accompanied by a report which contains—
 - (a) an assessment of why—
 - (i) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
 - (ii) it is in the interests of public safety for the order to be made,
 - (b) a description of any public consultation which the mayor has carried out on the proposal for the order to be made,
 - (c) a summary of the responses to any such consultation, and
 - (d) a summary of the representations (if any) which the mayor has received about that proposal from the constituent members of the combined authority.
- (3) Subsections (4) and (5) apply if—
 - (a) the mayor for the area of a combined authority has made a request under subsection (1) for the Secretary of State to make an order under section 107EA(2), and

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- (b) at least two thirds of the constituent members of the combined authority have indicated that they disagree with the proposal for the order to be made.
- (4) The mayor must, in providing the report under subsection (2), provide the Secretary of State with—
 - (a) copies of the representations (if any) made by the constituent members of the combined authority about that proposal, and
 - (b) the mayor's response to those representations and to the responses to any public consultation which the mayor has carried out on that proposal.
- (5) The Secretary of State must—
 - (a) obtain an independent assessment of that proposal, and
 - (b) in deciding whether to make the order, have regard to that assessment and to the material provided under subsection (4) (as well as the material provided under subsection (2)).
- (6) An order under section 107EA(2) may be made only if it appears to the Secretary of State that—
 - (a) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
 - (b) it is in the interest of public safety for the order to be made.
- (7) The Secretary of State may, in making an order under section 107EA(2) in relation to the mayor for the area of a combined authority, give effect to the mayor's proposal for the order with such modifications as the Secretary of State thinks appropriate.
- (8) Before making an order which gives effect to such a proposal with modifications, the Secretary of State must consult the mayor and the combined authority on the modifications.
- (9) In this section—
 - “constituent council”, in relation to a combined authority, means—
 - (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority;
 - “constituent member”, in relation to a combined authority, means a member of the authority appointed by a constituent council (but does not include the mayor for the area of the combined authority).

107EC Section 107EA orders: further provision

- (1) An order under section 107EA(2) may make provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities) from a fire and rescue authority or the combined authority to the chief constable (including provision corresponding to any provision made by section 17(4) to (6) of the Localism Act 2011).
- (2) A chief constable to whom an order under section 107EA(2) applies may appoint staff for the purpose of the exercise of functions exercisable by the chief constable by virtue of the order.

Policing and Crime Bill, *continued*

- (3) A chief constable to whom an order under section 107EA(2) applies may—
- (a) pay remuneration, allowances and gratuities to members of the chief constable's fire and rescue staff;
 - (b) pay pensions to, or in respect of, persons who are or have been such members of staff;
 - (c) pay amounts for or towards the provision of pensions to, or in respect of, persons who are or have been such members of staff.
- (4) In subsection (3) "allowances", in relation to a member of staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.
- (5) Subject to subsections (6) to (8), a person who is employed pursuant to a transfer by virtue of subsection (1) or an appointment under subsection (2) may not at the same time be employed pursuant to an appointment by a chief constable of the police force for a police area under Schedule 2 to the Police Reform and Social Responsibility Act 2011.
- (6) Where an order under section 107EA(2) is in force in relation to the chief constable of the police force for a police area, the person who is for the time being the police force's chief finance officer is to be responsible for the proper administration of financial affairs relating to the exercise of functions exercisable by the chief constable by virtue of the order.
- (7) Subsection (5) does not prevent a person who is employed as a finance officer for fire functions from being at the same time employed as a finance officer for police functions.
- (8) In subsection (7)—
- "finance officer for fire functions" means a member of a chief constable's fire and rescue staff who—
- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
 - (b) is employed to carry out duties relating to the proper administration of financial affairs relating to the exercise of functions exercisable by the chief constable by virtue of an order under section 107EA(2);
- "finance officer for police functions" means a member of a chief constable's civilian staff within the meaning of the Police Reform and Social Responsibility Act 2011 who—
- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
 - (b) is employed to carry out duties relating to the proper administration of a police force's financial affairs.
- (9) Where an order under section 107EA(2) is in force, the combined authority to which the order applies must pay—
- (a) any damages or costs awarded against the chief constable to whom the order applies in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff;
 - (b) any costs incurred by the chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings;
 - (c) any sum required in connection with the settlement of any claim made against the chief constable in respect of the acts or

Policing and Crime Bill, *continued*

omissions of a member of the chief constable's fire and rescue staff, if the settlement is approved by the authority.

- (10) Where an order under section 107EA(2) is in force, the combined authority to which the order applies may, in such cases and to such extent as appears to the authority to be appropriate, pay—
- (a) any damages or costs awarded against a member of the fire and rescue staff of the chief constable to whom the order applies in proceedings for any unlawful conduct of that member of staff;
 - (b) costs incurred and not recovered by such a member of staff in such proceedings;
 - (c) sums required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (11) In this section “fire and rescue staff”, in relation to a chief constable to whom an order under section 107EA(2) applies, means—
- (a) staff transferred to the chief constable under a scheme made by virtue of subsection (1);
 - (b) staff appointed by the chief constable under subsection (2).

107ED Section 107EA orders: exercise of fire and rescue functions

- (1) This section applies if—
- (a) an order under section 107EA(2) makes provision in relation to the area of a combined authority, and
 - (b) by virtue of the order, fire and rescue functions exercisable by the mayor for the area of the combined authority are exercisable by the chief constable of the police force for the police area which corresponds to that area.
- (2) The chief constable must secure that good value for money is obtained in exercising—
- (a) functions which are exercisable by the chief constable by virtue of the order, and
 - (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.
- (3) The chief constable must secure that other persons exercising functions by virtue of the order obtain good value for money in exercising those functions.
- (4) The mayor must—
- (a) secure the exercise of the duties which are exercisable by the chief constable or another person by virtue of the order,
 - (b) secure the exercise of the duties relating to fire and rescue services which are imposed on the chief constable by or by virtue of any enactment,
 - (c) secure that functions which are exercisable by the chief constable or another person by virtue of the order are exercised efficiently and effectively, and
 - (d) secure that functions relating to fire and rescue services which are conferred or imposed on the chief constable by or by virtue of any enactment are exercised efficiently and effectively.
- (5) The mayor must hold the chief constable to account for the exercise of such functions.

Policing and Crime Bill, *continued***107EE Section 107EA orders: complaints and conduct matters etc**

- (1) If an order is made under 107EA(2) that enables arrangements to be made for the exercise of functions by members of a police force or the civilian staff of a police force, the Secretary of State may by order amend Part 2 of the Police Reform Act 2002 (persons serving with the police: complaints and conduct matters etc) in consequence of that provision.
- (2) If an order is made under section 107EA(2) that enables arrangements to be made for the exercise of functions by members of staff transferred to a chief constable under a scheme made by virtue of section 107EC(1) or appointed by a chief constable under section 107EC(2), the Secretary of State may by order make provision of the type described in subsection (3) in relation to those members of staff.
- (3) The provision referred to in subsection (2) is—
 - (a) provision corresponding or similar to any provision made by or under Part 2 of the Police Reform Act 2002;
 - (b) provision applying (with or without modifications) any provision made by or under Part 2 of that Act.
- (4) The Secretary of State may by order, in consequence of any provision made under subsection (2), amend Part 2 of the Police Reform Act 2002.
- (5) Before making an order under this section the Secretary of State must consult—
 - (a) the Police Advisory Board for England and Wales,
 - (b) the Independent Police Complaints Commission,
 - (c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (d) such persons as appear to the Secretary of State to represent the views of fire and rescue authorities, and
 - (e) such other persons as the Secretary of State considers appropriate.

107EF Section 107EA orders: application of local policing provisions

- (1) The Secretary of State may by order—
 - (a) apply (with or without modifications) any provision of a local policing enactment in relation to a person within subsection (2);
 - (b) make, in relation to such a person, provision corresponding or similar to any provision of a local policing enactment.
- (2) Those persons are—
 - (a) a mayor for the area of a combined authority to which an order under section 107EA(2) applies,
 - (b) a chief constable to which such an order applies, and
 - (c) a panel established by virtue of an order under paragraph 4 of Schedule 5C for such an area.
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made by or under a local policing enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by

Policing and Crime Bill, *continued*

virtue of subsection (1).

- (5) In this section “local policing enactment” means an Act relating to a police and crime commissioner.
- (3) In section 107D(6)(b) (general functions exercisable by the mayor for the area of a combined authority) after “section 107E” insert “or 107EA”.
- (4) In section 120 (interpretation) after the definition of “EPB” insert—
 ““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”.
- (5) In section 26 of the Fire Services Act 1947 (firefighters’ pension scheme) (as continued in force by order under section 36 of the Fire and Rescue Services Act 2004) in subsection (5A) (as inserted by paragraph 12 of Schedule 1)—
 (a) omit the “or” at the end of paragraph (a), and
 (b) after paragraph (b) insert—
 “(c) a transfer to the chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009, or
 (d) an appointment by the chief constable under section 107EC(2) of that Act.”
- (6) In section 63 of the Police Act 1996 (Police Advisory Board for England and Wales) in subsection (4) (as inserted by paragraph 15 of Schedule 1) for “also imposes a requirement” substitute “and section 107EE of the Local Democracy, Economic Development and Construction Act 2009 also impose requirements”.
- (7) In section 38 of the Police Reform Act 2002 (police powers for civilian staff) in subsection (11A) (as inserted by paragraph 17 of Schedule 1) after paragraph (b) insert—
 “(c) any member of staff transferred to that chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009 (transfer of property, rights and liabilities to chief constable to whom fire functions of combined authority may be delegated);
 (d) any member of staff appointed by that chief constable under section 107EC(2) of that Act (appointment of staff by chief constable to whom fire functions of combined authority may be delegated).”
- (8) In section 34 of the Fire and Rescue Services Act 2004 (pensions etc) in subsection (11) (as inserted by paragraph 9 of Schedule 1)—
 (a) omit the “or” at the end of paragraph (a), and
 (b) after paragraph (b) insert—
 “(c) transferred to the chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009, or
 (d) appointed by the chief constable under section 107EC(2) of that Act.”
- (9) In section 37 of the Fire and Rescue Services Act 2004 (prohibition on employment of police in fire-fighting) (as substituted by paragraph 10 of Schedule 1) in subsection (3)—
 (a) after “whom” insert “—(a)”, and
 (b) after paragraph (a) insert “, or
 (b) functions of a fire and rescue authority which are exercisable by the mayor of a combined authority have been delegated under an order under section 107EA(2)

Policing and Crime Bill, *continued*

of the Local Democracy, Economic Development and Construction Act 2009.”

- (10) In Schedule 8 to the Police Reform and Social Responsibility Act 2011 (appointment, suspension and removal of senior police officers) in paragraph 2 (no appointment until end of confirmation process) in sub-paragraph (1AA) (as inserted by paragraph 23 of Schedule 1) after “section 4F of the Fire and Rescue Services Act 2004” insert “or section 107EA(2) of the Local Democracy, Economic Development and Construction Act 2009”.
- (11) In Schedule 1 to the Public Service Pensions Act 2013 (persons in public service: definitions) in paragraph 6 (fire and rescue workers) in paragraph (aa) (as inserted by paragraph 24 of Schedule 1)—
- (a) omit the “or” at the end of sub-paragraph (i), and
 - (b) for the “or” at the end of sub-paragraph (ii) substitute—
 - “(iii) transferred to the chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009, or
 - (iv) appointed by the chief constable under section 107EC(2) of that Act, or”.

Member’s explanatory statement

This new clause makes provision for and in connection with enabling the mayor of a combined authority by whom fire and rescue functions are exercisable to delegate those functions to the chief constable for the police area which corresponds to the area of the combined authority.

Mike Penning

NC23

To move the following Clause—

“References to England and Wales in connection with IPCC functions

- (1) In section 29 of the Police Reform Act 2002 (interpretation of Part 2), at the end insert—
- “(8) References in sections 26, 26BA and 26C to England and Wales include the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales.”
- (2) In section 28 of the Commissioners for Revenue and Customs Act 2005 (complaints and misconduct: England and Wales), in subsection (6), at the end insert “, including the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales”.
- (3) In section 41 of the Police and Justice Act 2006 (immigration and asylum enforcement functions and customs functions: complaints and misconduct), in subsection (7), at the end insert “, including the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales”.

Member’s explanatory statement

Various of the statutory provisions that concern the conferral of functions on the IPCC contain territorial limitations referring to England and Wales. This new clause provides for those references to include adjacent territorial waters.

Policing and Crime Bill, *continued*

Mike Penning

NC24

To move the following Clause—

“Investigations by IPCC: powers of seizure and retention

- (1) In Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc), in Part 3 (investigations and subsequent proceedings), before paragraph 19A insert—

“Investigations by the Commission: power of seizure

19ZE(1) The powers conferred by this paragraph are exercisable by a person—

- (a) who is designated under paragraph 19(2) in relation to an investigation (the “designated person”), and
 - (b) who is lawfully on any premises for the purposes of the investigation.
- (2) The designated person may seize anything which is on the premises if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
 - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.
- (3) The designated person may require any information which is stored in any electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible, or from which it can readily be produced in a visible and legible form, if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
 - (b) that it is necessary to do so in order to prevent the evidence being concealed, lost, tampered with or destroyed.
- (4) The powers conferred by this paragraph do not authorise the seizure of an item which the designated person exercising the power has reasonable grounds for believing to be an item subject to legal privilege within the meaning of the 1984 Act (see section 10 of that Act).
- (5) Where a designated person has the power to seize a thing or require information to be produced under this paragraph and under section 19 of the 1984 Act (by virtue of section 97(8) of the 1996 Act or paragraph 19(4)), the designated person is to be treated for all purposes as acting in exercise of the power conferred by section 19 of the 1984 Act.
- (6) In this paragraph “premises” has the same meaning as in the 1984 Act (see section 23 of that Act).

Further provision about seizure under paragraph 19ZE

19ZF(1) This paragraph applies where a designated person seizes anything under paragraph 19ZE(2).

Policing and Crime Bill, *continued*

- (2) The designated person must provide a notice in relation to the thing seized if requested to do so by a person showing himself—
 - (a) to be the occupier of the premises on which it was seized, or
 - (b) to have had custody or control of it immediately before the seizure.
- (3) The notice must state what has been seized and the reason for its seizure.
- (4) The notice must be provided within a reasonable time from the making of the request for it.
- (5) In this paragraph “designated person” has the same meaning as in paragraph 19ZE.

Investigations by the Commission: power of retention

- 19ZG(1) This paragraph applies to anything which, for the purposes of an investigation in accordance with paragraph 19—
- (a) has been seized under paragraph 19ZE(2) or taken away following a requirement imposed under paragraph 19ZE(3), or
 - (b) is otherwise lawfully in the possession of the Commission.
- (2) Anything to which this paragraph applies may be retained by the Commission for as long as is necessary in all the circumstances, including (amongst other things) so that it may be used as evidence in criminal or disciplinary proceedings or in an inquest held under Part 1 of the Coroners and Justice Act 2009.
 - (3) For the purposes of sub-paragraph (2), the retention of anything to which this paragraph applies is not necessary if having a photograph or copy of the thing would suffice (and the Commission may arrange for the thing to be photographed or copied before it ceases to be retained).

