

LORDS AMENDMENTS TO THE
POLICING AND CRIME BILL

[The page and line references are to HL Bill 55, the bill as first printed for the Lords]

Clause 2

- 1 Page 3, line 4, leave out “and” and insert “or”

Clause 3

- 2 Page 3, line 18, after “effect” insert “on public safety or otherwise have an adverse effect”

Clause 4

- 3 Page 4, line 38, leave out subsection (8) and insert –
“(8) A collaboration agreement may be –
(a) varied with the agreement of all of the parties to the agreement, or
(b) replaced by a subsequent collaboration agreement.”

Clause 7

- 4 Page 9, line 40, after “or” insert “, in the case of a combined authority for an area which is wholly within England,”

Clause 8

- 5 Page 11, line 19, leave out from “exercise” to end of line 20 and insert “the chief constable’s fire and rescue functions.”
- 6 Page 11, line 23, leave out from “any” to end of line 24 and insert “functions mentioned in that subsection;”
- 7 Page 11, line 25, leave out from “any” to “other” in line 26 and insert “functions mentioned in that subsection”
- 8 Page 11, line 28, leave out from “of” to “specified” in line 29 and insert “such of the functions mentioned in that subsection as are”

- 9 Page 11, line 45, at end insert –
“() In this section “fire and rescue functions”, in relation to a chief constable, means –
(a) functions which are exercisable by the chief constable by virtue of provision made under subsection (2)(a), and
(b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.”
- 10 Page 12, line 17, at end insert –
“() Before making the request the mayor must publish, in such manner as the mayor thinks appropriate, the mayor’s response to the representations made or views expressed in response to any consultations on the proposal.”
- 11 Page 12, line 18, leave out “and (5)” and insert “to (5A)”
- 12 Page 12, line 19, leave out “has made” and insert “makes”
- 13 Page 12, line 36, at end insert –
“(5A) The Secretary of State must publish the independent assessment –
(a) as soon as is reasonably practicable after making a determination in response to the proposal, and
(b) in such manner as the Secretary of State thinks appropriate.”
- 14 Page 12, line 41, at end insert –
“() The Secretary of State may not make an order under section 107EA(2) in a case within subsection (6)(a) of this section if the Secretary of State thinks that the order would have an adverse effect on public safety.”
- 15 Page 13, line 19, after “constable” insert “, or
() from the chief constable to the combined authority,”
- 16 Page 13, line 22, leave out from second “of” to end of line 23 and insert “the chief constable’s fire and rescue functions.”
- 17 Page 13, line 45, leave out from first “of” to end of line and insert “the chief constable’s fire and rescue functions.”
- 18 Page 14, line 8, leave out from “of” to end of line 9 and insert “the chief constable’s fire and rescue functions;”
- 19 Page 14, line 40, after “section” insert “ –
“fire and rescue functions” has the same meaning as in section 107EA;”
- 20 Page 16, line 10, at end insert –
“107EEA Section 107EA orders: application of fire and rescue provisions
(1) The Secretary of State may by order –
(a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);

- (b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.
- (2) Those persons are –
- (a) a chief constable of a police force for a police area to whom an order under section 107EA(2) applies,
 - (b) a member of staff transferred to such a chief constable under a scheme made by virtue of section 107EC(1),
 - (c) a member of staff appointed by such a chief constable under section 107EC(2),
 - (d) a member of such a chief constable’s police force by whom functions are exercisable by virtue of section 107EA(2)(b), and
 - (e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) by whom functions are exercisable by virtue of section 107EA(2)(b).
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “fire and rescue enactment” means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).
- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.”

21 Page 16, line 30, leave out “Act” and insert “enactment”

22 Page 16, line 31, at end insert –

“() References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.””

After Clause 11

23 Insert the following new Clause –

“Fire safety inspections

- (1) The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is amended as follows.
- (2) In article 2 (interpretation), in the definition of “fire inspector” –
 - (a) after “inspector”” insert “, in relation to Wales,”;

- (b) for “section 28” substitute “section 28(1)”.
- (3) In article 27 (powers of inspectors), after paragraph (4) insert –
- “(5) This article applies to a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England as it applies to an inspector; and article 32(2)(d) to (f), with the necessary modifications, applies accordingly.”
- (4) In article 28 (exercise on behalf of fire inspectors etc of their powers by officers of fire brigades) –
- (a) in paragraph (1) –
- (i) omit “, or any other person authorised by the Secretary of State under article 25(e),”;
- (ii) for “and (3)” substitute “to (4)”;
- (b) after paragraph (1) insert –
- “(1A) The powers conferred by article 27 on an authorised person (by virtue of paragraph (5) of that article) are also exercisable by an employee of a fire and rescue authority in England when authorised in writing by such an authorised person for the purpose of reporting to him or her on any matter falling within the authorised person’s functions under this Order; and articles 27(2) to (4) and 32(2)(d) to (f), with the necessary modifications, apply accordingly.”;
- (c) in paragraph (2), for “, or other person authorised by the Secretary of State,” substitute “or authorised person”;
- (d) after paragraph (2) insert –
- “(3) In this article, “authorised person” means a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England.””

After Clause 26

24 Insert the following new Clause –

“Inquiry into complaints alleging corrupt relationships between police and newspaper organisations

- (1) Within one month of the condition in subsection (3) being satisfied, the Prime Minister must commission an independent inquiry under the Inquiries Act 2005 into the operation of the police complaints system in respect of allegations of corrupt relationships between the police and newspaper organisations.
- (2) The inquiry’s terms of reference must include, but are not limited to –
- (a) how adequately police forces have investigated complaints about police officers in dealing with people working within, or connected to, newspaper organisations;
- (b) the thoroughness of any reviews by police forces into complaints of the type specified in paragraph (a);
- (c) in those cases where a complaint of the type referred to in paragraph (a) led to a criminal investigation, the conduct of prosecuting authorities in investigating the allegation;

- (d) whether and to what extent, if any, police officers took illegal payment to suppress investigations of complaints of relationships between police officers and people working within, or connected to, newspaper organisations;
 - (e) the implications of paragraphs (a) to (d) for the relationships between newspaper organisations and the police, prosecuting authorities, and relevant regulatory bodies, and recommend actions in that respect.
- (3) The condition in this subsection is that the Attorney-General determines that the inquiry, if conducted effectively and fairly, would not be likely to prejudice any ongoing relevant criminal investigations or court proceedings cases.
- (4) The Attorney-General must consider and reach a decision on the matter specified in subsection (3) within one month of this section coming into force, and if necessary must reconsider the matter each month until the Attorney-General is able to make a determination as set out in subsection (3).”

Clause 27

25 Page 40, leave out lines 9 to 19

26 Page 40, line 26, at end insert –

- “(3A) For the purposes of this Part, a person is a “whistle-blower” if –
- (a) the person is, or was at any time, under the direction and control of a chief officer of police,
 - (b) the person raises a concern that is about a police force or a person serving with the police,
 - (c) the matter to which the concern relates is not –
 - (i) about the conditions of service of persons serving with the police, or
 - (ii) a matter that is, or could be, the subject of a complaint by the person under Part 2, and
 - (d) at the time the Commission first becomes aware of the concern, the matter to which it relates is not –
 - (i) under investigation under the direction of the Commission in accordance with paragraph 18 of Schedule 3,
 - (ii) under investigation by the Commission in accordance with paragraph 19 of that Schedule,
 - (iii) being dealt with as a complaint under section 29A under regulations under section 29C (regulations about super-complaints), or
 - (iv) under investigation under this Part.”

27 Page 40, line 28, after “2)” insert “and to section 29FA (which deals with the position where the concern is a DSI matter for the purposes of that Part)”

28 Page 40, line 40, after “Part,” insert “except where otherwise provided,”

29 Page 41, line 35, at end insert—

“29FA Special provision for “DSI matters”

- (1) Before deciding whether to carry out an investigation under section 29D(2), the Commission must consider whether the concern is about a death or serious injury matter (“a DSI matter”) for the purposes of Part 2 (see section 12(2A)).
- (2) If the Commission determines that the concern is about a DSI matter for the purposes of Part 2—
 - (a) it may not carry out an investigation under section 29D(2), and
 - (b) it must notify the appropriate authority in relation to the DSI matter.
- (3) Where the appropriate authority in relation to the DSI matter is notified under subsection (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.
- (4) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to a DSI matter that, in accordance with subsection (3), is recorded under paragraph 14A of that Schedule but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.
- (5) In this section, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29).”

Clause 28

30 Page 45, line 42, leave out from beginning to end of line 10 on page 46 and insert—
“(c) condition A, B or C is satisfied in relation to the person.

- (3AA) Condition A is that the person ceases to be a member of a police force after the allegation first comes to the attention of a person mentioned in subsection (3A)(a).
- (3AB) Condition B is that the person had ceased to be a member of a police force before the allegation first came to the attention of a person mentioned in subsection (3A)(a) but the period between the person having ceased to be a member of a police force and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) does not exceed the period specified in regulations under this section.
- (3AC) Condition C is that—
 - (a) the person had ceased to be a member of a police force before the allegation first came to the attention of a person mentioned in subsection (3A)(a),
 - (b) the period between the person having ceased to be a member of a police force and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) exceeds the period specified for the purposes of condition B, and
 - (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a member of a police force.

- (3AD) Regulations made by virtue of subsection (3A) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Independent Police Complaints Commission determines that taking such proceedings would be reasonable and proportionate having regard to—
- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
 - (b) the impact of the allegation on public confidence in the police, and
 - (c) the public interest.
- (3AE) Regulations made by virtue of subsection (3A) may make provision about matters to be taken into account by the Independent Police Complaints Commission for the purposes of subsection (3AD)(a) to (c).”

31 Page 46, leave out line 15 and insert “result from a re-investigation of the allegation (whether carried out under regulations under this section or under the Police Reform Act 2002) that begins within the period specified in the regulations.
The period specified”

32 Page 46, leave out lines 30 to 40 and insert—

- “(c) condition A, B or C is satisfied in relation to the person.
- (2BA) Condition A is that the person ceases to be a special constable after the allegation first comes to the attention of a person mentioned in subsection (2B)(a).
- (2BB) Condition B is that the person had ceased to be a special constable before the allegation first came to the attention of a person mentioned in subsection (2B)(a) but the period between the person having ceased to be a special constable and the allegation first coming to the attention of a person mentioned in subsection (2B)(a) does not exceed the period specified in regulations under this section.
- (2BC) Condition C is that—
- (a) the person had ceased to be a special constable before the allegation first came to the attention of a person mentioned in subsection (2B)(a),
 - (b) the period between the person having ceased to be a special constable and the allegation first coming to the attention of a person mentioned in subsection (2B)(a) exceeds the period specified for the purposes of condition B, and
 - (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a special constable.

(2BD) Regulations made by virtue of subsection (2B) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Independent Police Complaints Commission determines that taking such proceedings would be reasonable and proportionate having regard to –

- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
- (b) the impact of the allegation on public confidence in the police, and
- (c) the public interest.

(2BE) Regulations made by virtue of subsection (2B) may make provision about matters to be taken into account by the Independent Police Complaints Commission for the purposes of subsection (2BD)(a) to (c).”

