



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 9 June 2016

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL (REPORT STAGE)

POLICING AND CRIME BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [26 April 2016].

NEW CLAUSES AND NEW SCHEDULES RELATING TO THE INSPECTION OF FIRE AND RESCUE SERVICES; NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO PART 2; NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO PART 4.

Secretary Theresa May

NC48

To move the following Clause—

“Inspection of fire and rescue authorities

- (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) In section 28 (inspectors), before subsection (1) insert—
 - “(A1) Her Majesty may appoint such number of inspectors of fire and rescue authorities in England (the “English inspectors”) as the Secretary of State may determine.
 - (A2) Of the persons appointed under subsection (A1) one is to be appointed as the chief fire and rescue inspector for England.

Policing and Crime Bill, *continued*

- (A3) The English inspectors must inspect, and report on the efficiency and effectiveness of, fire and rescue authorities in England.
- (A4) The English inspectors must carry out such other duties for the purpose of furthering the efficiency and effectiveness of fire and rescue authorities in England as the Secretary of State may from time to time direct.
- (A5) The chief fire and rescue inspector for England may appoint assistant inspectors and other officers for the purpose of assisting the English inspectors.
- (A6) When carrying out an inspection under subsection (A3) of a fire and rescue authority created by an order under section 4A, an English inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.
- (A7) For the purposes of subsection (A6), the following are excluded functions in relation to a fire and rescue authority—
 - (a) the function of preparing a fire and rescue plan and a fire and rescue statement (within the meaning of Schedule A2);
 - (b) the functions that the authority has in its capacity as a major precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992;
 - (c) the function of appointing a chief finance officer under section 4D(4);
 - (d) where functions of the authority have been delegated to a chief constable under an order under section 4H, the functions conferred on the authority by section 4J(4) and (5);
 - (e) functions specified, or of a description specified, in relation to that authority in an order made by the Secretary of State.
- (A8) The power under subsection (A7)(e) may be exercised in relation to—
 - (a) all fire and rescue authorities created by an order under section 4A,
 - (b) a particular fire and rescue authority created by an order under section 4A, or
 - (c) a particular description of fire and rescue authorities created by an order under section 4A.
- (A9) Schedule A3 makes further provision in relation to the English inspectors.”
- (3) In section 28, in subsection (1)(a), after “fire and rescue authorities” insert “in Wales”.
- (4) After section 28 insert—

“28A Inspection programme and inspection framework etc: England

- (1) The chief fire and rescue inspector for England must from time to time prepare—
 - (a) a document setting out what inspections of fire and rescue authorities in England the English inspectors propose to carry out under section 28(A3) (an “inspection programme”);

Policing and Crime Bill, *continued*

- (b) a document setting out the manner in which the English inspectors propose to carry out the function conferred on them by section 28(A3) (an “inspection framework”).
- (2) The chief fire and rescue inspector for England must obtain the approval of the Secretary of State to an inspection programme or inspection framework before the English inspectors act in accordance with it.
- (3) The Secretary of State may at any time require the chief fire and rescue inspector for England to carry out, or arrange for another English inspector to carry out, an inspection under section 28(A3) of—
 - (a) a fire and rescue authority in England;
 - (b) all fire and rescue authorities in England;
 - (c) all fire and rescue authorities in England of a particular type.
- (4) A requirement imposed under subsection (3) may limit the inspection to a particular matter.
- (5) The chief fire and rescue inspector for England or, at the request of that inspector, any other English inspector may carry out an inspection under section 28(A3) of a fire and rescue authority in England that has not been set out in an inspection programme (and has not been required under subsection (3)).
- (6) Before deciding to carry out, or to request another English inspector to carry out, an inspection of a fire and rescue authority in England that has not been set out in an inspection programme, the chief fire and rescue inspector for England must consult the Secretary of State.
- (7) Nothing in an inspection programme or inspection framework is to be read as preventing an English inspector from making a visit without notice.
- (8) In this section “English inspector” means an inspector appointed under section 28(A1).”
- (5) After section 28A (as inserted by subsection (4)) insert—

“28B Publication of inspection reports etc: England

- (1) The chief fire and rescue inspector for England must arrange for a report prepared under section 28(A3) to be published in such manner as appears to him or her to be appropriate.
- (2) But the chief fire and rescue inspector for England must exclude from publication under subsection (1) anything that he or she considers—
 - (a) would be against the interests of national security, or
 - (b) might jeopardise the safety of any person.
- (3) The chief fire and rescue inspector for England must—
 - (a) send a copy of the published report to the Secretary of State, and
 - (b) disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).
- (4) The chief fire and rescue inspector for England must in each year submit to the Secretary of State a report on the carrying out of inspections under section 28(A3) (during the period since the last report).
- (5) A report under subsection (4) must include the chief fire and rescue inspector for England’s assessment of the efficiency and effectiveness of

Policing and Crime Bill, *continued*

fire and rescue authorities in England for the period in respect of which the report is prepared.

- (6) The chief fire and rescue inspector for England must lay before Parliament a copy of a report submitted under subsection (4).
- (7) In this section “English inspector” means an inspector appointed under section 28(A1).”
- (6) In Schedule A2 (application of legislation relating to police and crime commissioners) (as inserted by Schedule 1 to this Act), in paragraph 8(2) (powers of police and crime panels: modifications of section 28 of the Police Reform and Social Responsibility Act 2011), after paragraph (c) insert—
 - “(ca) the references in subsection (6) to the commissioner’s functions were to the functions of the relevant fire and rescue authority that are excluded functions for the purposes of section 28(A6) of this Act (see section 28(A7)),”
- (7) After Schedule A2 insert the new Schedule A3 set out in Schedule (*Schedule to be inserted as Schedule A3 to the Fire and Rescue Services Act 2004*) to this Act.
- (8) A person appointed, before the coming into force of this section, under section 28 of the Fire and Rescue Services Act 2004 for the purpose of obtaining information in relation to the functions of fire and rescue authorities in England (including a person taken to have been so appointed by virtue of subsection (3) of that section) is to be taken—
 - (a) if an inspector, to have been appointed under subsection (A1) of that section, and
 - (b) if an assistant inspector or other officer, to have been appointed under subsection (A5) of that section.”

Member’s explanatory statement

The new clause amends, in relation to England, the provision in the Fire and Rescue Services Act 2004 about inspections. New subsections (A1), (A2) and (A5) change the process for appointing inspectors, assistant inspectors and other officers and provide for one of the inspectors appointed to be the chief fire and rescue inspector for England. That person will have to prepare documents setting out details of proposed inspections (see new section 28A). New section 28B of the 2004 Act will impose new reporting requirements.

Secretary Theresa May

NS1

To move the following Schedule—

“SCHEDULE TO BE INSERTED AS SCHEDULE A3 TO THE FIRE AND RESCUE SERVICES ACT
2004

“SCHEDULE A3

Section 28

ENGLISH INSPECTORS

Interpretation

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) References to an English inspector are to an inspector appointed under section 28(A1).

Policing and Crime Bill, *continued*

- (3) References to the inspection function are to the function conferred on the English inspectors by section 28(A3).
- (4) References to a person providing services to a fire and rescue authority are to a person providing services, in pursuance of contractual arrangements (but without being employed by a fire and rescue authority), to assist the fire and rescue authority in relation to the exercise of its functions.
- (5) “Public authority” includes any person certain of whose functions are functions of a public nature.

Delegation

- 2 An English inspector may arrange for the inspection function to be exercised (to such extent as the inspector may determine) by another public authority on behalf of the inspector.

Working with Her Majesty’s Inspectors of Constabulary

- 3 An English inspector, when exercising the inspection function, must co-operate with Her Majesty’s Inspectors of Constabulary.
- 4 An English inspector may act jointly with Her Majesty’s Inspectors of Constabulary where it is appropriate to do so for the efficient and effective exercise of the inspection function.

Assistance for other public authorities

- 5 (1) The chief fire and rescue inspector for England may, if he or she thinks it appropriate to do so, provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) The chief fire and rescue inspector for England may do anything he or she thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).
- (3) Anything done under this paragraph may be done on such terms (including terms as to payment) as the chief fire and rescue inspector for England thinks fit.

Powers of English inspectors to obtain information etc

- 6 (1) An English inspector may serve on a relevant person a notice requiring the person—
 - (a) to provide the inspector with any information or documents that the inspector reasonably requires for the purpose of the exercise of the inspection function;
 - (b) to produce or deliver up to the inspector any evidence or other things that the inspector reasonably requires for that purpose.

This is subject to sub-paragraphs (6) to (8).

- (2) In sub-paragraph (1), “relevant person” means—
 - (a) a fire and rescue authority in England;

Policing and Crime Bill, *continued*

- (b) an employee of a fire and rescue authority in England;
 - (c) a person providing services to a fire and rescue authority in England;
 - (d) an employee of a person providing services to a fire and rescue authority in England.
- (3) A notice under this paragraph must—
- (a) specify or describe the information, documents, evidence or other things that are required by the inspector;
 - (b) specify the period within which the information, documents, evidence or other things must be provided, produced or delivered up.
- (4) A notice under this paragraph may specify the form and manner in which any information, documents, evidence or other things are to be provided, produced or delivered up.
- (5) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.
- (6) A notice under this paragraph must not be used to obtain information, or any document or other thing, from a person if—
- (a) the information, or the document or other thing, was obtained by that person (directly or indirectly) from a body or other entity mentioned in sub-paragraph (7), or
 - (b) the information, or the document or other thing, relates to a body or other entity mentioned in that sub-paragraph.
- (7) The bodies and other entities referred to in sub-paragraph (6) are—
- (a) the Security Service,
 - (b) the Secret Intelligence Service,
 - (c) the Government Communications Headquarters, or
 - (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities.
- (8) A notice under this paragraph must not require a person—
- (a) to provide information that might incriminate the person;
 - (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act).
- (9) In this paragraph—
- “document” means anything in which information of any description is recorded;
- “English inspector” includes—
- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
 - (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of this paragraph.

Powers of English inspectors to obtain access to premises

- 7 (1) An English inspector may serve on a person a notice requiring the person to allow the inspector access, which the inspector reasonably

Policing and Crime Bill, *continued*

requires for the purpose of the exercise of the inspection function, to—

- (a) premises that are occupied for the purposes of—
 - (i) a fire and rescue authority in England,
 - (ii) a person providing services to a fire and rescue authority in England, and
 - (b) documents and other things on those premises.
- (2) A notice under this paragraph must—
- (a) specify or describe the premises to which the inspector requires access;
 - (b) specify the time when access is required (which may be immediately after the service of the notice).
- (3) Where there are reasonable grounds for not allowing the inspector to have access to the premises at the time specified under sub-paragraph (2)(b), the requirement under this paragraph has effect as a requirement to secure that access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be such grounds.
- (4) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.
- (5) In this paragraph “document” and “English inspector” have the same meanings as in paragraph 6 (and, for that purpose, the reference in paragraph (b) of the definition of “English inspector” in paragraph 6(9) to paragraph 6 is to be read as a reference to this paragraph).

Failure to comply with notice under paragraph 6 or 7

- 8 (1) If a person who has received a notice under paragraph 6 or 7—
- (a) fails or refuses without reasonable excuse to do what is required by the notice, or
 - (b) (in the case of a notice under paragraph 6) knowingly or recklessly provides information in response to the notice that is false in a material respect,
- the chief fire and rescue inspector for England may certify in writing to the High Court that the person has failed to comply with the notice.
- (2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

Sensitive information: restriction on further disclosure

- 9 (1) Where an English inspector, in exercise of the inspection function, receives information within sub-paragraph (2), the inspector must not disclose the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) The information is—
- (a) intelligence service information;

Policing and Crime Bill, *continued*

- (b) information obtained from a government department which, at the time it is provided to the inspector, 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.
- (3) Where an English inspector discloses to another person information within sub-paragraph (2) that the inspector received in exercise of the inspection function, or the fact that the inspector has received such information in exercise of the inspection function, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (4) A prohibition on disclosure in sub-paragraph (1) or (3) does not apply to disclosure by one English inspector to another.
- (5) In this paragraph—
- “English inspector” includes—
- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
 - (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of paragraph 6 or 7;
- “government department” means a department of Her Majesty’s Government but does not include—
- (c) the Security Service,
 - (d) the Secret Intelligence Service, or
 - (e) the Government Communications Headquarters (“GCHQ”);
- “intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—
- (f) the Security Service,
 - (g) the Secret Intelligence Service,
 - (h) GCHQ, or
 - (i) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;
- “Minister of the Crown” includes the Treasury;
- “relevant authority” means—
- (j) 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;
 - (k) 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;
 - (l) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
 - (m) 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;
 - (n) in the case of information within sub-paragraph (2)(b)—
 - (i) the Secretary of State, or

Policing and Crime Bill, *continued*

- (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).

Provision of intelligence service information to English inspectors

- 10 (1) A person who provides information that is intelligence service information to an English inspector exercising the inspection function must—
- (a) make the inspector aware that the information is intelligence service information, and
 - (b) provide the inspector with such additional information as will enable the inspector to identify the relevant authority in relation to the information.
- (2) In this paragraph, “English inspector”, “intelligence service information” and “relevant authority” have the same meaning as in paragraph 9.””

Member’s explanatory statement

Like the provision made by amendment NC48, this new Schedule is about the inspection of fire and rescue authorities in England. It makes provision in relation to English inspectors about delegation, joint working with her Majesty’s Inspectors of Constabulary and the giving of assistance to public authorities. It also confers power on English inspectors to obtain information from fire and rescue authorities (and their employees) and from persons providing services to fire and rescue authorities (and their employees) and to obtain access to premises occupied for the purposes of fire and rescue authorities and persons providing services to them.

Secretary Theresa May

NC30

To move the following Clause—

“Public records

- (1) In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—
“Office for Police Conduct.”
- (2) The records that become public records for the purposes of that Act as a result of the amendment made by subsection (1) include all records of the Office for Police Conduct of the kind mentioned in paragraph 3(1) of Schedule 1 to that Act (whether created before or after the coming into force of this section, and whether created under that name or under the name of the Independent Police Complaints Commission).
- (3) If the amendment made by subsection (1) comes into force before subsection (1) of section 31 comes into force, the reference in that amendment to the Office for

Policing and Crime Bill, *continued*

Police Conduct is, until subsection (1) of that section comes into force, to be read as a reference to the Independent Police Complaints Commission.”

Member’s explanatory statement

This new clause provides for the records of the Office for Police Conduct to become public records for the purposes of the Public Records Act 1958.

Andy Burnham
Jack Dromey
Carolyn Harris
Keir Starmer
Lyn Brown
Sarah Champion

NC63

☆ To move the following Clause—

“Police and Crime Commissioners: parity of funding between police and families at inquests

- (1) A police and crime commissioner has the duties set out in this section when the police force they are responsible for is a Properly Interested Person for the purposes of—
 - (a) an inquest into the death of a member of an individual’s family, or
 - (b) an inquest into the deaths of members of a group of families, under the Coroners Act 1988.
- (2) The police and crime commissioner must make recommendations to the Secretary of State as to whether the individual’s family or the group of families at the inquest require financial support to ensure parity of legal representation between parties to the inquest.
- (3) If a police and crime commissioner makes a recommendation under subsection (2) then the Secretary of State must provide financial assistance to the individual’s family or the group of families to ensure parity of funding between families and the police.
- (4) The individual’s family or the group of families may use funding authorised under this section solely for the purpose of funding legal representation at the inquest.”

Member’s explanatory statement

This new clause would put into law the principle of parity of funding between police and families at inquests. It would ensure that funding to a bereaved family, or a group of bereaved families, for purposes of legal representation during an inquest is an amount broadly equal to the level of funding that the police force receives. This new clause seeks to place an obligation on the PCC to recommend to the Home Secretary as to whether a bereaved family, or a group of bereaved families requires funding to support their legal representation at the inquest. The Home Secretary must provide such funding if it is recommended.

Policing and Crime Bill, *continued*

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

NC64

☆ To move the following Clause—

“Police complaints and the media

- (1) Subject to subsection (3), the Prime Minister must commission an independent inquiry into the operation of the police complaints system in respect of relationships between the police and media.
- (2) The inquiry must include, but is not limited, to—
 - (a) how adequately police forces investigated complaints about police officers in dealing with people working within, or connected to, media organisations,
 - (b) the thoroughness of any reviews by police forces into complaints specified in subsection (a),
 - (c) in the cases where a complaint in subsection (a) led to a criminal investigation, the conduct of prosecuting authorities in investigating the allegation,
 - (d) the extent to which police officers took illegal payment to suppress investigations of complaints of relationships between police officers and people working within, or connected to, media organisations,
 - (e) the implications of subsections (a) to (d) for the relationships between media organisations and the police, prosecuting authorities, and relevant regulatory bodies, and recommended actions.
- (3) The inquiry can only commence once the Secretary of State is satisfied that it would not prejudice any ongoing relevant legal cases.”