Further provision about things retained under paragraph 19ZG

- 19ZH(1) This paragraph applies to anything which—
- (a) has been seized (whether under paragraph 19ZE(2) or otherwise), and
 - (b) is being retained by the Commission under paragraph 19ZG.
- (2) If a request for permission to be granted access to a thing to which this paragraph applies is made to the Commission by—
 - (a) a person who had custody or control of the thing immediately before it was seized, or
 - (b) someone acting on behalf of such a person,
 the Commission must allow the person who made the request access to it under the supervision of a member of the Commission’s staff.
 - (3) Sub-paragraph (4) applies if a request for a photograph or copy of a thing to which this paragraph applies is made to the Commission by—
 - (a) a person who had custody or control of the thing immediately before it was seized, or
 - (b) someone acting on behalf of such a person.

Policing and Crime Bill, continued

- (4) The Commission must either—
- (a) allow the person who made the request access to the thing under the supervision of a member of the Commission’s staff for the purpose of photographing or copying it, or
 - (b) arrange for the thing to be photographed or copied.
- (5) If the Commission acts under sub-paragraph (4)(b), the Commission must supply the photograph or copy to the person who made the request within a reasonable time from the making of the request.
- (6) The Commission is not obliged to do anything in response to a request under sub-paragraph (2) or (3) if the Commission has reasonable grounds for believing that to do so would prejudice—
- (a) any investigation being carried out in accordance with this Schedule, or
 - (b) any criminal or disciplinary proceedings or any inquest held under Part 1 of the Coroners and Justice Act 2009.
- (2) In section 21 of the Police and Criminal Evidence Act 1984 (access and copying), at the end insert—
- “(10) The references to a constable in subsections (1) and (2) do not include a constable who has seized a thing under paragraph 19ZE of Schedule 3 to the Police Reform Act 2002.””

Member’s explanatory statement

This new clause confers powers of seizure and retention on the Independent Police Complaints Commission for the purpose of investigations carried out by it under paragraph 19 of Schedule 3 to the Police Reform Act 2002. The powers are based on those conferred by sections 19, 21 and 22 of the Police and Criminal Evidence Act 1984.

Mike Penning

NC25

To move the following Clause—

“Transfer of staff to local policing bodies

- (1) A local policing body may make one or more schemes for the transfer to itself from the chief officer of police of the police force maintained by the local policing body of rights and liabilities under, or in connection with, a relevant contract of employment provided that the condition in subsection (2) is satisfied in relation to each such scheme.
- (2) The condition referred to in subsection (1) is that it is desirable to make the scheme to enable the local policing body to discharge functions that are, or are to be, conferred on it under or by virtue of the Police Reform Act 2002 as a result of the amendments of that Act made by section 10 of, and paragraph 36 of Schedule 4 to, this Act.
- (3) For the purposes of this section a contract of employment is a relevant contract of employment if it is a contract of employment of a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) and the staff member is not designated under section 38 of the Police Reform Act 2002.
- (4) The local policing body must obtain the consent of the chief officer of police to the making of the scheme.

Policing and Crime Bill, *continued*

- (5) Where the chief officer of police does not consent to the making of the scheme, the local policing body may make the scheme notwithstanding subsection (4) if the Secretary of State consents to the making of the scheme.
- (6) A scheme under subsection (1) must make provision that has the same or similar effect as the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) (so far as those regulations do not apply in relation to the transfer)."

Member's explanatory statement

Local policing bodies will acquire additional functions by becoming a relevant review body for the purposes of Part 2 of the Police Reform Act 2002 (under paragraph 36 of Schedule 4 to the Bill) and may acquire additional functions in relation to complaints handling by giving a notice under section 13A of that Act (inserted by clause 10). Those acquired functions are currently chief officer of police functions. This new clause will enable staff to be transferred to local policing bodies to assist in the discharge of the acquired functions.

Mike Penning

NC26

To move the following Clause—

“Office for Police Conduct

- (1) The body corporate known as the Independent Police Complaints Commission—
 - (a) is to continue to exist, and
 - (b) is to be known instead as the Office for Police Conduct.
- (2) Section 9 of the Police Reform Act 2002 (which established the Independent Police Complaints Commission) is amended in accordance with subsections (3) to (8).
- (3) For the heading substitute “The Office for Police Conduct”.
- (4) For subsection (1) substitute—
 - “(1) The body corporate previously known as the Independent Police Complaints Commission—
 - (a) is to continue to exist, and
 - (b) is to be known instead as the Office for Police Conduct.”
- (5) For subsection (2) substitute—
 - “(2) The Office is to consist of—
 - (a) a Director General appointed by Her Majesty, and
 - (b) at least six other members.

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- (2A) The other members must consist of—
- (a) persons appointed as non-executive members (see paragraph 1A of Schedule 2), and
 - (b) persons appointed as employee members (see paragraph 1B of that Schedule),
- but the powers of appointment under those paragraphs must be exercised so as to secure that a majority of members of the Office (including the Director General) are non-executive members.”
- (6) In subsection (3)—
- (a) for “chairman of the Commission” substitute “Director General”;
 - (b) omit “, or as another member of the Commission,”.
- (7) In subsection (5)—
- (a) for “The Commission shall not—” substitute “Neither the Office nor the Director General shall—”;
 - (b) for “Commission’s” substitute “Office’s”.
- (8) In subsection (6) for “Commission” substitute “Office”.
- (9) Schedule (*Office for Police Conduct*) makes further provision in relation to the Office for Police Conduct.”

Member’s explanatory statement

This new clause provides for the Independent Police Complaints Commission to be re-named as the Office for Police Conduct. It also makes other changes in relation to the membership of the Office (in particular, by providing for it to have a Director General) and introduces a new Schedule to the Bill with further provision in connection with its constitution together with other minor and consequential amendments.

Mike Penning

NC27

To move the following Clause—

“Exercise of functions

- (1) Section 10 of the Police Reform Act 2002 (general functions of the Commission) is amended in accordance with subsections (2) to (4) (see also paragraph 17 of Schedule (*Office for Police Conduct*) for further minor and consequential amendments).
- (2) For “Commission”, in each place (including in the heading and in provisions inserted by amendments made by this Act), substitute “Director General”.
- (3) In subsection (2)—
 - (a) in paragraph (a), at the end insert “or other concerns raised by virtue of Part 2B (whistle-blowing)”;
 - (b) in paragraph (c), after “complaints” insert “or other concerns”.
- (4) After subsection (5) insert—

“(5A) In carrying out functions the Director General must have regard to any advice given to the Director General by the Office (see section 10A(1)(c)).”

Policing and Crime Bill, *continued*

- (5) After that section insert—

“10A General functions of the Office

- (1) The functions of the Office are—
 - (a) to secure that the Office has in place appropriate arrangements for good governance and financial management,
 - (b) to determine and promote the strategic aims and values of the Office,
 - (c) to provide support and advice to the Director General in the carrying out of the Director General’s functions, and
 - (d) to monitor and review the carrying out of such functions.
- (2) The Office also has such other functions as are conferred on it by any other enactment (whenever passed or made).
- (3) The Office is to perform its functions for the general purpose of improving the way in which the Director General’s functions are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).
- (4) In carrying out its functions the Office must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in section 10(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.
- (5) The Office may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

10B Efficiency etc in exercise of functions

The Director General and the Office must carry out their functions efficiently and effectively.

10C Strategy for exercise of functions

- (1) The Director General and the Office must jointly—
 - (a) prepare a strategy for the carrying out of their functions, and
 - (b) review the strategy (and revise it as appropriate) at least once every 12 months.
- (2) The strategy must set out how the Director General and the Office propose to carry out their functions in the relevant period.
- (3) The strategy must also include a plan for the use during the relevant period of resources for the carrying out of functions of the Director General and the Office.
- (4) The Director General and the Office must each give effect to the strategy in carrying out their functions.
- (5) The Director General and the Office must jointly publish a strategy (or revised strategy) prepared under this section (stating the time from which it takes effect).
- (6) In this section “relevant period”, in relation to a strategy, means the period of time that is covered by the strategy.

Policing and Crime Bill, *continued***10D Code of practice**

- (1) The Director General and the Office must jointly prepare a code of practice dealing with the relationship between the Director General and the Office.
- (2) In doing so, they must (in particular) seek to reflect the principle that the Director General is to act independently when making decisions in connection with the carrying out of the Director General's functions.
- (3) The code must include provision as to the following—
 - (a) how the strategy required by section 10C is to be prepared, reviewed and revised;
 - (b) the matters to be covered by the strategy and the periods to be covered by it from time to time;
 - (c) how the carrying out of functions by the Director General is to be monitored and reviewed by other members of the Office;
 - (d) the giving of advice to the Director General by other members of the Office in connection with the carrying out of functions by the Director General;
 - (e) the keeping of written records of instances where the Director General has not followed advice given by other members of the Office and the reasons for not doing so;
 - (f) how non-executive members of the Office are to give practical effect to the requirement imposed by subsection (2).
- (4) The Code may include whatever other provision the Director General and the Office think appropriate.
- (5) The Director General and the Office must jointly review the code regularly and revise it as appropriate.
- (6) The Director General and the Office must each comply with the code.
- (7) The Director General and the Office must jointly publish a code (or revised code) prepared under this section (stating the time from which it takes effect)."

Member's explanatory statement

This new clause provides for the Director General of the Office for Police Conduct to carry out the investigatory and other functions previously carried out by the IPCC. It provides for the Office to have governance and monitoring functions and requires the Director General and the Office to jointly prepare a strategy and code of practice governing the relationship between them and the carrying out of their respective functions.

Policing and Crime Bill, *continued*

Mike Penning

NC28

To move the following Clause—

“Protective searches: individuals removed etc under section 135 or 136 of the Mental Health Act 1983

After section 136B of the Mental Health Act 1983 (inserted by section 61) insert—

“136C Protective searches

- (1) Where a warrant is issued under section 135(1) or (2), a constable may search the person to whom the warrant relates if the constable has reasonable grounds for believing that the person—
 - (a) may present a danger to himself or herself or to others, and
 - (b) is concealing on his or her person an item that could be used to cause physical injury to himself or herself or to others.
- (2) The power to search conferred by subsection (1) may be exercised—
 - (a) in a case where a warrant is issued under section 135(1), at any time during the period beginning with the time when a constable enters the premises specified in the warrant and ending when the person ceases to be detained under section 135;
 - (b) in a case where a warrant is issued under section 135(2), at any time while the person is being removed under the authority of the warrant.
- (3) Where a person is detained under section 136(2) or (4), a constable may search the person, at any time while the person is so detained, if the constable has reasonable grounds for believing that the person—
 - (a) may present a danger to himself or herself or to others, and
 - (b) is concealing on his or her person an item that could be used to cause physical injury to himself or herself or to others.
- (4) The power to search conferred by subsection (1) or (3) is only a power to search to the extent that is reasonably required for the purpose of discovering the item that the constable believes the person to be concealing.
- (5) The power to search conferred by subsection (1) or (3)—
 - (a) does not authorise a constable to require a person to remove any of his or her clothing in public other than an outer coat, jacket or gloves, but
 - (b) does authorise a search of a person’s mouth.
- (6) A constable searching a person in the exercise of the power to search conferred by subsection (1) or (3) may seize and retain anything found, if he or she has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or herself or to others.
- (7) The power to search a person conferred by subsection (1) or (3) does not affect any other power to search the person.””

Member’s explanatory statement

This new clause amends the Mental Health Act 1983 to enable constables to carry out searches where a warrant authorising entry to premises and the removal of a person to another place is issued under section 135(1) or (2) or where a person is detained under section 136(2) or (4). The

Policing and Crime Bill, continued

powers to search are exercisable only where there are grounds for suspecting that the person may present a danger to himself or herself or to others. This new clause also provides for other safeguards comparable to those set out in section 32 of the Police and Criminal Evidence Act 1984.

Mike Penning

NC29

To move the following Clause—

“Application of maritime enforcement powers in connection with Scottish offences: general

- (1) A law enforcement officer may, for the purpose of preventing, detecting or investigating an offence under the law of Scotland, exercise any of the maritime enforcement powers in relation to—
 - (a) a United Kingdom ship in Scotland waters, foreign waters or international waters,
 - (b) a ship without nationality in Scotland waters or international waters,
 - (c) a foreign ship in Scotland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Scotland waters.
- (2) In this Chapter, “the maritime enforcement powers” are the powers set out in—
 - (a) section (*Power to stop, board, divert and detain in connection with Scottish offences*);
 - (b) section (*Power to search and obtain information in connection with Scottish offences*);
 - (c) section (*Power of arrest and seizure in connection with Scottish offences*).
- (3) The following persons are “law enforcement officers” for the purpose of this Chapter—
 - (a) a constable within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8),
 - (b) a constable who is a member of the British Transport Police Force,
 - (c) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act),
 - (d) a National Crime Agency officer having the powers and privileges of a constable in Scotland under the Crime and Courts Act 2013, or
 - (e) a person of a description specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(e) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (3)(e) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under subsection (3)(e) may not make devolved provision except with the consent of the Scottish Ministers.
- (7) For the purpose of subsection (6), regulations under subsection (3)(e) make devolved provision if and to the extent that the effect of the regulations is to confer functions under this Chapter on a person of a description specified in the regulations and it would be within the legislative competence of the Scottish Parliament to confer those functions on persons of that description in an Act of the Scottish Parliament.

Policing and Crime Bill, *continued*

- (8) This section is subject to section (*Restriction on exercise of maritime enforcement powers in connection with Scottish offences*) (which makes provision about when the authority of the Secretary of State is required before the maritime enforcement powers are exercised in reliance on this section).”

Member’s explanatory statement

This new clause, together with NC30 to NC39 makes provision for constables serving with Police Scotland (and certain other law enforcement officers) to have powers corresponding to those conferred on members of police forces in England and Wales (and certain other law enforcement officers) by Chapter 4 of Part 4.

Mike Penning

NC30

To move the following Clause—

“Restriction on exercise of maritime enforcement powers in connection with Scottish offences

- (1) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section (*Application of maritime enforcement powers in connection with Scottish offences: general*)(1), in relation to a United Kingdom ship in foreign waters.
- (2) The Secretary of State may give authority under subsection (1) only if the State, or the relevant territory, in whose waters the powers would be exercised consents to the exercise of the powers.
- (3) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section (*Application of maritime enforcement powers in connection with Scottish offences: general*)(1), in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Scotland.
- (4) The Secretary of State may give authority under subsection (3) in relation to a foreign ship only if—
 - (a) the home state has requested the assistance of the United Kingdom for the purpose of preventing, detecting or investigating an offence under the law of Scotland,
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) otherwise permits the exercise of the powers in relation to the ship.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Policing and Crime Bill, continued

Mike Penning

NC31

To move the following Clause—

“Exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences

- (1) A law enforcement officer may, for the purpose of preventing, detecting or investigating an offence under the law of Scotland, exercise any of the maritime enforcement powers in relation to a ship in England and Wales waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in relevant waters,
 - (c) before the pursuit of the ship, a signal was given for it to stop,
 - (d) the signal was given in such a way as to be audible or visible from the ship, and
 - (e) the pursuit of the ship is not interrupted.
- (2) For the purposes of subsection (1)(b), “relevant waters” are—
 - (a) in the case of a United Kingdom ship or a ship without nationality, Scotland waters or international waters;
 - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, Scotland waters.
- (3) For the purposes of subsection (1)(e), pursuit is not interrupted by reason only of the fact that—
 - (a) the method of carrying out the pursuit, or
 - (b) the identity of the ship or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (4) This section is subject to section (*Restriction on exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences*) (which requires the authority of the Secretary of State before the maritime enforcement powers are exercised in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to England and Wales or Northern Ireland).”