- 33 Page 46, leave out line 45 and insert “result from a re-investigation of the allegation (whether carried out under regulations under this section or under the Police Reform Act 2002) that begins within the period specified in the regulations.
The period specified”

Clause 29

- 34 Page 48, line 38, after “by” insert “or under”

Clause 30

- 35 Leave out Clause 30 and insert the following new Clause –

“Appeals to Police Appeals Tribunals

- (1) Schedule 6 to the Police Act 1996 (appeals to Police Appeals Tribunals) is amended as follows.
- (2) In paragraph 1 (appeal by a senior officer), in sub-paragraph (1), in the words before paragraph (a), for “Secretary of State” substitute “relevant person”.
- (3) In paragraph 2 (appeal by a member of a police force other than a senior officer or by a special constable), in sub-paragraph (1) –
 - (a) in the words before paragraph (a), for “relevant local policing body” substitute “relevant person”;
 - (b) omit paragraph (d);
 - (c) at the end insert –
 - “(e) one shall be a lay person.”
- (4) After paragraph 2 insert –
 - “2A (1) For the purposes of paragraphs 1 and 2, “the relevant person” means the person determined in accordance with rules made by the Secretary of State.
 - (2) Rules under sub-paragraph (1) may make –
 - (a) different provision for different cases and circumstances;

-
- (b) provision for the relevant person to be able to delegate the power to appoint the members of a tribunal.
- (3) A statutory instrument containing rules under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In paragraph 10 (interpretation) –
- (a) after paragraph (a) insert –
- “(aa) “lay person” means a person who is not, and has never been –
- (i) a member of a police force or a special constable,
 - (ii) 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 (see section 102(4) and (6) of that Act),
 - (iii) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London,
 - (iv) a police and crime commissioner,
 - (v) a member of staff of a police and crime commissioner, or of the Mayor’s Office for Policing and Crime, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(3) and (5) of that Act),
 - (vi) a constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8) (see section 99 of that Act),
 - (vii) a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,
 - (viii) a member of the British Transport Police Force or a special constable appointed under section 25 of the Railways and Transport Safety Act 2003,
 - (ix) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
 - (x) a member of the Ministry of Defence Police,
 - (xi) a person (other than a member of the Ministry of Defence Police) who is under the direction and control of the chief constable for the Ministry of Defence Police,

- (xii) a member of the Civil Nuclear Constabulary, or
 - (xiii) an employee of the Civil Nuclear Police Authority appointed under paragraph 6 of Schedule 10 to the Energy Act 2004;”
- (b) omit sub-paragraph (c).
- (6) In consequence of the other provision made by this section –
 - (a) in the Criminal Justice and Immigration Act 2008, in Part 1 of Schedule 22, omit paragraph 11(6)(b);
 - (b) in the Police Reform and Social Responsibility Act 2011, in Part 1 of Schedule 16, omit paragraph 47(2)(b).”

Clause 32

- 36 Page 51, line 32, after “the” insert “Independent”
- 37 Page 51, line 36, after “The” insert “Independent”
- 38 Page 51, line 41, after “the” insert “Independent”
- 39 Page 52, line 21, after “the” insert “Independent”

Clause 34

- 40 Page 54, line 34, at beginning insert “Independent”
- 41 Page 54, line 36, after second “the” insert “Independent”
- 42 Page 54, line 42, after second “the” insert “Independent”

Clause 35

- 43 Page 56, line 38, after “occupied” insert “(wholly or partly)”
- 44 Page 56, line 46, after “functions,” insert “or
 - (iv) any other person who is, by virtue of any enactment, carrying out any of the activities of a police force,”
- 45 Page 58, line 4, at end insert –
 - “() any other person who is, by virtue of any enactment, carrying out any of the activities of a police force.”

Clause 36

- 46 Page 60, line 25, at end insert –
 - “() any other persons if, or to the extent that, they are engaged by virtue of any enactment in carrying out the activities of the police force.””

Clause 40

47 Page 65, line 26, at end insert –

“() In Schedule 6 to the Police Act 1996 (appeals to Police Appeals Tribunals), in paragraph 10(aa) (as inserted by section (*Appeals to Police Appeals Tribunals*)), after paragraph (iii) insert –

“(iia) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002.”.

Clause 62

48 Page 75, line 24, after “(3)” insert “or (3A)”

49 Page 75, line 32, at end insert –

“(3A) This subsection applies where the custody officer believes that a decision as to whether to charge the person with the relevant offence would be made before the end of the applicable bail period in relation to the person.”

50 Page 75, line 33, after “(3)” insert “or (3A)”

Clause 67

51 Page 88, line 45, at end insert –

“() Where an offence under this section is committed by a person released without charge and on bail under Part 4 of the Police and Criminal Evidence Act 1984, the offence is to be treated as having been committed in England and Wales (whether or not the conduct constituting the offence took place there).

() Where an offence under this section is committed by a person released without charge and on bail under Part 5 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)), the offence is to be treated as having been committed in Northern Ireland (whether or not the conduct constituting the offence took place there).”

After Clause 75

52 Insert the following new Clause –

“PACE: duty to notify person interviewed that not to be prosecuted

After section 60A of the Police and Criminal Evidence Act 1984 insert –

“60B Notification of decision not to prosecute person interviewed

(1) This section applies where –

- (a) a person suspected of the commission of a criminal offence is interviewed by a police officer but is not arrested for the offence, and
- (b) the police officer in charge of investigating the offence determines that –
 - (i) there is not sufficient evidence to charge the person with an offence, or

- (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
- (2) A police officer must give the person notice in writing that the person is not to be prosecuted.
- (3) Subsection (2) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.
- (4) In this section “caution” includes –
 - (a) a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
 - (b) a youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;
 - (c) a youth caution under section 66ZA of that Act.”

Clause 82

- 53 Page 106, line 4, leave out paragraph (f) and insert –
“() a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or”

Clause 84

- 54 Page 106, line 42, leave out “or in Northern Ireland waters”
55 Page 107, line 15, leave out “or Northern Ireland”

Clause 85

- 56 Page 107, line 20, leave out “or Northern Ireland”

Clause 93

- 57 Page 111, line 29, at end insert –
““designated NCA officer” means a National Crime Agency officer who is either or both of the following –
 - (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable;
 - (b) an officer designated under that section as having the powers of a general customs official;”

- 58 Page 112, leave out lines 5 and 6

Clause 94

- 59 Page 113, line 26, leave out paragraph (d) and insert –
“() a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or”

Clause 96

- 60 Page 114, line 26, leave out “or in Northern Ireland waters”
 61 Page 114, line 43, leave out “or Northern Ireland”

Clause 97

- 62 Page 115, line 5, leave out “or Northern Ireland”

Clause 104

- 63 Page 118, line 23, at end insert –
 ““designated NCA officer” means a National Crime Agency officer who is either or both of the following –
 (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable who is entitled to exercise the powers and privileges of a Scottish constable (see paragraph 11(3) to (5) of Schedule 5 to that Act);
 (b) an officer designated under that section as having the powers of a general customs official;”
- 64 Page 118, leave out lines 42 and 43

After Clause 104

- 65 Insert the following new Clause –

“CHAPTER 6A**MARITIME ENFORCEMENT: NORTHERN IRISH OFFENCES****Application of maritime enforcement powers: general**

- (1) A law enforcement officer may, for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland, exercise any of the maritime enforcement powers in relation to –
 (a) a United Kingdom ship in Northern Ireland waters,
 (b) a ship without nationality in Northern Ireland waters,
 (c) a foreign ship in Northern Ireland waters, or
 (d) a ship, registered under the law of a relevant territory, in Northern Ireland waters.
- (2) In this Chapter, “the maritime enforcement powers” are the powers set out in –
 (a) section (*Power to stop, board, divert and detain*) (power to stop, board, divert and detain);
 (b) section (*Power to search and obtain information*) (power to search and obtain information);
 (c) section (*Power of arrest and seizure*) (power of arrest and seizure).

- (3) The following persons are “law enforcement officers” for the purpose of this Chapter –
- (a) a constable who is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,
 - (b) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847,
 - (c) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act),
 - (d) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or
 - (e) a person of a description specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(e) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (3)(e) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under subsection (3)(e) may not make devolved provision except with the consent of the Department of Justice in Northern Ireland.
- (7) For the purposes of subsection (6), regulations under subsection (3)(e) make devolved provision if and to the extent that –
- (a) the effect of the regulations is to confer functions under this Chapter on a person of a description specified in the regulations,
 - (b) it would be within the legislative competence of the Northern Ireland Assembly to confer those functions on persons of that description in an Act of the Northern Ireland Assembly, and
 - (c) the consent of the Secretary of State would not be required under section 8 of the Northern Ireland Act 1998 in relation to a Bill conferring such functions.
- (8) This section is subject to section (*Restriction on exercise of maritime enforcement powers*) (which makes provision about when the authority of the Secretary of State is required before the maritime enforcement powers are exercised in reliance on this section).”

66

Insert the following new Clause –

“Restriction on exercise of maritime enforcement powers

- (1) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section (*Application of maritime enforcement powers: general*)(1), in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Northern Ireland.
- (2) The Secretary of State may give authority under subsection (1) in relation to a foreign ship only if –
- (a) the home state has requested the assistance of the United Kingdom for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland,

- (b) the home state has authorised the United Kingdom to act for that purpose, or
- (c) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) otherwise permits the exercise of the powers in relation to the ship.”

67 Insert the following new Clause –

“Power to stop, board, divert and detain

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that –
 - (a) an offence under the law of Northern Ireland is being, or has been, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers: general*), or
 - (b) a ship in relation to which those powers are so exercisable is otherwise being used in connection with the commission of an offence under that law.
- (2) The law enforcement officer may –
 - (a) stop the ship;
 - (b) board the ship;
 - (c) require the ship to be taken to a port in Northern Ireland.
- (3) The law enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of subsection (2)(c).
- (4) A law enforcement officer must give notice in writing to the master of any ship detained under this section.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a law enforcement officer.”

68 Insert the following new Clause –

“Power to search and obtain information

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that there is evidence relating to an offence under the law of Northern Ireland (other than items subject to legal privilege) on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers: general*).
- (2) The law enforcement officer may search –
 - (a) the ship;
 - (b) anyone found on the ship;
 - (c) anything found on the ship (including cargo).
- (3) The law enforcement officer may require a person found on the ship to give information about himself or herself.
- (4) The power to search conferred by subsection (2) is a power to search only to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in subsection (1).

- (5) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (6) In exercising a power conferred by subsection (2) or (3), a law enforcement officer may (amongst other things) –
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it, other than anything that the law enforcement officer has reasonable grounds to believe to be an item subject to legal privilege;
 - (c) make photographs or copies of anything the production of which the law enforcement officer has power to require.
- (7) The power in subsection (6)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (8) The power of a law enforcement officer under subsection (2)(b) or (c) or (3) may be exercised on the ship or elsewhere.”

69 Insert the following new Clause –

“Power of arrest and seizure

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

70 Insert the following new Clause –

“Maritime enforcement powers: supplementary: protective searches

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

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

71 Insert the following new Clause –

“Maritime enforcement powers: other supplementary provision

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

72 Insert the following new Clause –

“Maritime enforcement powers: offences

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

73 Insert the following new Clause –

“Interpretation

(1) In this Chapter –

“designated NCA officer” means a National Crime Agency officer who is either or both of the following –

- (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable who is entitled to exercise the powers and privileges of a Northern Ireland constable (see paragraph 11(6) of Schedule 5 to that Act);
- (b) an officer designated under that section as having the powers of a general customs official;

“foreign ship” means a ship which –

- (a) is registered in a State other than the United Kingdom, or
- (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;

“home state”, in relation to a foreign ship, means –

- (a) the State in which the ship is registered, or
- (b) the State whose flag the ship is otherwise entitled to fly;

“items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (see article 12 of that Order);

“law enforcement officer” has the meaning given by section *(Application of maritime enforcement powers: general)*(3);

“maritime enforcement powers” has the meaning given by section *(Application of maritime enforcement powers: general)*(2);

“Northern Ireland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Northern Ireland;

“relevant territory” means –

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) a British overseas territory;

“ship” includes every description of vessel (including a hovercraft) used in navigation;

“ship without nationality” means a ship which –

- (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant territory, or
- (b) sails under the flags of two or more States or relevant territories, or under the flags of a State and relevant territory, using them according to convenience;

“United Kingdom ship” means a ship which –

- (a) is registered under Part 2 of the Merchant Shipping Act 1995,
- (b) is a Government ship within the meaning of that Act,
- (c) is not registered in any State or relevant territory but is wholly owned by persons each of whom has a United Kingdom connection, or
- (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.