Member’s explanatory statement

This new clause would compel the Prime Minister to instigate an independent inquiry such as Leveson 2 into the relationships between the press and police and the extent to which that has operated in the public interest.

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

NC65

☆ To move the following Clause—

“IPCC functions following complaints about the police’s handling of an event which has led to large scale loss of life

- (1) The Independent Police Complaints Commission (the “Commission”) shall undertake the functions set out in subsection (3) to (5) when—
 - (a) there has been an event which has led to large scale loss of life, and
 - (b) the conditions in subsection (2) have been met.

Policing and Crime Bill, *continued*

- (2) Subsection (1) applies when, for that event—
 - (a) the Commission has received complaints of a serious nature about the actions of the police either before, during or in response to the event, or as part of a police investigation into the event,
 - (b) the Commission has been asked to undertake such action by fifty per cent plus one or more of the total of—
 - (i) representatives of those deceased due to the event, and
 - (ii) any injured survivors of the event.
- (3) The Commission shall report to the individuals identified in section 2(b) during any police investigation into the disaster regarding the progress of the investigation, and how the individuals identified in section 2(b) can assist with it, including, if there are no lawyers representing the individuals identified in section 2(b), the implications of engaging lawyers at that stage.
- (4) Following a further request to the Commission by fifty percent plus one or more of the representatives of those deceased due to the event, the Commission shall set up a panel (the “Commission’s Panel”) which shall register as a data controller under the Data Protection Act 1998 and review all documentation relating to the event, the deceased and the representatives and report thereon.
- (5) In establishing the Commission’s Panel under subsection (4), the Commission must consult the individuals identified in subsection 2(b).
- (6) The Secretary of State must lay a copy of the report in subsection (4) before Parliament.
- (7) While a review under subsection (4) is in progress, the Commission’s Panel must report to the individuals identified in section 2(b) every three months on the progress of the review.”

Secretary Theresa May

85

Clause 12, page 20, line 39, leave out from first “person” to end of line 40 and insert “is not to be taken to have authorised another person to make a complaint on his behalf unless—”

Member’s explanatory statement

This amendment adjusts the wording of the amendment to section 12(6) of the Police Reform Act 2002 so that it fits better with paragraph (b) of that provision.

Secretary Theresa May

22

Clause 17, page 28, line 11, leave out “intercept information” and insert “protected information relating to a relevant warrant”

Member’s explanatory statement

Clause 17 makes provision about the handling of sensitive information received by the IPCC. The categories of information to which it applies include “intercept information” which is currently defined by reference to the Regulation of Investigatory Powers Act 2000. This amendment, and amendments 23, 24, 25, 26, 27, 28, 29 and 30, amend clause 17 to take account of the provision made by the Investigatory Powers Bill about the interception of communications (and the consequential repeal by that Bill of Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000).

Policing and Crime Bill, continued

- Secretary Theresa May 23
- Clause 17, page 28, leave out lines 40 to 42
Member's explanatory statement
 Please see the explanatory statement for amendment 22.
- Secretary Theresa May 24
- Clause 17, page 28, line 45, at end insert—
 ““protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 49(4) of the Investigatory Powers Act 2016 in relation to the warrant;”
Member's explanatory statement
 Please see the explanatory statement for amendment 22.
- Secretary Theresa May 25
- Clause 17, page 29, line 11, leave out “intercept information” and insert “protected information relating to a relevant warrant”
Member's explanatory statement
 Please see the explanatory statement for amendment 22.
- Secretary Theresa May 26
- Clause 17, page 29, line 12, leave out “interception”
Member's explanatory statement
 Please see the explanatory statement for amendment 22.
- Secretary Theresa May 27
- Clause 17, page 29, leave out lines 19 to 21 and insert—
 ““relevant warrant” means—
 (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
 (b) a warrant under Chapter 1 of Part 6 of that Act.”
Member's explanatory statement
 Please see the explanatory statement for amendment 22.
- Secretary Theresa May 28
- Clause 17, page 29, line 25, leave out “intercept information” and insert “protected information relating to a relevant warrant”
Member's explanatory statement
 Please see the explanatory statement for amendment 22.
- Secretary Theresa May 29
- Clause 17, page 29, line 30, leave out “intercept information” and insert “protected information relating to a relevant warrant”
Member's explanatory statement
 Please see the explanatory statement for amendment 22.

Policing and Crime Bill, continued

Secretary Theresa May

30

Clause 17, page 29, line 35, leave out ““intercept information”” and insert ““protected information relating to a relevant warrant””

Member’s explanatory statement

Please see the explanatory statement for amendment 22.

Secretary Theresa May

86

Clause 17, page 30, line 6, after “paragraph 22)” insert “—

(i) in sub-paragraph (1A) (as inserted by section 16), after “sub-paragraph (2)(a)” insert “(read with sub-paragraph (2ZA))”;

(ii) ”

Member’s explanatory statement

This amendment clarifies the relationship between new sub-paragraph (1A) of paragraph 23 of Schedule 3 to the Police Reform Act 2002 (inserted by clause 16 of the Bill) and new sub-paragraph (2ZA) of that paragraph (inserted by clause 17 of the Bill).

Secretary Theresa May

87

Clause 17, page 30, line 22, at end insert—

“() in paragraph 24B (action by the Commission in response to an investigation report under paragraph 24A), after sub-paragraph (1) insert—

“(1A) Sub-paragraph (3A) of paragraph 24A applies for the purposes of sub-paragraph (1) of this paragraph as it applies for the purposes of sub-paragraph (2)(b) of that paragraph.””

Member’s explanatory statement

This amendment is consequential on new section 21A of the Police Reform Act 2002, inserted by clause 17 of the Bill.

Secretary Theresa May

31

Clause 26, page 42, line 14, at end insert—

“() In section 63 of the Police Act 1996 (Police Advisory Board for England and Wales), in subsection (3)(b), after “Part 2” insert “or 2B”.”

Member’s explanatory statement

Clause 26 makes provision for investigations by the IPCC into concerns raised by whistle-blowers. It provides for the Secretary of State to make regulations on certain matters relating to those investigations. The amendment to section 63 of the Police Act 1996 means that, before making the regulations, the Secretary of State must supply the Police Advisory Board for England and Wales with a draft and take into consideration any representations made by the Board.

Policing and Crime Bill, *continued*

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

126

- ☆ Clause 27, page 42, line 38, leave out from “(a)” to end of subsection, and insert—
- “(iii) but the period between the allegation first coming to the attention of a person mentioned in paragraph (a) and any initiation of disciplinary proceedings does not exceed the period specified in the regulations.
- (3A) The regulations under this section must specify that there is no maximum period time after which historic allegation of misconduct cannot be investigated for cases which meet the following conditions—
- (a) the case involves allegations of gross misconduct,
- (b) the case is certified by the Secretary of State to be liable to lead to serious loss of confidence in the police service and the Secretary of State determines that investigating and, if appropriate, hearing the case is necessary and proportionate.
- (3AA) The provisions of this section apply where the alleged misconduct, inefficiency or ineffectiveness took place prior to this Act coming into force.
- (3AB) Regulations under this section must include sanctions for disciplinary proceedings in respect of a person defined under subsection (3A).”

Member’s explanatory statement

This amendment would provide for disciplinary proceedings to take place a specified period after the allegation first comes to light, instead of a limit based on when the person concerned left a police force. It would also provide for this time period to be extended in cases of serious misconduct. It would also allow for proceedings to apply to retrospective cases and provides for sanctions for disciplinary proceedings.

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

127

- ☆ Clause 31, page 48, line 24, after “the”, insert “Independent”

Member’s explanatory statement

This amendment would retain the word “Independent” in the Office for Police Conduct (the new title for the current Independent Police Complaints Commission).

Policing and Crime Bill, *continued*

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

128

- ☆ Clause 31, page 48, line 28, after “The”, insert “Independent”
Member’s explanatory statement
Please see explanatory statement for Amendment 127.

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

129

- ☆ Clause 31, page 48, line 33, after “the”, insert “Independent”
Member’s explanatory statement
Please see explanatory statement for Amendment 127.

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

131

- ☆ Clause 31, page 49, line 6, leave out subsection (6) and insert—
 “(6) In subsection leave out “chairman of the Commission, or as another member of the Commission” and insert “Director General, or as another member of the Office”.
Member’s explanatory statement
This amendment would ensure that both the Director General of the Independent Office for Police Conduct, and any member of the Office, must not have held any of the roles set out in Section 9(3) of the Police Reform Act 2002.

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

130

- ☆ Clause 31, page 49, line 14, after “the”, insert “Independent”
Member’s explanatory statement
Please see explanatory statement for Amendment 127.
-

Policing and Crime Bill, *continued*

Secretary Theresa May

32

Clause 32, page 49, line 19, after “place”, insert “except as otherwise provided by subsection (4A)”

Member’s explanatory statement

This amendment is consequential on amendment 33.

Secretary Theresa May

33

Clause 32, page 49, line 28, at end insert—

“(4A) In subsection (7), for “Commission”, in the first place it occurs, substitute “Office”.”

Member’s explanatory statement

This amendment revises a consequential amendment to section 10 of the Police Reform Act 2002.

Secretary Theresa May

34

Clause 33, page 51, leave out lines 37 and 38 and insert—

“(c) where the notice is served on a person who has a right of appeal under paragraph 6D, give details of that right of appeal.”

Member’s explanatory statement

This amendment is consequential on amendment 48.

Secretary Theresa May

35

Clause 33, page 51, line 39, at beginning insert “In a case where a notice is served on a person who has a right of appeal under paragraph 6D,”

Member’s explanatory statement

This amendment is consequential on amendment 48.

Secretary Theresa May

36

Clause 33, page 51, line 40, leave out from “which” to end of line 41 and insert “the appeal could be brought”

Member’s explanatory statement

This amendment is consequential on amendment 48.

Secretary Theresa May

37

Clause 33, page 52, line 28, leave out “Part 1 of the Regulation of Investigatory Powers Act 2000” and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”

Member’s explanatory statement

Clause 33(1) inserts a new paragraph 6A in Schedule 4A to the Police Act 1996. This allows notices to be served requiring the provision of information for the purposes of inspections carried out by the inspectors of constabulary under section 54 of the Police Act 1996. The notices may not require the provision of certain types of information. Currently, two of those types are described by reference to provisions of the Regulation of Investigatory Powers Act 2000. This amendment, and amendments 38, 39 and 40, amend clause 33 to take account of the prohibitions on disclosure of information contained in the Investigatory Powers Bill.

Policing and Crime Bill, *continued*

- Secretary Theresa May 38
- Clause 33, page 52, line 35, leave out from “operator” to “to” in line 36.
Member’s explanatory statement
Please see the explanatory statement for amendment 37.
- Secretary Theresa May 39
- Clause 33, page 52, line 37, leave out “(within the meaning of that Chapter)”
Member’s explanatory statement
Please see the explanatory statement for amendment 37.
- Secretary Theresa May 40
- Clause 33, page 52, line 37, at end insert—
“() In sub-paragraph (9), “communications data”, “postal operator” and
“telecommunications operator” have the same meanings as in the Investigatory
Powers Act 2016 (see sections 223 and 224 of that Act).”
Member’s explanatory statement
Please see the explanatory statement for amendment 37.
- Secretary Theresa May 41
- Clause 33, page 52, line 45, at end insert “, or
(c) a person authorised by an inspector of constabulary to act on behalf of
the inspector for the purposes of this paragraph.”
Member’s explanatory statement
*Clause 33(1) inserts a new paragraph 6A in Schedule 4A to the Police Act 1996, dealing with the
service of notices requiring the provision of information reasonably required for the purposes of
an inspection by the inspectors of constabulary under section 54 of the Police Act 1996. This
amendment allows any person acting on behalf of an inspector of constabulary to serve a notice
under paragraph 6A.*
- Secretary Theresa May 42
- Clause 33, page 53, line 18, after “required” insert “(which may be immediately
after the service of the notice)”
Member’s explanatory statement
This amendment is consequential on amendment 47.
- Secretary Theresa May 43
- Clause 33, page 53, leave out lines 19 and 20
Member’s explanatory statement
This amendment is consequential on amendment 47.
- Secretary Theresa May 44
- Clause 33, page 53, leave out lines 27 to 29
Member’s explanatory statement
This amendment is consequential on amendment 47.

Policing and Crime Bill, continued

Secretary Theresa May

45

Clause 33, page 53, line 33, at end insert “(and, for that purpose, the reference in paragraph (c) of the definition of “inspector” in paragraph 6A(10) to paragraph 6A is to be read as a reference to this paragraph)”.

Member’s explanatory statement

Clause 33(1) inserts a new paragraph 6B in Schedule 4A to the Police Act 1996, dealing with the service of notices requiring access to premises occupied for police purposes where access is reasonably required for the purposes of an inspection by the inspectors of constabulary under section 54 of the Police Act 1996. This amendment allows any person authorised to act on behalf of an inspector of constabulary to serve a notice under paragraph 6B.

Secretary Theresa May

46

Clause 33, page 54, line 1, leave out “or 6B”

Member’s explanatory statement

This amendment is consequential on amendment 47.

Secretary Theresa May

47

Clause 33, page 54, line 2, leave out “or 6B”

Member’s explanatory statement

This amendment means that there is no right of appeal against a notice served under paragraph 6B of Schedule 4A to the Police Act 1996 (as inserted by clause 33(1)). Paragraph 6B provides for the service of notices requiring access to premises occupied for police purposes where access is required for the purposes of an inspection under section 54 of the Police Act 1996.

Secretary Theresa May

48

Clause 33, page 54, line 4, at end insert—

“(1A) The right of appeal conferred by sub-paragraph (1) does not apply where the notice is served on a person who is—

- (a) a member of a police force;
- (b) a special constable;
- (c) a member of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);
- (d) a local policing body or a person employed by a local policing body;
- (e) a person providing services, in pursuance of contractual arrangements (but without being employed by a chief officer of police of a police force or its local policing body), to assist a police force in relation to the discharge of its chief officer’s functions;
- (f) a person employed by a person providing services as mentioned in paragraph (e).”

Member’s explanatory statement

Paragraph 6D of Schedule 4A to the Police Act 1996 (as inserted by clause 33(1)) provides for a right of appeal against a notice served under paragraph 6A (which confers power to serve notices requiring the provision of information reasonably required for the purposes of an inspection under section 54 of the Police Act 1996). The amendment means that the right of appeal does not apply where the notice is served on a member of a police force or the other persons listed in the amendment.

Policing and Crime Bill, continued

Secretary Theresa May

49

Clause 33, page 54, line 11, leave out “or 6B”

Member’s explanatory statement

This amendment is consequential on amendment 47.

Secretary Theresa May

50

Clause 33, page 54, line 19, leave out “intercept information” and insert “protected information relating to a relevant warrant”

Member’s explanatory statement

Clause 33(1) inserts a new paragraph 6E in Schedule 4A to the Police Act 1996 which makes provision about the handling of sensitive information received by the inspectors of constabulary. The categories of information to which it applies include “intercept information” which is currently defined by reference to the Regulation of Investigatory Powers Act 2000. This amendment, and amendments 52, 53, 54, 55, 56, 57, 58 and 59, amend clause 33 to take account of the provision made by the Investigatory Powers Bill about the interception of communications (and the consequential repeal by that Act of Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000).

Secretary Theresa May

51

Clause 33, page 54, line 45, at end insert “, or

- (c) a person authorised by an inspector of constabulary to act on behalf of the inspector in receiving information (whether under paragraph 6A or otherwise);”

Member’s explanatory statement

This amendment is related to amendment 41 and ensures that the restrictions on the disclosure of information under paragraph 6E of Schedule 4A to the Police Act 1996 (as inserted by clause 33(1)) apply to any person authorised by an inspector of constabulary to receive information on behalf of the inspector.

Secretary Theresa May

52

Clause 33, page 55, leave out lines 8 to 10

Member’s explanatory statement

Please see the explanatory statement for amendment 50.

Secretary Theresa May

53

Clause 33, page 55, line 11, at end insert—

““protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 49(4) of the Investigatory Powers Act 2016 in relation to the warrant;”

Member’s explanatory statement

Please see the explanatory statement for amendment 50.

Secretary Theresa May

54

Clause 33, page 55, line 28, leave out “intercept information” and insert “protected information relating to a relevant warrant”

Member’s explanatory statement

Please see the explanatory statement for amendment 50.