Member’s explanatory statement*Please see the explanatory statement for NC29.*

Mike Penning

NC32

To move the following Clause—

“Restriction on exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences

- (1) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section (*Exercise of maritime enforcements in hot pursuit in connection with Scottish offences*) in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to England and Wales or Northern Ireland.

Policing and Crime Bill, *continued*

- (2) The Secretary of State may give authority under subsection (1) in relation to a foreign ship only if—
- (a) the home state has requested the assistance of the United Kingdom for the purpose of preventing, detecting or investigating an offence under the law of Scotland,
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) otherwise permits the exercise of the powers in relation to the ship.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Mike Penning

NC33

To move the following Clause—

“Power to stop, board, divert and detain in connection with Scottish offences

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that—
 - (a) an offence under the law of Scotland is being, or has been, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers in connection with Scottish offences: general*) or (*Exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences*), or
 - (b) a ship in relation to which those powers are so exercisable is otherwise being used in connection with the commission of an offence under that law.
- (2) The law enforcement officer may—
 - (a) stop the ship;
 - (b) board the ship;
 - (c) require the ship to be taken to a port in Scotland or elsewhere and detained there.
- (3) Except as provided by subsection (5), the authority of the Secretary of State is required before a law enforcement officer may exercise the power conferred by subsection (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) The Secretary of State may give authority for the purposes of subsection (3) only if the State, or the relevant territory, in which the port is located is willing to receive the ship.
- (5) If the law enforcement officer is acting under authority given for the purposes of section (*Restriction on exercise of maritime enforcement powers in connection with Scottish offences*)(3) or (*Restriction on exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences*)(1), the law enforcement officer may require the ship to be taken to—
 - (a) a port in the home state or relevant territory in question, or
 - (b) if the home state or relevant territory requests, a port in any other State or relevant territory willing to receive the ship.

Policing and Crime Bill, continued

- (6) The law enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of subsection (2)(c).
- (7) A law enforcement officer must give notice in writing to the master of any ship detained under this section.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a law enforcement officer.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Mike Penning

NC34

To move the following Clause—

“Power to search and obtain information in connection with Scottish offences

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that there is evidence relating to an offence under the law of Scotland (other than items subject to legal privilege) on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers in connection with Scottish offences: general*) or (*Exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences*).
- (2) The law enforcement officer may search—
 - (a) the ship;
 - (b) anyone found on the ship;
 - (c) anything found on the ship (including cargo).
- (3) The law enforcement officer may require a person found on the ship to give information about himself or herself.
- (4) The power to search conferred by subsection (2) is a power to search only to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in subsection (1).
- (5) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (6) In exercising a power conferred by subsection (2) or (3), a law enforcement officer may (amongst other things)—
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it, other than anything that the law enforcement officer has reasonable grounds to believe to be an item subject to legal privilege;
 - (c) make photographs or copies of anything the production of which the law enforcement officer has power to require.
- (7) The power in subsection (6)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.

Policing and Crime Bill, *continued*

- (8) The power of a law enforcement officer under subsection (2)(b) or (c) or (3) may be exercised on the ship or elsewhere.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Mike Penning

NC35

To move the following Clause—

“Power of arrest and seizure in connection with Scottish offences

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that an offence under the law of Scotland has been, or is being, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers in connection with Scottish offences: general*) or (*Exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences*).
- (2) The law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The law enforcement officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence, other than anything that the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (4) The power of a law enforcement officer under subsection (2) or (3) may be exercised on the ship or elsewhere.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Mike Penning

NC36

To move the following Clause—

**“Maritime enforcement powers in connection with Scottish offences:
supplementary: protective searches**

- (1) This section applies where a power conferred by section (*Power to stop, board, divert and detain in connection with Scottish offences*) is exercised in relation to a ship.
- (2) A law enforcement officer may search any person found on the ship for anything which the officer has reasonable grounds to believe the person might use to—
 - (a) cause physical injury,
 - (b) cause damage to property, or
 - (c) endanger the safety of any ship.
- (3) The power under subsection (2) may be exercised on board the ship or elsewhere.
- (4) A law enforcement officer searching a person under subsection (2) may seize and retain anything found if the law enforcement officer has reasonable grounds to believe that the person might use it for a purpose mentioned in paragraphs (a) to (c) of that subsection.

Policing and Crime Bill, *continued*

- (5) Anything seized under subsection (4) may be retained only for so long as there are reasonable grounds to believe that it might be used as mentioned in that subsection.
- (6) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public, other than an outer coat, jacket or gloves.”

Member’s explanatory statement*Please see the explanatory statement for NC29.*

Mike Penning

NC37

To move the following Clause—

“Maritime enforcement powers in connection with Scottish offences: other supplementary provision

- (1) A law enforcement officer may—
 - (a) be accompanied by other persons, and
 - (b) take equipment or materials,
 to assist the officer in the exercise of powers under this Chapter.
- (2) A law enforcement officer may use reasonable force, if necessary, in the performance of functions under this Chapter.
- (3) A person accompanying a law enforcement officer under subsection (1) may perform any of the officer’s functions under this Chapter, but only under the officer’s supervision.
- (4) A law enforcement officer must produce evidence of the officer’s authority if asked to do so.
- (5) The powers conferred by this Chapter do not affect any other powers that a law enforcement officer may have.”

Member’s explanatory statement*Please see the explanatory statement for NC29.*

Mike Penning

NC38

To move the following Clause—

“Maritime enforcement powers in connection with Scottish offences: obstruction etc

- (1) A person commits an offence if the person—
 - (a) intentionally obstructs a law enforcement officer in the performance of functions under this Chapter, or
 - (b) fails without reasonable excuse to comply with a requirement imposed by a law enforcement officer in the performance of those functions.

Policing and Crime Bill, *continued*

- (2) A person who provides information in response to a requirement imposed by a law enforcement officer in the performance of functions under this Chapter commits an offence if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Mike Penning

NC39

To move the following Clause—

“Maritime enforcement powers in connection with Scottish offences: interpretation

- (1) In this Chapter—
- “England and Wales waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales;
- “foreign ship” means a ship which—
- (a) is registered in a State other than the United Kingdom, or
 - (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;
- “foreign waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant territory or State other than the United Kingdom;
- “home state”, in relation to a foreign ship, means—
- (a) the State in which the ship is registered, or
 - (b) the State whose flag the ship is otherwise entitled to fly;
- “international waters” means waters beyond the territorial sea of the United Kingdom or of any other State or relevant territory;
- “items subject to legal privilege” has the same meaning as in Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (see section 412 of that Act);
- “law enforcement officer” has the meaning given by section (*Application of maritime enforcement powers in connection with Scottish offences: general*)(3);
- “maritime enforcement powers” has the meaning given by section (*Application of maritime enforcement powers in connection with Scottish offences: general*)(2);
- “Northern Ireland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Northern Ireland;
- “relevant territory” means—
- (a) the Isle of Man;
 - (b) any of the Channel Islands;

Policing and Crime Bill, *continued*

- (c) a British overseas territory;
- “Scotland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Scotland;
- “ship” includes every description of vessel (including a hovercraft) used in navigation;
- “ship without nationality” means a ship which—
- (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant territory, or
 - (b) sails under the flags of two or more States or relevant territories, or under the flags of a State and relevant territory, using them according to convenience;
- “United Kingdom ship” means a ship which—
- (a) is registered under Part 2 of the Merchant Shipping Act 1995,
 - (b) is a Government ship within the meaning of that Act,
 - (c) is not registered in any State or relevant territory but is wholly owned by persons each of whom has a United Kingdom connection, or
 - (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.
- (2) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (1), a person has a “United Kingdom connection” if the person is—
- (a) a British citizen, a British overseas territories citizen or a British Overseas citizen,
 - (b) an individual who is habitually resident in the United Kingdom, or
 - (c) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.
- (3) References in this Chapter to the United Nations Convention on the Law of the Sea include references to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.”

Member’s explanatory statement

Please see the explanatory statement for NC29.

Mike Penning

NC40

To move the following Clause—

“Controls on defectively deactivated weapons

After section 8 of the Firearms (Amendment) Act 1988 insert—

“8A Controls on defectively deactivated weapons

- (1) It is an offence for a person who owns or claims to own a defectively deactivated weapon—
 - (a) to make the weapon available for sale or as a gift to another person, or
 - (b) to sell it or give it (as a gift) to another person.

Policing and Crime Bill, *continued*

- (2) Subsection (1)(a) does not apply if—
 - (a) the weapon is made available for sale or as a gift only to a person who is outside the EU (or to persons all of whom are outside the EU), and
 - (b) it is made so available on the basis that, if a sale or gift were to take place, the weapon would be transferred to a place outside the EU.
- (3) Subsection (1)(b) does not apply if—
 - (a) the weapon is sold or given to a person who is outside the EU (or to persons all of whom are outside the EU), and
 - (b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside the EU.
- (4) For the purpose of this section, something is a “defectively deactivated weapon” if—
 - (a) it was at any time a firearm,
 - (b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but
 - (c) it has not been rendered so incapable in a way that meets the applicable EU technical specifications.
- (5) In subsection (4)(c), “the applicable EU technical specifications” means the technical specifications for the deactivation of the weapon that are set out in an EU instrument in force at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.
- (6) References in this section to “sale” include exchange or barter (and references to sell are to be construed accordingly).
- (7) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.”

Member’s explanatory statement

This new clause amends the Firearms (Amendment) Act 1988 to make it an offence to make a defectively deactivated weapon available for sale (or as a gift) or to sell such a weapon (or give it as a gift), other than to a person or persons who are outside the EU. The clause defines what is meant by a defectively deactivated weapon. Any weapon that was a firearm for the purposes of the firearms legislation will be considered to be defectively deactivated unless it has been deactivated in a way that meets the EU technical specifications in force at the time when the weapon is marketed or (as the case may be) sold or given as a gift.

Policing and Crime Bill, *continued*

Mike Penning

NC41

To move the following Clause—

“Offence of breach of pre-charge bail conditions relating to travel

- (1) This section applies where—
- (a) a person is arrested under section 24 of the Police and Criminal Evidence Act 1984, or under article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12), in respect of an offence mentioned in section 41(1) or (2) of the Counter-Terrorism Act 2008,
 - (b) the person is released without charge and on bail under Part 4 of the 1984 Act or (as the case may be) Part 5 of the 1989 Order, and
 - (c) the release on bail is subject to a travel restriction condition.
- (2) Each of the following is a travel restriction condition—
- (a) a condition that the person must not leave the United Kingdom,
 - (b) a condition that the person must not enter any port, or one or more particular ports, in the United Kingdom,
 - (c) a condition that the person must not go to a place in Northern Ireland that is within one mile of the border between Northern Ireland and the Republic of Ireland,
 - (d) a condition that the person must surrender all of his or her travel documents or all of his or her travel documents that are of a particular kind,
 - (e) a condition that the person must not have any travel documents, or travel documents of a particular kind, in his or her possession (whether the documents relate to that person or to another person),
 - (f) a condition that the person must not obtain, or seek to obtain, any travel documents (whether relating to that person or to another person) or travel documents of a particular kind.
- (3) The person commits an offence if—
- (a) the person’s release on bail is subject to the travel restriction condition mentioned in subsection (2)(a) and he or she fails to comply with the condition, or
 - (b) the person’s release on bail is subject to a travel restriction condition mentioned in subsection (2)(b) to (f) and he or she fails, without reasonable excuse, to comply with the condition.
- (4) A person guilty of an offence under subsection (3) is liable—
- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both.
- (5) Section (*Offence of breach of pre-charge bail conditions relating to travel: interpretation*) defines words used in subsection (2).”

Member’s explanatory statement

This new clause applies where a person arrested for certain terrorist offences is released before charge and on bail, subject to a travel restriction condition (defined in subsection (2)). Where the

Policing and Crime Bill, continued

person's release on bail is subject to a condition that he or she does not leave the United Kingdom, the person commits an offence by failing to comply with the condition. Where the person's release on bail is subject to any other travel restriction condition, the person commits an offence if, without reasonable excuse, the person fails to comply with the condition.

Mike Penning

NC42

To move the following Clause—

“Offence of breach of pre-charge bail conditions relating to travel: interpretation

- (1) This section defines words used in section (*Offence of breach of pre-charge bail conditions relating to travel*)(2).
- (2) “Travel document” means anything that is or appears to be—
 - (a) a passport, or
 - (b) a ticket or other document that permits a person to make a journey by any means from a place within the United Kingdom to a place outside the United Kingdom.
- (3) “Passport” means—
 - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971),
 - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom, or by or on behalf of an international organisation, or
 - (c) a document that can be used (in some or all circumstances) instead of a passport.
- (4) “Port” means—
 - (a) an airport,
 - (b) a sea port,
 - (c) a hoverport,
 - (d) a heliport,
 - (e) a railway station where passenger trains depart for places outside the United Kingdom, or
 - (f) any other place at which a person is able, or attempting, to get on or off any craft, vessel or vehicle in connection with leaving the United Kingdom.”

Member's explanatory statement

This new clause defines certain terms used in NC41.

Policing and Crime Bill, *continued*

Liz Saville Roberts

NC7

To move the following Clause—

“National Assembly for Wales: devolution of responsibility for policing

- (1) In Schedule 7 to the Government of Wales Act 2006 after paragraph 20 insert—

Policing

- 21 Policing, police pay, probation, community safety, crime prevention.

*Exceptions—**National Crime Agency**Police pensions**National security”*

 Jack Dromey

NC8

To move the following Clause—

“Review of the police complaints system

- (1) Within two months of this Act coming into force, the Secretary of State shall commission an independent evaluation of the police complaints system.
- (2) The evaluation must consider the—
- (a) efficiency of the complaints system,
 - (b) clarity of the complaints process, and
 - (c) fairness of investigations.
- (3) The Secretary of State shall lay the report of the evaluation before each House of Parliament by 1 January 2018.”

Member’s explanatory statement*This new clause would require the Secretary of State to commission a comprehensive review of all aspects of the police complaints system.*

 Jack Dromey

NC9

To move the following Clause—

“Proportionate protection for members of police forces who admit mistakes

The Secretary of State may by regulations make provision for the Independent Police Complaints Commission to offer proportionate protection to members of

Policing and Crime Bill, *continued*

police forces subject to an investigation or a complaint who are honest in admitting their mistakes.”

Member’s explanatory statement

This new clause would ensure that where members of police forces are honest in admitting their mistakes, the Independent Police Complaints Commission gives them credit for that in subsequent investigations or complaints.