- (2) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (1), a person has a “United Kingdom connection” if the person is –
- (a) a British citizen, a British overseas territories citizen or a British Overseas citizen,
 - (b) an individual who is habitually resident in the United Kingdom, or
 - (c) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.
- (3) References in this Chapter to the United Nations Convention on the Law of the Sea include references to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.”

Clause 105

- 74 Page 120, line 37, leave out from “Scotland” to end of line 38
- 75 Page 121, line 14, leave out from “offence” to “section” in line 15 and insert “has the meaning given by”
- 76 Page 121, line 16, at end insert –
- “(A1) In section 137A, “specified offence” has the meaning given by this section.
 - (A2) An offence committed in England and Wales is a specified offence if it is –
 - (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
 - (b) an offence specified in Part 1 of Schedule 7A,
 - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
 - (d) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).
 - (A3) An offence committed in Scotland is a specified offence if it is –
 - (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
 - (b) an offence specified in Part 2 of Schedule 7A, or
 - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b).

- (A4) An offence committed in Northern Ireland is a specified offence if it is –
- (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
 - (b) an offence specified in Part 3 of Schedule 7A,
 - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
 - (d) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b)."

77 Page 121, line 18, leave out from “instrument” to end of line 19 and insert “amend Part 1, 2 or 3 of Schedule 7A so as to add an offence to, or remove an offence from, the offences for the time being specified in the Part.”

78 Page 121, line 20, leave out from beginning to “only” and insert “Regulations under subsection (1) may add an offence to a Part of Schedule 7A”

79 Page 121, line 24, leave out “specify it for the purposes of section 137A” and insert “add the offence to the Part”

80 Page 121, line 37, at end insert –

“(6) In this section –

- (a) a description of an offence in subsection (A2)(a) or (b) or (A4)(a) or (b) includes such an offence committed by aiding, abetting, counselling or procuring;
- (b) a description of an offence in subsection (A3)(a) or (b) includes such an offence committed by involvement art and part or by aiding, abetting, counselling or procuring;
- (c) “statutory provision” means any provision of –
 - (i) an Act or subordinate legislation within the meaning of the Interpretation Act 1978;
 - (ii) an Act of the Scottish Parliament or an instrument made under such an Act;
 - (iii) a Measure or Act of the National Assembly for Wales or an instrument made under such a Measure or Act;
 - (iv) Northern Ireland legislation or an instrument made under Northern Ireland legislation.”

81 Page 123, line 2, at end insert –

“(9) In subsection (8), in the definition of “investigating force”, the reference to a police force includes a reference to –

- (a) the National Crime Agency;
- (b) any of the following (to the extent that their functions relate to the investigation of offences) –
 - (i) officers of Revenue and Customs;
 - (ii) immigration officers;
 - (iii) designated customs officials within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act).

- (10) In the application of this section in a case where the investigating force is a police force mentioned in subsection (9)(a) or (b) –
- (a) the reference to a constable in subsections (4)(b) and (5)(b), and the reference to a constable in the investigating force in subsection (7)(a), is to be read as a reference to a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 (“a designated NCA officer”), an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be);
 - (b) any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.”
- 82 Page 123, line 12, leave out “regulations under subsection (5)” and insert “the modifications made by Part 1 of Schedule 7B”
- 83 Page 123, line 17, at end insert –
- “() section 31 of the Children and Young Persons Act 1933 (separation of children and young persons from adults in police stations, courts etc);”
- 84 Page 123, line 22, leave out “regulations under subsection (5)” and insert “the modifications made by Part 2 of Schedule 7B”
- 85 Page 123, line 26, at end insert –
- “() section 51 of that Act (duty to consider child’s well-being);
() section 52 of that Act (duties in relation to children in custody).”
- 86 Page 123, line 29, leave out “regulations under subsection (5)” and insert “the modifications made by Part 3 of Schedule 7B”
- 87 Page 123, line 35, at end insert –
- “() Article 9 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I.9)) (separation of child in police detention from adults charged with offences);”
- 88 Page 123, line 40, leave out from “instrument” to end of line 47 and insert –
- (a) amend this section so as to add to the provisions that for the time being apply as mentioned in subsection (2), (3) or (4),
 - (b) amend this section so as to remove any of those provisions that were added by virtue of paragraph (a),
 - (c) amend Schedule 7B so as to alter the modifications for the time being made by that Schedule, including by adding a modification or removing one;
 - (d) amend Schedule 7B so as to provide that any of the provisions that for the time being apply as mentioned in subsection (2), (3) or (4) do not apply in cases or circumstances set out in the Schedule.

- (5A) Regulations under subsection (5) may include consequential provision, including provision amending any statutory provision; and, for that purpose, statutory provision has the same meaning as in section 137B (see subsection (6)(c) of that section).”

89 Page 123, line 47, at end insert –

- “() The Secretary of State may not make regulations under subsection (5) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.”

90 Page 124, line 3, at end insert –

- “() In the application of Schedule 7B in a case where the investigating force is a police force mentioned in section 137C(9)(a) or (b), any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.””

91 Page 124, leave out lines 4 to 9

92 Page 124, line 9, at end insert –

- “(2) After Schedule 7 to that Act insert, as Schedule 7A to that Act, the Schedule set out in Schedule 14A to this Act.
- (3) After Schedule 7A to that Act (as inserted by subsection (2) above) insert, as Schedule 7B to that Act, the Schedule set out in Schedule 14B to this Act.”

After Clause 106

93 Insert the following new Clause –

“Cross-border enforcement: officers of Revenue and Customs

In section 87 of the Finance Act 2007 (cross-border exercise of powers: officers of Revenue and Customs), in subsection (4) for “only in the exercise of a function relating to tax (including duties and tax credits)” substitute “in the exercise of any function of the Commissioners for Her Majesty’s Revenue and Customs or of officers of Revenue and Customs, within the meaning of the Commissioners for Revenue and Customs Act 2005 (see section 51(2) to (2B) of that Act)”.

After Clause 107

94 Insert the following new Clause –

“Powers to require removal of disguises: oral authorisation

In section 60AA of the Criminal Justice and Public Order Act 1994 (powers to require removal of disguises), for subsection (6) substitute –

- “(6) Subject to subsection (6A), an authorisation under subsection (3) –
- (a) shall be in writing and signed by the officer giving it; and
 - (b) shall specify –
 - (i) the grounds on which it is given;

- (ii) the locality in which the powers conferred by this section are exercisable; and
 - (iii) the period during which those powers are exercisable.
- (6A) An authorisation under subsection (3) need not be given in writing where it is not practicable to do so but any oral authorisation –
- (a) must state the matters which would otherwise have to be specified under subsection (6), and
 - (b) must be recorded in writing as soon as it is practicable to do so.
- (6B) A direction under subsection (4) shall be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.”

After Clause 109

95 Insert the following new Clause –

“Deputy Mayor for Policing and Crime as member of local authority

- (1) Section 1 of the Local Government and Housing Act 1989 (disqualification and political restriction of certain local authority officers and staff) is amended as follows.
- (2) In subsection (9) (references to a person holding a politically restricted post under a local authority include every member of the staff of an elected local policing body) omit “, except for a deputy police and crime commissioner”.
- (3) After that subsection insert –
 - “(10) The reference in subsection (9) to every member of the staff of an elected local policing body does not include a deputy police and crime commissioner.
 - (11) For the purposes of subsection (1) only, the reference in subsection (9) to every member of the staff of an elected local policing body does not include the Deputy Mayor for Policing and Crime appointed under section 19(1)(a) of the Police Reform and Social Responsibility Act 2011.”

After Clause 110

96 Insert the following new Clause –

“Police and crime commissioners: parity of funding at inquests

- (1) Where the police force for which a police and crime commissioner is responsible is an interested person for the purposes of an inquest into –
 - (a) the death of a member of an individual family, or
 - (b) the deaths of members of a group of families,
 under the Coroners and Justice Act 2009, the commissioner has the duties set out in this section.
- (2) The police and crime commissioner must make recommendations to the Secretary of State as to whether the individual 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 for financial support under subsection (2), then the Secretary of State must provide financial assistance to the individual family or group of families to ensure parity of funding between the individual family or the group of families and the other party to the inquest.
- (4) The individual family or group of families may use funding authorised under this section solely for the purpose of funding legal representation at the inquest.
- (5) In this section, “interested person” has the same meaning as in section 47 of the Coroners and Justice Act 2009.”

Clause 111

- 97 Page 128, line 11, leave out from “description” to end of line 13 and insert “which –
- (a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and
 - (b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level.”
- 98 Page 128, line 15, at end insert –
“() is spherical, and”
- 99 Page 128, line 16, leave out “6” and insert “8”
- 100 Page 128, line 18, leave out from “which” to “successively” in line 19 and insert “is capable of discharging two or more missiles”

Clause 112

- 101 Page 128, line 40, leave out from beginning to end of line 2 on page 129 and insert –
- “(a) either the conditions in subsection (2AA) are met or the condition in subsection (2AB) is met, and
 - (b) if an additional condition is specified in regulations under subsection (2AC), that condition is also met.
- (2AA) The conditions in this subsection are that –
- (a) the firearm’s chamber or, if the firearm has more than one chamber, each of its chambers is either –
 - (i) a chamber that the firearm had when it was manufactured, or
 - (ii) a replacement for such a chamber that is identical to it in all material respects;
 - (b) the firearm’s chamber or (as the case may be) each of the firearm’s chambers is designed for use with a cartridge of a description specified in regulations made by statutory instrument by the Secretary of State (whether or not it is also capable of being used with other cartridges).
- (2AB) The condition in this subsection is that the firearm’s propulsion system is of a description specified in regulations made by statutory instrument by the Secretary of State.

(2AC) The Secretary of State may by regulations made by statutory instrument specify either of the following conditions for the purposes of subsection (2A)(b) –

- (a) a condition that a number of years specified in the regulations has elapsed since the date on which the firearm was manufactured;
- (b) a condition that the firearm was manufactured before a date specified in the regulations.

(2AD) In its application to Scotland, subsection (2AB) does not apply in relation to a firearm that is an air weapon.”

- 102 Page 129, line 3, leave out “(2A)” and insert “(2AA), (2AB) or (2AC)”
- 103 Page 129, line 6, leave out “(2A)” and insert “(2AA), (2AB) or (2AC)”
- 104 Page 129, line 9, leave out “(2A)” and insert “(2AA) or (2AB)”
- 105 Page 129, line 12, leave out “ignition” and insert “propulsion”
- 106 Page 129, line 20, leave out “58(2A)” and insert “58(2AA), (2AB) or (2AC)”

Clause 114

- 107 Page 131, leave out line 6 and insert “technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.

(4A) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).

(4B) The technical specifications document may set out different technical specifications for different kinds of weapon.

(4C) The Secretary of State –

- (a) may from time to time revise the technical specifications document, and
- (b) where it is revised –
 - (i) must publish the document as revised, and
 - (ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.”

- 108 Page 131, leave out lines 7 to 11

- 109 Page 131, line 11, at end insert –

“() In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.”

- 110 Page 131, line 13, at end insert –

“() In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.”

After Clause 114

111 Insert the following new Clause –

“Controls on ammunition which expands on impact

- (1) The Firearms Act 1968 is amended in accordance with subsections (2) and (3).
- (2) In section 5 (weapons subject to general prohibition), in subsection (1A), for paragraph (f) substitute –
 - “(f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;”.
- (3) In section 5A (exemptions from requirement of authority under section 5), in subsection (8)(a), after “which”, in the first place it occurs, insert “is designed to be used with a pistol and”.
- (4) In consequence of the amendment made by subsection (2), omit section 9 of the Firearms (Amendment) Act 1997.”