Policing and Crime Bill, *continued*

Secretary Theresa May 55

Clause 33, page 55, line 29, leave out “interception”
Member’s explanatory statement
 Please see the explanatory statement for amendment 50.

Secretary Theresa May 56

Clause 33, page 55, leave out lines 38 to 40 and insert—
 ““relevant warrant” means—
 (c) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
 (d) a warrant under Chapter 1 of Part 6 of that Act.”
Member’s explanatory statement
 Please see the explanatory statement for amendment 50.

Secretary Theresa May 57

Clause 33, page 55, line 43, leave out “intercept information” and insert “protected information relating to a relevant warrant”
Member’s explanatory statement
 Please see the explanatory statement for amendment 50.

Secretary Theresa May 58

Clause 33, page 55, line 46, leave out “intercept information” and insert “protected information relating to a relevant warrant”
Member’s explanatory statement
 Please see the explanatory statement for amendment 50.

Secretary Theresa May 59

Clause 33, page 56, line 2, leave out ““intercept information”” and insert ““protected information relating to a relevant warrant””
Member’s explanatory statement
 Please see the explanatory statement for amendment 50.

Secretary Theresa May 60

Clause 138, page 142, line 34, after “paragraphs”, insert “55(10)”
Member’s explanatory statement
 This amendment provides for the amendments made to paragraph 19F of Schedule 3 to the Police Reform Act 2002 to have the same extent as that paragraph.

Policing and Crime Bill, *continued*

Secretary Theresa May

61

Clause 138, page 142, line 35, at end insert—

“() section (*Public records*);”

Member’s explanatory statement

This amendment provides for NC30 to have the same extent as the Public Records Act 1958 (which is amended by that clause).

Secretary Theresa May

88

Schedule 3, page 201, line 25, leave out sub-paragraph (5)

Member’s explanatory statement

The provision of the Bill omitted by this amendment is no longer needed given the addition at Committee of amendments to paragraph 26(5) of Schedule 3 to the Police Reform Act 2002 (see paragraph 37(7) of Schedule 4 to the Bill).

Secretary Theresa May

63

Schedule 4, page 213, line 5, leave out “if it” and insert “having considered the views (if any) of the appropriate authority and if the Commission”

Member’s explanatory statement

This amendment is consequential on the addition at Committee of new sub-paragraph (iii) of new sub-paragraph (5A)(a) of paragraph 23 of Schedule 3 to the Police Reform Act 2002 (inserted by the Bill) and mirrors the wording at the beginning of new sub-paragraph (5A)(b) of that paragraph.

Secretary Theresa May

64

Schedule 4, page 213, line 41, leave out from beginning to “after” in line 42 and insert—

“27 (1) Paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22) is amended as follows.

(2) In sub-paragraph (6)—

(a) after paragraph (a) insert—

“(aa) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by sub-paragraph (2)(a) or paragraph (a) of this sub-paragraph, and”;

(b) for paragraph (b) substitute—

“(b) determine what action (if any), in addition to the action mentioned in paragraph (a)(ii), the authority will in its discretion take in respect of the matters dealt with in the report.”

(3) ”

Member’s explanatory statement

This amendment imposes a duty on an appropriate authority, when responding to a report on an

Policing and Crime Bill, continued

investigation carried out by the authority on its own behalf, as regards the making of certain additional determinations. It mirrors new sub-paragraph (5A)(c) of paragraph 23 of Schedule 3 to the Police Reform Act 2002 (inserted by paragraph 26 of Schedule 4 to the Bill).

Secretary Theresa May

65

Schedule 4, page 220, line 3, at end insert—

“() After sub-paragraph (4) insert—

“(4A) Where the Commission determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority on its own behalf, the Commission may also give the appropriate authority such directions as to the handling of the matter in future as the Commission thinks fit.”

Member’s explanatory statement

This amendment provides that, where the IPCC determines that a re-investigation following a review should take the form of an investigation by the appropriate authority on its own behalf, the IPCC may give the appropriate authority directions as to the future handling of the matter concerned.

Secretary Theresa May

66

Schedule 7, page 237, line 7, at end insert “but before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded”

Member’s explanatory statement

This amendment clarifies that the duty of a relevant authority to report to the College of Policing a person who resigns or retires after an allegation about the person comes to the attention of the relevant authority applies only where the person resigns or retires before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded.

Secretary Theresa May

67

Schedule 8, page 251, line 16, at end insert—

“() In subsection (2)(i) for “its” substitute “the Director General”.

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

68

Schedule 8, page 251, line 31, after “or”, insert “in respect of”

Member’s explanatory statement

This amendment revises a consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Policing and Crime Bill, continued

Secretary Theresa May

69

Schedule 8, page 251, line 38, at end insert—

“() In subsection (6) for “Independent Police Complaints Commissioner” substitute “Director General”.

() In subsection (9) after “Director General” insert “of the National Crime Agency”.”

Member’s explanatory statement

This amendment adds further consequential amendments to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

70

Schedule 8, page 251, line 40, after “place”, insert “other than in subsection (2)”

Member’s explanatory statement

This amendment is consequential on amendment 71.

Secretary Theresa May

71

Schedule 8, page 251, line 40, at end insert—

“() In subsection (2)(b) for “Commission” substitute “Office or in respect of the Director General”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

72

Schedule 8, page 252, line 9, at end insert—

“() The repeal of section 28 does not affect an order made under that section before its repeal or the power under that section to revoke or amend any such order.”

Member’s explanatory statement

This amendment adds a saving provision in connection with the repeal of section 28 of the Police Reform Act 2002.

Secretary Theresa May

73

Schedule 8, page 253, line 34, at end insert—

“() For the title to the Schedule substitute “The Office for Police Conduct”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

74

Schedule 8, page 254, leave out lines 24 to 27 and insert—

“() in paragraph (b) for “by it in the carrying out of its functions” substitute “in the carrying out of its or the Director General’s functions”.”

Member’s explanatory statement

This amendment revises a consequential amendment to paragraph 14 of Schedule 2 to the Police Reform Act 2002.

Policing and Crime Bill, *continued*

Secretary Theresa May

75

Schedule 8, page 254, line 30, at end insert—

“() after “its” insert “or the Director General’s”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

76

Schedule 8, page 255, line 24, leave out “another member of the Office’s staff” and insert “a person”

Member’s explanatory statement

This amendment revises a consequential amendment to paragraph 19(2A) of Schedule 3 to the Police Reform Act 2002.

Secretary Theresa May

77

Schedule 8, page 255, line 36, leave out “person designated under sub-paragraph (2) who is” and insert “the Director General or a member of the Office’s staff”

Member’s explanatory statement

This amendment revises a consequential amendment to paragraph 19(6A) of Schedule 3 to the Police Reform Act 2002.

Secretary Theresa May

78

Schedule 8, page 255, line 41, after “(2)(b)”, insert “and (7)(a),”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

79

Schedule 8, page 257, line 21, at end insert—

“() in sub-paragraph (13), before “or (4)” insert “, (2B)”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

80

Schedule 8, page 257, line 21, at end insert—

“() In paragraph 24 (action by appropriate authority in response to an investigation report), in sub-paragraph (11) before “or (4)” insert “, (2B)”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Policing and Crime Bill, continued

Secretary Theresa May

81

Schedule 8, page 257, line 22, at end insert—

“() in sub-paragraph (1), before “or (4)” insert “, (2B);”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

82

Schedule 8, page 257, line 34, at end insert—

“() in sub-paragraph (6) (as inserted by this Act)—

(i) after “sub-paragraph (2)” insert “or completed under sub-paragraph (2A);”

(ii) after “submission” insert “or completion”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

83

Schedule 8, page 258, line 18, at end insert—

“() In paragraph 21 (power to discontinue an investigation), in sub-paragraph (4)(b) omit “itself”.”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

84

Schedule 8, page 258, line 25, after “1(1)” insert “—

(a) after “, (2)” insert “, (2A);”

(b) ”

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

14

Schedule 8, page 258, line 26, leave out sub-paragraph (4) and insert—

“() In paragraph 4(1)—

(a) in the words before paragraph (a), for “it appears to the person in charge” substitute “the Director General determines”;

(b) for the words after paragraph (b) substitute “the Director General must proceed under sub-paragraph (2)”.

() For paragraph 4(2) substitute—

“(2) The Director General must—

(a) prepare a record of the determination,

(b) notify the appropriate authority in relation to the person whose conduct is in question of the determination, and

(c) send to it a copy of the record of the determination prepared under paragraph (a).”

Policing and Crime Bill, continued

- () After paragraph 5(1) insert—
 - “(1A) Sub-paragraph (1) does not apply where the person in charge of the investigation is the Director General acting personally, but the Director General must complete a report on the investigation.”
- () In paragraph 5(2)(a) for “the report” substitute “a report submitted under sub-paragraph (1) or completed under sub-paragraph (1A)”.
- () In paragraph 6(1) after “paragraph 5” insert “(1) or on its completion by the Director General under paragraph 5(1A)”.

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Secretary Theresa May

15

Schedule 8, page 259, line 21, at end insert—

- “62 (1) The Ministry of Defence Police Act 1987 is amended as follows.
- (2) In section 3A (regulations relating to disciplinary matters), in subsection (1B)(a) (as inserted by this Act) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 3 of Schedule 8 to the Bill (other minor and consequential amendments).

Secretary Theresa May

16

Schedule 8, page 260, line 23, at end insert—

““The Director General of the Office for Police Conduct.””

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 3 of Schedule 8 to the Bill (other minor and consequential amendments).

Secretary Theresa May

17

Schedule 8, page 262, line 4, at end insert—

““The Director General of the Office for Police Conduct.””

Member’s explanatory statement

This amendment adds a further consequential amendment to Part 3 of Schedule 8 to the Bill (other minor and consequential amendments).

Secretary Theresa May

NC49

To move the following Clause—

“Retention of fingerprints and DNA profiles: PACE

- (1) Part 5 of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police) is amended as follows.

Policing and Crime Bill, *continued*

- (2) In section 63F (retention of section 63D material: persons arrested for or charged with a qualifying offence), after subsection (2) insert—
- “(2A) In subsection (2), references to a recordable offence include an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (and, in the application of subsection (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”
- (3) In that section, after subsection (11) insert—
- “(12) For the purposes of the definition of “excluded offence” in subsection (11)—
- (a) references to a recordable offence or a qualifying offence include an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted), and
- (b) in the application of paragraph (b) of that definition in relation to an offence under the law of a country or territory outside England and Wales, the reference to a relevant custodial sentence of 5 years or more is to be read as a reference to a sentence of imprisonment or other form of detention of 5 years or more.”
- (4) In section 63H (retention of section 63D material: persons arrested for or charged with a minor offence), after subsection (2) insert—
- “(2A) In subsection (2), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).”
- (5) In that section, in subsection (3), after “section 63F(11)” insert “(read with section 63F(12))”.
- (6) After section 63I insert—
- “63IA Retention of material: persons convicted of an offence outside England and Wales after taking of section 63D material**
- (1) This section applies where—
- (a) section 63D material is taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence,
- (b) at any time before the material is required to be destroyed by virtue of this Part of this Act, the person is convicted of an offence under the law of a country or territory outside England and Wales, and
- (c) the act constituting the offence mentioned in subsection (1)(b) would constitute a recordable offence if done in England and Wales.
- (2) The material may be retained indefinitely.
- (3) This section does not apply where section 63KA applies.”
- (7) In the heading of section 63J, at the end insert “: other cases”.

Policing and Crime Bill, *continued*

- (8) In section 63K (retention of section 63D material: exception for persons under 18 convicted of minor offence), after subsection (1) insert—
- “(1A) In subsection (1)(a)(ii), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).”
- (9) In that section, after subsection (5) insert—
- “(5A) In subsection (5), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales.”
- (10) After section 63K insert—
- “63KA Retention of section 63D material under section 63IA: exception for persons under 18 convicted of first minor offence outside England and Wales**
- (1) This section applies where—
- (a) section 63D material is taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence,
 - (b) at any time before the material is required to be destroyed by virtue of this Part of this Act, the person is convicted of an offence under the law of a country or territory outside England and Wales,
 - (c) the act constituting the offence mentioned in subsection (1)(b) would constitute a recordable offence if done in England and Wales but would not constitute a qualifying offence,
 - (d) the person is aged under 18 at the time of the offence mentioned in subsection (1)(b), and
 - (e) the person has not previously been convicted of a recordable offence.
- (2) In subsection (1)(e), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).
- (3) Where the person is sentenced to imprisonment or another form of detention for less than 5 years in respect of the offence mentioned in subsection (1)(b), the section 63D material may be retained until the end of the period consisting of the term of the sentence plus 5 years.
- (4) Where the person is sentenced to imprisonment or another form of detention for 5 years or more in respect of the offence mentioned in subsection (1)(b), the material may be retained indefinitely.
- (5) Where the person is given a sentence other than a sentence of imprisonment or other form of detention in respect of the offence mentioned in subsection (1)(b), the material may be retained until the end of the period of 5 years beginning with the date on which the person was arrested for the offence (or, if the person was not arrested for the offence, the date on which the person was charged with it).

Policing and Crime Bill, continued

- (6) But if, before the end of the period within which material may be retained by virtue of this section, the person is again convicted of a recordable offence, the material may be retained indefinitely.
- (7) In subsection (6), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales.”
- (11) In section 63N (retention of section 63D material given voluntarily), after subsection (4) insert—
- “(5) The reference to a recordable offence in subsection (3)(a) includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales.
- (6) The reference to a recordable offence in subsections (3)(b) and (4), and the reference to a qualifying offence in subsection (4), includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).””

Member’s explanatory statement

This new clause amends the provision made by the Police and Criminal Evidence Act 1984 for the retention of biometric material so that, where appropriate, convictions outside England and Wales are treated in the same way as convictions in England and Wales.

Secretary Theresa May

NC50

To move the following Clause—

“Retention of fingerprints and DNA profiles: Terrorism Act 2000

- (1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- (2) In paragraph 20B (retention of paragraph 20A material: persons detained under section 41), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) —

- (a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—

- (i) a recordable offence under the law of England and Wales if done there, or
- (ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

- (b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country

Policing and Crime Bill, *continued*

or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”

- (3) In paragraph 20C (retention of paragraph 20A material: persons detained under Schedule 7), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) —

- (a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—

- (i) a recordable offence under the law of England and Wales if done there, or
 (ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

- (b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”

- (4) In paragraph 20D (interpretation), after sub-paragraph (5) insert—

“(5A) For the purposes of sub-paragraph (4)—

- (a) a person is to be treated as having previously been convicted in England and Wales of a recordable offence if —

- (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
 (ii) the act constituting the offence would constitute a recordable offence under the law of England and Wales if done there (whether or not it constituted such an offence when the person was convicted);

- (b) a person is to be treated as having previously been convicted in Northern Ireland of a recordable offence if—

- (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
 (ii) the act constituting the offence would constitute a recordable offence under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted);

Policing and Crime Bill, *continued*

- (c) a person is to be treated as having previously been convicted in Scotland of an offence which is punishable by imprisonment if—
 - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
 - (ii) the act constituting the offence would constitute an offence punishable by imprisonment under the law of Scotland if done there (whether or not it constituted such an offence when the person was convicted);
 - (d) the reference in sub-paragraph (4)(b) to a qualifying offence includes a reference to an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute a qualifying offence under the law of England and Wales if done there or (as the case may be) under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted).
- (5B) For the purposes of paragraphs 20B and 20C and this paragraph—
- (a) offence, in relation to any country or territory outside the United Kingdom, includes an act punishable under the law of that country or territory, however it is described;
 - (b) a person has in particular been convicted of an offence under the law of a country or territory outside the United Kingdom if—
 - (i) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity, or
 - (ii) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence.””

Member's explanatory statement

This new clause amends the provision made by Schedule 8 to the Terrorism Act 2000 for the retention of biometric material so that, where appropriate, convictions outside the United Kingdom are treated in the same way as convictions in the United Kingdom.