Jack Dromey

NC10

To move the following Clause—

“Annual Report by Chief Inspector of Constabulary

In Part 2 of the Police Act 1996, omit section (4A) and insert—

- “(4A) A report under subsection (4) must include the chief inspector’s assessment of—
- (a) The efficiency and effectiveness of policing, and
 - (b) The crime and non-crime demand on police
- in England and Wales for the year in respect of which the report is prepared.””

Member’s explanatory statement

This new clause would add a duty for HMIC to assess demand on police on a yearly basis in addition to the efficiency and effectiveness of policing.

Mr Kevan Jones
Liz Saville Roberts

NC11

To move the following Clause—

“Detention in places of safety: annual reporting

- (1) Police forces in England and Wales must publish an annual report containing statistics on the usage of the power to detain a person in a place of safety.
- (2) This report shall contain, but need not be limited to, information on—
 - (a) the number of detentions;
 - (b) the age of detainees;
 - (c) the length of detention; and
 - (d) the location of the detention.

Member’s explanatory statement

This new clause would require police forces to report annually on the number of detentions in places of safety, including information on the age of the detainee and the location and duration of the detention.

Policing and Crime Bill, *continued*

Mr Kevan Jones
Liz Saville Roberts

NC12

To move the following Clause—

“Access to Independent Mental Health Advocates

- (1) A person detained in a place of safety under section 135 or 136 of the Mental Health Act 1983 shall have the right to an independent mental health advocate (see section 130A of the Mental Health Act 1983).

Member’s explanatory statement

This new clause would extend the right to an independent mental health advocate to those detained under sections 135 or 136 of the Mental Health Act 1983.

Lyn Brown

NC13

To move the following Clause—

“Inspectors of Fire and Rescue Authorities

- (1) The Secretary of State must appoint—
- (a) a chief Inspector of Fire and Rescue Authorities; and
 - (b) such number of inspectors of fire and rescue authorities as the Secretary of State may determine.
- (2) The Secretary of State shall determine and pay to the persons appointed under this section such remuneration.
- (3) The Secretary of State must instruct the Chief Inspector of the Fire and Rescue Authorities to—
- (a) inquire into a matter mentioned in subsection (4); and
 - (b) to submit to them a written report on that matter by a date specified by them.
- (4) The matters under subsection (3)(a) are—
- (a) the state and efficiency of relevant authorities generally;
 - (b) the manner in which—
 - (i) a relevant authority is carrying out any of its functions under this Act; or
 - (ii) relevant authorities are carrying out such functions generally;
 - (c) technical matters relating to a function of a relevant authority under this Act.
- (5) The Secretary of State shall lay a copy of each report submitted under subsection (3)(b) before Parliament.

Member’s explanatory statement

This new clause would require the Home Secretary to establish a national inspectorate for the fire and rescue service.

Policing and Crime Bill, continued

Lyn Brown

NC14

To move the following Clause—

“Amendment of the Fire and Rescue Act

Amend section 21 of the Fire and Rescue Act 2004 (Fire and Rescue National Framework), after subsection 2(a) insert—

“(b) must set out national standards for the discharge of fire and rescue authorities’ functions including, but not limited to—

- (i) response times;
- (ii) preparedness for major incidences;
- (iii) quantity and quality of preventive work
- (iv) firefighter fitness
- (v) equipment and PPE, and
- (vi) training”

Member’s explanatory statement

This new clause would establish national standards for fire and rescue services.

Jack Dromey

NC15

To move the following Clause—

“Scrutiny of volunteer use

Police and crime plans produced under Chapter 3 of Part 1 of the Police Reform and Social Responsibility Act (2011), must include an annual assessment of the use of volunteers, including the following—

- (a) number of volunteers used,
- (b) roles of volunteers
- (c) protected characteristics.”

Member’s explanatory statement

This new clause would make it mandatory for Police and Crime Commissioners to produce an annual assessment of the use of volunteers in police forces to allow for proper scrutiny of volunteer use.

Liz Saville Roberts

NC16

To move the following Clause—

“Digital Crime Review

- (1) The Secretary of State shall have a duty to provide for a review of legislation which contains powers to prosecute individuals who may have been involved in the commission of digital crime in order to consolidate such powers in a single statute.

Policing and Crime Bill, *continued*

- (2) In the conduct of the review under subsection (1), the Secretary of State must have regard to the statutes and measures that he deems appropriate, including but not limited to—
- (a) Malicious Communications Act 1988, section 1,
 - (b) Protection from Harassment Act 1997, section 2, 2a, 4, 4a,
 - (c) Offences against the Person Act 1861, section 16, 20, 39, 47,
 - (d) Data Protection Act 1998, section 10, 13 and 55,
 - (e) Criminal Justice Act 1998, section 160,
 - (f) Regulation of Investigatory Powers Act 2000, section 30(1), (3),(5),(6), 78(5),
 - (g) Computer Misuse Act 1990, as amended by Serious Crime Act 2015 and Police and Justice Act 2006,
 - (h) Contempt of Court Act 1981,
 - (i) Human Rights Act 1998,
 - (j) Public Order Act 1986, section 4, 4a, 5, 16(b), 18,
 - (k) Serious Organised Crime Act 2005, section 145, 46,
 - (l) Wireless Telegraphy Act 2006, section 48,
 - (m) Criminal Justice and Courts Act 2014, section 32, 34, 35, 36, 37,
 - (n) Protection of Children Act 1978,
 - (o) Obscene Publications Act 1959,
 - (p) Crime and Disorder Act 1998, section 28, 29-32,
 - (q) Criminal Justice Act 2003, section 145, 146,
 - (r) Communications Act 2003, section 127, 128-131,
 - (s) Data retention and Investigatory Powers Act 2014, section 4,
 - (t) Sexual Offences Amendment Act 1992, section 5,
 - (u) Counter Terrorism and Security Act 2015,
 - (v) Protection of Freedoms Act 2012, section 33(5), 29(6),
 - (w) Criminal Damage Act 1971, section 2,
 - (x) Sexual Offences Act 2003, section 4, 8, 10, 62,
 - (y) Criminal Justice and Police Act 2001, section 43,
 - (z) Magistrates Court Act 1980, section 127,
 - (aa) Suicide Act 1961, section 2(1) as amended by Coroners and Justice Act 2009,
 - (ab) Criminal Justice and Immigration Act 2008, section 63,
 - (ac) Theft Act 1968, section 21, and
 - (ad) Criminal Law Act 1977, section 51(2)
- (3) It shall be a duty of the Secretary of State to determine for the review any other statute under which persons have been prosecuted for a crime falling under section 1 of this Act.
- (4) In the conduct of the review under subsection (1), the Secretary of State must consult with any person or body he deems appropriate, including but not limited to—
- (a) the Police,
 - (b) Crown Prosecution Service,
 - (c) judiciary, and
 - (d) relevant community organisations.”
-

Policing and Crime Bill, *continued*

Liz Saville Roberts

NC17

To move the following Clause—

“Surveillance and monitoring: offences

- (1) A person commits an offence if the person—
 - (a) uses a digital device to repeatedly locate, listen to or watch a person without legitimate purpose,
 - (b) installs spyware, a webcam or any other device or software on another person’s property or digital device without the user’s agreement or without legitimate reason,
 - (c) takes multiple images of an individual unless it is in the public interest to do so without that individual’s permission and where the intent was not legitimate nor lawful,
 - (d) repeatedly orders goods or services for another person if the purpose of such actions is to cause distress, anxiety or to disrupt that person’s daily life,
 - (e) erases data remotely whilst a digital device is being examined by the police or any other lawful investigation,
 - (f) monitors a digital device registered to a person aged 17 or less if the purpose of that monitoring is to obtain information about a third person,
 - (g) monitors any other person’s digital device if the intent of the monitor is either to damage or steal data from that person, or
 - (h) creates a false persona on line without lawful reason if the purpose of such a creation is to intend to attempt to defraud, groom, impersonate or seriously damage the reputation of any other person.
 - (2) A person guilty of an offence under subsections (1)(a) or (b) is liable on conviction to a term of imprisonment not exceeding 12 months or a fine.
 - (3) For the purpose of subsection (1)(a) “repeatedly” shall be deemed as on two occasions or more.
 - (4) A person guilty of an offence under subsection (1)(d) is liable on conviction to a fine not exceeding the statutory limit.
 - (5) A person guilty of an offence under subsections (1)(e), (f), (g) or (h) is liable on conviction to a term of imprisonment not exceeding 12 months.
 - (6) The Secretary of State shall introduce restrictions on the sale of spyware to persons under the age of 16 and requests all persons who are purchasing such equipment to state their intended use of such equipment.”
-

Liz Saville Roberts

NC18

To move the following Clause—

“Digital crime training and education

- (1) It shall be the responsibility of the Home Department to ensure that each Police Service shall invest in training on the prioritisation, investigation and evidence gathering in respect of digital crime and abuse.
- (2) It shall be the responsibility of the Home Department to ensure that all Police services record complaints and outcomes of complaints of digital crime and abuse.

Policing and Crime Bill, *continued*

- (3) It shall be the responsibility of the Secretary of State for the Home Department to publish annual statistics on complaints and outcomes of digital crime and abuse.”
-

Liz Saville Roberts
Carolyn Harris

NC19

To move the following Clause—

“Modern technology: specialist digital unit (child abuse)

- (1) The chief officer of each police force in England and Wales must ensure that within their force there is a unit that specialises in analysing and investigating allegations of online offences against children and young people.
- (2) The chief officer must ensure that such a unit has access to sufficient digital forensic science resource to enable it to perform this function effectively and efficiently.”
-

Liz Saville Roberts
Carolyn Harris

NC20

To move the following Clause—

“Child sexual abuse: specialist unit

- (1) The chief officer of each police force in England and Wales must ensure that within their force there is a unit responsible for working with local agencies to coordinate early identification of children at risk of child sexual abuse, including child sexual exploitation, and early identification of children and adults at risk of sexual offending.”
-

Liz Saville Roberts
Carolyn Harris

NC21

To move the following Clause—

“Offence of abduction of a vulnerable child aged 16 or 17

- (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 the responsible person; or
 - (b) keeps such a child away from the responsible person; or
 - (c) induces, assists or incites such a child to run away or stay away from the responsible person or from a child’s place of residence;

Policing and Crime Bill, *continued*

- (2) This section applies in relation to a child who is—
 - (a) a child in need as defined in Section 17 of the Children Act 1989;
 - (b) a child looked after under Section 20 of the Children Act 1989;
 - (c) a child housed alone under part 7 of the Housing Act 1996;
 - (d) a child who is suffering or is likely to suffer significant harm subject to Section 47 1(b) of the Children Act 1989.
- (3) In this section “The responsible person” is—
 - (a) a person with a parental responsibility as defined in the Children Act 1989; or
 - (b) a person who for the time being has care of a vulnerable child aged 16 and 17 by virtue of the care order, the emergency protection order, or section 46, as the case may be; or
 - (c) any other person as defined in regulations for the purposes of this section.
- (4) A person guilty of an offence under this section 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; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years.
- (5) No prosecution for an offence above shall be instituted except by or with the consent of the Director of Public Prosecutions.”

Jack Dromey

NC43

To move the following Clause—

“Breach of pre-charge bail

- (1) A person commits an offence if, having been released on bail under sections 37, 37C(2)(b) or 37CA(2)(b) of the Police and Criminal Evidence Act 1984 under investigation for a terrorism offence or serious crime offence they breach any of the terms of their bail specified that place restriction on their ability to travel including surrendering their passport and/or place conditions on their residency.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to 6 months imprisonment or a fine or to both.
- (3) For the purposes of this section, serious crime shall be specified of the Secretary of State by order.”

Member’s explanatory statement

This new clause would make it an offence for those suspected of serious crimes and terrorism to break bail conditions linked to travel.

Policing and Crime Bill, *continued*

Carolyn Harris

NC44

To move the following Clause—

“Controlling and coercive behaviour in non intimate or family relationships in relation to a child aged 16 and 17

- (1) Section 76 of the Serious Crime Act is amended as follows
- (2) After Section 76, insert—

“76a Controlling and coercive behaviour in non intimate or family relationships in relation to a child aged 16 and 17

- (1) A person (A) commits an offence if—
 - (a) A repeatedly or continuously engages in behaviour towards a child (B) aged 16 or 17 that is controlling or coercive,
 - (b) at the time of the behaviour A and B are not in an intimate or family relationship which each other,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A’s behaviour has a “serious effect” on B if—
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities, or
 - (c) it inhibits B’s ability to withhold consent to activities proposed by A through A supplying B with drugs or alcohol.
- (3) In this section the ‘non intimate or family relationships’ are relationship other than those defined in Section 76.
- (4) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.””

Member’s explanatory statement

This new clause would make controlling and coercive behaviour towards a 16 or 17 years old a criminal offence.

Policing and Crime Bill, *continued*

Carolyn Harris

NC45

To move the following Clause—

“Prevention of child sexual exploitation and private hire vehicles

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows—
 - (a) after section 47(1) insert—
 - “(1A) A district council must carry out its functions under this section with a view to preventing child sexual exploitation”.
 - (b) at end of section 48 (1) insert—
 - “(c) a district council must carry out its functions under this section with a view to preventing child sexual exploitation”.
- (2) Section 7 of the London Cab Order 1934 is amended as follows—
 - (a) after Section 7(2) insert—
 - “(2A) Transport for London must carry out its functions under this section with a view to preventing child sexual exploitation”.
- (3) Section 7 of the Private Hire Vehicles (London) Act 1998 is amended as follows—
 - (a) after Section 7(2) insert—
 - “(3) The licensing authority must carry out its functions under this section with a view to preventing child sexual exploitation”.

Member’s explanatory statement

This new clause would place local authorities under a duty to consider how they can prevent child sexual exploitation when they issue licences for taxis and private hire vehicles.

Mr Kevan Jones

NC46

To move the following Clause—

“Child sexual exploitation: assessment of needs for therapeutic support

- (1) Where police or a local authority have received a disclosure that a child who has been sexually exploited or subject to other forms of child abuse, police or the local authority must make a referral to a named mental health service.
- (2) The named mental health service must make necessary arrangements for the child’s treatment or care.
- (3) The Secretary of State must by regulations—
 - (a) define “named mental health service” for the purpose of this section;
 - (b) specify a minimum level of “necessary arrangements” for the purpose of the section.”

Member’s explanatory statement

This new clause enables the Future in Mind report’s recommendation that those young people who

Policing and Crime Bill, continued

have been sexually abused or exploited should receive a comprehensive initial assessment, and referral to appropriate services providing evidence-based interventions according to their need.

Mr Kevan Jones

NC47

To move the following Clause—

“Child sexual exploitation: duty to share information

The local policing body that maintains a police force shall have a duty to disclose information about children who are victims of sexual exploitation or other forms of abuse to relevant child mental health service commissioners in England and Wales.”

Member’s explanatory statement

See the explanatory statement for NC46.

Jack Dromey

NC48

To move the following Clause—

“Scrutiny of investigatory capabilities

- (1) Police and crime plans produced under Chapter 3 of Part 1 of the Police Reform and Social Responsibility Act 2011, must include an annual assessment of the capability of the police to properly investigate crimes within the 28-day pre-charge bail time limit.
- (2) The assessment must consider any—
 - (a) changes to the number of suspects released without bail,
 - (b) resource constraints, including staff numbers,
 - (c) safeguarding requirements of victims, witnesses and suspects, and
 - (d) issues around multiagency work.”