112 Insert the following new Clause –

“Authorised lending and possession of firearms for hunting etc

- (1) After section 11 of the Firearms Act 1968 insert –

“11A Authorised lending and possession of firearms for hunting etc

- (1) A person (“the borrower”) may, without holding a certificate under this Act, borrow a rifle or shot gun from another person on private premises (“the lender”) and have the rifle or shot gun in his or her possession on those premises if –
 - (a) the four conditions set out in subsections (2) to (5) are met, and
 - (b) in the case of a rifle, the borrower is aged 17 or over.
- (2) The first condition is that the borrowing and possession of the rifle or shot gun are for either or both of the following purposes –
 - (a) hunting animals or shooting game or vermin;
 - (b) shooting at artificial targets.
- (3) The second condition is that the lender –
 - (a) is aged 18 or over,
 - (b) holds a certificate under this Act in respect of the rifle or shot gun, and
 - (c) is either –
 - (i) a person who has a right to allow others to enter the premises for the purposes of hunting animals or shooting game or vermin, or
 - (ii) a person who is authorised in writing by a person mentioned in sub-paragraph (i) to lend the rifle or shot gun on the premises (whether generally or to persons specified in the authorisation who include the borrower).

- (4) The third condition is that the borrower's possession and use of the rifle or shot gun complies with any conditions as to those matters specified in the lender's certificate under this Act.
- (5) The fourth condition is that, during the period for which the rifle or shot gun is borrowed, the borrower is in the presence of the lender or –
 - (a) where a rifle is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that rifle and is a person described in subsection (3)(c)(i) or (ii);
 - (b) where a shot gun is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that shot gun or another shot gun and is a person described in subsection (3)(c)(i) or (ii).
- (6) Where a rifle is borrowed on any premises in reliance on subsection (1), the borrower may, without holding a firearm certificate, purchase or acquire ammunition on the premises, and have the ammunition in his or her possession on those premises for the period for which the firearm is borrowed, if –
 - (a) the ammunition is for use with the firearm,
 - (b) the lender's firearm certificate authorises the lender to have in his or her possession during that period ammunition of a quantity not less than that purchased or acquired by, and in the possession of, the borrower, and
 - (c) the borrower's possession and use of the ammunition complies with any conditions as to those matters specified in the certificate.”
- (2) In consequence of the amendment made by subsection (1), omit the following –
 - (a) section 11(5) of the Firearms Act 1968;
 - (b) section 16 of the Firearms (Amendment) Act 1988.”

113

Insert the following new Clause –

“Limited extension of firearm certificates etc

- (1) After section 28A of the Firearms Act 1968 (certificates: supplementary) insert –

“28B Certificates: limited extension

- (1) This section applies where –
 - (a) an application is made for the renewal of a certificate on or before the day which falls 8 weeks before the day at the end of which the certificate is due to expire, but
 - (b) the chief officer of police does not determine whether or not to grant the application before the certificate is due to expire.
- (2) The certificate continues in force by virtue of this subsection until whichever of the following events occurs first –
 - (a) the chief officer determines whether or not to grant the application;
 - (b) the extension period ends.

- (3) In subsection (2), “the extension period” means the period of 8 weeks beginning with the day after the day at the end of which the certificate was due to expire.
 - (4) If the event mentioned in subsection (2)(a) occurs first, and the chief officer grants the application, any period for which the certificate continued in force under subsection (2) is to be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force.
 - (5) This section does not apply in relation to the renewal of a certificate granted or last renewed in Northern Ireland.”
- (2) In consequence of the amendment made by subsection (1), in section 28A of that Act (certificates: supplementary), after subsection (1) insert—
- “(1A) Subsection (1) is subject to the provision made by section 28B for circumstances in which a certificate may continue in force after the period of five years from the date when it was granted or last renewed.””

After Clause 116

114 Insert the following new Clause—

“Possession of pyrotechnic articles at musical events

- (1) It is an offence for a person to have a pyrotechnic article in his or her possession at any time when the person is—
 - (a) at a place where a qualifying musical event is being held, or
 - (b) at any other place that is being used by a person responsible for the organisation of a qualifying musical event for the purpose of—
 - (i) regulating entry to, or departure from, the event, or
 - (ii) providing sleeping or other facilities for those attending the event.
- (2) Subsection (1) does not apply—
 - (a) to a person who is responsible for the organisation of the event, or
 - (b) to a person who has the article in his or her possession with the consent of a person responsible for the organisation of the event.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks (or, in relation to offences committed before section 281(5) of the Criminal Justice Act 2003 comes into force, 3 months), or to a fine not exceeding level 3 on the standard scale, or to both.
- (4) In this section, “pyrotechnic article” means an article that contains explosive substances, or an explosive mixture of substances, designed to produce heat, light, sound, gas or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions, other than—
 - (a) a match, or
 - (b) an article specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.

- (5) In this section, “qualifying musical event” means an event at which one or more live musical performances take place and which is specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 119

- 115 Page 134, line 34, at end insert –
“and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.”

Clause 120

- 116 Page 136, leave out lines 23 to 29

After Clause 122

- 117 Insert the following new Clause –

“Cumulative impact assessments

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 5 (statement of licensing policy), after subsection (6C) insert –
“(6D) In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A.
(6E) A licensing statement must –
(a) summarise any cumulative impact assessments published by the licensing authority under section 5A, and
(b) explain how the licensing authority has discharged its duty under subsection (6D).”
- (3) After section 5 of the Licensing Act 2003 (statement of licensing policy) insert –

“5A Cumulative impact assessments

- (1) A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
- (2) A cumulative impact assessment must set out the evidence for the authority’s opinion as set out in the assessment in accordance with subsection (1).
- (3) For the purposes of this section, “relevant authorisations” means –
(a) premises licences;
(b) club premises certificates.

- (4) A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.
- (5) Before publishing a cumulative impact assessment, the licensing authority must consult the persons mentioned in section 5(3).
- (6) For the purposes of the consultation, the licensing authority must provide the persons mentioned in section 5(3) with the following information –
 - (a) the reasons why it is considering publishing a cumulative impact assessment;
 - (b) a general indication of the part or parts of its area which it is considering describing in the assessment;
 - (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- (7) Where a licensing authority publishes a cumulative impact assessment, it must, before the end of each relevant period, consider whether it remains of the opinion stated in the assessment.
- (8) Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- (9) If the licensing authority is no longer of that opinion –
 - (a) it must publish a statement to that effect, and
 - (b) the duties in section 5(6D) and (6E) and subsection (7) of this section cease to apply in relation to the assessment.
- (10) If the licensing authority remains of that opinion, it must revise the cumulative impact assessment so that it –
 - (a) includes a statement to that effect, and
 - (b) sets out the evidence as to why the authority remains of that opinion.
- (11) A licensing authority must publish any revision of a cumulative impact assessment.
- (12) In subsection (7), “relevant period” means the period of three years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment.””

118

Insert the following new Clause –

“Late night levy requirements

- (1) Section 125 of the Police Reform and Social Responsibility Act 2011 (late night levy requirement) is amended as follows.
- (2) For subsections (1) and (2) substitute –
 - “(1) In this Chapter, “a late night levy requirement” means a requirement to pay a late night levy in accordance with this Chapter.

- (2) A licensing authority may decide that a late night levy requirement is to apply in its area or in a part of its area in respect of –
- (a) relevant late night alcohol authorisations relating to premises in the area or the part, or
 - (b) relevant late night alcohol authorisations and relevant late night refreshment authorisations relating to premises in the area or the part.
- (2A) Accordingly, references in this Chapter to a late night authorisation to which a late night levy requirement relates are references to any relevant late night alcohol authorisation or relevant late night refreshment authorisation in respect of which the late night levy requirement applies.
- (2B) A licensing authority may decide under subsection (2) that different late night levy requirements are to apply in different parts of its area.”
- (3) In subsection (3)(a), after “supply of alcohol” insert “or late night refreshment”.
- (4) Omit subsection (4).
- (5) Schedule (*Late night levy requirements*) makes further amendments of Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy).”

Clause 127

119 Page 143, line 37, at end insert –

- “(5A) If on a review under subsection (4) the Minister decides to uphold the Treasury’s decision to impose the penalty and its amount, or to uphold the Treasury’s decision to impose the penalty but to substitute a different amount, the person may appeal (on any ground) to the Upper Tribunal.
- (5B) On an appeal under subsection (5A), the Upper Tribunal may quash the Minister’s decision and if it does so may –
- (a) quash the Treasury’s decision to impose the penalty;
 - (b) uphold that decision but substitute a different amount for the amount determined by the Treasury (or, in a case where the Minister substituted a different amount, by the Minister).”

Clause 136

120 Page 150, line 6, leave out “any of the Channel Islands” and insert “the Bailiwick of Guernsey”

121 Page 150, line 12, leave out “any of the Channel Islands” and insert “the Bailiwick of Guernsey”

Clause 140

122 Page 154, line 16, leave out from second “individual” to end of line 17 and insert “, one or more documents that enable the individual’s nationality or citizenship to be established;”

After Clause 140

123 Insert the following new Clause –

“Pilot schemes

- (1) The Secretary of State may by regulations made by statutory instrument provide for any provision of sections 139 and 140 to come into force for a period of time to be specified in or under the regulations for the purpose of assessing the effectiveness of the provision.
- (2) Regulations under subsection (1) may make different provision for different purposes or different areas.
- (3) More than one set of regulations may be made under subsection (1).
- (4) Provision included in regulations under subsection (1) does not affect the provision that may be included in relation to sections 139 and 140 in regulations under section 150 (commencement).”

After Clause 142

124 Insert the following new Clause –

“Posthumous pardons for convictions etc of certain abolished offences: England and Wales

- (1) A person who has been convicted of, or cautioned for, an offence specified in subsection (3) and who has died before this section comes into force is pardoned for the offence if two conditions are met.
- (2) Those conditions are that –
 - (a) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and
 - (b) any such conduct at the time this section comes into force would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory).
- (3) The offences to which subsection (1) applies are –
 - (a) an offence under section 12 of the Sexual Offences Act 1956 (buggery) or under section 13 of that Act (gross indecency between men);
 - (b) an offence under any of the following provisions (which made provision similar to section 12 of the Sexual Offences Act 1956) –
 - (i) 25 Hen. 8 c. 6 (1533) (an Act for the punishment of the vice of buggery);
 - (ii) 2 & 3 Edw. 6 c. 29 (1548) (an Act against sodomy);
 - (iii) 5 Eliz. 1 c. 17 (1562) (an Act for the punishment of the vice of buggery);
 - (iv) section 15 of 9 Geo. 4 c. 31 (1828) (an Act for consolidating and amending the law relating to offences against the person);
 - (v) section 61 of the Offences against the Person Act 1861;
 - (c) an offence under section 11 of the Criminal Law Amendment Act 1885 (which made provision similar to section 13 of the Sexual Offences Act 1956).

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- (4) The list of offences in subsection (3) is to be read as if it also included the corresponding service offences and, for that purpose, the corresponding service offences are—
- (a) an offence under an enactment set out in subsection (5) which is such an offence by virtue of any of the enactments mentioned in subsection (3);
 - (b) an offence under section 32 of 13 Chas. 2 c. 9 (1661) (An Act for the regulation and better government of the navy);
 - (c) an offence under section 29 of 22 Geo. 2 c. 33 (1749) (An Act for amending and consolidating the laws relating to the navy);
 - (d) an offence of sodomy mentioned in, and punishable under, section 38 of the Naval Discipline Act 1860, section 38 of the Naval Discipline Act 1861, section 41 of the Naval Discipline Act 1864 or section 45 of the Naval Discipline Act 1866.
- (5) The enactments referred to in subsection (4)(a) are—
- (a) section 45 of the Naval Discipline Act 1866;
 - (b) section 41 of the Army Act 1881;
 - (c) section 41 of the Air Force Act 1917;
 - (d) section 70 of the Army Act 1955;
 - (e) section 70 of the Air Force Act 1955;
 - (f) section 42 of the Naval Discipline Act 1957.
- (6) The reference in subsection (2)(b) to an offence under section 71 of the Sexual Offences Act 2003 is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 which is such an offence by virtue of section 71 of that Act of 2003.
- (7) Subject to subsection (8), the following provisions of section 101 of the Protection of Freedoms Act 2012 apply for the purposes of this section and section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) (so far as relating to this section) as they apply for the purposes of Chapter 4 of Part 5 of that Act—
- (a) in subsection (1), the definitions of “caution”, “conviction”, and “sentence” (and the related definition of “service disciplinary proceedings”);
 - (b) subsections (2) and (5) to (9).
- (8) The definition of “service disciplinary proceedings” in section 101(1) of the 2012 Act applies in accordance with subsection (7) with the modification that it also includes any proceedings (whether in England and Wales or elsewhere) under—
- (a) 13 Chas. 2 c. 9 (1661) (An Act for the regulation and better government of the navy),
 - (b) 22 Geo. 2 c. 33 (1749) (An Act for amending and consolidating the laws relating to the navy), or
 - (c) the Naval Discipline Act 1860, the Naval Discipline Act 1861 or the Naval Discipline Act 1864.
- (9) Except in relation to service disciplinary proceedings, this section applies only in relation to persons convicted or cautioned in England and Wales.”