Policing and Crime Bill, *continued*

Secretary Theresa May

NC51

To move the following Clause—

“Extension of cross-border powers of arrest: urgent cases

In Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement), after section 137 insert—

“137A Additional cross-border powers of arrest etc: urgent cases

- (1) A constable of a police force in England and Wales may arrest a person in England and Wales without a warrant if—
 - (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in Scotland or in Northern Ireland, and
 - (b) the constable also has reasonable grounds for believing that it is necessary to arrest the person—
 - (i) to allow the prompt and effective investigation of the offence, or
 - (ii) to prevent any prosecution for the offence from being hindered by the disappearance of the person.
- (2) A constable of a police force in Scotland may arrest a person in Scotland without a warrant if—
 - (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in England and Wales or in Northern Ireland, and
 - (b) the constable is satisfied that it would not be in the interests of justice to delay the arrest either to enable a warrant for the person’s arrest to be obtained and then executed under section 136 or to enable a power of arrest under section 137 to be exercised.
- (3) Without prejudice to the generality of subsection (2)(b), it would not be in the interests of justice to delay an arrest for a purpose mentioned in that subsection if the constable reasonably believes that, unless the person is arrested without delay, the person will obstruct the course of justice in any way, including by seeking to avoid arrest or interfering with witnesses or evidence.
- (4) A constable of a police force in Northern Ireland may arrest a person in Northern Ireland without a warrant if—
 - (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in England and Wales or in Scotland, and
 - (b) the constable also has reasonable grounds for believing that it is necessary to arrest the person—
 - (i) to allow the prompt and effective investigation of the offence, or
 - (ii) to prevent any prosecution for the offence from being hindered by the disappearance of the person.
- (5) The power conferred by subsection (1) or (2) may be exercised by a constable appointed under section 24 of the Railways and Transport Safety Act 2003 in England and Wales or (as the case may be) in

Policing and Crime Bill, *continued*

Scotland, but only in relation to a person suspected of having committed a specified offence in Northern Ireland.

- (6) The following provisions apply in relation to an arrest under this section by a constable of a person suspected of having committed a specified offence in England and Wales or in Northern Ireland—
- (a) where the arrest is in England and Wales under subsection (1) or in Northern Ireland under subsection (4), the constable has the powers of entry and search conferred by section 137E;
 - (b) where the arrest is in Scotland under subsection (2), the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed in Scotland;
 - (c) the constable has the powers conferred by section 139 in relation to the arrested person;
 - (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.
- (7) Where a constable is arresting under this section a person suspected of having committed a specified offence in Scotland, the constable has the same powers as a constable of a police force in Scotland would have if arresting the person for the offence in Scotland.
- (8) In this section—
 “constable of a police force”, in relation to Northern Ireland, means a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;
 “specified offence” means an offence specified in regulations made by the Secretary of State under section 137B.

137B Power to specify offences for the purposes of section 137A

- (1) The Secretary of State may by regulations made by statutory instrument specify offences for the purposes of section 137A (see the definition of “specified offence” in subsection (8) of that section).
- (2) An offence may be specified in regulations under subsection (1) only if—
 - (a) the offence is indictable, and
 - (b) the Secretary of State considers that it is necessary in the interests of justice to specify it for the purposes of section 137A.
- (3) For the purpose of subsection (2)(a), an offence is indictable if—
 - (a) in the case of an offence under the law of England and Wales, it is an indictable offence in England and Wales;
 - (b) in the case of an offence under the law of Scotland, it may be tried on indictment in Scotland;
 - (c) in the case of an offence under the law of Northern Ireland, it is an indictable offence in Northern Ireland.
- (4) The Secretary of State may not make regulations under subsection (1) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.

Policing and Crime Bill, *continued*

- (5) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

137C Detention for the purpose of re-arrest

- (1) A person arrested under section 137A in respect of a specified offence may be detained but only for the purpose of—
 - (a) enabling a warrant for the person’s arrest in respect of the offence to be obtained and then executed under section 136, or
 - (b) enabling the person to be re-arrested under section 137.
- (2) The person may be detained for that purpose—
 - (a) for an initial period of 3 hours beginning with the time of the arrest;
 - (b) for a second period of no more than 21 hours beginning with the end of the initial period, but only if detention for that period is authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force;
 - (c) for a third period of no more than 12 hours beginning with the end of the second period, but only if detention for that period is authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force.
- (3) An officer of the arresting force may give an authorisation for the purpose of subsection (2)(b) or (c) only if satisfied that it is in the interests of justice to do so.
- (4) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(b) only if satisfied that—
 - (a) there are reasonable grounds to suspect that the person has committed the specified offence,
 - (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
 - (c) it is in the interests of justice to give the authorisation.
- (5) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(c) only if satisfied that—
 - (a) there continue to be reasonable grounds to suspect that the person has committed the specified offence,
 - (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
 - (c) it is in the interests of justice to give the authorisation.
- (6) If, at any time while the person is detained, an appropriate officer in the investigating force is satisfied that it is no longer in the interests of justice for the person to be detained—
 - (a) the officer must notify the arresting force, and
 - (b) the person must be released immediately.

Policing and Crime Bill, *continued*

- (7) In subsection (6), “appropriate officer” means—
- (a) in relation to the person’s detention for the initial period, any constable;
 - (b) in relation to the person’s detention for the second period, an officer of at least the rank of inspector;
 - (c) in relation to the person’s detention for the third period, an officer of a rank above that of inspector.
- (8) In this section—
- “arresting force” means the police force of which the constable who arrested the person under section 137A is a member;
- “investigating force” means the police force that is investigating the specified offence which the person arrested under section 137A is suspected of having committed;
- “specified offence” has the same meaning as in section 137A (see sections 137A(8) and 137B).

137D Rights of persons arrested under section 137A

- (1) A person arrested under section 137A must be informed of the following matters as soon as is practicable after the arrest—
- (a) the purpose for which the person may be detained under section 137C;
 - (b) the provision made by that section about the periods for which the person may be detained.
- (2) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in England and Wales (subject to regulations under subsection (5))—
- (a) section 28 of the Police and Criminal Evidence Act 1984 (information to be given on arrest);
 - (b) section 56 of that Act (right to have someone informed when arrested);
 - (c) section 58 of that Act (access to legal advice);
 - (d) section 34 of the Children and Young Persons Act 1933 (additional protection for children and young persons).
- (3) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Scotland (subject to regulations under subsection (5))—
- (a) section 3 of the Criminal Justice (Scotland) Act 2016 (asp 1) (information to be given on arrest);
 - (b) Chapter 5 of Part 1 of that Act (rights of suspects in police custody).
- (4) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Northern Ireland (subject to regulations under subsection (5))—
- (a) article 30 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (information to be given on arrest);
 - (b) article 57 of that Order (right to have someone informed when arrested);
 - (c) article 59 of that Order (access to legal advice);

Policing and Crime Bill, *continued*

- (d) article 10 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I.9)) (additional protection for children and young persons).
- (5) The Secretary of State may by regulations made by statutory instrument provide that any of the provisions mentioned in subsection (2), (3) or (4)—
 - (a) do not apply as mentioned in that subsection in cases or circumstances specified in the regulations;
 - (b) apply as mentioned in that subsection subject to such modifications as may be specified in the regulations (which may be general modifications or modifications that apply only in cases or circumstances specified in the regulations).
- (6) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) The Secretary of State may not make regulations under subsection (5) which relate to a provision mentioned in subsection (3) unless the Scottish Ministers consent.
- (8) The Secretary of State may not make regulations under subsection (5) which relate to a provision mentioned in subsection (4) unless the Department of Justice in Northern Ireland consents.”

Member’s explanatory statement

This new clause extends the cross-border powers of arrest conferred by Part 10 of the Criminal Justice and Public Order Act 1994 by giving a constable of a police force in a particular part of the United Kingdom power to arrest a person in that part who is reasonably suspected of having committed a specified offence in another part. The Secretary of State has power by regulations to specify the offences. The powers of arrest are available only in urgent cases and for the purpose of enabling the person to be re-arrested either under section 136 (where a warrant is obtained) or under section 137. The clause also specifies limits on the period for which persons arrested under the new powers may be detained and makes other supplementary provision.

Secretary Theresa May

NC52

To move the following Clause—

“Cross-border enforcement: powers of entry to effect arrest

In Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement), after section 137D (as inserted by section (*Extension of cross-border powers of arrest: urgent cases*)) insert—

“137E Entry and search for the purposes of arrest

- (1) A constable may enter and search any premises—
 - (a) for the purpose of executing in England and Wales under section 136(2)(b) a warrant issued in Northern Ireland;
 - (b) for the purpose of executing in Northern Ireland under section 136(3)(a) a warrant issued in England and Wales;

Policing and Crime Bill, *continued*

- (c) for the purpose of arresting a person in Northern Ireland under section 137(1) in respect of a relevant England and Wales offence;
 - (d) for the purpose of arresting a person in England and Wales under section 137(3) in respect of a relevant Northern Ireland offence;
 - (e) for the purpose of arresting a person in England and Wales under section 137A(1) in respect of a specified offence committed in Northern Ireland;
 - (f) for the purpose of arresting a person in Northern Ireland under section 137A(4) in respect of a specified offence committed in England and Wales.
- (2) In subsection (1)—
- (a) “relevant England and Wales offence” means—
 - (i) an offence that is an indictable offence in England and Wales;
 - (ii) an offence mentioned in section 17(1)(c) or (caa) of the Police and Criminal Evidence Act 1984;
 - (b) “relevant Northern Ireland offence” means—
 - (i) an offence that is an indictable offence in Northern Ireland;
 - (ii) an offence mentioned in article 19(1)(ba) to (c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)).
- (3) The powers of entry and search conferred by subsection (1)—
- (a) are exercisable only if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises, and
 - (b) are limited, in relation to premises consisting of two or more separate dwellings, to powers to enter and search—
 - (i) any part of the premises which the occupier of any dwelling comprised in the premises uses in common with the occupier of any other such dwelling, and
 - (ii) any such dwelling in which the constable has reasonable grounds for believing that the person whom he is seeking may be.
- (4) The power of search conferred by subsection (1) is only a power to search to the extent that is reasonably required for the purpose for which the power of entry is exercised.
- (5) In this section, “premises” includes any place and, in particular, includes—
- (a) any vehicle, vessel, aircraft or hovercraft,
 - (b) any offshore installation,
 - (c) any renewable energy installation, and
 - (d) any tent or movable structure.
- “Offshore installation” has the meaning given to it by section 44 of the Petroleum Act 1998.
- “Renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).”

Member’s explanatory statement

This new clause confers powers of entry and search for the purpose of making an arrest under Part

Policing and Crime Bill, continued

10 of the Criminal Justice and Public Order Act 1994 (as amended by new clause 51). It applies only in relation to the exercise of powers of arrest in England and Wales or Northern Ireland and only in respect of indictable and certain other offences committed in England and Wales or Northern Ireland.

Secretary Theresa May

NC53

To move the following Clause—

“Cross-border enforcement: minor and consequential amendments

Schedule (*Cross-border enforcement: minor and consequential amendments*)—

- (a) makes minor amendments of Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement), and
- (b) makes amendments consequential on the other amendments of that Part made by this Chapter.”

Member’s explanatory statement

This new clause introduces the Schedule inserted by NS2. It makes minor and consequential amendments of Part 10 of the Criminal Justice and Public Order Act 1994. In particular, it makes minor amendments to reflect changes made to the Police and Criminal Evidence Act 1984 and the Police and Criminal Evidence (Northern Ireland) Order 1989. It also makes other minor and consequential amendments.

Ann Coffey

NC12

To move the following Clause—

“Deaths in custody: mental health

- (1) Section 1 of the Coroners and Justice Act 2009 is amended as follows.
 - (2) In Section 1(2)(c), at end insert “other than while deprived of their liberty under Schedule A1 to the Mental Capacity Act 2005.””
-

Policing and Crime Bill, *continued*

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

NC22

To move the following Clause—

“Surrender of travel documentation

- (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) 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) If police are satisfied that a person is in possession of travel documents, as a pre-condition of release from custody, the person must surrender their travel documentation.”

Member’s explanatory statement

This amendment would require terrorist suspects to surrender passports and any other travel documentation as a condition of release from custody.

Sir Edward Garnier
 Simon Hart
 Victoria Prentis
 Karl McCartney
 Byron Davies
 Glyn Davies

David T. C. Davies
 Alex Chalk
 Richard Benyon
 Chris Davies
 Mr David Burrowes
 Mr Philip Hollobone

Kate Hoey
 Robert Neill
 Antoinette Sandbach
 Sir Henry Bellingham
 Geoffrey Clifton-Brown
 Richard Drax

Nick Herbert
 Sir Nicholas Soames
 Nigel Adams
 Sir Nicholas Soames
 Nusrat Ghani

NC23

To move the following Clause—

“Powers to require removal of disguises

- (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) Omit section 60AA (Powers to require removal of disguises) and insert—

“Section 60AA Powers to require removal of disguises

Policing and Crime Bill, *continued*

- (1) Where a constable in uniform reasonably believes that an offence has been, or is being, committed he may—
 - (a) require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
 - (b) seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.
- (2) A person who fails to remove an item worn by him or her when required to do so by a constable in the exercise of his power under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.
- (3) The powers conferred by this section are in addition to, and not in derogation of, any power otherwise conferred.
- (4) This section does not extend to Scotland.””

Member’s explanatory statement

This new clause would remove the requirement for prior authorisation in existing section 60AA so that where a constable reasonably believes that an offence has been, or is being, committed they may require the removal of items where they are used wholly or mainly for the purpose of concealing identity.

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

Kevan Jones

NC24

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.

Policing and Crime Bill, *continued*

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

Caroline Lucas

NC25

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

This new clause would place a duty on local police forces to store information with their local commissioners of child and adolescent mental health services (CAMHS) to improve local commissioning of mental health support for victims of child sexual exploitation.

Mr Charles Walker

NC26

To move the following Clause—

“Detention under the Mental Health Act 1983: training

- (1) The chief police officer of every police force must ensure that provision is made for training police officers in the exercise the powers granted to them by sections 136 and 137 of the Mental Health Act 1983.
- (2) The training provided under subsection (1) must include material on—
 - (a) diversity and equality, and
 - (b) cultural issues that police officers should be aware of when exercising power under the Mental Health Act 1983.
- (3) The chief police officer of each police force must make an annual report to the Home Secretary on the provision they have made to comply with the requirements of this section.”

Member’s explanatory statement

This new clause would require each police force to provide its officers with training on how to exercise power under the Mental Health Act, with particular reference to diversity issues.

Policing and Crime Bill, *continued*

Mr Charles Walker

NC29

To move the following Clause—

“Access to legal advice

- (1) A person detained against their will in a place of safety under section 135 or 136 of the Mental Health Act 1983 shall have the right to ask for and receive independent legal advice.”

Member’s explanatory statement

This new Clause would ensure the individual detained under section 135 or 136 of the Mental Health Act has access to legal advice.

Norman Lamb

NC40

To move the following Clause—

“Disallowing use of tasers on psychiatric wards

A police officer may not use a taser or electroshock weapon during a deployment on a psychiatric ward.”

Mr Charles Walker

NC42

To move the following Clause—

“Deployment of police officers on psychiatric wards: reporting

- (1) Any incident of police officers being deployed on a psychiatric ward must be reported to the Home Secretary by the chief police officer of the relevant force within one week of the incident.
- (2) The report under subsection (1) must contain the following information—
- (a) the nature of the incident,
 - (b) the number of police officers who were deployed,
 - (c) the actions taken by the officers during their deployment, and
 - (d) the outcome of the incident.”

Member’s explanatory statement

This new clause would require the Home Secretary to be notified whenever police officers are deployed on psychiatric wards.

Policing and Crime Bill, *continued*

Mr Charles Walker

NC43

To move the following Clause—

“Use of tasers on psychiatric wards: reporting

- (1) Any incident of a police officer using a taser during a deployment on a psychiatric ward must be reported to the Home Secretary by the chief police officer of the relevant force within one week of the incident.
- (2) The report under subsection (1) must contain the following information—
 - (a) the reason for the use of the taser,
 - (b) the action taken following the use of the taser, and
 - (c) the process that will be followed for reviewing the incident.”

Member’s explanatory statement

This new clause would require the Home Secretary to be notified whenever a police officer uses a taser on a psychiatric ward.

Norman Lamb
Caroline Lucas

NC45

To move the following Clause—

“Child sexual exploitation: assessment of needs for therapeutic support

- (1) Where the police or a local authority have a reasonable belief that a child has been sexually exploited or subject to other forms of child abuse, the police or local authority must refer the child to a named mental health service.
 - (2) The named mental health service must conduct an assessment of the child’s needs and where appropriate 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.”
-

Policing and Crime Bill, *continued*

Norman Lamb

NC58

To move the following Clause—

“Prohibition on using a person’s home as a place of safety

- (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 136, leave out subsection (1) and insert—
 - (1) If a person appears to a constable to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the interests of that person or for the protection of other persons—
 - (a) remove the person to a place of safety within the meaning of section 135, or
 - (b) if the person is already at a place of safety within the meaning of that section, keep the person at that place or remove the person to another place of safety.
 - (c) For the purposes of this subsection, a suitable place as defined by section 135(6) shall not include a house, flat or room where a person is living.”