Member’s explanatory statement

This new clause would make it mandatory for Police and Crime Commissioners to produce an annual assessment of the capability of police forces and other agencies to meet the mandated 28 day pre-charge bail limit.

Jack Dromey

NC49

To move the following Clause—

“Cooperation of relevant agencies in investigations

- (1) The Secretary of State may by regulations require relevant agencies to cooperate promptly with police in carrying out investigations of suspects.

Policing and Crime Bill, *continued*

- (2) Relevant agencies may include, but are not limited to—
 - (a) the Crown Prosecution Service,
 - (b) forensic examiners,
 - (c) health authorities, and
 - (d) banks and financial institutions.
- (3) Alongside any additional duty to cooperate, the Home Secretary must carry out an assessment of the relevant agency's resource capacity to provide relevant information or services within the 28 day limit for cases where suspects are released on pre-charge bail."

Member's explanatory statement

This new clause would allow the Home Secretary to mandate cooperation of relevant agencies with police forces in conducting investigations, and would allow for scrutiny of whether relevant agencies have the necessary capacity and resource to cooperate within the required length of time.

Jack Dromey
Mr Kevan Jones

NC50

To move the following Clause—

“Powers under the Mental Health Act 1983: reporting and review

- (1) One year after section 59, 60 and 61 of this Act come into force the Secretary of State must lay before parliament a report on the impact of the changes to powers under the Mental Health Act 1983 on mental health assessment and outcomes.
- (2) This report shall contain, but need not be limited to, information on—
 - (a) length of time taken from commencement of mental health assessment of an individual under sections 135 or 136 of the Mental Health Act, to either the discharge, admittance to hospital or extension of period of detention of these individuals,
 - (b) availability of trained medical professionals to carry out assessments, and
 - (c) availability of hospital beds for persons deemed to require inpatient care.
- (3) In producing this review the Home Secretary must consult the Secretary of State for Health.”

Member's explanatory statement

This new clause would make it mandatory for the Home Secretary to report on the impact of Section 59, 60 and 61 on mental health assessment and outcomes. This would allow for scrutiny of whether the proposals improve the outcomes for those subject to police detention and mental health assessment, and whether health providers have the capacity to carry out timely assessments and provide any necessary inpatient care.

Policing and Crime Bill, *continued*

Lyn Brown

NC51

To move the following Clause—

“Suspension of Licences

- (1) Licensing Act 2003 is amended as follows—
- (2) After section 171 insert—

“171A Suspension of Licences

- (1) A licensing authority may suspend a premises licence, or a club premises certificate if the holder of the licence or certificate has failed to pay the non-domestic rates due, from one or more previous financial years, to the licensing authority in respect of the premises for which the licence or certificate relates.
- (2) A licensing authority may not suspend a premises licence or a club premises certificate using the powers granted by this section if—
 - (a) the licensing authority is unable to demonstrate that earlier efforts to secure payment of the debt have been made but have failed, or
 - (b) either—
 - (i) the licence holder failed to pay the required amount of non-domestic rates at the time it became due because of an administrative error (whether made by the holder, the authority or anyone else), or
 - (ii) before or at the time the non-domestic rates became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of, the rates.
- (3) If a licensing authority suspends a premises licence or club premises certificate under subsection (1), the authority must give the holder of the licence or certificate notice of the grounds on which the licence or certificate has been revoked and specify the day the suspension takes effect.
- (4) The date specified in the notice under subsection (3) must be at least 10 working days after the day the authority gives the notice.
- (5) The amendments made by this section apply in relation to any outstanding non-domestic rates which are owed to the licensing authority six months after the commencement of this section.””

Member’s explanatory statement

This new clause would enable a licensing authority to suspend a premises licence where a business has wilfully or persistently failed to pay the business rates due to the licensing authority.

Policing and Crime Bill, *continued*

Lyn Brown

NC52

To move the following Clause—

“Cap on Licensed Premises

- (1) Amend the 2003 Licensing Act as follows.
- (2) At the end of subsection 3 of section 18 insert—
 - “(c) have regard to the cumulative impact of granting the licence application given the number of other licensed establishments in the vicinity of the applicant premise.”

Member’s explanatory statement

This new clause would allow local authorities to reject a licensing application on the grounds that there are already too many licensed premises.

Lyn Brown

NC53

To move the following Clause—

“Public health licensing objective

- (1) The Licensing Act 2003 is amended as follows.
- (2) After section 4(d) insert—
 - “(e) promoting public health.””

Member’s explanatory statement

This new clause would make promoting public health a statutory objective for licensing authorities.

Jack Dromey

NC56

☆ To move the following Clause—

“Local Safeguarding Children Board: prevention of child sexual exploitation

- (1) The Children Act 2004 is amended as follows.
- (2) In section 14 after “promoting the welfare of children” insert “and preventing child sexual exploitation.”

Member’s explanatory statement

This new Clause would mandate cooperation of statutory organisations on the prevention of child sexual exploitation, in addition to safeguarding and promoting the welfare of children in the area.

Victoria Prentis

NC57

★ To move the following Clause—

Policing and Crime Bill, *continued*
“Amendments to the Firearms Act 1968

- (1) The Firearms Act 1968 is amended as follows.
- (2) Omit section 5(1A)(f).
- (3) Omit sections 5A(4), (5), (6), (7) and (8).
- (4) Omit section 7(1) and insert—
 - “(1) A person who has obtained from the chief officer of police for the area in which he resides a permit for the purpose in the prescribed form may, without holding a certificate or authority under this Act, have in his possession a firearm and ammunition in accordance with the terms of the permit.”
- (5) At the end of section 28A add—
 - “(8) Where an individual has applied for the renewal of a certificate before its expiry but the chief constable has not, as at the date of its expiry, determined whether or not to grant the renewal, the certificate is to continue to have effect until the application is determined.””

 Victoria Prentis

NC58

- ★ To move the following Clause—

“Amendments to the Firearms (Amendment) Act 1988

- (1) The Firearms (Amendment) Act 1988 is amended as follows.
- (2) In section 15(1) (Approved rifle clubs and muzzle-loading pistol clubs) omit the first “rifle” and for the second “rifle” substitute “firearm”.
- (3) Omit section 15(2) and insert—
 - “(2) Any club may apply for approval, whether or not it is intended that any club members will, by virtue of subsection (1) above, have firearms subject to Section 1 or ammunition in their possession without holding firearm certificates.”
- (4) Omit section 15(4) and insert—
 - “(4) The application of subsection (1) above to members of an approved club may—
 - (a) be excluded in relation to the club, or
 - (b) be restricted to target shooting with specified types of firearm, by limitations contained in the approval.”
- (5) In section 15(7) omit “rifle”.
- (6) In section 15(10) omit the first “rifle”.
- (7) Omit sections 15(11) and (12).”

 Victoria Prentis

NC59

- ★ To move the following Clause—

Policing and Crime Bill, *continued*

“Authorised persons permitted to lend firearms

- (1) In the Firearms Act 1968, omit section 11(5) and insert—
- “(5) A person may, without holding a shot gun certificate, borrow a shot gun from the owner or occupier of private premises or a person authorised by the owner or occupier and use it on those premises in the presence of the owner, occupier or authorised person.”
- (2) In the Firearms (Amendment) Act 1988, omit section 16(1) and insert—
- “A person of or over the age of seventeen may, without holding a firearm certificate, borrow a rifle from the owner or occupier of private premises or a person authorised by him, and use it on those premises in the presence of the owner, occupier or authorised person if—
- (a) the owner, occupier or authorised person in whose presence it is used holds a firearm certificate in respect of that rifle; and
 - (b) the borrower’s possession and use of it complies with any conditions as to those matters specified in the certificate; and
 - (c) where the borrower is of the age of seventeen, the owner, occupier or authorised person in whose presence the rifle is used is of or over the age of eighteen.”

NEW SCHEDULES

Mike Penning

NS1

To move the following Schedule—

“DISCIPLINARY PROCEEDINGS: FORMER MEMBERS OF MOD POLICE, BRITISH TRANSPORT
POLICE AND CIVIL NUCLEAR CONSTABULARY

Ministry of Defence Police Act 1987 (c. 4)

- 1 The Ministry of Defence Police Act 1987 is amended as follows.
- 2 (1) Section 3A (regulations relating to disciplinary matters) is amended as follows.
 - (2) After subsection (1A) insert—

“(1B) Regulations under this section may provide for the procedures that are established by or under regulations made by virtue of subsection (1A) to apply (with or without modifications) in respect of the conduct, efficiency or effectiveness of any person where—

 - (a) an allegation relating to the conduct, efficiency or effectiveness of the person comes to the attention of the chief constable of the Ministry of Defence Police, the Ministry of Defence Police Committee, the Independent Police Complaints Commission, the Police Investigations and Review Commissioner or the Police Ombudsman for Northern Ireland,
 - (b) at the time of the alleged misconduct, inefficiency or ineffectiveness the person was a member of the Ministry of Defence Police, and
 - (c) either—

Policing and Crime Bill, *continued*

- (i) the person ceases to be a member of the Ministry of Defence Police after the allegation first comes to the attention of a person mentioned in paragraph (a), or
 - (ii) the person had ceased to be a member of the Ministry of Defence Police before the allegation first came to the attention of a person mentioned in paragraph (a) but the period between the person having ceased to be a member of the Ministry of Defence Police and the allegation first coming to the attention of a person mentioned in paragraph (a) does not exceed the period specified in the regulations.
- (1C) Regulations made by virtue of subsection (1B) must provide that disciplinary proceedings which are not the first disciplinary proceedings to be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness may be taken only if they are commenced within the period specified in the regulations, which must begin with the date when the person ceased to be a member of the Ministry of Defence Police.”
- (3) In subsection (2), for “The regulations” substitute “Regulations under this section”.
- 3 In section 4 (representation etc at disciplinary proceedings), in subsection (4)—
- (a) in the definition of “the officer concerned”, after “member” insert “or, as the case may be, the former member”;
 - (b) in the definition of “relevant authority”—
 - (i) after paragraph (a) insert—
 - “(aa) where the officer concerned is a former member of the Ministry of Defence Police who immediately before ceasing to be such a member was not a senior officer, the chief constable for the Ministry of Defence Police;”;
 - (ii) after paragraph (b) insert—
 - “(c) where the officer concerned is a former member of the Ministry of Defence Police who immediately before ceasing to be such a member was a senior officer, the Ministry of Defence Police Committee;”.
- 4 In section 4A (appeals against dismissal etc), in subsection (1)(a), after “member” insert “, or former member,”.

Policing and Crime Bill, continued

- 5 Regulations made in pursuance of section 3A(1B) of the Ministry of Defence Police Act 1987 (as inserted by paragraph 2)—
- (a) may not make provision in relation to a person who ceases to be a member of the Ministry of Defence Police before the coming into force of paragraph 2 of this Schedule;
 - (b) may make provision in relation to a person who ceases to be a member of the Ministry of Defence Police after the coming into force of paragraph 2 of this Schedule even though the alleged misconduct, inefficiency or ineffectiveness occurred at a time before the coming into force of that paragraph, but only if the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, there could be a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been a member of the Ministry of Defence Police.

Railways and Transport Safety Act 2003 (c. 20)

- 6 The Railways and Transport Safety Act 2003 is amended as follows.
- 7 In section 36 (police regulations: general), after subsection (1) insert—
- “(1A) To the extent that subsection (1) concerns regulations made in pursuance of section 50(3A) of the Police Act 1996, or matters that could be dealt with by such regulations, the reference in subsection (1) to constables or other persons employed in the service of the Police Force includes former constables and other persons formerly employed in the service of the Police Force.”
- 8 In section 37 (police regulations: special constables), after subsection (1) insert—
- “(1ZA) To the extent that subsection (1) concerns regulations made in pursuance of section 51(2B) of the Police Act 1996, or matters that could be dealt with by such regulations, the reference in subsection (1) to special constables of the Police Force includes former special constables of the Police Force.”
- 9 In section 42 (police regulations by Secretary of State), in subsection (3)—
- (a) after “50(3)” insert “or (3A)”;
 - (b) after “51(2A)” insert “or (2B)”.
- 10 Regulations made under section 36, 37 or 42 of the Railways and Transport Safety Act 2003 that make provision that applies regulations made in pursuance of section 50(3A) or 51(2B) of the Police Act 1996, or that deals with matters that could be dealt with by such regulations, in relation to former constables, and former special constables, of the British Transport Police Force and other persons formerly employed in the service of the British Transport Police Force—
- (a) may not make provision that would not be permitted in relation to former members of a police force and former special constables by section 22(7)(a);
 - (b) may make provision that would be permitted in relation to former members of a police force and former special constables by section 22(7)(b).

Policing and Crime Bill, *continued*
Energy Act 2004 (c. 20)

- 11 The Energy Act 2004 is amended as follows.
- 12 In section 58 (government, administration and conditions of service of Civil Nuclear Constabulary), in subsection (1)(a), after “members” insert “or former members”.
- 13 (1) In Schedule 13 (directions by Secretary of State about Civil Nuclear Constabulary), paragraph 3 (government, administration and conditions of service) is amended as follows.
- (2) After sub-paragraph (2) insert—
- “(2A) To the extent that sub-paragraph (2) concerns provision that may be made in pursuance of section 50(3A) of the Police Act 1996, the reference in sub-paragraph (1) to members of the Constabulary includes former members.”
- 14 Provision made by the Civil Nuclear Police Authority that relates to former members of the Civil Nuclear Constabulary and matters which are the subject of regulations made in pursuance of section 50(3A) of the Police Act 1996—
- (a) may not be provision that would not be permitted in relation to former members of a police force and former special constables by section 22(7)(a);
- (b) may be provision that would be permitted in relation to former members of a police force and former special constables by 22(7)(b).”

Member’s explanatory statement

This new Schedule includes amendments relating to the Ministry of Defence Police, the British Transport Police Force and the Civil Nuclear Constabulary which produce an equivalent effect to the amendments at clause 22 of the Bill.

Mike Penning

NS2

To move the following Schedule—

“SCHEDULE

OFFICE FOR POLICE CONDUCT

PART 1

AMENDMENTS TO SCHEDULE 2 TO THE POLICE REFORM ACT 2002

Introductory

- 1 Schedule 2 to the Police Reform Act 2002 is amended in accordance with this Part of this Schedule (see also paragraph 54 below for further minor and consequential amendments).

Director General

- 2 (1) Paragraph 1 (chairman) is amended as follows.

Policing and Crime Bill, *continued*

- (2) For sub-paragraph (1) substitute—
- “(1) The Director General holds office in accordance with the terms of his or her appointment.
- (1A) A person who holds office as Director General must not be an employee of the Office (but may have been such an employee before appointment as the Director General).”
- (3) In sub-paragraph (2) for “chairman of the Commission” substitute “Director General”.
- (4) In sub-paragraph (3)—
- (a) for “chairman of the Commission” substitute “Director General”;
- (b) for “chairman” substitute “Director General”.
- (5) In sub-paragraph (4)—
- (a) for “chairman of the Commission” substitute “Director General”;
- (b) for “chairman” substitute “Director General”.
- (6) In sub-paragraph (5) for “chairman” substitute “Director General”.