125 Insert the following new Clause –

“Other pardons for convictions etc of certain abolished offences: England and Wales

- (1) This section applies to a person who has been convicted of, or cautioned for, an offence mentioned in section 92(1) of the Protection of Freedoms Act 2012 and who is living at the time this section comes into force.
- (2) If, at the time this section comes into force, the person’s conviction or caution has become a disregarded conviction or caution under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, the person is pardoned for the offence.
- (3) If, at any time after this section comes into force, the person’s conviction or caution becomes a disregarded conviction or caution under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, the person is also pardoned for the offence at that time.
- (4) Expressions used in this section or section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) (so far as relating to this section) and in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in this section or (as the case may be) section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) as in that Chapter (see section 101 of that Act).”

126 Insert the following new Clause –

“Power to provide for disregards and pardons for additional abolished offences: England and Wales

- (1) The Secretary of State may by regulations made by statutory instrument amend section 92 of the Protection of Freedoms Act 2012 (power of Secretary of State to disregard convictions or cautions) so as to add further offences to the list of offences specified in subsection (1) of that section.
- (2) An offence may be added to that list only if –
 - (a) it was an offence under the law of England and Wales,
 - (b) it has been repealed or, in the case of an offence at common law, abolished, and
 - (c) either –
 - (i) the offence expressly regulated homosexual activity, or
 - (ii) although the offence did not expressly regulate homosexual activity, it appears to the Secretary of State that those responsible for investigating occurrences of the offence targeted occurrences involving, or connected with, homosexual activity.
- (3) Regulations under subsection (1) adding an offence may also amend section 92 so as to provide that, in relation to the offence, condition A is that it appears to the Secretary of State that matters specified in the amendment apply (in substitution for the matters specified in subsection (3)(a) and (b) of that section).
- (4) Regulations under subsection (1) may make consequential amendments of Chapter 4 of Part 5 of the 2012 Act.

- (5) Regulations under subsection (1) adding an offence must also provide for any person who has been convicted of, or cautioned for, the offence to be pardoned where –
 - (a) the person has died before the regulations come into force or the person dies during the period of 6 months beginning with the day on which they come into force, and
 - (b) the conditions specified in the regulations are met.
- (6) Those conditions must correspond to the matters that are specified in condition A in section 92 of the 2012 Act as it applies in relation to the offence (that is, the matters which must appear to the Secretary of State to apply in order for condition A to be met).
- (7) Subsection (5)(a) does not apply in relation to a person who dies during the period of 6 months if, before the person’s death, the person’s conviction of, or caution for, the offence becomes a disregarded conviction or caution under Chapter 4 of Part 5 of the 2012 Act (and, accordingly, the person is pardoned for the offence before death under section *(Other pardons for convictions etc of certain abolished offences: England and Wales)*(3) of this Act).
- (8) The regulations must make provision which has a comparable effect in relation to the pardons provided for by the regulations and the offences to which those pardons relate as section *(Posthumous pardons for convictions etc of certain abolished offences: England and Wales)*(4) to (9) of this Act has in relation to the pardons provided for by section *(Posthumous pardons for convictions etc of certain abolished offences: England and Wales)*(1) to (3) and the offences to which they relate.
- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section, “caution”, “conviction”, “disregarded caution” and “disregarded conviction” have the same meaning as in Chapter 4 of Part 5 of the 2012 Act (see section 101 of that Act).”

127

Insert the following new Clause –

“Sections *(Posthumous pardons for convictions etc of certain abolished offences: England and Wales)* to *(Power to provide for disregards and pardons for additional abolished offences: England and Wales)*: supplementary

- (1) A pardon under section *(Posthumous pardons for convictions etc of certain abolished offences)* or *(Other pardons for convictions etc of certain abolished offences)* , or under regulations under section *(Power to provide for disregards and pardons for additional abolished offences: England and Wales)*, does not –
 - (a) affect any conviction, caution or sentence, or
 - (b) give rise to any right, entitlement or liability.
- (2) Nothing in this section or in section sections *(Posthumous pardons for convictions etc of certain abolished offences)* to *(Power to provide for disregards and pardons for additional abolished offences: England and Wales)* or regulations under section *(Power to provide for disregards and pardons for additional abolished offences: England and Wales)* affects the prerogative of mercy.”

128 Insert the following new Clause—

“Disregarding certain convictions etc for abolished offences: Northern Ireland

- (1) After Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 (disregarding certain convictions for buggery etc) insert—

“CHAPTER 5

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC: NORTHERN IRELAND

General

101A Power of Department of Justice to disregard certain convictions or cautions

- (1) A person who has in Northern Ireland been convicted of, or cautioned for, an offence under—
- (a) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery),
 - (b) Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (procuring others to commit homosexual acts),
 - (c) section 61 of the Offences against the Person Act 1861 (buggery), or
 - (d) section 11 of the Criminal Law Amendment Act 1885 (indecent acts between men),
- may apply to the Department of Justice in Northern Ireland for the conviction or caution to become a disregarded conviction or caution.
- (2) A conviction or caution becomes a disregarded conviction or caution when conditions A and B are met.
- (3) In relation to an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982, Condition A is that the Department of Justice in Northern Ireland decides that it appears that—
- (a) the conduct procured was conduct involving persons who consented to it and were aged 17 or over (whether or not that conduct occurred), and
 - (b) the conduct procured would not now be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (sexual activity in a public lavatory).
- (4) In relation to any other offence mentioned in subsection (1), Condition A is that the Department of Justice in Northern Ireland decides that it appears that—
- (a) the other person involved in the conduct constituting the offence consented to it and was aged 17 or over, and
 - (b) any such conduct now would not be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)).

-
- (5) Condition B is that—
 - (a) the Department of Justice in Northern Ireland has given notice of the decision to the applicant under section 101C(4)(b), and
 - (b) the period of 14 days beginning with the day on which the notice was given has ended.
 - (6) Sections 101D to 101G explain the effect of a conviction or caution becoming a disregarded conviction or caution.

101B Applications to the Department of Justice

- (1) An application under section 101A must be in writing.
- (2) It must state—
 - (a) the name, address and date of birth of the applicant,
 - (b) the name and address of the applicant at the time of the conviction or caution,
 - (c) so far as known to the applicant, the time when and the place where the conviction was made or the caution given and, for a conviction, the case number, and
 - (d) such other information as the Department of Justice in Northern Ireland may require.
- (3) It may include representations by the applicant or written evidence about the matters mentioned in condition A in section 101A.

101C Procedure for decisions by the Department of Justice

- (1) In considering whether to make a decision of the kind mentioned in condition A in section 101A, the Department of Justice in Northern Ireland must, in particular, consider—
 - (a) any representations or evidence included in the application, and
 - (b) any available record of the investigation of the offence and of any proceedings relating to it that the Department of Justice in Northern Ireland considers to be relevant.
- (2) The Department of Justice in Northern Ireland may not hold an oral hearing for the purpose of deciding whether to make a decision of the kind mentioned in condition A in section 101A.
- (3) Subsection (4) applies if the Department of Justice in Northern Ireland—
 - (a) decides that it appears as mentioned in condition A in section 101A, or
 - (b) makes a different decision in relation to the matters mentioned in that condition.
- (4) The Department of Justice in Northern Ireland must—
 - (a) record the decision in writing, and
 - (b) give notice of it to the applicant.

*Effect of disregard***101D Effect of disregard on police and other records**

- (1) The Department of Justice in Northern Ireland must by notice direct the relevant data controller to delete details, contained in relevant official records, of a disregarded conviction or caution.
- (2) A notice under subsection (1) may be given at any time after condition A in section 101A is met but no deletion may have effect before condition B in that section is met.
- (3) Subject to that, the relevant data controller must delete the details as soon as reasonably practicable.
- (4) Having done so, the relevant data controller must give notice to the person who has the disregarded conviction or caution that the details of it have been deleted.
- (5) In this section –
 - “delete”, in relation to such relevant official records as may be prescribed, means record with the details of the conviction or caution concerned –
 - (a) the fact that it is a disregarded conviction or caution, and
 - (b) the effect of it being such a conviction or caution,
 - “the general names database” means the names database held by the Secretary of State for the use of constables,
 - “the Northern Ireland names database” means the names database maintained by the Department of Justice in Northern Ireland for the purpose of recording convictions and cautions,
 - “official records” means records containing information about persons convicted of, or cautioned for, offences and kept by any court, police force, government department or local or other public authority in Northern Ireland for the purposes of its functions,
 - “prescribed” means prescribed by order of the Department of Justice in Northern Ireland,
 - “relevant data controller” means –
 - (a) in relation to the general names database or the Northern Ireland names database, the Chief Constable of the Police Service of Northern Ireland,
 - (b) in relation to other relevant official records, such persons as may be prescribed,
 - “relevant official records” means –
 - (a) the general names database,
 - (b) the Northern Ireland names database, and
 - (c) such other official records as may be prescribed.
- (6) An order under this section may make different provision for different purposes.
- (7) Any power to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

- (8) A statutory rule containing an order under this section is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I))).

101E Effect of disregard for disclosure and other purposes

- (1) A person who has a disregarded conviction or caution is to be treated for all purposes in law as if the person has not –
- (a) committed the offence,
 - (b) been charged with, or prosecuted for, the offence,
 - (c) been convicted of the offence,
 - (d) been sentenced for the offence, or
 - (e) been cautioned for the offence.
- (2) In particular –
- (a) no evidence is to be admissible in any proceedings before a judicial authority exercising its jurisdiction or functions in Northern Ireland to prove that the person has done, or undergone, anything within subsection (1)(a) to (e), and
 - (b) the person is not, in any such proceedings, to be asked (and, if asked, is not to be required to answer) any question relating to the person's past which cannot be answered without acknowledging or referring to the conviction or caution or any circumstances ancillary to it.
- (3) Where a question is put to a person, other than in such proceedings, seeking information with respect to the previous convictions, cautions, offences, conduct or circumstances of any person –
- (a) the question is to be treated as not relating to any disregarded conviction or caution, or any circumstances ancillary to it (and the answer to the question may be framed accordingly), and
 - (b) the person questioned is not to be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose that conviction or caution or any circumstances ancillary to it in answering the question.
- (4) Any obligation imposed on any person by any enactment or rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person is not to extend to requiring the disclosure of a disregarded conviction or caution or any circumstances ancillary to it.
- (5) A disregarded conviction or caution, or any circumstances ancillary to it, is not a proper ground for –
- (a) dismissing or excluding a person from any office, profession, occupation or employment, or
 - (b) prejudicing the person in any way in any office, profession, occupation or employment.
- (6) This section is subject to section 101F but otherwise applies despite any enactment or rule of law to the contrary.
- (7) See also section 101G (meaning of “proceedings before a judicial authority” and “circumstances ancillary to a conviction or caution”).