Member’s explanatory statement

This amendment would prevent a person’s home from being used as places of safety for the purposes of section 136 of the Mental Health Act 1983.

Norman Lamb

NC59

To move the following Clause—

“Detention under the Mental Health Act 1983: Access to an appropriate adult

- (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 appropriate adult.
- (2) For the purposes of subsection 1, “appropriate adult” means:
 - (a) a relative, guardian or other person responsible for the detained person’s care;
 - (b) someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police; or
 - (c) some other responsible adult aged 18 or over who is not a police officer or employed by the police.”

Member’s explanatory statement

This new clause would extend the right to an appropriate adult to those detained under sections 135 or 136 of the Mental Health Act 1983.

Policing and Crime Bill, *continued*

Secretary Theresa May

NS2

To move the following Schedule—

“CROSS-BORDER ENFORCEMENT: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF PART 10 OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

- 1 Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement) is amended in accordance with paragraphs 2 to 8.

Powers of constables of PSNI etc. under section 137

- 2 (1) Section 137 (cross-border powers of arrest etc.) is amended as follows.
 (2) In subsection (3), for “the conditions applicable to this subsection are satisfied” substitute “the condition applicable to this subsection is satisfied”.
 (3) For subsection (6) substitute—
 “(6) The condition applicable to subsection (3) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Northern Ireland.”
 (4) In subsection (9), omit the definition of “arrestable offence”.
- 3 In section 138 (powers of arrest: supplementary provisions), omit subsections (3) to (5).

Powers to search premises under section 139

- 4 (1) Section 139 (search powers available on arrests under sections 136 and 137) is amended as follows.
 (2) In the heading, for “sections 136 and 137” substitute “sections 136, 137 and 137A”.
 (3) For subsection (1) substitute—
 “(1) The powers conferred by subsections (2) and (3) are available to a constable in relation to—
 (a) a person arrested under section 136(1), (2)(b) or (3)(a);
 (b) a person arrested under section 137(1) or (3);
 (c) a person arrested under section 137A in respect of a specified offence committed in England and Wales or Northern Ireland.”
- (4) Omit subsection (3)(b).
 (5) After subsection (3) insert—
 “(3A) The powers conferred by subsection (3B) are available to a constable in relation to—
 (a) a person arrested under section 136(1) or (3)(a) in the execution of a warrant issued in England and Wales in respect of an offence that is an indictable offence in England and Wales;
 (b) a person arrested under section 136(1) or (2)(b) in the execution of a warrant issued in Northern Ireland in respect of an offence that is an indictable offence in Northern Ireland;

Policing and Crime Bill, *continued*

- (c) a person arrested under section 137(1) in respect of an offence that is an indictable offence in England and Wales;
 - (d) a person arrested under section 137(3) in respect of an offence that is an indictable offence in Northern Ireland;
 - (e) a person arrested under section 137A(2) or (4) in respect of a specified offence committed in England and Wales;
 - (f) a person arrested under section 137A(1) or (2) in respect of a specified offence committed in Northern Ireland.
- (3B) The constable may enter and search any premises in which the person was when arrested or immediately before he was arrested for evidence relating to the offence.”
- (6) In subsection (4), after “subsection (3)” insert “or (3B)”.
- (7) In subsection (7)—
- (a) for “subsection (3)(b)” substitute “subsection (3B)”;
 - (b) for “that paragraph” substitute “that subsection”.
- (8) In subsection (8), for “subsection (3)(b)” substitute “subsection (3B)”.
- (9) After subsection (10) insert—
- “(10A) Where a constable of a police force in England and Wales searches premises in the exercise of the power conferred by subsection (3B) or where a constable of the British Transport Police searches premises in England and Wales in the exercise of that power—
- (a) the constable has the same powers as the constable would have under section 19 of the Police and Criminal Evidence Act 1984 if the search had taken place under section 32(2)(b) of that Act, and
 - (b) sections 21 and 22 of that Act apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.
- (10B) Where a constable of a police force in Northern Ireland searches premises in the exercise of the power conferred by subsection (3B)—
- (a) the constable has the same powers as the constable would have under article 21 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) if the search had taken place under article 34(2)(b) of that Order, and
 - (b) articles 23 and 24 of that Order apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.
- (10C) Where a constable of a police force in Scotland searches premises in the exercise of the power conferred by subsection (3B), or where a constable of the British Transport Police searches premises in Scotland in the exercise of that power, the constable has the same powers of seizure and retention as the constable would have if the search had taken place in the exercise of a power of the constable (by virtue of any rule of law) in relation to a person arrested and charged with an offence by the constable in Scotland.”
- (10) In subsection (12)—
- (a) in the definition of “premises”, at the end of paragraph (b) (before the “and”) insert—
 - “(ba) any renewable energy installation;”;

Policing and Crime Bill, *continued*

- (b) omit the “and” after that definition;
- (c) in the definition of “offshore installation” for “section 1 of the Mineral Workings (Offshore Installations) Act 1971” substitute “section 44 of the Petroleum Act 1998”;
- (d) at the end of the subsection insert “; and
“renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).”

Reciprocal powers of arrest - minor correction

- 5 In section 140 (reciprocal powers of arrest)—
- (a) in subsection (1), for the words in brackets substitute “(arrest without warrant)”;
 - (b) in subsection (5), for the words in the second set of brackets substitute “(arrest without warrant)”.

References to the British Transport Commission Act 1949 - updating

- 6 In each of the following places, for references to “section 53 of the British Transport Commission Act 1949” substitute “section 24 of the Railways and Transport Safety Act 2003”—
- (a) section 136(1) and (2);
 - (b) section 137(2A);
 - (c) section 140(6A).

Other amendments

- 7 (1) Section 136 (execution of warrants) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) The following provisions apply in relation to the execution under this section by a constable of a warrant issued in England and Wales or Northern Ireland—
- (a) where the warrant is executed under subsection (1), the constable has the same powers of entry and search for the purpose of executing the warrant as a constable of a police force in Scotland would have if the warrant had been issued in Scotland;
 - (b) where the warrant is executed under subsection (2)(b) or (3)(a), the constable has the powers of entry and search conferred by section 137E;
 - (c) where the warrant is executed under subsection (1), (2)(b) or (3)(a), the constable has the powers conferred by section 139 in relation to the arrested person;
 - (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.”
- (3) In subsection (5), omit paragraph (a).
- (4) In subsection (9), for “sections 137 to 139” substitute “sections 137 and 137E to 139”.
- 8 (1) Section 137 (cross-border powers of arrest etc.) is amended as follows.

Policing and Crime Bill, continued

(2) After subsection (7) insert—

“(7A) The following provisions apply in relation to an arrest under this section by a constable under subsection (1) or (3)—

- (a) where the arrest is under subsection (1) in Northern Ireland or under subsection (3) in England and Wales, the constable has the powers of entry and search conferred by section 137E;
- (b) where the arrest is under subsection (1) or (3) in Scotland, the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed or attempted in Scotland;
- (c) the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.”

(3) In subsection (8), omit paragraph (a).

PART 2

AMENDMENTS OF OTHER LEGISLATION

Finance Act 2007 (c.11)

- 9 (1) Section 87 of the Finance Act 2007 (cross-border exercise of powers) is amended as follows.
- (2) In subsection (2), for “Sections 136 to 139” substitute “Sections 136, 137 and 137E to 139”.
- (3) In subsection (4), for “sections 136 to 139” substitute “sections 136, 137 and 137E to 139”.

Crime and Courts Act 2013 (c.22)

- 10 (1) Section 55 of the Crime and Courts Act 2013 (powers of immigration officers) is amended as follows.
- (2) In subsection (7), for “Sections 136 to 139” substitute “Sections 136, 137 and 137E to 139”.
- (3) In subsection (8), for “sections 136 to 139” substitute “sections 136, 137 and 137E to 139”.

Member’s explanatory statement

Please see the explanatory statement for NC53.

Secretary Theresa May

Clause 60, page 71, line 35, leave out “otherwise” and insert “in an FCA case or any other case”

Member’s explanatory statement

This amendment is related to amendments 90, 91, 92 and 93. The amendments make provision in connection with cases where the power to release a person on bail is exercised in relation to an offence which is being investigated by the Financial Conduct Authority.

Policing and Crime Bill, continued

Secretary Theresa May

90

Clause 60, page 72, line 2, at end insert—

“() an “FCA case” is a case in which—

(i) the relevant offence in relation to the person is being investigated by the Financial Conduct Authority, and

(ii) a senior officer confirms that sub-paragraph (i) applies,”

Member’s explanatory statement*Please see the explanatory statement for amendment 89.*

Secretary Theresa May

91

Clause 60, page 73, line 29, at end insert—

“() a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this paragraph by the Chief Executive of the Authority (in an FCA case),”

Member’s explanatory statement*Please see the explanatory statement for amendment 89.*

Secretary Theresa May

92

Clause 60, page 74, line 8, after “by” insert “the Chief Executive of the Financial Conduct Authority,”

Member’s explanatory statement*Please see the explanatory statement for amendment 89.*

Secretary Theresa May

93

Clause 60, page 75, line 1, after “constable,” insert “a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this subsection by the Chief Executive of the Authority,”

Member’s explanatory statement*Please see the explanatory statement for amendment 89.*

Secretary Theresa May

94

Clause 74, page 91, line 21, leave out from beginning to “other” in line 23 and insert—

“() The power of a constable under subsection (1) may be exercised where the mentally disordered person is at any place,”

Member’s explanatory statement*Currently, clause 74(4) prevents a constable entering a house, flat or room where a person is living for the purpose of exercising a power under section 136 of the Mental Health Act 1983, as amended by the clause. This amendment ensures that a similar restriction applies where the constable is already at a house, flat or room where a person is living and becomes aware that a mentally disordered person is at the place (whether or not he or she is the person living there). In such a case, a constable may be able to apply for a warrant under section 135 of the 1983 Act but cannot act without a warrant under section 136.*

Policing and Crime Bill, *continued*

Secretary Theresa May

95

Clause 74, page 91, line 28, at end insert—

“() For the purpose of exercising the power under subsection (1), a constable may enter any place where the power may be exercised, if need be by force.”

Member’s explanatory statement

This amendment is consequential on amendment 94.

Norman Lamb

123

Clause 75, page 92, line 1, leave out subsection (2) and insert—

“(2) In section 135 (*warrant to search for and remove patients*), leave out subsection (6) and insert—

“(6) Subject to section 136A, in this section “place of safety” means residential accommodation provided by a local social services authority under Part III of the National Assistance Act 1948, a hospital as defined by this Act, an independent hospital or care home for mentally disordered persons or any other suitable place.””

Member’s explanatory statement

This amendment is consequential to amendment 124.

Norman Lamb

124

Clause 75, page 92, line 33, leave out subsection (6) and insert—

“(6) After section 136 insert—

“136A Prohibition on using police stations as places of safety

- (1) A person may not, in the exercise of a power to which this section applies, be removed to, kept at or taken to a police station as a place of safety.
- (2) The powers to which this section applies are—
 - (a) the power to remove a person to a place of safety under a warrant issued under section 135(1);
 - (b) the power to take a person to a place of safety under section 135(3A);
 - (c) the power to remove a person to, or to keep a person at, a place of safety under section 136(1);
 - (d) the power to take a person to a place of safety under section 136(3).

(3) In this section “person” means a person of any age.”

Member’s explanatory statement

This amendment would prevent a police station from being used as a place of safety for the purposes of sections 135 and 136 of the Mental Health Act 1983.

Policing and Crime Bill, continued

Norman Lamb

125

Clause 76, page 93, line 25, leave out sub paragraph (i) and insert—

“(i) In a case where the person is removed to a place of safety, the time when the constable takes that person into custody (within the meaning of section 137 of the Mental Health Act 1983) in order to remove them to that place.”

Member’s explanatory statement

This amendment would mean that the period of detention started at the point a person was detained rather than the time they arrived at a place of safety.

Secretary Theresa May

96

Clause 77, page 95, line 30, leave out “in public”

Member’s explanatory statement

Clause 77 authorises searches of a person to whom a warrant under section 135(1) or (2) of the Mental Health Act 1983 relates, or who is detained under section 136(2) or (4) of that Act, where there are reasonable grounds for believing that the person may present a danger to himself or herself or to others. Currently, the clause specifies that the power may not be used to require a person to remove any of his or her clothing in public (other than certain specified items of outerwear). The amendment removes the words “in public” which means that this restriction applies even where the person is not in a public place.

Secretary Theresa May

97

Clause 78, page 96, line 13, after “waters” insert “or international waters”

Member’s explanatory statement

This amendment extends the scope of the powers conferred by clause 78 by providing for them to be exercisable in relation to foreign ships in international waters.

Secretary Theresa May

98

Clause 78, page 96, line 15, after “waters” insert “or international waters”

Member’s explanatory statement

This amendment extends the scope of the powers conferred by clause 78 by providing for them to be exercisable in relation to ships registered under the law of a relevant territory (that is, the Isle of Man, any of the Channel Islands or a British overseas territory) in international waters.

Policing and Crime Bill, continued

Secretary Theresa May 99

Clause 79, page 97, line 11, at end insert “or in international waters”
Member’s explanatory statement
This amendment is consequential on amendments 97 and 98.

Secretary Theresa May 100

Clause 80, page 97, line 28, leave out “relevant waters” and insert “England and Wales waters or international waters”
Member’s explanatory statement
This amendment extends the scope of the powers conferred by clause 80 by providing for them to be exercisable where a ship was in international waters immediately before the pursuit of the ship began.

Secretary Theresa May 101

Clause 80, page 97, line 34, leave out subsection (2)
Member’s explanatory statement
This amendment is consequential on amendment 100.

Secretary Theresa May 102

Clause 90, page 103, line 31, after “waters” insert “or international waters”
Member’s explanatory statement
This amendment extends the scope of the powers conferred by clause 90 by providing for them to be exercisable in relation to foreign ships in international waters.

Secretary Theresa May 103

Clause 90, page 103, line 33, after “waters” insert “or international waters”
Member’s explanatory statement
This amendment extends the scope of the powers conferred by clause 90 by providing for them to be exercisable in relation to ships registered under the law of a relevant territory (that is, the Isle of Man, any of the Channel Islands or a British overseas territory) in international waters.

Secretary Theresa May 104

Clause 91, page 104, line 33, at end insert “or in international waters”
Member’s explanatory statement
This amendment is consequential on amendments 102 and 103.

Policing and Crime Bill, *continued*

Secretary Theresa May

105

Clause 92, page 105, line 8, leave out “relevant waters” and insert “Scotland waters or international waters”

Member’s explanatory statement

This amendment extends the scope of the powers conferred by clause 92 by providing for them to be exercisable where a ship was in international waters immediately before the pursuit of the ship began.

Secretary Theresa May

106

Clause 92, page 105, line 14, leave out subsection (2)

Member’s explanatory statement

This amendment is consequential on amendment 105.

Secretary Theresa May

109

Clause 138, page 142, line 43, at end insert—

“() section (*Retention of fingerprints and DNA profiles: Terrorism Act 2000*);”

Member’s explanatory statement

This amendment provides for the new clause inserted by new clause 50 to form part of the law of England and Wales, Scotland and Northern Ireland.

Secretary Theresa May

110

Clause 138, page 142, line 46, at end insert—

“() sections (*Extension of cross-border powers of arrest: urgent cases*), (*Cross-border enforcement: powers of entry to effect arrest*), (*Cross-border enforcement: minor and consequential amendments*) and Schedule (*Cross-border enforcement: minor and consequential amendments*);”

Member’s explanatory statement

This amendment provides for the new clauses inserted by new clauses 51, 52 and 53 and new Schedule 2 to form part of the law of England and Wales, Scotland and Northern Ireland.

Secretary Theresa May

117

Title, line 13, after “charge;” insert “to make provision about the retention of biometric material;”

Member’s explanatory statement

This amendment to the long title is consequential on new clauses 49 and 50.

Policing and Crime Bill, *continued*

Secretary Theresa May

118

Title, line 17, after “enforcement;” insert “to make provision for cross-border enforcement;”

Member’s explanatory statement

This amendment to the long title is consequential on new clauses 51, 52 and 53 and new Schedule 2.

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO PART 5; NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO PART 9; REMAINING NEW CLAUSES; REMAINING NEW SCHEDULES; REMAINING PROCEEDINGS ON CONSIDERATION.

Liz Saville Roberts

NC2

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.”

Secretary Theresa May

NC54

To move the following Clause—

“Powers to seize invalid travel documents

(1) Schedule 8 to the Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) For the italic heading before paragraph 3 substitute “Powers of search and seizure etc: places other than ports”.