Appointment etc of members

- 3 After paragraph 1 insert—

“Appointment of members

- 1A (1) The non-executive members of the Office are to be appointed by the Secretary of State.
- (2) A person who is a non-executive member must not be an employee of the Office (but may have been such an employee before appointment as a non-executive member).
- 1B (1) The employee members of the Office are to be appointed from the staff of the Office by the non-executive members.
- (2) If the non-executive members propose to appoint an employee member, the Director General must recommend a person to the non-executive members for appointment.
- (3) The Director General may also recommend a person to the non-executive members for appointment as an employee member without any proposal having been made under sub-paragraph (2).
- (4) On a recommendation of a person for appointment under sub-paragraph (2) or (3), the non-executive members may—
- (a) appoint the person, or
- (b) reject the recommendation.
- (5) If the non-executive members reject a recommendation they may require the Director General to recommend another person for appointment (in which case this sub-paragraph applies again and so on until somebody is appointed).”
- 4 (1) Paragraph 2 (ordinary members of the Commission) is amended as follows.
- (2) In sub-paragraph (1) for “an ordinary” substitute “a non-executive”.
- (3) Omit sub-paragraph (2).
- (4) In sub-paragraph (3) for “an ordinary” substitute “a non-executive”.

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- (5) In sub-paragraph (4)—
- (a) for “an ordinary”, in both places, substitute “a non-executive”;
 - (b) for “five” substitute “three”.
- (6) In sub-paragraph (5) for—
- (a) for “An ordinary” substitute “A non-executive”;
 - (b) for “his office as a member of the Commission” substitute “from being a non-executive member of the Office”.
- (7) In sub-paragraph (6)—
- (a) for “an ordinary” substitute “a non-executive”;
 - (b) omit paragraph (b).
- (8) Omit sub-paragraph (8).
- 5 After paragraph 2 insert—

“Terms of appointment etc: employee members

- 2A (1) A person holds office as an employee member in accordance with the terms of his or her appointment (subject to the provisions of this Schedule).
- (2) Those terms may not include arrangements in relation to remuneration.
- (3) An appointment as an employee member may be full-time or part-time.
- (4) The appointment of an employee member terminates—
- (a) if the terms of the member’s appointment provides for it to expire at the end of a period, at the end of that period, and
 - (b) in any event, when the member ceases to be an employee of the Office.
- (5) An employee member may resign by giving written notice to the non-executive members.
- (6) The non-executive members may terminate the appointment of an employee member by giving the member written notice if they are satisfied that any of the grounds mentioned in paragraph 2(6)(a) to (g) apply in relation to the employee member.”
- 6 Omit paragraph 3 (deputy chairmen) (including the italic heading before that paragraph).
- 7 Omit paragraph 5 (chief executive) (including the italic heading before that paragraph).

Vacancy or incapacity in office of Director General

- 8 After paragraph 3 insert—

“Director General: vacancy or incapacity

- 3A (1) This paragraph applies if—
- (a) the office of Director General is vacant, or
 - (b) it appears to the Office that the ability of the Director General to carry out the Director General’s functions is seriously impaired because of ill health (whether mental or physical).

Policing and Crime Bill, *continued*

- (2) The Office may, with the agreement of the Secretary of State, authorise an employee of the Office to carry out the functions of the Director General during the vacancy or period of ill health.
- (3) A person who falls within section 9(3) may not be authorised under this paragraph to carry out the functions of the Director General.
- (4) A person who has been sentenced to a term of imprisonment of three months or more may not, at any time in the five years following the day of sentence, be authorised under this paragraph to carry out the functions of the Director General.
- (5) Paragraph 1(6) applies for the purposes of sub-paragraph (4).
- (6) Authorisation of a person under this paragraph ceases to have effect—
 - (a) at the end of the vacancy or period of ill health,
 - (b) on the Office revoking the authorisation for any reason, or
 - (c) on the Secretary of State withdrawing agreement to the authorisation for any reason.”

Remuneration arrangements

- 9 (1) Paragraph 4 (remuneration, pensions etc of members) is amended as follows.
 - (2) In sub-paragraph (1), for the words from “the chairman” to the end substitute “the Director General as the Secretary of State may determine”.
 - (3) In sub-paragraph (2)—
 - (a) in paragraph (a), for “chairman, deputy chairman or member of the Commission” substitute “Director General”;
 - (b) in the words after paragraph (b) for “Commission” substitute “Office”.
 - (4) After sub-paragraph (2) insert—
 - “(3) The Secretary of State may make remuneration arrangements in relation to non-executive members of the Office.
 - (4) Remuneration arrangements under sub-paragraph (3)—
 - (a) may make provision for a salary, allowances and other benefits but not for a pension, and
 - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
 - (5) Amounts payable by virtue of sub-paragraph (4) are to be paid by the Office.”

Staff

- 10 (1) Paragraph 6 (staff) is amended as follows.
 - (2) For sub-paragraph (1) substitute—
 - “(1) The Office may appoint staff.”
 - (3) In sub-paragraph (2) for “Commission”, in both places, substitute “Office”.
 - (4) In sub-paragraph (3)—
 - (a) for “Commission” substitute “Office”;
 - (b) after “staffing” insert “(including arrangements in relation to terms and conditions and management of staff)”;
 - (c) for “it” substitute “the Director General”.

Policing and Crime Bill, *continued*

- (5) In sub-paragraph (4)—
- (a) for “Commission”, in the first place, substitute “Office”;
 - (b) for “Commission”, in the second place, substitute “Director General”.
- (6) After sub-paragraph (4) insert—
- “(4A) The powers under this paragraph are exercisable only by the Director General acting on behalf of the Office (subject to the power under paragraph 6A(1)).”
- (7) In sub-paragraph (5) for “by the Commission of its” substitute “of the”.

Delegation of functions

- 11 After paragraph 6 of Schedule 2 insert—

“Delegation of functions

- 6A (1) The Director General may authorise a person within sub-paragraph (2) to exercise on the Director General’s behalf a function of the Director General.
- (2) The persons within this sub-paragraph are—
- (a) employee members of the Office;
 - (b) employees of the Office appointed under paragraph 6;
 - (c) seconded constables within the meaning of paragraph 8.
- (3) The reference in sub-paragraph (1) to a function of the Director General is to any function that the Director General has under this Act or any other enactment.
- (4) A person (“A”) who is authorised under sub-paragraph (1) to exercise a function may authorise another person within sub-paragraph (2) to exercise that function (but only so far as permitted to do so by the authorisation given to A).
- (5) An authorisation under this paragraph may provide for a function to which it relates to be exercisable—
- (a) either to its full extent or to the extent specified in the authorisation;
 - (b) either generally or in cases, circumstances or areas so specified;
 - (c) either unconditionally or subject to conditions so specified.
- (6) Provision under sub-paragraph (5) may (in particular) include provision for restricted persons not to exercise designated functions.
- (7) For the purposes of sub-paragraph (6)—
- (a) “designated functions” are any functions of the Director General that are designated by the Director General for the purposes of this paragraph (and such functions may in particular be designated by reference to the position or seniority of members of staff);
 - (b) “restricted persons” are, subject to any determination made under sub-paragraph (8), persons who fall within section 9(3).

Policing and Crime Bill, *continued*

- (8) The Director General may, in such circumstances as the Director General considers appropriate, determine that persons are not to be treated as restricted persons so far as relating to the exercise of designated functions (whether generally or in respect of particular functions specified in the determination).
- (9) The Director General must publish a statement of policy about how the Director General proposes to exercise the powers conferred by sub-paragraphs (7)(a) and (8).
- (10) The statement must in particular draw attention to any restrictions on the carrying out of functions imposed by virtue of their designation under sub-paragraph (7)(a) and explain the reasons for imposing them.
- (11) The exercise of the powers conferred by sub-paragraphs (7)(a) and (8) is subject to any regulations under section 23(1) of the kind mentioned in section 23(2)(g) (regulations limiting persons who may be appointed to carry out investigations etc).
- (12) An authorisation under this paragraph does not prevent the Director General from exercising the function to which the authorisation relates.
- (13) Anything done or omitted to be done by or in relation to a person authorised under this paragraph in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the Director General.
- (14) Sub-paragraph (13) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.”

Protection from personal liability

12 After paragraph 7 insert—

“Liability for acts of the Director General

- 7A (1) A person holding office as the Director General has no personal liability for an act or omission done by the person in the exercise of the Director General’s functions unless it is shown to have been done otherwise than in good faith.
- (2) The Office is liable in respect of unlawful conduct of the Director General in the carrying out, or purported carrying out, of the Director General’s functions in the same way as an employer is liable in respect of any unlawful conduct of employees in the course of their employment.
- (3) Accordingly, the Office is to be treated, in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.”

Policing and Crime Bill, *continued**Regional offices*

- 13 For paragraph 9 (power of Commission to set up regional offices) substitute—
- “9 (1) The Office may set up regional offices in places in England and Wales.
- (2) But the power under sub-paragraph (1) is exercisable only by the Director General acting on behalf of the Office (subject to the power in paragraph 6A(1)).
- (3) The power under sub-paragraph (1) may be exercised—
- (a) only with the consent of the Secretary of State, and
 - (b) only if it appears to the Director General necessary to do so for the purpose of ensuring that the functions of the Director General, or those of the Office, are carried out efficiently and effectively.”

Proceedings

- 14 In paragraph 10 (proceedings), after sub-paragraph (1) insert—
- “(1A) But the arrangements must include provision for—
- (a) the quorum for meetings to be met only if a majority of members present are non-executive members of the Office, and
 - (b) an audit committee of the Office to be established to perform such monitoring, reviewing and other functions as are appropriate.
- (1B) The arrangements must secure that the audit committee consists only of non-executive members of the Office.”

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS TO THE POLICE REFORM ACT 2002

- 15 The Police Reform Act 2002 is amended in accordance with this Part of this Schedule.
- 16 For the italic heading before section 9, substitute “The Office for Police Conduct”.
- 17 (1) Section 10 (general functions of the Commission) is amended as follows.
- (2) In subsection (1)(a) omit “itself”.
 - (3) In subsection (1)(e) for “its” substitute “the Director General’s”.
 - (4) In subsection (1)(f) for “it” substitute “the Director General”.
 - (5) In subsection (3) for “it” substitute “the Director General”.
 - (6) In subsection (3A) (as inserted by this Act), for “it” substitute “the Director General”.
 - (7) In subsection (3B) (as inserted by this Act), for “it” substitute “the Director General”.
 - (8) In subsection (4), in paragraph (a)—
 - (a) for “it”, in both places, substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
 - (9) In subsection (6)—
 - (a) for “it” substitute “the Director General”;

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- (b) for “its” substitute “the Director General’s”.
- (10) In subsection (7)—
 - (a) for “it”, in both places, substitute “the Director General”;
 - (b) for “its”, in both places, substitute “the Director General’s”.
- 18 (1) Section 11 (reports to the Secretary of State) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “its”, in the first place it occurs, substitute “the Office’s”;
 - (b) for “Commission shall” substitute “Director General and the Office must jointly”;
 - (c) for “its”, in the second place it occurs, substitute “their”.
 - (3) For subsection (2) substitute—
 - “(2) The Secretary of State may also require reports to be made (at any time)—
 - (a) by the Director General about the carrying out of the Director General’s functions,
 - (b) by the Office about the carrying out of the Office’s functions, or
 - (c) jointly by the Director General and the Office about the carrying out of their functions.”
 - (4) After subsection (2) insert—
 - “(2A) The Director General may, from time to time, make such other reports to the Secretary of State as the Director General considers appropriate for drawing the Secretary of State’s attention to matters which—
 - (a) have come to the Director General’s notice, and
 - (b) are matters which the Director General considers should be drawn to the attention of the Secretary of State by reason of their gravity or of other exceptional circumstances.”
 - (5) In subsection (3)—
 - (a) for “Commission” substitute “Office”;
 - (b) for “Commission’s” substitute “Office’s”.
 - (6) After subsection (3) insert—
 - “(3A) The Director General and the Office may jointly make reports under subsections (2A) and (3).”
 - (7) In subsection (4)—
 - (a) for “Commission” substitute “Director General”;
 - (b) for “it”, in both places, substitute “the Director General”;
 - (c) for “its” substitute “the Director General’s”.
 - (8) In subsection (6) for “Commission” substitute “Office”.
 - (9) After subsection (6) insert—
 - “(6A) The Director General must send a copy of every report under subsection (2A) —
 - (a) to any local policing body that appears to the Director General to be concerned, and
 - (b) to the chief officer of police of any police force that appears to the Director General to be concerned.”
 - (10) In subsection (7) for “Commission”, in both places, substitute “Office”.

Policing and Crime Bill, *continued*

- (11) In subsection (8)—
- (a) after “subsection” insert “(2A) or”;
 - (b) for “Commission” substitute “Director General or the Office (as the case may be)”.
- (12) In subsection (9)—
- (a) after “subsection” insert “(2A) or”;
 - (b) for “Commission” substitute “Director General or the Office (as the case may be)”.
- (13) In subsection (10) for “Commission” substitute “Director General”.
- (14) In subsection (11)—
- (a) for “Commission”, in each place, substitute “Director General”;
 - (b) for “it” substitute “the Director General”;
 - (c) for “(3)” substitute “(2A)”.
- (15) After subsection (11) insert—
- “(12) The Office must send a copy of every report made or prepared by it under subsection (3) to such of the persons (in addition to those specified in the preceding subsections) who—
- (a) are referred to in the report, or
 - (b) appear to the Office otherwise to have a particular interest in its contents,
- as the Office thinks fit.
- (13) Where a report under subsection (2A) or (3) is prepared jointly by virtue of subsection (3A), a duty under this section to send a copy of the report to any person is met if either the Director General or the Office sends a copy to that person.”
- 19 In section 12 (complaints, matters and persons to which Part 2 applies), in subsection (6)(a) for “Commission” substitute “Director General”.
- 20 (1) Section 13B (power of the Commission to require re-investigation) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “Director General”.
 - (3) In subsection (1)—
 - (a) for “it”, in both places, substitute “the Director General”;
 - (b) in paragraph (b), before “under” insert “(or, in the case of an investigation carried out under paragraph 19 of Schedule 3 by the Director General personally, is otherwise completed by the Director General)”.
 - (4) In subsection (2) for “it” substitute “the Director General”.
 - (5) In subsection (3) for “it” substitute “the Director General”.
 - (6) In subsection (9)—
 - (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
 - (7) In subsection (10)—
 - (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
- 21 (1) Section 15 (general duties of local policing bodies, chief officers and inspectors) is amended as follows.
- (2) In subsection (3), in the words after paragraph (c) after “Director General” insert “of the Agency”.