101F Saving for Royal pardons etc

Nothing in section 101E affects any right of Her Majesty, by virtue of Her Royal prerogative or otherwise, to grant a free pardon, to quash any conviction or sentence, or to commute any sentence.

101G Section 101E: supplementary

- (1) In section 101E, “proceedings before a judicial authority” includes (in addition to proceedings before any of the ordinary courts of law) proceedings before any tribunal, body or person having power –
 - (a) by virtue of any enactment, law, custom or practice,
 - (b) under the rules governing any association, institution, profession, occupation or employment, or
 - (c) under any provision of an agreement providing for arbitration with respect to questions arising under that agreement,to determine any question affecting the rights, privileges, obligations or liabilities of any person, or to receive evidence affecting the determination of any such question.
- (2) For the purposes of section 101E, circumstances ancillary to a conviction are any circumstances of –
 - (a) the offence which was the subject of the conviction;
 - (b) the conduct constituting the offence;
 - (c) any process or proceedings preliminary to the conviction;
 - (d) any sentence imposed in respect of the conviction;
 - (e) any proceedings (whether by appeal or otherwise) for reviewing the conviction or any such sentence;
 - (f) anything done in pursuance of, or undergone in compliance with, any such sentence.
- (3) For the purposes of section 101E, circumstances ancillary to a caution are any circumstances of –
 - (a) the offence which was the subject of the caution;
 - (b) the conduct constituting the offence;
 - (c) any process preliminary to the caution (including consideration by any person of how to deal with the offence and the procedure for giving the caution);
 - (d) any proceedings for the offence which take place before the caution is given;
 - (e) anything which happens after the caution is given for the purposes of bringing any such proceedings to an end;
 - (f) any judicial review proceedings relating to the caution.

Appeals and other supplementary provision

101H Appeal against refusal to disregard convictions or caution

- (1) The applicant may appeal to the High Court in Northern Ireland if –
 - (a) the Department of Justice in Northern Ireland makes a decision of the kind mentioned in section 101C(3)(b), and
 - (b) the High Court gives permission for an appeal against the decision.

- (2) On such an appeal, the High Court must make its decision only on the basis of the evidence that was available to the Department of Justice in Northern Ireland.
- (3) If the High Court decides that it appears as mentioned in condition A in section 101A, it must make an order to that effect.
- (4) Otherwise, it must dismiss the appeal.
- (5) A conviction or caution to which an order under subsection (3) relates becomes a disregarded conviction or caution when the period of 14 days beginning with the day on which the order was made has ended.
- (6) There is no appeal from a decision of the High Court under this section.

101I Advisers

- (1) The Department of Justice in Northern Ireland may appoint persons to advise whether, in any case referred to them by the Department of Justice in Northern Ireland, the Department of Justice in Northern Ireland should decide as mentioned in condition A in section 101A.
- (2) The Department of Justice in Northern Ireland may disclose to a person so appointed such information (including anything within section 101C(1)(a) or (b)) as the Department of Justice considers relevant to the provision of such advice.
- (3) The Department of Justice in Northern Ireland may pay expenses and allowances to a person so appointed.

101J Interpretation: Chapter 5

- (1) In this Chapter –
 - “caution” means a caution or a warning given to a person in Northern Ireland in respect of an offence which, at the time the caution or warning is given, that person has admitted,
 - “conviction” includes –
 - (a) a conviction in respect of which an order has been made discharging the person concerned absolutely or conditionally, and
 - (b) a finding in any criminal proceedings (including a finding linked with a finding of insanity) that a person has committed an offence or done the act or made the omission charged,
 - “disregarded caution” is a caution which has become a disregarded caution by virtue of this Chapter,
 - “disregarded conviction” is a conviction which has become a disregarded conviction by virtue of this Chapter,
 - “document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its provision or production include providing or producing a copy of the information in legible form,
 - “information” includes documents,
 - “notice” means notice in writing,

“official records” has the meaning given by section 101D(5).

- (2) Paragraph (a) of the definition of “conviction” applies despite Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (which deems a conviction of a person discharged not to be a conviction).
- (3) In this Chapter, a reference to an offence includes –
 - (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
 - (b) a reference to aiding, abetting, counselling or procuring the commission of that offence.
- (4) In the case of an attempt, conspiracy or incitement, the references in this Chapter to the conduct constituting the offence are references to the conduct to which the attempt, conspiracy or incitement related (whether or not that conduct occurred).
- (5) For the purposes of subsections (3) and (4) an attempt to commit an offence includes conduct which –
 - (a) consisted of frequenting with intent to commit the offence any river, canal, street, highway, place of public resort or other location mentioned in section 4 of the Vagrancy Act 1824 (as it then had effect) in connection with frequenting by suspected persons or reputed thieves, and
 - (b) was itself an offence under that section.”
- (2) In Article 2 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27) (interpretation), after paragraph (3) insert –

“(3A) This Order does not apply to any disregarded conviction or caution within the meaning of Chapter 5 of Part 5 of the Protection of Freedoms Act 2012.

(3B) Accordingly, references in this Order to a conviction or caution do not include references to any such disregarded conviction or caution.”
- (3) In the heading of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, at the end insert “: England and Wales”.
- (4) In section 92 of that Act, after subsection (5) insert –

“(6) Except in relation to service disciplinary proceedings, this section applies only in relation to persons convicted or cautioned in England and Wales.””

129

Insert the following new Clause –

**“Posthumous pardons for convictions etc of certain abolished offences:
Northern Ireland**

- (1) A person who has in Northern Ireland been convicted of, or cautioned for, an offence specified in subsection (2) and who has died before this section comes into force is pardoned for the offence if the conditions that apply under this section in relation to the offence are met.
- (2) The offences to which subsection (1) applies are –
 - (a) an offence under Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery);

- (b) an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (procuring others to commit homosexual acts);
- (c) an offence under any of the following earlier provisions—
 - (i) 10 Chas. 1 sess. 2 c. 20 (1634) (an Act for the punishment of the vice of buggery);
 - (ii) section 18 of 10 Geo. 4 c. 34 (1829) (an Act for consolidating and amending the statutes in Ireland relating to offences against the person) (buggery);
 - (iii) section 61 of the Offences against the Person Act 1861 (buggery);
 - (iv) section 11 of the Criminal Law Amendment Act 1885 (gross indecency between men).
- (3) In relation to an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982, the conditions that apply are that—
 - (a) the conduct procured was conduct involving persons who consented to it and were aged 17 or over (whether or not that conduct occurred), and
 - (b) the conduct procured would not now be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (sexual activity in a public lavatory).
- (4) In relation to any other offence mentioned in subsection (2), the conditions that apply are that—
 - (a) the other person involved in the conduct constituting the offence consented to it and was aged 17 or over, and
 - (b) any such conduct at the time this section comes into force would not be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (sexual activity in a public lavatory).
- (5) The following provisions of section 101J of the Protection of Freedoms Act 2012 apply for the purposes of this section and section (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*)(1) (so far as relating to this section) as they apply for the purposes of Chapter 5 of Part 5 of that Act—
 - (a) in subsection (1), the definitions of “caution” and “conviction”;
 - (b) subsections (2) to (5).”

130

Insert the following new Clause—

“Other pardons for convictions etc of certain abolished offences: Northern Ireland

- (1) This section applies to a person who has in Northern Ireland been convicted of, or cautioned for, an offence mentioned in section 101A(1) of the Protection of Freedoms Act 2012 and who is living at the time this section comes into force.
- (2) If, at any time after this section comes into force, the person’s conviction or caution becomes a disregarded conviction or caution under Chapter 5 of Part 5 of the Protection of Freedoms Act 2012, the person is also pardoned for the offence at that time.

- (3) Expressions used in this section or section (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*)(1) (so far as relating to this section) and in Chapter 5 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in this section or (as the case may be) section (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*)(1) as in that Chapter (see section 101J of that Act).”

131 Insert the following new Clause –

“Power to provide for disregards and pardons for additional abolished offences: Northern Ireland

- (1) The Department of Justice in Northern Ireland may by regulations amend section 101A of the Protection of Freedoms Act 2012 (power of Department of Justice to disregard convictions or cautions) so as to add further offences to the list of offences specified in subsection (1) of that section.
- (2) An offence may be added to that list only if –
- (a) it was an offence under the law of Northern Ireland (or, in the case of an offence that applied before Northern Ireland became a separate legal jurisdiction, an offence under the law of Ireland),
 - (b) it has been repealed or, in the case of an offence at common law, abolished, and
 - (c) either –
 - (i) the offence expressly regulated homosexual activity, or
 - (ii) although the offence did not expressly regulate homosexual activity, it appears to the Department of Justice that those responsible for investigating occurrences of the offence targeted occurrences involving, or connected with, homosexual activity.
- (3) Regulations under subsection (1) adding an offence may also amend section 101A so as to provide that, in relation to the offence, condition A is that it appears to the Department of Justice that matters specified in the amendment apply (in substitution for the matters specified in subsection (4)(a) and (b) of that section).
- (4) Regulations under subsection (1) may make consequential amendments of Chapter 5 of Part 5 of the 2012 Act.
- (5) Regulations under subsection (1) adding an offence must also provide for any person who has been convicted of, or cautioned for, the offence to be pardoned where –
- (a) the person has died before the regulations come into force or the person dies during the period of 6 months beginning with the day on which they come into force, and
 - (b) the conditions specified in the regulations are met.
- (6) Those conditions must correspond to the matters that are specified in condition A in section 101A of the 2012 Act as it applies in relation to the offence (that is, the matters which must appear to the Department of Justice to apply in order for condition A to be met).

- (7) Subsection (5)(a) does not apply in relation to a person who dies during the period of 6 months if, before the person's death, the person's conviction of, or caution for, the offence becomes a disregarded conviction or caution under Chapter 5 of Part 5 of the 2012 Act (and, accordingly, the person is pardoned for the offence before death under section (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*)(2) of this Act).
- (8) The regulations must make provision which has a comparable effect in relation to the pardons provided for by the regulations and the offences to which those pardons relate as section (*Pardons for convictions etc of certain abolished offences: Northern Ireland*)(5) of this Act has in relation to the pardons provided for by section (*Pardons for convictions etc of certain abolished offences: Northern Ireland*)(1) to (4) and the offences to which they relate.
- (9) The power to make regulations under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (N.I. 12)).
- (10) Regulations under this section may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (11) In this section, "caution", "conviction", "disregarded caution" and "disregarded conviction" have the same meaning as in Chapter 5 of Part 5 of the 2012 Act (see section 101J of that Act)."

132

Insert the following new Clause –

“Sections (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*) to (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*): supplementary

- (1) A pardon under section (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*) or (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), or under regulations under section (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*), does not –
 - (a) affect any conviction, caution or sentence, or
 - (b) give rise to any right, entitlement or liability.
- (2) Nothing in this section or in sections (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*) to (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) or regulations under section (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) affects the prerogative of mercy.”

After Clause 143

133 Insert the following new Clause –

“Anonymity of victims of forced marriage: Northern Ireland

- (1) After Part 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c.2 (N.I.)) insert –

“PART 4A

PROTECTION OF VICTIMS OF FORCED MARRIAGE

24A Anonymity of victims of forced marriage

Schedule 3A (anonymity of victims of forced marriage) has effect.”

- (2) Insert, as Schedule 3A to that Act, the following Schedule –

“SCHEDULE 3A

Section 24A

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, a county 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 not exceeding level 5 on the standard scale.
- (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) Proceedings for an offence under this paragraph may not be instituted except by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.

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.

- (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 Northern Ireland).
- (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 Northern Ireland.
- (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, 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 had 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);

“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;

“offence of forced marriage” means an offence under section 16;

“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 subparagraph (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;
 - (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.””

134 Insert the following new Clause –

“Sentencing for stalking offences

- (1) In section 4A(5)(a) of the Protection from Harassment Act 1997 (stalking involving fear of violence or serious alarm or distress), for the words “five years” substitute “ten years”.
- (2) At the end of section 32(4)(b) of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment etc) insert “save in the case of an offence under section 4A of the Protection from Harassment Act 1997, in which case the person shall be liable to imprisonment for a term not exceeding 14 years”.