(3) In paragraph 3, for sub-paragraph (1) substitute—

“(1) An examining officer who is a constable or a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 may exercise any of the powers under this paragraph, at a place that is not a port, if the examining officer

Policing and Crime Bill, *continued*

reasonably believes that a person is in possession of a cancelled UK passport or an invalid non-UK travel document.”

- (4) In that paragraph, in sub-paragraph (2)—
- (a) for “This paragraph applies to a passport” substitute “A passport is “a cancelled UK passport”;
 - (b) at the end of paragraph (a) insert “and”;
 - (c) omit the “and” at the end of paragraph (b);
 - (d) omit paragraph (c).
- (5) After sub-paragraph (2) insert—
- “(2A) An invalid travel document is “an invalid non-UK travel document” if it is, or appears to be, a passport or other document which has been issued by or for the government of a state other than the United Kingdom.”
- (6) In that paragraph—
- (a) in sub-paragraph (3)—
 - (i) in paragraph (a), for “the constable” substitute “the examining officer”;
 - (ii) in paragraph (b), for “the constable” substitute “the examining officer”;
 - (iii) in paragraph (d), for “the constable believes” substitute “the examining officer reasonably believes”;
 - (b) in sub-paragraph (4)—
 - (i) in paragraph (c), for “the constable believes” substitute “the examining officer reasonably believes”;
 - (ii) in paragraph (d), for “the constable” substitute “the examining officer”;
 - (c) in sub-paragraph (5)—
 - (i) in the opening words, for “A constable” substitute “An examining officer”;
 - (ii) in sub-paragraph (b), for “the constable’s behalf” substitute “the examining officer’s behalf”.
- (7) After paragraph 3 insert—

“Powers of entry, search and seizure etc: constables

3A (1) A constable may exercise any of the powers under this paragraph in relation to any premises, other than premises forming part of a port, if the constable reasonably believes that a cancelled UK passport or an invalid non-UK travel document is on the premises (whether or not in the possession of a person who is also on the premises).

“A cancelled UK passport” and “an invalid non-UK travel document” have the same meaning in this paragraph as they have in paragraph 3 (see paragraph 3(2) and (2A)).

- (2) The powers are—
- (a) to enter the premises;
 - (b) to search the premises for travel documents and to take possession of any that the constable finds;
 - (c) to inspect any travel document taken and to retain it while its validity is checked;

Policing and Crime Bill, *continued*

- (d) (subject to paragraph 4) to retain any travel document taken that the constable reasonably believes to be invalid.
- (3) A constable—
 - (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
 - (b) may authorise a person to carry out on the constable’s behalf a search under this paragraph.
- (4) This paragraph does not affect any power of a constable under paragraph 3(3), (4)(a) to (c) or (5) in relation to a person on any premises entered under sub-paragraph (2)(a).”
- (8) In paragraph 4 (retention or return of documents seized)—
 - (a) in sub-paragraph (1), for “2(2)(c) or 3(3)(c)” substitute “2(2)(c), 3(3)(c) or 3A(2)(c)”;
 - (b) after sub-paragraph (2) insert—
 - “(2A) If it is established that a travel document taken from any premises under paragraph 3A—
 - (a) is valid, or
 - (b) is invalid only because it has expired,
 it must be returned to the person to whom it was issued straight away.”;
 - (c) after sub-paragraph (3) insert—
 - “(3A) A travel document taken from premises under paragraph 3A must be returned to the person to whom it was issued before the end of the period of 7 days beginning with the day on which it was taken, unless during that period it is established that the document is invalid for some reason other than expiry.”;
 - (d) in sub-paragraph (4), for “(2)(b) or (3)” substitute “(2)(b), (2A), (3) or (3A)”;
 - (e) in that sub-paragraph, after “from whom he or she took the document” insert “or (as the case may be) to whom it was issued”;
 - (f) in sub-paragraph (5), for “(2) or (3)” substitute “(2), (2A), (3) or (3A)”.
- (9) In paragraph 5 (offences), in sub-paragraph (2), for “a search under paragraph 2 or 3” substitute “the exercise of a power of search under paragraph 2, 3 or 3A, or the exercise of a power of entry under paragraph 3A.”.
- (10) In paragraph 6 (power of arrest), for “2” substitute “2 or 3”.

Member’s explanatory statement

This new clause amends Schedule 8 to the Anti-social Behaviour, Crime and Policing Act 2014 in three main ways. First, it extends the existing powers of search and seizure under paragraph 3 of that Schedule so that they are exercisable by immigration officers as well as constables. Second, those powers are further extended so as to be exercisable on the basis of a reasonable belief that a person is in possession of an invalid non-UK travel document. (Currently, those powers are exercisable only on the basis of a reasonable belief that a person is in possession of a cancelled UK passport as defined in paragraph 3(2) of the Schedule.) Third, it inserts a new paragraph 3A that allows constables to enter and search premises where they reasonably believe that a cancelled UK passport or an invalid non-UK travel document is on the premises.

Policing and Crime Bill, *continued*

Secretary Theresa May

NC55

To move the following Clause—

“Anonymity of victims of forced marriage

- (1) In Part 10 of the Anti-social Behaviour, Crime and Policing Act (forced marriage), after section 122 insert—

“122A Anonymity of victims of forced marriage

Schedule 6A (anonymity of victims of forced marriage) has effect.”

- (2) Insert, as Schedule 6A to that Act, the following Schedule—

“SCHEDULE 6A

ANONYMITY OF VICTIMS OF FORCED MARRIAGE

Prohibition on the identification of victims in publications

- 1 (1) This paragraph applies where an allegation has been made that an offence of forced marriage has been committed against a person.
- (2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person’s lifetime.
- (3) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met.
- (4) The first condition is that the conduct of a person’s defence at a trial of an offence of forced marriage would be substantially prejudiced if the direction were not given.
- (5) The second condition is that—
- (a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
- (b) it is in the public interest to remove or relax the restriction.
- (6) A direction under sub-paragraph (3) does not affect the operation of sub-paragraph (2) at any time before the direction is given.
- (7) In this paragraph, “the court” means a magistrates’ court or the Crown court.

Penalty for breaching prohibition imposed by paragraph 1(2)

- 2 (1) If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable, on summary conviction, to a fine.

Policing and Crime Bill, *continued*

(3) The persons responsible for a publication are as follows—

<i>Type of publication</i>	<i>Persons responsible</i>
Newspaper or other periodical	Any person who is a proprietor, editor or publisher of the newspaper or periodical.
Relevant programme	Any person who— (a) is a body corporate engaged in providing the programme service in which the programme is included, or (b) has functions in relation to the programme corresponding to those of an editor of a newspaper.
Any other kind of publication	Any person who publishes the publication.

(4) If an offence under this paragraph is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a senior officer of a body corporate, or
- (b) a person purporting to act in such a capacity,

the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) “Senior officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate; and for this purpose “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(6) Proceedings for an offence under this paragraph may not be instituted except by, or with the consent of, the Attorney General.

Offence under paragraph 2: defences

- 3 (1) This paragraph applies where a person (“the defendant”) is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication.
- (2) It is a defence for the defendant to prove that, at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that—
 - (a) the publication included the matter in question, or
 - (b) the allegation in question had been made.

Policing and Crime Bill, *continued*

- (3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description.
- (4) The defence in sub-paragraph (3) is not available if—
 - (a) the victim was under the age of 16 at the time when his or her consent was given, or
 - (b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining his or her consent.
- (5) In this paragraph, “the victim” means the person against whom the offence of forced marriage in question is alleged to have been committed.

Special rules for providers of information society services

- 4 (1) Paragraph 2 applies to a domestic service provider who, in the course of providing information society services, publishes prohibited matter in an EEA state other than the United Kingdom (as well as to a person, of any description, who publishes prohibited matter in England and Wales).
- (2) Proceedings for an offence under paragraph 2, as it applies to a domestic service provider by virtue of sub-paragraph (1), may be taken at any place in England and Wales.
- (3) Nothing in this paragraph affects the operation of any of paragraphs 6 to 8.
- 5 (1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.
- (2) The derogation condition is that taking proceedings—
 - (a) is necessary for the purposes of the public interest objective,
 - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
 - (c) is proportionate to that objective.
- (3) “The public interest objective” means the pursuit of public policy.
- 6 (1) A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—
 - (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (2) For the purposes of sub-paragraph (1)—
 - (a) providing access to a communication network, and
 - (b) transmitting information in a communication network,

Policing and Crime Bill, *continued*

include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

- (3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.
- 7
- (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.
 - (2) The first condition is that the storage of the information—
 - (a) is automatic, intermediate and temporary, and
 - (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.
 - (3) The second condition is that the service provider—
 - (a) does not modify the information,
 - (b) complies with any conditions attached to having access to the information, and
 - (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.
 - (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- 8
- (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if—
 - (a) the service provider has no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or
 - (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it.
 - (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

- 9
- (1) In this Schedule—
 - “domestic service provider” means a service provider established in England and Wales, Scotland or Northern Ireland;
 - “the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

Policing and Crime Bill, *continued*

“forced marriage offence” means an offence under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014;

“information society services”—

- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“non-UK service provider” means a service provider established in an EEA state other than the United Kingdom;

“programme service” has the same meaning as in the Broadcasting Act 1990 (see section 201(1) of that Act);

“prohibited material” means any material the publication of which contravenes paragraph 1(2);

“publication” includes any speech, writing, relevant programme or other communication (in whatever form) which is addressed to, or is accessible by, the public at large or any section of the public;

“recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“relevant programme” means a programme included in a programme service;

“service provider” means a person providing an information society service.

(2) For the purposes of the definition of “publication” in sub-paragraph (1)—

- (a) an indictment or other document prepared for use in particular legal proceedings is not to be taken as coming within the definition;
- (b) every relevant programme is to be taken as addressed to the public at large or to a section of the public.

(3) For the purposes of the definitions of “domestic service provider” and “non-UK service provider” in sub-paragraph (1)—

- (a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider—
 - (i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and
 - (ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;
- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

Policing and Crime Bill, *continued*

- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider’s activities relating to that service.””

Member’s explanatory statement

This new clause makes provision to protect the anonymity of victims of the offence of forced marriage under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014. It is modelled on provision made by Schedule 1 to the Female Genital Mutilation Act 2003 to protect the anonymity of victims of female genital mutilation offences.

Secretary Theresa May

NC56

To move the following Clause—

“Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults

- (1) The Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.
- (4) Any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.
- (5) Before issuing guidance under this section, the Secretary of State must consult—
 - (a) the National Police Chiefs’ Council,
 - (b) persons who appear to the Secretary of State to represent the interests of public authorities who are required to have regard to the guidance,
 - (c) persons who appear to the Secretary of State to represent the interests of those whose livelihood is affected by the exercise of the licensing functions to which the guidance relates, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (6) In this section, “taxi and private hire vehicle legislation” means—
 - (a) the London Hackney Carriages Act 1843;
 - (b) sections 37 to 68 of the Town Police Clauses Act 1847;
 - (c) the Metropolitan Public Carriage Act 1869;
 - (d) Part 2 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (e) the Private Hire Vehicles (London) Act 1998;
 - (f) the Plymouth City Council Act 1975 (c.xx).”

Member’s explanatory statement

This new clause provides for the Secretary of State to issue guidance to public authorities who have licensing functions under taxi and private hire vehicle legislation about how those functions may

Policing and Crime Bill, *continued*

be exercised so as to protect children and vulnerable adults from harm. It also imposes a duty on those public authorities to have regard to the guidance.

Secretary Theresa May

NC57

To move the following Clause—

“Powers of litter authorities in Scotland

- (1) In Part 4 of the Environmental Protection Act 1990 (litter etc), after section 91 insert—

“92 Summary proceedings by litter authorities

- (1) Where a principal litter authority in Scotland other than a joint board is satisfied as respects—
- (a) any relevant Crown land,
 - (b) any relevant land of a designated statutory undertaker,
 - (c) any relevant land of a designated educational institution, or
 - (d) any relevant land within a litter control area of a local authority, that it is defaced by litter or refuse or that defacement of it by litter or refuse is likely to recur, the authority shall serve a notice (a “litter abatement notice”) imposing either the requirement or the prohibition or both the requirement and the prohibition specified in subsection (2).
- (2) The requirement and prohibition referred to in subsection (1) are as follows, namely—
- (a) a requirement that the litter or refuse be cleared within a time specified in the notice;
 - (b) a prohibition on permitting the land to become defaced by litter or refuse.
- (3) The litter abatement notice shall be served—
- (a) as respects relevant Crown land, on the appropriate Crown authority;
 - (b) as respects relevant land of a designated statutory undertaker, on the undertaker;
 - (c) as respects relevant land of a designated educational institution, on the governing body of the institution or on the education authority responsible for the management of the institution;
 - (d) in any other case, on the occupier of the land or, if it is unoccupied, on the owner of the land.
- (4) The person served with the notice may appeal against the notice to the sheriff by way of application within the period of 21 days beginning with the date on which the notice was served.
- (5) If, on any appeal under subsection (4), the appellant proves that, as respects the land in question, he has complied with his duty under section 89(1), the court shall allow the appeal.
- (6) If a person on whom a litter abatement notice is served, without reasonable excuse, fails to comply with or contravenes the requirement

Policing and Crime Bill, *continued*

or prohibition imposed by the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale together with a further fine of an amount equal to one-twentieth of that level for each day on which the offence continues after the conviction.

- (7) In any proceedings for an offence under subsection (6), it shall be a defence for the person charged to prove that he has complied, as respects the land in question, with his duty under section 89(1).
- (8) A direction under section 89(6A) or a code of practice under section 89(7) shall be admissible in evidence in any proceedings under this section and, if any provision of such a direction or code appears to the court to be relevant to any question in the proceedings, it shall be taken into account in determining that question.
- (9) If a person on whom a litter abatement notice is served fails to comply with the requirement imposed by the notice in respect of any land, the authority may, subject to subsection (10)—
 - (a) enter on the land and clear the litter or refuse, and
 - (b) recover from that person the expenditure attributable to their having done so, except such of the expenditure as that person shows was unnecessary in the circumstances.
- (10) Subsection (9) does not apply in relation to relevant Crown land or relevant land of statutory undertakers.

93 Street litter control notices

- (1) A principal litter authority in Scotland other than a joint board may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices (“street litter control notices”) imposing requirements on occupiers of premises in relation to such litter or refuse, in accordance with this section and section 94.
- (2) If the authority is satisfied, in respect of any premises which are of a description prescribed under section 94(1)(a) and have a frontage on a street in their area, that—
 - (a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises,
 - (b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be, detrimental to the amenities of the locality by reason of the presence of litter or refuse, or
 - (c) there is produced, as a result of the activities carried on on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises,

the authority may serve a street litter control notice on the occupier or, if the premises are unoccupied, on the owner of the premises.
- (3) A notice shall, subject to section 94(2), (3) and (4)—
 - (a) identify the premises and state the grounds under subsection (2) on which it is issued;

Policing and Crime Bill, *continued*

- (b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;
- (c) specify, in relation to that area or any part of it, such reasonable requirements as the authority considers appropriate in the circumstances;

and, for the purposes of paragraph (b), an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage.

- (4) In this section and section 94—
- “notice” means a street litter control notice;
 - “open land” means land in the open air;
 - “the premises”, in relation to a notice, means the premises in respect of which the notice is issued;
 - “specified area” means the area specified in a notice under subsection (3)(b); and
 - “street” means a relevant highway, a relevant road or any other highway or road over which there is a right of way on foot.