Policing and Crime Bill, *continued*

- (3) In subsection (4)—
- (a) for “Commission”, in each place, substitute “Director General”;
 - (b) for “Commission’s” substitute “Office’s”.
- 22 (1) Section 16 (payment for assistance with investigations) is amended as follows.
- (2) For “Commission”, in each place except as mentioned in sub-paragraph (3), substitute “Director General”.
 - (3) In subsection (4), for “the Commission”, in the second place where it occurs, substitute “Office”.
 - (4) In subsection (5)(b), after “Director General” insert “of that Agency”.
- 23 (1) Section 17 (provision of information to the Commission) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “Director General”.
 - (3) In subsection (2)—
 - (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
- 24 (1) Section 18 (inspections of police premises on behalf of the Commission) is amended as follows.
- (2) For “Commission”, in each place (including the heading and provisions inserted by amendments made by this Act), substitute “Director General”.
 - (3) In subsection (2)(b), for “its” substitute “the Director General’s”.
- 25 (1) Section 19 (use of investigatory powers by or on behalf of the Commission) is amended as follows.
- (2) In the heading, for “Commission” substitute “Director General”.
 - (3) In subsection (1), for “Commission’s” substitute “Director General’s”.
- 26 (1) Section 20 (duty to keep complainant informed) is amended as follows.
- (2) For “Commission”, in each place (including provisions inserted by amendments made by this Act), substitute “Director General”.
 - (3) In subsection (1)(b) for “its” substitute “the Director General’s”.
 - (4) In subsection (3) for “it”, where it occurs after “as”, substitute “the Director General”.
 - (5) In subsection (8A) (as inserted by this Act)—
 - (a) for “its” substitute “their”;
 - (b) after “submitted”, in the first place it occurs, insert “(or finalised)”;
 - (c) after “submitted”, in the second place it occurs, insert “(or completed)”. - (6) In subsection (9) for “its” substitute “their”.
- 27 (1) Section 21 (duty to provide information for other persons) is amended as follows.
- (2) For “Commission”, in each place (including provisions inserted by amendments made by this Act), substitute “Director General”.
 - (3) In subsection (6)(b) for “its” substitute “the Director General’s”.
 - (4) In subsection (8) for “it”, where it occurs after “as”, substitute “the Director General”.
 - (5) In subsection (11A) (as inserted by this Act)—
 - (a) for “its” substitute “their”;
 - (b) after “submitted”, in the first place it occurs, insert “(or finalised)”;
 - (c) after “submitted”, in the second place it occurs, insert “(or completed)”.

Policing and Crime Bill, *continued*

- 28 In section 21A (restriction on disclosure of sensitive information) (as inserted by this Act), for “Commission”, in each place, substitute “Director General”.
- 29 In section 21B (provision of sensitive information to the Commission and certain investigators) (as inserted by this Act), for “Commission”, in each place (including the heading), substitute “Director General”.
- 30 (1) Section 22 (power of the Commission to issue guidance) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “Director General”.
- (3) In subsection (3)(c) for “it” substitute “the Director General”.
- 31 (1) Section 23 (regulations) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (2)(o) for “it” substitute “the Director General or the Office”.
- 32 In section 24 (consultation on regulations) for paragraph (a) substitute—
- “(a) the Office;
- (aa) the Director General;”.
- 33 In section 26 (forces maintained otherwise than by local policing bodies), for “Commission”, in each place, substitute “Director General”.
- 34 In section 26BA (College of Policing), for “Commission”, in both places, substitute “Director General”.
- 35 (1) Section 26C (the National Crime Agency) is amended as follows.
- (2) In subsection (1)—
- (a) for “Independent Police Complaints Commission” substitute “Director General”;
- (b) before “and other” insert “of the National Crime Agency”.
- (3) In subsection (2) for “Independent Police Complaints Commission” substitute “the Office or its Director General”.
- (4) In subsection (4) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
- (5) In subsection (5)—
- (a) for “Independent Police Complaints Commission” substitute “Director General”;
- (b) for “Commission’s”, in both places, substitute “Director General’s”;
- (c) for “Commission” substitute “Director General”.
- 36 (1) Section 26D (labour abuse prevention officers) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (4), for “Commission’s”, in both places, substitute “Director General’s”.
- 37 (1) Section 27 (conduct of the Commission’s staff) is amended as follows.
- (2) For “Commission’s”, in each place (including the heading), substitute “Office’s”.
- (3) In subsection (4) for “Commission” substitute “Office and the Director General”.
- 38 Omit section 28 (transitional arrangements in connection with establishing Commission etc).
- 39 (1) Section 28A (application of Part 2 to old cases) is amended as follows.
- (2) For “Commission”, in each place other than in subsection (3) of that section, substitute “Director General”.
- (3) In subsection (1), for “it” substitute “the Director General”.
- (4) In subsection (4), for “it” substitute “the Director General”.

Policing and Crime Bill, *continued*

- 40 (1) Section 29 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1)—
- (a) omit the definition of “the Commission”;
- (b) after the definition of “death or serious injury matter” insert—
- ““the Director General” means (unless otherwise specified) the Director General of the Office;”;
- (c) after the definition of “local resolution” insert—
- ““the Office” means the Office for Police Conduct;”.
- (3) In subsection (6)—
- (a) for “Commission” in each place substitute “Director General”;
- (b) omit “itself”.
- 41 In section 29C (regulations about super-complaints) (as inserted by this Act), in subsection (3) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
- 42 (1) Section 29E (power to investigate concerns raised by whistle-blowers) (as inserted by this Act) is amended as follows
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (2) for “it” substitute “the Director General”.
- 43 (1) Section 29F (Commission’s powers and duties where it decides not to investigate) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In the heading—
- (a) for “Commission’s” substitute “Director General’s”;
- (b) for “where it decides” substitute “on decision”.
- 44 (1) Section 29G (special provision for “conduct matters”) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (2)—
- (a) or “it”, in both places, substitute “the Director General”;
- (b) for “its” substitute “the”.
- 45 (1) Section 29H (Commission’s powers and duties where whistle-blower is deceased) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In the heading for “Commission’s” substitute “Director General’s”.
- (4) In subsection (1) for “it” substitute “the Director General”.
- 46 In section 29HA (duty to keep whistle-blowers informed) (as inserted by this Act), in subsection (1)—
- (a) for “Commission” substitute “Director General”;
- (b) for “it” substitute “the Director General”.
- 47 In section 29I (protection of anonymity of whistle-blowers) (as inserted by this Act) for “Commission”, in both places, substitute “Director General”.
- 48 In section 29J (other restrictions on disclosure of information) (as inserted by this Act), for “Commission”, in both places, substitute “Director General”.
- 49 In section 29K (application of provisions of Part 2) (as inserted by this Act), for “Commission”, in each place, substitute “Director General”.
- 50 In section 29L (regulation-making powers: consultation) (as inserted by this Act), for “Commission” substitute “Director General”.
- 51 In section 29M (interpretation) (as inserted by this Act), in subsection (1)—
- (a) omit the definition of “the Commission”;

Policing and Crime Bill, *continued*

- (b) after the definition of “conduct” insert—
 ““the Director General” means the Director General of the Office for Police Conduct;”.
- 52 In section 36 (conduct of disciplinary proceedings), in subsection (1)(a) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.
- 53 In section 105 (powers of Secretary of State to make orders and regulations), in subsection (5) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.
- 54 (1) Schedule 2 (the Independent Police Complaints Commission) is amended as follows.
- (2) For the italic heading before paragraph 1 substitute “Director General”.
- (3) For the italic heading before paragraph 2 substitute “Terms of appointment etc: non-executive members”.
- (4) In paragraph 7—
- (a) for “Commission”, in each place, substitute “Office”;
- (b) for “chairman or as a deputy chairman of the Commission” substitute “Director General”;
- (c) omit “or as a member of it”.
- (5) In paragraph 8—
- (a) for “Commission”, in both places, substitute “Office”;
- (b) for “Commission’s”, in both places, substitute “Office’s”.
- (6) In the heading before paragraph 9 omit “of Commission”.
- (7) In paragraph 10—
- (a) for “Commission”, in each place, substitute “Office”;
- (b) for “Commission’s”, in each place, substitute “Office’s”;
- (c) in sub-paragraph (5)(c) omit “by the chief executive or”.
- (8) In paragraph 11—
- (a) for “Commission”, in each place, substitute “Office”;
- (b) in paragraph (a) for “chairman, a deputy chairman” substitute “Director General”;
- (c) in paragraph (b) for “chairman” substitute “Director General”.
- (9) In the italic heading before paragraph 12, for “Commission’s” substitute “Office’s”.
- (10) In paragraph 12—
- (a) in the words before paragraph (a), for “Commission” substitute “Office”;
- (b) in paragraph (a) for “Commission” substitute “Office”;
- (c) in paragraph (b) for “Commission” substitute “Director General”.
- (11) In paragraph 13 for “Commission” substitute “Office”.
- (12) In paragraph 14—
- (a) for “Commission” substitute “Office”;
- (b) in paragraph (a), after “it” insert “or the Director General”;
- (c) in paragraph (b)—
- (i) after “it”, in both places, insert “or the Director General”;
- (ii) for “its” substitute “their”.
- (13) In the italic heading before paragraph 15, for “Commission” substitute “Office”.
- (14) In paragraph 15 for “Commission” substitute “Office”.

Policing and Crime Bill, *continued*

- (15) In paragraph 16 for “Commission” substitute “Office”.
- (16) In paragraph 17 for “Commission”, in each place, substitute “Office”.
- (17) In the italic heading before paragraph 18, for “Commission” substitute “Office”.
- (18) In paragraph 18 for “Commission”, in both places, substitute “Office”.
- 55 (1) Schedule 3 is amended as follows.
- (2) For “Commission”, in each place where it occurs, substitute “Director General”.
- (3) For “Commission’s”, in each place where it occurs, substitute “Director General’s”.
- (4) For “it”, in each place where it occurs and is used as a pronoun in place of “the Commission”, substitute “the Director General”.
- (5) For “its”, in each place where it occurs and is used to mean “the Commission’s”, substitute “the Director General’s”.
- (6) The amendments made by virtue of sub-paragraphs (2) to (5)—
- (a) include amendments of provisions of Schedule 3 that are inserted, or otherwise amended, by other provisions of this Act (whether or not those other provisions come into force before or after the coming into force of this paragraph);
- (b) do not apply if otherwise provided by another provision of this paragraph.
- (7) In paragraph 19 (investigations by the Commission itself)—
- (a) in the heading omit “itself”;
- (b) in sub-paragraph (1) omit “itself”;
- (c) for sub-paragraph (2) substitute—
- “(2) The Director General must designate both—
- (a) a person to take charge of the investigation, and
- (b) such members of the Office’s staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under sub-paragraph (2) to take charge of an investigation must be—
- (a) the Director General acting personally, or
- (b) another member of the Office’s staff who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 (delegation of Director General’s functions).”;
- (d) in sub-paragraph (4) for “member of the Commission’s staff” substitute “person”;
- (e) in sub-paragraph (5) for “member of the Commission’s staff” substitute “person designated under sub-paragraph (2)”;
- (f) in sub-paragraph (6) for “members of the Commission’s staff” substitute “persons”;
- (g) in sub-paragraph (6A) for “member of the Commission’s staff” substitute “person designated under sub-paragraph (2) who is”.
- (8) In paragraph 19ZH (further provision about things retained under paragraph 19ZG) (as inserted by this Act)—
- (a) in sub-paragraph (2) for “Commission’s” substitute “Office’s”;
- (b) in sub-paragraph (4)(a) for “Commission’s” substitute “Office’s”.

Policing and Crime Bill, *continued*

- (9) In paragraph 19A (as substituted by this Act), in sub-paragraph (2)(b) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”.
- (10) In paragraph 19F (interview of persons serving with police etc during certain investigations), in sub-paragraph (1)(b) for “the Commission itself” substitute “a person designated under paragraph 19 (investigations by Director General)”.
- (11) In paragraph 20 (restrictions on proceedings pending conclusion of investigation), in sub-paragraph (1)(b) at the end insert “or, where under paragraph 19 the Director General has personally carried out the investigation, a report has been completed by the Director General”.
- (12) In paragraph 20A (as substituted by this Act)—
- (a) in sub-paragraph (1)(a) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”;
 - (b) in sub-paragraph (3) after “and” insert “(where the person investigating is not also the Director General carrying out an investigation under paragraph 19 personally)”;
 - (c) in sub-paragraph (4)(b) after “investigation” insert “or, where the investigation is carried out under paragraph 19 by the Director General personally, finalise one,”.
- (13) In paragraph 21A (procedure where conduct matter is revealed during investigation of DSI matter)—
- (a) in sub-paragraph (1), omit “or designated under paragraph 19”;
 - (b) after sub-paragraph (2A) (as inserted by this Act), insert—

“(2B) If during the course of an investigation of a DSI matter being carried out by a person designated under paragraph 19 the Director General determines that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—

 - (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General must proceed under sub-paragraph (2C).
- (2C) The Director General must—
- (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination, and
 - (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”;
- (c) in sub-paragraph (5), after paragraph (a) insert—

“(aa) is notified of a determination by the Director General under sub-paragraph (2C).”.

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- (14) In paragraph 22 (final reports on investigations: complaints, conduct matters and certain DSI matters)—
- (a) for sub-paragraph (5) substitute—
- “(5) A person designated under paragraph 19 as the person in charge of an investigation must—
- (a) submit a report on the investigation to the Director General, or
- (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;
- (b) in sub-paragraph (6) after “submitting” insert “or, in the case of an investigation under paragraph 19 by the Director General personally, completing”;
- (c) in sub-paragraph (8) after “submitted” insert “or, in the case of an investigation under paragraph 19 by the Director General personally, completed”.
- (15) In the italic heading before paragraph 23 (action by the Commission in response to investigation reports), for “response” substitute “relation”.
- (16) In paragraph 23—
- (a) in sub-paragraph (1)(b) before “under” insert “, or is otherwise completed,”;
- (b) in sub-paragraph (1A) (as inserted by this Act), after “submission” insert “or completion”;
- (c) in each of the following places, after “receipt of the report” insert “(or on its completion by the Director General)”—
- (i) sub-paragraph (2);
- (ii) sub-paragraph (5A) (as inserted by this Act);
- (iii) sub-paragraph (5F) (as inserted by this Act).
- (17) In paragraph 24A (final reports on investigations: other DSI matters)—
- (a) after sub-paragraph (2) insert—
- “(2A) Sub-paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally under paragraph 19, but the Director General must complete a report on the investigation.”;
- (b) in sub-paragraph (3) for “this paragraph” substitute “sub-paragraph (2) or completing one under sub-paragraph (2A)”;
- (c) in sub-paragraph (4) after “receipt of the report” insert “(or on its completion by the Director General)”;
- (d) in sub-paragraph (5) (as inserted by this Act) after “receipt of the report” insert “(or on its completion by the Director General)”.
- (18) In the italic heading before paragraph 24B (action by the Commission in response to an investigation report under paragraph 24A), for “response” substitute “relation”.
- (19) In paragraph 28A (recommendations by the Commission)—
- (a) in sub-paragraph (1)—
- (i) after “received a report” insert “(or otherwise completed one in relation to an investigation carried out under paragraph 19 by the Director General personally)”;
- (ii) in paragraph (b) for “Commission itself” substitute “or on behalf of the Director General”;

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- (iii) in paragraph (c) after “24A(2)” insert “or (2A)”;
 - (b) in sub-paragraph (4)(a) after “receipt” insert “or completion”.
- (20) In paragraph 28B (response to recommendation), in sub-paragraph (12) (as inserted by this Act) after “received a report on” insert “(or otherwise completed one on in relation to an investigation carried out under paragraph 19 by the Director General personally)”.
- 56 (1) Schedule 3 is further amended as follows (but these amendments apply only if this Schedule comes into force before the coming into force of Schedule 4 to this Act).
- (2) In paragraph 19B (assessment of seriousness of conduct under investigation), in sub-paragraph (1) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”.
- (3) In paragraph 20A (accelerated procedure in special cases)—
- (a) in sub-paragraph (1)—
 - (i) for “his” substitute “an”;
 - (ii) after “conduct matter” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”;
 - (iii) for “he” substitute “the person investigating”.
 - (b) in sub-paragraph (3) for “his belief” substitute “the belief referred to in sub-paragraph (1)”.
- (4) In paragraph 23 (action by the Commission in response to an investigation report), in sub-paragraph (6) after “receipt of the report” insert “(or on its completion by the Director General)”.
- 57 (1) Schedule 3A (whistle-blowing investigations: procedure) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In paragraph 1(1) omit “itself”.
- (4) In paragraph 4(2)—
- (a) for “it”, where it occurs in the first place, substitute “the Director General”;
 - (b) for “its” substitute “the”.