After Clause 145

135 Insert the following new Clause –

“Coroners’ investigations into deaths: meaning of “state detention”

- (1) Section 48 of the Coroners and Justice Act 2009 (interpretation of Part 1: general) is amended as follows.
- (2) In subsection (1), in the definition of “state detention”, after “subsection (2)” insert “(read with subsection (2A))”.
- (3) In subsection (2), at the beginning insert “Subject to subsection (2A),”.
- (4) After subsection (2) insert –

“(2A) But a person is not in state detention at any time when he or she is deprived of liberty under section 4A(3) or (5) or 4B of the Mental Capacity Act 2005.””

136 Insert the following new Clause –

“Police observance of the Victims’ Code: enforcement

- (1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) In section 5(1B) omit from “by” to “sections 35”.
- (3) After section 5(1B) insert –
 - “(1BA) Subsection (1C) 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; or
 - (c) another person determined under section (1BC);has failed to perform a Code duty owed by him to the member of the public.
 - (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 regulations made by statutory instrument 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 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 (commissioner for victims and witnesses).”

- (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;”.

137

Insert the following new Clause—

“Police etc. provision for victims’ entitlement: framework

- (1) The Victims’ Code provided for 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 of crime to receive accurate and timely information from—
 - (a) the police; and
 - (b) 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.
- (2) The police must ensure provision to victims of—
 - (a) adequate notice of all relevant court and other legal proceedings,
 - (b) 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”),
 - (c) information about any prison sentence previously served by the perpetrator,
 - (d) information about relevant changes to the perpetrator’s circumstances whilst on parole or in custody,
 - (e) information about any crimes committed by the perpetrator outside the United Kingdom where the victim of the crime concerned is a British national,
 - (f) access, where required, to adequate interpretation and translation services, and
 - (g) 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 from a 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 a discrete waiting area during the relevant court proceedings.
- (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 United Kingdom 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.”

138 Insert the following new Clause –

“Police etc. training on treatment of victims: strategy

- (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 shall also by regulations made by statutory instrument make provision for judges, barristers and solicitors involved in criminal cases involving stalking, coercive control or sexual and domestic violence to 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.”

139 Insert the following new Clause –

“Training on treatment of victims: duty to report

- (1) The Secretary of State shall have a duty to collect, codify and publish data in respect of –
 - (a) the training of the police and Crown Prosecutors on the subjects of stalking, coercive control and the victims’ code, and
 - (b) instances of non-compliance with the victims’ code by all statutory agencies, and the effectiveness of all complaints procedures involving allegations of a failure to comply with the victims’ code.
- (2) The Secretary of State shall publish the data in an annual report which shall be laid before both Houses of Parliament.
- (3) The first report under subsection (2) shall be laid before both Houses of Parliament within a year of the day on which this section comes into force.”

140 Insert the following new 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,
 “Quality Standard” means the standard published under section 49(1)(f) of the Domestic Violence, Crime and Victims Act 2004.”

141 Insert the following new 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 2017;
 - (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;
 - (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 the Quality Standard, consult the public, and for that purpose, publish drafts of the standard if he deems it necessary to do so;
 - (j) assess the steps taken to support victims and witnesses in giving evidence;
 - (k) make such recommendations in relation to that assessment as he considers necessary and appropriate;
 - (l) issue guidance and standards for the establishment and conduct of homicide reviews under section (*Homicide reviews*) of the Policing and Crime Act 2017.”

142 Insert the following new Clause –

“Homicide reviews

- (1) In this section “homicide review” means a review of the circumstances in which a person aged 16 or over has, or appears to have, died as the result of a homicide where –
- (a) no one has been charged with the homicide, or
 - (b) the person or persons charged have 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 Police Service of Northern Ireland 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 –
- (i) chief officers of police for police areas in England and Wales;
 - (ii) local authorities;
 - (iii) the National Health Service Commissioning Board;
 - (iv) clinical commissioning groups established under section 14D of the National Health Service Act 2006;
 - (v) providers of probation services;
 - (vi) Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006;
 - (vii) 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 –
- (i) the Chief Constable of the Police Service of Northern Ireland;
 - (ii) the Probation Board for Northern Ireland;
 - (iii) 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));
 - (iv) 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.”

Clause 149

- 143** Page 169, line 38, leave out “and 83” and insert “, 83 and 83A”
- 144** Page 170, line 3, leave out paragraph (g)
- 145** Page 170, line 5, after “68” insert “and 72A”
- 146** Page 170, line 17, leave out paragraphs (q) and (r)
- 147** Page 170, line 19, after “107” insert “(*Schedule to be inserted as Schedule 7A to the Criminal Justice and Public Order Act 1994*), (*Schedule to be inserted as Schedule 7B to the Criminal Justice and Public Order Act 1994*)”
- 148** Page 170, line 23, at end insert “and section (*Pilot schemes*)”
- 149** Page 170, line 45, at end insert –
- “() section (*Deputy Mayor for Policing and Crime as member of local authority*);”

- 150 Page 170, line 45, at end insert –
“() sections 82(2) to (5), 84 to 90 and 93;
() sections 94(2) to (7), 96 to 102 and 104;”
- 151 Page 170, line 46, leave out “Part 6” and insert “sections 111 to 116”
- 152 Page 170, line 46, at end insert “and section (*Controls on ammunition which expands on impact*)”
- 153 Page 170, line 46, at end insert “and section (*Limited extension of firearm certificates etc*)”
- 154 Page 171, line 8, at end insert –
“() The following provisions extend to Northern Ireland only –
(a) Chapter 6A of Part 4,
(b) sections (*Disregarding certain convictions etc for abolished offences: Northern Ireland*)(1) and (2), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*), and
(c) section (*Anonymity of victims of forced marriage: Northern Ireland*).”

- 155 Page 171, line 8, at end insert –
“() The power under section 60(4) of the UK Borders Act 2007 may be exercised so as to extend to any of the Channel Islands or the Isle of Man any amendment made by or under this Act of any part of that Act (with or without modification).”

Clause 150

- 156 Page 171, line 10, leave out “(2)” and insert “(1A)”
- 157 Page 171, line 12, at end insert –
“(1A) Chapter 6A of Part 4 comes into force on such day as the Department of Justice in Northern Ireland appoints by order.”
- 158 Page 171, line 14, at end insert –
“(2A) Sections (*Disregarding certain convictions etc for abolished offences: Northern Ireland*), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*) come into force on such day as the Department of Justice in Northern Ireland appoints by order.”
- 159 Page 171, line 16, at end insert –
“() section (*Inquiry into complaints alleging corrupt relationships between police and newspaper organisations*);”

- 160 Page 171, line 17, at end insert –
“() sections (*Posthumous pardons for convictions etc of certain abolished offences: England and Wales*), (*Other pardons for convictions etc of certain abolished offences: England and Wales*) and (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*);”
- 161 Page 171, line 29, at end insert –
“() section (*Anonymity of victims of forced marriage: Northern Ireland*);”
- 162 Page 171, line 31, after “(2)” insert “, or an order under subsection (1A) or (2A),”
- 163 Page 171, line 39, after “than” insert “Chapter 6A of Part 4 or”
- 164 Page 171, line 39, after “8” insert “or sections (*Disregarding convictions etc of certain abolished offences: Northern Ireland*), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*).”
- 165 Page 171, line 39, at end insert –
“(7A) The Department of Justice in Northern Ireland may by order make such transitional, transitory or saving provision as it considers appropriate in connection with the coming into force of any provision of Chapter 6A of Part 4.”
- 166 Page 171, line 42, at end insert –
“(8A) The Department of Justice in Northern Ireland may by order make such transitional, transitory or saving provision as the Department of Justice in Northern Ireland considers appropriate in connection with the coming into force of sections (*Disregarding convictions etc of certain abolished offences: Northern Ireland*), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*).”
- 167 Page 171, line 43, after “(7)” insert “, (7A)”
- 168 Page 171, line 43, after “(8)” insert “, or an order under subsection (8A),”
- 169 Page 171, line 44, at end insert –
“() The powers conferred on the Department of Justice in Northern Ireland by subsections (1A), (2A), (7A) and (8A) are exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

Schedule 1

- 170** Page 174, line 13, at end insert –
- “() The Secretary of State may not make an order under this section in a case within subsection (5)(a) if the Secretary of State thinks that the order would have an adverse effect on public safety.”
- 171** Page 176, line 13, after “authority” insert “created by an order under section 4A”
- 172** Page 176, line 25, after “authority” insert “or of the relevant police and crime commissioner”
- 173** Page 176, line 27, after “authority” insert “or of the relevant police and crime commissioner”
- 174** Page 176, line 33, at end insert –
- ““the relevant police and crime commissioner” means the police and crime commissioner for that police area.”
- 175** Page 176, line 33, at end insert –
- “() References in subsection (10) to a member of staff of a police and crime commissioner are to any of the following persons appointed under Schedule 1 to the Police Reform and Social Responsibility Act 2011 –
- (a) the commissioner’s chief executive;
- (b) the commissioner’s chief finance officer;
- (c) other staff.”
- 176** Page 179, line 16, leave out from “the” to end of line 18 and insert “delegation by such a chief constable of the chief constable’s fire and rescue functions.”
- 177** Page 179, line 20, leave out “of the fire and rescue authority” and insert “mentioned in that subsection”
- 178** Page 179, line 22, leave out “of the authority” and insert “mentioned in that subsection”
- 179** Page 179, line 24, leave out “the functions of the authority” and insert “such of the functions mentioned in that subsection as are”
- 180** Page 179, line 42, at end insert –
- “() The Secretary of State may not make an order under this section in a case within subsection (5)(a) if the Secretary of State thinks that the order would have an adverse effect on public safety.”
- 181** Page 179, line 47, at end insert –
- “() In this section “fire and rescue functions”, in relation to a chief constable means –
- (a) functions which are delegated to the chief constable under provision made under subsection (1)(a), and
- (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.”
- 182** Page 180, line 7, at end insert “, or
- () from that chief constable to the fire and rescue authority to which the order applies.”

- 183 Page 180, line 8, leave out “(1)” and insert “(1)(a)”
- 184 Page 180, line 14, leave out from second “of” to end of line 15 and insert “the chief constable’s fire and rescue functions.”
- 185 Page 180, line 37, leave out from “of” to end of line 38 and insert “the chief constable’s fire and rescue functions.”
- 186 Page 181, line 3, leave from “of” to end of line 4 and insert “the chief constable’s fire and rescue functions;”
- 187 Page 181, line 36, after “section” insert “ –
“fire and rescue functions” has the same meaning as in section 4H;”
- 188 Page 182, line 18, after “delegated” insert “to the chief constable”
- 189 Page 183, line 7, at end insert –

“4KA Application of fire and rescue provisions

- (1) The Secretary of State may by order –
 - (a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);
 - (b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.
- (2) Those persons are –
 - (a) a chief constable of a police force for a police area to whom an order under section 4H applies,
 - (b) a member of staff transferred to such a chief constable under a scheme under section 4I(1),
 - (c) a member of staff appointed by such a chief constable under section 4I(4),
 - (d) a member of such a chief constable’s police force to whom functions have been delegated by virtue of section 4H(1)(b), and
 - (e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) to whom functions have been delegated by virtue of section 4H(1)(b).
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “fire and rescue enactment” means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).
This includes an enactment contained in this Act.

- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.”

190 Page 183, line 26, leave out “Act” and insert “enactment”

191 Page 183, line 27, at end insert –

- “() References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.””

192 Page 184, line 2, at end insert –

“ In section 21 (Fire and Rescue National Framework) after subsection (2) insert –

- “(2A) The Framework may contain different provision for different descriptions of fire and rescue authority.””