94 Street litter: supplementary provisions

- (1) The Scottish Ministers may by order prescribe—
- (a) the descriptions of commercial or retail premises in respect of which a street litter control notice may be issued;
 - (b) the descriptions of land which may be included in a specified area; and
 - (c) the maximum area of land which may be included in a specified area;
- and different descriptions or maximum dimensions may be prescribed under paragraph (b) or (c) for different cases or circumstances.
- An order under this subsection is subject to the negative procedure.
- (2) The power to describe premises or land under subsection (1)(a) or (b) includes power to describe the premises or land by reference to occupation or ownership or to the activities carried on there.
- (3) The land comprised in a specified area—
- (a) shall include only land of one or more of the descriptions prescribed under subsection (1)(b);
 - (b) shall not include any land which is not—
 - (i) part of the premises,
 - (ii) part of a street,
 - (iii) relevant land of a principal litter authority, or
 - (iv) land under the direct control of any other local authority; and
 - (c) shall not exceed any applicable maximum area prescribed under subsection (1)(c);
- but a specified area shall not include any part of the premises which is or is part of a litter control area.
- (4) The requirements which may be imposed by a notice shall relate to the clearing of litter or refuse from the specified area and may in particular require—
- (a) the provision or emptying of receptacles for litter or refuse;

Policing and Crime Bill, *continued*

- (b) the doing within a period specified in the notice of any such thing as may be so specified (including the standards to which any such thing must be done); or
 - (c) the doing (while the notice remains in force) at such times or intervals, or within such period, of any such thing as may be so specified;
- but a notice may not require the clearing of litter or refuse from any carriageway, except at a time when the carriageway is closed to all vehicular traffic.
- (5) In relation to so much of the specified area as is not part of the premises the authority shall take account, in determining what requirements to impose, of their own duties under this Part or otherwise, and of any similar duties of any other local authority, in relation to that land.
 - (6) An authority proposing to serve a notice shall—
 - (a) inform the person on whom the notice is to be served;
 - (b) give him the opportunity to make representations about the notice within the period of 21 days beginning with the day on which he is so informed; and
 - (c) take any representations so made into account in making their decision.
 - (7) A person on whom a notice is served may appeal against the notice to the sheriff by way of application; and the court may quash the notice or may quash, vary or add to any requirement imposed by the notice.
 - (8) If it appears to the authority that a person has failed or is failing to comply with any requirement imposed by a notice, the authority may apply to the sheriff by way of application for an order requiring the person to comply with the requirement within such time as may be specified in the order.
 - (9) A person who, without reasonable excuse, fails to comply with an order under subsection (8) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”
 - (2) Any order under section 94(1) of the Environmental Protection Act 1990 which had effect immediately before the coming into force of paragraph 21 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014—
 - (a) is (so far as extending to Scotland) revived on the coming into force of this section, and
 - (b) has effect on its revival as if made under section 94(1) of that Act as re-enacted with modifications by this section.”

Member’s explanatory statement

This new clause re-enacts, with minor changes, sections 92, 93 and 94 of the Environmental Protection Act 1990. The sections will form part of the law of Scotland only. The need for the new clause arises because the repeal of those sections by paragraph 21 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 was extended to Scotland by mistake.

Policing and Crime Bill, *continued*

Liz Saville Roberts

NC3

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.
- (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.

Policing and Crime Bill, *continued*

- (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.”

Liz Saville Roberts

NC4

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.”

Policing and Crime Bill, *continued*

Liz Saville Roberts

NC5

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.
 - (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.”
-

Sarah Champion
 Lyn Brown
 Liz Saville Roberts
 Jack Dromey
 Andy Burnham
 Keir Starmer

Carolyn Harris

Caroline Lucas

Mr Alistair Carmichael
NC6

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 or she—
 - (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.
- (2) This section applies in relation to a child aged 16 or 17 who is—
 - (a) a child in need as defined in section 17 of the Children Act 1989; or
 - (b) a child looked after under section 20 of the Children Act 1989; or
 - (c) a child housed alone under part 7 of the Housing Act 1996; or
 - (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 a care order, an emergency protection order, or protection from section 46 of the Children Act 1989; or
 - (c) any other person as defined in regulations for the purposes of this section.

Policing and Crime Bill, *continued*

- (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.”

Sarah Champion
 Lyn Brown
 Carolyn Harris
 Jack Dromey
 Andy Burnham
 Keir Starmer

Caroline Lucas

NC10

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.
- (2) 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”.
- (3) 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”.
- (4) Section 7 of the London Cab Order 1934 is amended as follows.
- (5) 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.””
- (6) Section 7 of the Private Hire Vehicles (London) Act 1998 is amended as follows.
- (7) 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.

Policing and Crime Bill, *continued*

Ann Coffey

NC13

To move the following Clause—

“Grooming for criminal behaviour: offence

- (1) A person aged 18 or over (A) commits an offence if—
 - (a) A has met or communicated with another person (B) on at least two occasions and subsequently—
 - (i) A intentionally meets B,
 - (ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
 - (b) A intends to say or do anything to or in respect of B, during or after the meeting mentioned in paragraph (a)(i) to (iii) and in any part of the world, which if done will—
 - (i) encourage,
 - (ii) persuade, or
 - (iii) intimidate
 B with the effect that B commits a criminal offence from which A will, or intends to, profit.
 - (c) B is under 16, and
 - (d) A does not reasonably believe that B is 16 or over.
- (2) For subsection (1)(b)(iii) to apply, A does not have to profit directly nor be the sole beneficiary of a criminal offence committed by B.
- (3) In subsection (1) the reference to A having met or communicated with B is a reference to A having met B in any part of the world or having communicated with B by any means from, to or in any part of the world.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both,
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

Ann Coffey

NC14

To move the following Clause—

“Grooming for criminal behaviour: prevention orders

- (1) A court may make an order under this section in respect of a person aged 18 or over (A) where—
 - (a) A has committed an offence under section (*Grooming for criminal behaviour*); or
 - (b) the court is satisfied that A’s behaviour makes it necessary to make such an order, for the purpose of protecting one or more persons aged 16 or under from being encouraged, persuaded or intimidated by A into committing a crime from which A intends to profit.
- (2) A chief officer of police may by complaint to a magistrates’ court apply for an order under this section in respect of a person who resides in his police area or

Policing and Crime Bill, *continued*

who the chief officer believes is in, or is intending to come to, his police area if it appears to the chief officer that—

- (a) the person has committed an offence under section (*Grooming for criminal behaviour*); or
 - (b) the person’s behaviour makes it reasonable to make such an order, for the purpose of protecting one or more other persons aged 16 or under from being encouraged, persuaded, facilitated or intimidated into committing a crime from which others will, or intend to, profit.
 - (c) the person has acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.
- (3) An application under subsection (2) may be made to any magistrates’ court whose commission area includes—
- (a) any part of the applicant’s police area, or
 - (b) any place where it is alleged that the person acted in a way mentioned in subsection (2)(b).
- (4) A grooming for criminal behaviour prevention order (GCBPO) that includes one or more requirements must specify the person who is to be responsible for supervising compliance with the requirement who may be an individual or an organisation.
- (5) Before including a requirement, the court must receive evidence about its suitability and enforceability from—
- (a) the individual to be specified under subsection (1), if an individual is to be specified;
 - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (6) Before including two or more requirements, the court must consider their compatibility with each other.
- (7) It is the duty of a person specified under subsection (4)—
- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
 - (b) to promote the compliance of the GCBPO subject with the relevant requirements;
 - (c) if the person considers that the GCBPO subject—
 - (i) has complied with all the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,
 to inform the prosecution and the appropriate chief officer of police.
- (8) In subsection (7)(c) “the appropriate chief officer of police” means—
- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that—
 - (i) the GCBRO subject lives, or
 - (ii) one or more persons aged 16 or under as mentioned in subsection (1)(b) lives;
 - (b) if it appears to a person specified under subsection (4) that the GCBPO subject lives in more than one police area, whichever of the relevant chief officers of police that person thinks it most appropriate to inform.
- (9) The subject of a GCBPO, in addition to any specific restrictions and requirements detailed within the order, must—
- (a) keep in touch with the person specified under subsection (4) in relation to that requirement, in accordance with any instructions given by that person from time to time; and

Policing and Crime Bill, *continued*

- (b) notify the person of any change of address.
These obligations have effect as requirements of the order.”

Kit Malthouse
Jo Churchill
Mrs Anne-Marie Trevelyan

NC15

To move the following Clause—

“Sentencing guidelines review: children

- (1) With an year of the day on which this Act is passed the Sentencing Council must conduct a review of its sentencing guidelines as they relate to crime against children and crimes where the victim is a child.
- (2) The Sentencing Council must publish the findings of its review and lay a copy of that report before Parliament.
- (3) In conducting this review the Sentencing Council must consult—
 - (a) the Secretary of State for Justice,
 - (b) and any other bodies it thinks relevant.
- (4) For the purpose of this section “child” has the same meaning as in section 105 of the Children Act 1989.”

Member’s explanatory statement

This new clause would require the Sentencing Council to review the sentencing guideline for offences committed against children.

Kit Malthouse
Geoffrey Clifton-Brown
Bill Wiggin
Sir Edward Garnier Mr
Jonathan Djanogly

Nigel Adams
Mrs Anne-Marie Trevelyan

Victoria Prentis

Jo Churchill

NC16

To move the following Clause—

“Soliciting via telecommunications order: applications, grounds and effect

- (1) A chief officer of police may by complaint to a magistrates’ court apply for an order under this section (a “soliciting via telecommunication order”) in respect of a telecommunications service provider if it appears to the chief officer that a phone number (“the relevant phone number”) administered by a telecommunications service provider is being used for the purposes of advertising a person’s services as a prostitute.
- (2) The chief office of police may make an application under subsection (1) only if the relevant phone number has been advertised in the chief officer’s police area.

Policing and Crime Bill, continued

- (3) Such an order requires the telecommunications service provider to take all reasonable steps to prevent calls to the relevant phone number being connected.
- (4) It shall be an offence for a telecommunication service provider to fail to comply with terms of an order issued under this section.
- (5) An organisation found guilty of an offence under subsection (5) shall be liable on summary conviction to a fine no greater than £50,000.”

Member’s explanatory statement

This new clause would enable the police to request that a magistrate issues an order to mobile phone providers that they block a number if that number is on cards advertising prostitution and create an offence if they fail to comply with a fine of up to £50,000.

Kit Malthouse
Jo Churchill
Mrs Anne-Marie Trevelyan

NC18

To move the following Clause—

“Cruelty to persons under sixteen: penalty

- (1) The Children and Young Persons Act 1933 is amended as follows.
- (2) In section 1(1)(a) leave out the words “ten” and insert “fourteen.””

Member’s explanatory statement

To increase the maximum tariff for child cruelty from 10 years imprisonment to 14 years.

Jack Dromey
Andy Burnham
Lyn Brown
Keir Starmer
Sarah Champion
Carolyn Harris

NC33

To move the following Clause—

“Police observance of the Victims’ Code: enforcement

- (1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) In section 5(1B) omit paragraph (a) together with the final “or”.
- (3) After section 5(1B) insert—

“(1BA) Subsection (1C) of this section applies if a written complaint is made to the Commissioner by a member of the public who claims that—

- (a) a police officer
- (b) a police service employee other than a police officer
- (c) another person determined under section (1BC)

has failed to perform a Code duty owed by him to the member of the public.

Policing and Crime Bill, *continued*

- (1BB) For the purposes of subsection (1BA) a Code duty is a duty imposed by a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims).
- (1BC) The Secretary of State may by regulation amend the categories of person identified in subsection (1BA) as the Secretary of State thinks fit.”
- (4) In section 5(4A), after “(1A)”, insert “or (1BA)”.
- (5) In section 6(3), at the beginning insert “Except as provided in subsection (3A)”.
- (6) After section 6(3), insert—
- “(3A) Subsection (3) shall apply in relation to a complaint under section 5(1BA) as if for “a member of the House of Commons” there were substituted “the Commissioner”.”
- (7) In section 7(1A), after “5(1A)”, insert “or 5(1BA)”.
- (8) In section 8(1A), after “5(1A)”, insert “or 5(1BA)”.
- (9) After section 10(2A), insert—
- “(2B) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 5(1BA) of this Act, he shall send a report of the results of the investigation to—
- (a) the person to whom the complaint relates,
 - (b) the principal officer of the department or authority concerned and to any other person who is alleged in the relevant complaint to have taken or authorised the action complained of, and
 - (c) the Commissioner for Victims and Witnesses appointed under section 48 of the Domestic Violence, Crime and Victims Act 2004.”
- (10) After section 10(3B) insert—
- “(3C) If, after conducting an investigation pursuant to a complaint under section 5(1BA) of this Act, it appears to the Commissioner that—
- (a) the person to whom the complaint relates has failed to perform a Code duty owed by him to the person aggrieved, and
 - (b) the failure has not been, or will not be, remedied, the Commissioner shall lay before each House of Parliament a special report upon the case.
- (3D) If the Commissioner lays a special report before each House of Parliament pursuant to subsection (3C) the Commissioner may also send a copy of the report to any person as the Commissioner thinks appropriate.
- (3E) For the purposes of subsection (3C) “Code duty” has the meaning given by section 5(1BB) of this Act.”
- (11) In section 10(5)(d), for “or (2A)” substitute “, (2A) or (2B)”.
- (12) In section 12(1), after paragraph (b) of the definition of “person aggrieved”, insert—
- “(c) in relation to a complaint under section 5(1BA) of this Act, means the person to whom the duty referred to in section 5 (1BA) of this Act is or is alleged to be owed;”.”
-

Policing and Crime Bill, *continued*

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

NC34

To move the following Clause—

“Police, etc. provision for victims’ entitlement: framework

- (1) The Victims’ Code (a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims)) shall include, but not be limited to, the entitlement of victims to receive as follows.
- (2) A victim of crime shall be entitled to receive—
 - (a) accurate and timely information from—
 - (i) the police
 - (ii) such other agencies of the criminal justice system concerned with the detection and prosecution of the relevant crime and with the support of victims of crime as the Secretary of State deems fit;
 - (b) The police must ensure provision to victims of adequate notice of all relevant court and other legal proceedings, including information about decisions by and discussions between the police and other agencies of the criminal justice system relating to the person convicted of the crime concerned (“the perpetrator”), including—
 - (i) information about any prison sentence previously served by the perpetrator,
 - (ii) information about relevant changes to the perpetrator’s circumstances whilst on parole or in custody,
 - (iii) information about any crimes committed by the perpetrator outside the UK where the victim of the crime concerned is a British national,
 - (iv) access, where required, to adequate interpretation and translation services, and
 - (v) information about the direct contact details of the criminal justice agencies and individuals involved in the court or other legal proceedings concerned.
- (3) During criminal justice proceedings, the police and other relevant agencies and authorities of the criminal justice system must ensure that victims of crime—
 - (a) are not subjected to unnecessary delay by any other party to the proceedings;
 - (b) are treated with dignity and respect by all parties involved; and
 - (c) do not experience discriminatory behaviour from any other party to the proceedings.
- (4) Children and vulnerable adults must be able to give evidence to a court secure location away from that court or from behind a protective screen.
- (5) The investigating police force concerned must ensure the safety and protection of victims of crime during proceedings, including but not restricted to—
 - (a) a presumption that victims of crime may remain domiciled at their home with adequate police protection if required; and
 - (b) ensuring that the victim and those accompanying them are provided with access to discreet waiting areas during the relevant court proceedings.

Policing and Crime Bill, *continued*

- (6) All victims of crime shall have access to an appropriate person to liaise with relevant agencies on their behalf and to inform them about, and explain the progress, outcomes and impact of, their case.
- (7) Witnesses under the age of 18 shall have access to a trained communications expert, to be known as a Registered Intermediary, to help them understand as necessary what is happening in the criminal proceedings.
- (8) Victims of crime shall have access to transcripts of any relevant legal proceedings at no cost to themselves.
- (9) Victims of crime shall have the right to attend and make representations to a pre-court hearing to determine the nature of the court proceedings.
- (10) The Secretary of State must take steps to ensure that victims of crime—
 - (a) have access to financial compensation from public funds for any detriment arising from the criminal case concerned;
 - (b) are given the right to approve or refuse the payment of any compensation order made by a court against a person convicted of a crime against them;
 - (c) have reimbursed to them, from public funds, any expenses incurred by them in attending in court and in any related legal process, whether in the UK or overseas;
 - (d) have available to them legal advice where considered necessary by a judge in court proceedings; and
 - (e) are not required to disclose personal data in legal proceedings which puts their safety at risk unless specifically ordered to do so by a judge.”

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

NC35

To move the following Clause—

“Police etc. training: treatment of victims

- (1) The Secretary of State shall publish and implement a strategy for providing training on the impact of crime on victims and victims’ rights for staff of the following organisations—
 - (a) the police
 - (b) the Crown Prosecution Service, and
 - (c) any other public agency or authority that the Secretary of State deems appropriate.
 - (2) The Secretary of State may also by regulation make provision for judges, barristers and solicitors involved in criminal cases involving sexual and domestic violence undertake specialist training.
 - (3) The Secretary of State shall publish an agreed timetable for the delivery and completion of the training required by this section.”
-

Policing and Crime Bill, *continued*

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

NC36

To move the following Clause—

“Establishment and conduct of homicide reviews

- (1) In this section “homicide review” means a review of the circumstances a person aged 16 or over has, or appears to have, died as the result of a homicide and—
 - (a) no one has been charged with the homicide, or
 - (b) the person(s) charged has been acquitted.
- (2) The Secretary of State may in a particular case direct a police force or other specified person or body or a person or body within subsection (5) to establish, or to participate in, a homicide review.
- (3) It is the duty of any person or body within subsection (5) establishing or participating in a homicide review (whether or not held pursuant to a direction under subsection (2)) to have regard to any guidance and standards issued by the Commissioner for Victims and Witnesses as to the establishment and conduct of such reviews.
- (4) Any reference in subsection (2) to the Secretary of State shall, in relation to persons and bodies within subsection (5)(b), be construed as a reference to the PSNI or Department of Justice in Northern Ireland as may be appropriate.
- (5) The persons and bodies within this subsection are—
 - (a) in relation to England and Wales—chief officers of police for police areas in England and Wales; local authorities; local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000 (c 43); the National Health Service Commissioning Board; clinical commissioning groups established under section 14D of the National Health Service Act 2006; providers of probation services; Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006; NHS trusts established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
 - (b) in relation to Northern Ireland—the Chief Constable of the Police Service of Northern Ireland; the Probation Board for Northern Ireland; Health and Social Services Boards established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (SI 1972/1265 (NI 14)); Health and Social Services trusts established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (SI 1991/194 (NI 1)).
- (6) In subsection (5)(a) “local authority” means—
 - (a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;
 - (b) in relation to Wales, the council of a county or county borough.”