PART 3

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Superannuation Act 1972 (c. 11)

- 58 In Schedule 1 to the Superannuation Act 1972—
- (a) in the list of entries under the heading “Royal Commissions and other Commissions”, omit the entry relating to the Independent Police Complaints Commission;
 - (b) in the list of entries under the heading “Other Bodies”, insert at the appropriate place—
“The Office for Police Conduct.”;
 - (c) in the list of entries under the heading “Offices”, omit the entries relating to—
 - (i) the Chairman of the Independent Police Complaints Commission;

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- (ii) the Commissioners of the Independent Police Complaints Commission;
- (iii) the Deputy Chairman of the Independent Police Complaints Commission.

House of Commons Disqualification Act 1975 (c. 24)

- 59 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
“The Office for Police Conduct.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 60 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
“The Office for Police Conduct.”

Police Pensions Act 1976 (c. 35)

- 61 In section 11 of the Police Pensions Act 1976 (interpretation), in subsection (2A)(ba) for “Independent Police Complaints Commission” substitute “Office for Police Conduct”.

Ministry of Defence Police Act 1987 (c. 4)

- 62 In section 4 of the Ministry of Defence Police Act 1987 (representation etc at disciplinary proceedings), in subsection (5)(a) for “Independent Police Complaints Commission” substitute “Office for Police Conduct”.

Aviation, Maritime and Security Act 1990 (c. 31)

- 63 In section 22 of the Aviation, Maritime and Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (4)(b)(i) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.

Police Act 1996 (c. 16)

- 64 (1) The Police Act 1996 is amended as follows.
- (2) In the following provisions, for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”—
- (a) section 50(3A)(a) (regulation of police forces) (as inserted by this Act);
 - (b) section 51(2B)(a) (regulations for special constables) (as inserted by this Act);
 - (c) section 87(1) (guidance concerning disciplinary proceedings etc) (as amended by this Act).
- (3) In the following provisions, for “Independent Police Complaints Commission” substitute “Office for Police Conduct”—
- (a) section 84(5) (representation etc at disciplinary and other proceedings);

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- (b) section 88C(5)(d) (effect of inclusion in police barred list) (as inserted by this Act);
- (c) section 88K(3)(d) (effect of inclusion in police advisory list) (as inserted by this Act).
- (4) In section 54(2D) (appointment and functions of inspectors of constabulary)—
 - (a) in paragraph (a)—
 - (i) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct (“the Director General”);
 - (ii) for “that Commission” substitute “the Director General”;
 - (b) in paragraph (b)—
 - (i) for “that Commission”, in both places, substitute “the Director General”;
 - (ii) for “its” substitute “his or her”.

Freedom of Information Act 2000 (c. 36)

- 65 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
“The Office for Police Conduct”.

Fire and Rescue Services Act 2004 (c. 21)

- 66 In section 4I of the Fire and Rescue Services Act 2004 (as inserted by this Act), in subsection (5)(b) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.

Commissioners for Revenue and Customs Act 2005 (c. 11)

- 67 (1) The Commissions for Revenue and Customs Act 2005 is amended as follows.
- (2) In section 18 (confidentiality), in subsection (2)(g)—
 - (a) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”;
 - (b) for “its” substitute “the Director General’s”.
 - (3) In section 28 (complaints and misconduct: England and Wales)—
 - (a) in subsection (1), for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct (“the Director General”);
 - (b) in subsection (2)—
 - (i) for “Independent Police Complaints Commission”, in both places, substitute “Director General”;
 - (ii) for “its” substitute “the Director General’s”;
 - (c) in subsection (3) for “Independent Police Complaints Commission” substitute “Director General”;
 - (d) in subsection (4) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
 - (4) In section 29 (confidentiality etc), in subsection (3)—
 - (a) in the words before paragraph (a), for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”;
 - (b) for “its” substitute “the Director General’s”;
 - (c) in paragraph (a), for “Commission” substitute “Director General”;

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- (d) in paragraph (b), for “Commission” substitute Director General”.

Police and Justice Act 2006 (c. 48)

- 68 (1) In section 41 of the Police and Justice Act 2006 (immigration and asylum enforcement functions and customs functions: complaints and misconduct)—
- (a) in subsection (1) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct (“the Director General”);
 - (b) in subsection (2A) for “Independent Police Complaints Commission” substitute “Director General”;
 - (c) in subsection (3) for “Independent Police Complaints Commission” substitute “Director General”;
 - (d) in subsection (4)(b), for “Independent Police Complaints Commission” substitute “Director General”;
 - (e) in subsection (5) for “Independent Police Complaints Commission” substitute “Director General”;
 - (f) in subsection (6) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
- (2) In the heading before that section for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

- 69 In section 107EE of the Local Democracy, Economic Development and Construction Act 2009 (section 107EA orders: complaints and conduct matters etc) (as inserted by this Act), in subsection (5)(b) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.

Coroners and Justice Act 2009 (c. 25)

- 70 In section 47 of the Coroners and Justice Act 2009 (meaning of “interested person”)—
- (a) in subsection (2)(k) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”;
 - (b) in subsection (5) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.

Equality Act 2010 (c. 15)

- 71 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading “Police” omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
“The Office for Police Conduct”.

Police Reform and Social Responsibility Act 2011 (c. 13)

- 72 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 65 (disqualification from election or holding office as police and crime commissioner: police grounds), for “Independent Police Complaints Commission” substitute “Office for Police Conduct”.

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- (3) In Schedule 7 (regulations about complaints and conduct matters), for “Independent Police Complaints Commission”, in each place, substitute “Director General of the Office for Police Conduct.””

Member’s explanatory statement

This new Schedule contains amendments to the Police Reform Act 2002 and other enactments in connection with the re-naming of the Independent Police Complaints Commission as the Office for Police Conduct and the creation of the new position of Director General.

Mike Penning

149

Clause 110, page 109, line 23, leave out “paragraph” and insert “paragraphs 15E and”

Member’s explanatory statement

This amendment and amendment 150 provide for the consequential amendment to the Freedom of Information Act 2000 in amendment 108 to extend to the whole of the United Kingdom, reflecting the geographical extent of that Act.

Mike Penning

150

Clause 110, page 109, line 23, leave out “that paragraph” and insert “those paragraphs”

Member’s explanatory statement

See the explanatory statement for amendment 149.

Mike Penning

216

Clause 110, page 109, line 24, at end insert—

“() section (*Combined authority mayors: exercise of fire and rescue functions*)(11);”

Member’s explanatory statement

This amendment provides for the amendment to Schedule 1 to the Public Service Pensions Act 2013 in NC22 to extend to the whole of the United Kingdom, reflecting the geographical extent of that provision.

Mike Penning

154

Clause 110, page 109, line 28, at end insert—

“() section 22(8), so far as relating to paragraphs 1 to 5 of Schedule (*Disciplinary proceedings: former members of MoD Police, British Transport Police and Civil Nuclear Constabulary*), and those paragraphs;”

Member’s explanatory statement

This amendment is consequential on NS1.

Mike Penning

217

Clause 110, page 109, line 28, at end insert—

“() section (*References to England and Wales in connection with IPCC functions*)(2) and (3);”

Member’s explanatory statement

This amendment is consequential on NC23.

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Mike Penning

218

Clause 110, page 109, line 39, after “sections” insert “62(2) to (5),”

Member’s explanatory statement

This amendment, together with amendment 219, provides expressly for the procedure relating to the exercise of the regulation-making power in clause 62(3)(f) to form part of the law of the United Kingdom. The regulation-making power may be used to add to the list of persons who are law enforcement officers for the purposes of Chapter 4 of Part 4 and who may therefore exercise the maritime enforcement powers in hot pursuit by virtue of clause 64 (which also extends to the United Kingdom).

Mike Penning

219

Clause 110, page 109, line 39, leave out from “73” to end of line 40

Member’s explanatory statement

Please see the explanatory statement to amendment 218.

Mike Penning

220

Clause 110, page 109, line 40, at end insert—

“() sections (Application of maritime enforcement powers in connection with Scottish offences: general)(2) to (7), (Exercise of maritime enforcement powers in hot pursuit in connection with Scottish offences) to (Maritime enforcement powers in connection with Scottish offences: other supplementary provision) and (Maritime enforcement powers in connection with Scottish offences: interpretation);”

Member’s explanatory statement

This amendment, together with amendment 224, set out the extent of NC29 to NC39.

Mike Penning

151

Clause 110, page 110, line 3, leave out “and 13” and insert “, 12E to 12G, 12L, 12N, 12AE, 12AH, 12AL to 12AS, 14A to 14D, 15D and 17C”

Member’s explanatory statement

This amendment provides for certain of the consequential amendments in amendments 106 to 109 to extend to England and Wales and Scotland, reflecting the geographical extent of the Acts they amend.

Mike Penning

221

Clause 110, page 110, line 5, at end insert—

“() section (Combined authority mayors: exercise of fire and rescue functions)(5) and (8);”

Member’s explanatory statement

This amendment provides for the amendments to section 26 of the Fire Services Act 1947 and section 34 of the Fire and Rescue Services Act 2004 in NC22 to extend to Great Britain, reflecting the geographical extent of those provisions.

Mike Penning

152

Clause 110, page 110, line 7, leave out “and 104” and insert “, 104 and 114”

Member’s explanatory statement

This amendment provides for the consequential amendment to the Equality Act 2010 in paragraph

Policing and Crime Bill, continued

114 of Schedule 2 to extend to England and Wales and Scotland, reflecting the geographical extent of that Act.

Mike Penning

153

Clause 110, page 110, line 7, at end insert—

“() section 22(8), so far as relating to paragraphs 6 to 14 of Schedule (*Disciplinary proceedings: former members of MoD Police, British Transport Police and Civil Nuclear Constabulary*), and those paragraphs;”

Member’s explanatory statement

This amendment is consequential on the new Schedule NS1.

Mike Penning

222

Clause 110, page 110, line 7, at end insert—

“() section (*Office for Police Conduct*)(9), so far as relating to paragraphs 61 and 71 of Schedule (*Office for Police Conduct*), and those paragraphs;”

Member’s explanatory statement

This amendment provides for specified amendments in Part 3 of NS2 to have the same extent as the provisions amended.

Mike Penning

223

Clause 110, page 110, line 15, at end insert—

“() Section (*Office for Police Conduct*)(9), so far as relating to paragraphs 58, 59, 60, 62, 63, 65, 67 and 68 of Schedule (*Office for Police Conduct*), and those paragraphs, extend to England and Wales, Scotland and Northern Ireland.”

Member’s explanatory statement

This amendment provides for specified amendments in Part 3 of NS2 to have the same extent as the provisions amended.

Mike Penning

226

Clause 110, page 110, line 17, after “paragraphs,” insert “and sections (*Offence of breach of pre-charge bail conditions relating to travel*) and (*Offence of breach of pre-charge bail conditions relating to travel: interpretation*)”

Member’s explanatory statement

This amendment provides for NC41 and NC42 to extend to England and Wales and Northern Ireland.

Mike Penning

224

Clause 110, page 110, line 19, leave out “extends” and insert “and (*Application of maritime enforcement powers in connection with Scottish offences: general*)(1) and (8), (*Restriction on exercise of maritime enforcement powers in connection with Scottish offences*) and (*Maritime enforcement powers in connection with Scottish offences: obstruction etc*) extend”

Member’s explanatory statement

Please see the explanatory statement for amendment 220.

Policing and Crime Bill, *continued*

Mike Penning

225

Clause 111, page 110, line 41, at end insert—

“() Before making regulations appointing a day for the coming into force of any provision of sections (*Application of maritime enforcement powers in connection with Scottish offences: general*) to (*Maritime enforcement powers in connection with Scottish offences: interpretation*) the Secretary of State must consult the Scottish Ministers.”

Member’s explanatory statement

This amendment provides that the Secretary of State must consult the Scottish Ministers before bringing NC29 to NC39 into force.

ORDER OF THE HOUSE [7 MARCH 2016]

That the following provisions shall apply to the Policing and Crime Bill:

Committal

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

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 14 April.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration 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 up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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Policing and Crime Bill, continued

ORDER OF THE COMMITTEE [15 MARCH 2016, AS AMENDED ON
24 MARCH 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 15 March) meet—
 - (a) at 2.00 pm on Tuesday 15 March;
 - (b) at 9.25 am and 2.00 pm on Tuesday 22 March;
 - (c) at 11.30 am on Thursday 24 March;
 - (d) at 9.25 am and 2.00 pm on Tuesday 12 April;
 - (e) at 11.30 am and 2.00 pm on Thursday 14 April;
- (2) the Committee shall hear oral evidence on Tuesday 15 March in accordance with the following Table:

TABLE

<i>Time</i>	<i>Witness</i>
Until no later than 10.45 am	The Police Superintendents' Association of England and Wales; The Police Federation of England and Wales; UNISON
Until no later than 11.25 am	The Fire Brigades Union; The Chief Fire Officers' Association; The Association of Metropolitan Fire and Rescue Authorities
Until no later than 2.45 pm	Barnardo's; The Children's Society; The NSPCC
Until no later than 3.15 pm	The Association of Police and Crime Commissioners
Until no later than 4.00 pm	The National Police Chiefs' Council; The Metropolitan Police Service
Until no later than 4.30 pm	The Royal College of Psychiatrists; Sally Burke, 'Get Maisie Home' Campaign
Until no later than 5.00 pm	The Independent Police Complaints Commission; The College of Policing

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 6; Schedule 1; Clauses 7 and 8; Schedule 2; Clauses 9 to 11; Schedule 3; Clauses 12 and 13; Schedule 4; Clauses 14 to 21; Schedule 5; Clauses 22 and 23; Schedule 6; Clauses 24 to 28; Schedules 7 and 8; Clauses 29 to 33; Schedule 9; Clause 34; Schedule 10; Clauses 35 to 39; Schedule 11; Clauses 40 to 102; Schedule 12; Clauses 103 to 107; new Clauses; new Schedules; Clauses 108 to 112; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 14 April.

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NOTICES WITHDRAWN

The following Notices were withdrawn on 16 March 2016:

25

The following Notices were withdrawn on 11 April 2016:

NC54 and NC55