Policing and Crime Bill, *continued*

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

NC37

To move the following Clause—

“Statutory duty on elected local policing bodies

- (1) An elected local policing body must assess—
 - (a) the needs of victims in each elected local policing body’s police area, and
 - (b) the adequacy and effectiveness of the available victims’ services in that area.
- (2) An elected local policing body must—
 - (a) prepare and consult upon an Area Victims’ Plan for its police area,
 - (b) having taken account of any responses to its consultation and any Quality Standard, publish the Plan in such a manner as sets out clearly how the identified victim needs will be met by the available victims’ services, and
 - (c) submit its Area Victims’ Plan to the Commissioner for Victims and Witnesses on an annual basis.
- (3) In this section—
 “elected local policing body” and “police area” have the same meaning as in Part 1 of the Police Reform and Social Responsibility Act 2011, and “Quality Standard” means the standard published under section 49(1)(f) of the Domestic Violence, Crime and Victims Act 2004.”

Jack Dromey
 Andy Burnham
 Lyn Brown
 Keir Starmer
 Sarah Champion
 Carolyn Harris

NC38

To move the following Clause—

“Duties of the Commissioner for Victims and Witnesses

- (1) Section 49 of the Domestic Violence, Crime and Victims Act 2004 (general functions of Commissioner) is amended as follows.
- (2) In subsection (1), after paragraph (c) insert—
 - “(d) assess the adequacy of each elected local policing body’s Area Victims’ Plans submitted to the Commissioner under section (Statutory duty on elected local policing bodies) of the Policing and Crime Act 2016,
 - (e) make to elected local policing bodies such recommendations about submitted Area Victims’ Plans as the Commissioner considers necessary and appropriate;
 - (f) prepare a statement of standards (the “Quality Standard”) in relation to the provision of victims’ services;

Policing and Crime Bill, *continued*

- (g) publish the Quality Standard in such manner as the Commissioner considers appropriate;
- (h) review the Quality Standard at intervals of not more than five years;
- (i) in preparing or reviewing a Quality Standard, consult the public, and for that purpose may publish drafts of the standard;
- (j) assess the steps taken to support victims and witnesses in giving evidence;
- (k) make such recommendations in relation to that assessment as the Commissioner considers necessary and appropriate;
- (l) issue guidance and standards for the establishment and conduct of homicide reviews under section (Establishment and conduct of homicide reviews) of the Policing and Crime Act 2016.”

Christina Rees

NC39

To move the following Clause—

“National anti-doping provisions

- (1) Subsections (2) and (3) apply to—
 - (a) all athletes participating in sport in the UK who are members of a governing body of sport or an affiliate organisation or licensee of a governing body of sport (including any clubs, teams, associations or leagues);
 - (b) all athletes participating in such capacity in sporting events, competitions or other activities in the UK organised, convened, authorised or recognised by a governing body of sport or any of its member or affiliate organisations or licensees (including any clubs, teams, associations or leagues), wherever held;
 - (c) any other athlete participating in sport in the UK who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of a governing body of sport for purposes of anti-doping; and
 - (d) any person belonging to the entourage of an athlete, whether or not such person is a citizen of, or resident in, the United Kingdom.
- (2) An athlete is guilty of an offence if he or she knowingly takes a prohibited substance with the intention, or one of the intentions, of enhancing his or her performance.
- (3) A person belonging to the entourage of an athlete is guilty of an offence if he or she encourages or assists or hides awareness of the relevant athlete taking a prohibited substance with the intention, or one of the intentions, of enhancing such athlete’s performance.
- (4) A medical professional commits an offence if they proscribe a prohibited substance to an athlete and believe, or ought reasonably to believe, that the substance will be used by the athlete to enhance their performance.
- (5) For the purposes of this section a “prohibited substance” is as defined by the World Anti-Doping Agency.
- (6) Any person guilty of an offence under subsection (2), (3) or (4) shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or to both; or

Policing and Crime Bill, *continued*

- (b) On conviction on indictment, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding two years, or to both.
- (7) UK Anti-Doping shall discuss the following issues with the World Anti-Doping Agency annually—
 - (a) the effectiveness of section 11 of the International Standard for Testing (athlete whereabouts requirements) and its harmonisation with EU privacy and working time rules and the European Convention on Human Rights;
 - (b) the effectiveness of the international work of the World Anti-Doping Agency; and
 - (c) progress on the development of a universal rollout of athlete biological passports.
- (8) UK Anti-Doping shall submit the results of the annual discussions referred to in subsection (7) to the Secretary of State, who shall in turn—
 - (a) lay before both Houses of Parliament an annual report documenting—
 - (i) whether the athlete whereabouts requirements are effective in combating the abuse of drug-taking and in compliance with EU privacy and working time rules and the European Convention on Human Rights, and
 - (ii) the performance of the World Anti-Doping Agency in general; and
 - (b) determine whether the Government should remain a member and continue to support the World Anti-Doping Agency.”

Sarah Champion
 Andy Burnham
 Jack Dromey
 Lyn Brown
 Carolyn Harris
 Keir Starmer

NC41

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 “children”, insert “and preventing child sexual exploitation, child abuse and child neglect.””
-

Policing and Crime Bill, *continued*

Liz Saville Roberts
Stephen McPartland

NC44

To move the following Clause—

“Modern technology: specialist digital unit (child abuse)

- (1) The chief officer of each police force in Wales and England 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.”

Mr Alistair Carmichael

NC46

To move the following Clause—

“Anonymity for victims who have private sexual photographs and films disclosed without their consent with intent to cause distress

- (1) Section 2 of the Sexual Offences (Amendment) Act 1992 is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
 - (c) an offence under section 33 of the Criminal Courts and Justice Act 2015.”

Mr Alistair Carmichael

NC47

To move the following Clause—

“Compensation for victims who have private sexual photographs and films disclosed without their consent with intent to cause distress

- (1) Section 33 of the Criminal Justice and Courts Act 2015 is amended as follows.
- (2) After subsection (9), insert—
 - “(9A) The court may order a person guilty of an offence under this section to pay compensation to the victim of the offence, under sections 130 to 132 of the Powers of Criminal Courts (Sentencing) Act 2000.
 - (9B) Compensation under subsection (9A) may be awarded for (among other things) any anxiety caused by the offence and any financial loss resulting from the offence.”

Policing and Crime Bill, *continued*

Sarah Champion

NC60

☆ To move the following Clause—

“Duty to report on Child Abduction Warning Notices

- (1) Each police force in England and Wales must report to the Secretary of State each year on—
 - (a) the number of Child Abduction Warning Notices issued;
 - (b) the number of Child Abduction Warning Notices breached; and
 - (c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice.
 - (2) The Secretary of State must prepare and publish a report each year on—
 - (a) the number of Child Abduction Warning Notices issued in each police force in England and Wales;
 - (b) the number of Child Abduction Warning Notices breached in each police force in England and Wales; and
 - (c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice in each police force in England and Wales
and must lay a copy of the report before Parliament.”
-

Mr Alistair Carmichael

NC61

☆ To move the following Clause—

“Disclosure of private sexual photographs and films without consent and with the intent to cause distress, fear or alarm, or recklessness as to distress, fear or alarm being caused

- (1) Section 33 of the Criminal Justice and Courts Act 2015 is amended as follows.
- (2) In subsection (1) after “disclose” insert “or threaten to disclose”.
- (3) In subsection (1)(b) after “distress” insert “fear or alarm or recklessness as to distress, fear or alarm being caused”.
- (4) After subsection (1) insert—
 - “(1A) It is also an offence to knowingly promote, solicit or profit from private photographs and films that are reasonably believed to have been disclosed without consent and with the intent to cause distress, fear or alarm, or recklessness as to distress, fear or alarm being caused”.
- (5) Leave out subsection (8).”

Member’s explanatory statement

This new clause clarifies and expands the definition of the offence of disclosing private sexual photographs and films without consent and with the intent to cause distress, also known as revenge pornography, so that it includes reckless intent. This new clause also makes it an offence to knowingly promote, solicit or profit from private photographs and films that are reasonably believed to have been disclosed without consent.

Policing and Crime Bill, *continued*

Mr Alistair Carmichael

NC62

☆ To move the following Clause—

“Meaning of “private” and “sexual”

- (1) Section 35 of the Criminal Justice and Courts Act 2015 is amended as follows.
- (2) In subsection (3)(a) after “exposed genitals” insert “breasts, buttocks,”.
- (3) Leave out subsection 4.
- (4) Leave out subsection 5.”

Member’s explanatory statement

This new clause expands the definition of “sexual” and ensures the disclosure of pornographic photoshopped images, posted with the intent to cause distress, fear or alarm or recklessness as to distress, fear or alarm being caused, are covered by the law.

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

NC66

☆ To move the following Clause—

“Guidance: Unattributable briefings

- (1) The College of Policing shall issue a code of practice relating to police-media relations.
- (2) This code should set out clear guidance to ensure that all police media communications are reportable, quotable and attributable unless in exceptional circumstances.
- (3) The code of practice shall be issued in line with requirements of section 39A of the Police Act 1996

Member’s explanatory statement

This new clause would require The College of Policing to issue a code of practice relating to police-media relations. The aim of this clause is to ensure that all police media communications should be reportable, quotable and attributable unless in exceptional circumstances.

Policing and Crime Bill, *continued*

Andy Burnham
 Jack Dromey
 Carolyn Harris
 Keir Starmer
 Lyn Brown
 Sarah Champion

NC67

☆ To move the following Clause—

“Misconduct in public office

- (1) A person commits an offence if—
 - (a) the person is a public officer,
 - (b) the person wilfully neglects to perform their duty or wilfully misconducts themselves in the performance of their public duty to such a degree as to amount to an abuse of the public’s trust in the office holder, and
 - (c) the person acts without reasonable excuse or justification.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) in England and Wales, to imprisonment for a term not exceeding 12 months or, in relation to offences committed, to a fine, or to both;
 - (b) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both.
- (3) For the purposes of this section, a public officer is an officer who discharges any duty in the discharge of which the public are interested and includes, but is not limited to—
 - (a) executive or ministerial officers,
 - (b) police officer, including a police officer in a period of suspension and a former police officer doing part-time police work,
 - (c) constable,
 - (d) special constable,
 - (e) community support officer,
 - (f) employee of a police force with responsibility for the computer system of that police force,
 - (g) prison officer,
 - (h) Independent Monitoring Board member,
 - (i) nurse working within a prison,
 - (j) coroner,
 - (k) army officer,
 - (l) accountant in the office of the Paymaster General,
 - (m) Justice of the Peace
 - (n) magistrate,
 - (o) district judge,
 - (p) clergy of the Church of England,
 - (q) mayor,
 - (r) local councillor,
 - (s) employee of a local authority, and

Policing and Crime Bill, continued

(t) civil servant or other employee of a public body.”

Member’s explanatory statement

This new clause seeks to codify the common law offence of misconduct in public office and prescribes a list of ‘public officers’ to which this offence shall apply

Secretary Theresa May

107

Clause 131, page 137, line 16, at end insert—

“() In paragraph 26 of that Schedule (modification of references), after paragraph (c) insert—

“(ca) a power of a general customs official is exercisable by any NCA officer, a reference to a general customs official in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable;”.

() In paragraph 27 of that Schedule (power to make further provision), in sub-paragraph (2), after paragraph (d)(ii) insert—

“(iia) one or more grades of, or pay scales applicable to, general customs officials;”.

() In paragraph 28 of that Schedule (functions of third parties relating to constables etc: extension to NCA), in sub-paragraph (2), after paragraph (c) insert—

“(ca) a general customs official;”.

Member’s explanatory statement

This amendment is consequential on clause 131, which enables the Director General of the National Crime Agency, and other designated NCA officers, to exercise the powers of general customs officials.

Secretary Theresa May

108

Clause 132, page 138, leave out lines 13 to 16

Member’s explanatory statement

This amendment would remove from clause 132 a provision relating to Scotland. This amendment is related to amendments 111 and 113, which would mean that clause 132 would not extend to Scotland.

Secretary Theresa May

111

Clause 138, page 143, line 4, leave out “132 and”

Member’s explanatory statement

See Member’s explanatory statement for amendment 108.

Policing and Crime Bill, continued

Secretary Theresa May

112

Clause 138, page 143, line 4, at end insert—

“() section (*Powers to seize invalid travel documents*);”

Member’s explanatory statement

This amendment provides for the new clause inserted by new clause 54 to form part of the law of England and Wales, Scotland and Northern Ireland.

Secretary Theresa May

113

Clause 138, page 143, line 31, at end insert—

“(c) section 132.”

Member’s explanatory statement

See Member’s explanatory statement for amendment 108.

Secretary Theresa May

114

Clause 138, page 143, line 34, at end insert—

“(c) section (*Powers of litter authorities in Scotland*).”

Member’s explanatory statement

This amendment provides for the new clause inserted by new clause 57 to form part of the law of Scotland only.

Secretary Theresa May

115

Clause 139, page 143, line 43, at end insert—

“() section (*Powers of litter authorities in Scotland*);”

Member’s explanatory statement

This amendment provides for new clause 57 to come into force on the date on which the Bill is passed.

Secretary Theresa May

116

Clause 139, page 144, line 7, at end insert—

“() section (*Anonymity of victims of forced marriage*);”

Member’s explanatory statement

This amendment provides for new clause 55 to come into force 2 months after the Bill is passed.

Secretary Theresa May

119

Title, line 26, after “information;” insert “to make provision about the seizure etc of invalid travel documents;”

Member’s explanatory statement

This amendment to the long title is consequential on new clause 54.

Policing and Crime Bill, *continued*

Secretary Theresa May

120

Title, line **26**, after “information;” insert “to make provision to protect the anonymity of victims of forced marriage;”

Member’s explanatory statement

This amendment to the long title is consequential on new clause 55.

Secretary Theresa May

121

Title, line **27**, after “children” insert “and to protect children and vulnerable adults from harm;”

Member’s explanatory statement

This amendment to the long title is consequential on new clause 36.

Secretary Theresa May

122

Title, line **27**, after “children;” insert “to make provision about the powers of litter authorities in Scotland;”

Member’s explanatory statement

This amendment to the long title is consequential on new clause 57.

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 HOUSE [26 APRIL 2016]

That the Order of 7 March 2016 (Policing and Crime Bill (Programme)) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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First day

New clauses, new Schedules and amendments relating to Part 1, other than new clauses and new Schedules relating to the inspection of fire and rescue services.	Two hours after the commencement of proceedings on the motion for this order.
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New clauses, new Schedules and amendments relating to Part 3; new clauses, new Schedules and amendments relating to firearms, knives and flares; new clauses, new Schedules and amendments relating to Part 7; new clauses, new Schedules and amendments relating to Part 8.	The moment of interruption.
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Second day

New clauses and new Schedules relating to the inspection of fire and rescue services; new clauses, new Schedules and amendments relating to Part 2; new clauses, new Schedules and amendments relating to Part 4.	Three hours after the commencement of proceedings on Consideration on the second day.
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New clauses, new Schedules and amendments relating to Part 5; new clauses, new Schedules and amendments relating to Part 9; remaining new Clauses; remaining new Schedules; remaining proceedings on Consideration.	One hour before the moment of interruption.
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5. Proceedings in legislative grand committee and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

Policing and Crime Bill, *continued*

NOTICES WITHDRAWN

The following Notices were withdrawn on Friday 22 April:

NC11

The following Notices were withdrawn on Wednesday 4 May:

NC27, NC28

The following Notices were withdrawn on Monday 6 June:

18

The following Notices were withdrawn on Tuesday 7 June:

19