193 Page 185, line 37, leave out “make arrangements to seek the views of” and insert “consult”

194 Page 185, line 38, at end insert –

“(c) consult each of the following about the proposal –

- (i) persons appearing to the commissioner to represent employees who may be affected by the proposal;
- (ii) persons appearing to the commissioner to represent members of a police force who may be so affected”

195 Page 185, line 38, at end insert “, and

“(d) publish, in such manner as the commissioner thinks appropriate, the commissioner’s response to the representations made or views expressed in response to those consultations.”

196 Page 185, line 38, at end insert –

“() Each consultation under sub-paragraph (1) is to be carried out in such manner as the relevant police and crime commissioner thinks appropriate.”

197 Page 185, line 40, leave out “and (3)” and insert “to (4)”

198 Page 186, line 10, after “proposal,” insert –

“() a summary of the views expressed about the proposal by persons consulted under paragraph 3(1)(c),”

199 Page 186, line 18, at end insert –

“(4) The Secretary of State must publish the independent assessment –

- (a) as soon as is reasonably practicable after making a determination in response to the proposal, and
- (b) in such manner as the Secretary of State thinks appropriate.”

- 200 Page 190, leave out lines 4 to 6 and insert –
 “() references to the chief officer’s functions were to the relevant chief constable’s fire and rescue functions.”
- 201 Page 191, line 7, leave out “to (4), (6), (7)”
- 202 Page 191, line 19, at end insert –
 “() the references in subsections (5) and (6) to Schedules 1 and 5 were to those Schedules as applied by this Schedule,”
- 203 Page 191, line 20, leave out “subsection (6) to Schedules 1 and” and insert “those subsections to Schedule”
- 204 Page 191, line 36, at end insert –
“Conduct of fire and rescue authority
 Section 31 of the Police Reform and Social Responsibility Act 2011 (conduct of police and crime commissioner etc) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner.”
- 205 Page 192, line 36, at end insert –
“Regulations about complaints and conduct matters
 “ (1) Schedule 7 to the Police Reform and Social Responsibility Act 2011 (regulations about complaints and conduct matters) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner, subject to sub-paragraph (2).
 (2) As applied by sub-paragraph (1), that Schedule has effect as if references to police and crime panels were to relevant police and crime panels.””
- 206 Page 193, line 7, at end insert –
“Landlord and Tenant Act 1954 (c. 56)
 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation) in the definition of “local authority” for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.”
- 207 Page 194, line 2, at end insert –
 “ In section 120 (acquisition of land by agreement) after subsection (3A) insert –
 “(3B) A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 is to be treated as a principal council for the purposes of this section (apart from subsection (1)(b)).””

- 208** Page 194, line 15, at end insert –
- “ In section 229 (photographic copies of documents) in subsection (8) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- In section 231 (service of notices on local authorities, etc) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- In section 232 (public notices) in subsection (1A) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- In section 233 (service of notices by local authorities) in subsection (11) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- In section 234 (authentication of documents) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.””
- 209** Page 198, line 24, after “(8)” insert “ –
- (a) in the definition of “chief finance officer” after “Schedule 1 to the Police Reform and Social Responsibility Act 2011” insert “, section 4D(4) of the Fire and Rescue Services Act 2004”, and
- (b) ”
- 210** Page 198, line 29, leave out “the following provisions of this Part” and insert “section 7”
- 211** Page 198, leave out lines 32 to 35
- 212** Page 199, line 11, at end insert –
- “ The Town and Country Planning Act 1990 is amended as follows.”
- 213** Page 199, line 12, leave out “of the Town and Country Planning Act 1990”
- 214** Page 199, line 16, at end insert –
- “ In Schedule 14 (procedure for footpaths and bridleway orders) in paragraph 1(3) (meaning of “council”) for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.”
- 215** Page 201, line 33, at end insert –
- “ (1) Section 1 (police and crime commissioners) is amended as follows.
- (2) In subsection (3) for “The” substitute “Unless subsection (3B) applies, the”.

(3) After subsection (3) insert –

“(3A) Subsection (3B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.

(3B) In that case the name of the police and crime commissioner is “the Police, Fire and Crime Commissioner for” with the addition of the name of the police area.””

216 Page 201, line 36, leave out “Subsection (5B) applies” and insert “Subsections (5B) to (5E) apply”

217 Page 201, line 41, after “(5B)” insert “Subject to subsection (5E),”

218 Page 202, line 5, at end insert –

“(5C) A police and crime plan which the police and crime commissioner is required to prepare may be prepared jointly by the commissioner and the fire and rescue authority.

(5D) If the police and crime commissioner and the fire and rescue authority prepare a joint police and crime plan, the plan must also set out the fire and rescue authority’s priorities and objectives, for the period of the plan, in connection with the discharge of the authority’s functions.

(5E) Subsection (5B)(b) does not apply to a joint police and crime plan.”

219 Page 202, line 5, at end insert –

“ In section 28 (police and crime panels outside London) after subsection (1) insert –

“(1A) Subsection (1B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.

(1B) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.”

220 Page 204, line 9, at end insert –

“(1) The Localism Act 2011 is amended as follows.

(2) In section 41(3) (power of fire and rescue authority to appoint officers and employees to be subject to pay policy statement) after “43(1)(i)” insert “or (j)”.”

221 Page 204, line 10, leave out “of the Localism Act 2011”

222 Page 204, line 14, at beginning insert “in relation only to sections 38, 40 and 41 and this section,”

223 Page 204, line 26, at end insert –

“Energy Act 2013 (c. 32)

83A In Part 3 of Schedule 9 to the Energy Act 2013 (protected information: permitted disclosures and restrictions on use) in paragraph 14(3) (local authorities and water authorities: interpretation) in the definition of “local authority” after paragraph (d) insert –

“(da) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Schedule 2

224 Page 205, line 15, leave out paragraph 4 and insert –

“4 (1) Section 45 (the Mayor’s periodic report to the Assembly) is amended as follows.

(2) In subsection (6) omit “except as provided by subsection (7) below.”

(3) Omit subsections (7) and (8).”

225 Page 205, line 36, leave out paragraph 6 and insert –

“6 (1) Section 61 (power to require attendance at Assembly meetings) is amended as follows.

(2) In subsection (11) omit “, except as provided by subsection (12) below;”.

(3) Omit subsections (12) and (13).”

226 Page 206, line 5, at end insert “or any other local authority within the meaning of sections 1, 2 and 3A of the Local Government and Housing Act 1989.”

227 Page 210, line 35, leave out “panel” and insert “committee”

228 Page 210, line 36, leave out “panel” and insert “committee”

229 Page 211, line 18, leave out “panel” and insert “committee”

230 Page 212, line 7, at end insert “, or

() any other matters which the Assembly considers to be of importance to fire and rescue services in Greater London.”

231 Page 212, line 7, at end insert –

“() The Assembly may investigate, and prepare reports about, the actions and decisions of the Deputy Mayor for Fire.”

232 Page 215, line 2, at end insert “or more”

233 Page 221, line 10, leave out from “audit)” to end of line 12 and insert “in subsection (5) for paragraph (a) substitute –

“(a) the London Fire Commissioner;”.

234 Page 223, leave out lines 34 to 38

235 Page 226, line 40, after “(g)” insert “in relation only to sections 38, 40 and 41 and this section,”

Schedule 3

- 236 Page 229, line 20, at end insert –
 “(e) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England.”
- 237 Page 230, line 19, after “occupied” insert “(wholly or partly)”
- 238 Page 230, line 22, after “England,” insert “or
 (iii) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England,”

Schedule 6

- 239 Page 260, line 29, leave out “15(5)” and insert “15(5B)”
- 240 Page 260, line 40, at end insert –

“Procedure where DSI matter is revealed during investigation

- 4A (1) If, during the course of an investigation under section 29D(2), it appears to the person in charge that the matter may be a DSI matter, the person must make a submission to that effect to the Commission.
- (2) If, after considering the submission, the Commission determines the matter is a DSI matter, it must –
- (a) notify the appropriate authority in relation to the DSI matter, and
 - (b) send to it a copy of the submission under sub-paragraph (1).
- (3) Where the appropriate authority in relation to the DSI matter is notified under sub-paragraph (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.
- (4) Where a matter is, in accordance with sub-paragraph (3), recorded under paragraph 14A of Schedule 3 as a DSI matter –
- (a) the person in charge of the investigation under section 29D(2) must (subject to any determination made by the Commission under paragraph 15(5B) of Schedule 3) continue the investigation as if appointed or designated to investigate the DSI matter, and
 - (b) the other provisions of Schedule 3 apply in relation to that matter accordingly (subject to regulations under sub-paragraph (5)).
- (5) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to an investigation that, in accordance with sub-paragraph (3), is recorded under paragraph 14A of that Schedule as a DSI matter but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.

- (6) In this paragraph, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29).”

Schedule 7

241

Page 262, line 23, leave out from beginning to end of line 34 and insert –

“(c) condition A, B or C is satisfied in relation to the person.

- (1BA) Condition A is that the person ceases to be a member of the Ministry of Defence Police after the allegation first comes to the attention of a person mentioned in subsection (1B)(a).
- (1BB) Condition B is that the person had ceased to be a member of the Ministry of Defence Police before the allegation first came to the attention of a person mentioned in subsection (1B)(a) but the period between the person having ceased to be a member of the Ministry of Defence Police and the allegation first coming to the attention of a person mentioned in subsection (1B)(a) does not exceed the period specified in regulations under this section.
- (1BC) Condition C is that –
- (a) the person had ceased to be a member of the Ministry of Defence Police before the allegation first came to the attention of a person mentioned in subsection (1B)(a),
 - (b) the period between the person having ceased to be a member of the Ministry of Defence Police and the allegation first coming to the attention of a person mentioned in subsection (1B)(a) exceeds the period specified for the purposes of condition B, and
 - (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a member of the Ministry of Defence Police.
- (1BD) Regulations made by virtue of subsection (1B) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Independent Police Complaints Commission determines that taking such proceedings would be reasonable and proportionate having regard to –
- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
 - (b) the impact of the allegation on public confidence in the police, and
 - (c) the public interest.
- (1BE) Regulations made by virtue of subsection (1B) may make provision about matters to be taken into account by the Independent Police Complaints Commission for the purposes of subsection (1BD)(a) to (c).”

- 242 Page 262, leave out line 39 and insert “result from a re-investigation of the allegation (whether carried out under regulations under this section or by virtue of section 26 of the Police Reform Act 2002) that begins within the period specified in the regulations.

The period specified”

Schedule 8

- 243 Page 267, line 31, leave out from “(5)(e)” to end of line 32 and insert “may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

- 244 Page 270, line 37, at end insert –

“() But the duty in subsection (1)(a) does not apply if, before the person resigns or retires, it is determined that no disciplinary proceedings will be brought against the person in respect of the allegation.”

- 245 Page 270, leave out lines 38 to 41

- 246 Page 271, leave out lines 32 to 40

Schedule 9

- 247 Page 280, line 28, after “The” insert “Independent”

- 248 Page 286, line 12, after second “the” insert “Independent”

- 249 Page 286, line 18, after “General” insert “of the Independent Office for Police Conduct”

- 250 Page 286, line 34, at end insert –

“44A(1) Section 29FA (special provision for “DSI matters”) (as inserted by this Act) is amended as follows.

(2) For “Commission”, in each place, substitute “Director General”.

(3) In subsection (2), for “it”, in both places, substitute “the Director General”.”

- 251 Page 287, line 17, after “the” insert “Independent”

- 252 Page 287, line 20, after “the” insert “Independent”

- 253 Page 287, line 23, after “the” insert “Independent”

- 254 Page 287, line 26, after “The” insert “Independent”

- 255 Page 291, line 36, at end insert –

“() In paragraph 28ZA (recommendations by the Commission or a local policing body) (as inserted by this Act), in sub-paragraph (3)(b), after “submission” insert “or completion”.”

- 256 Page 292, line 3, leave out from “follows” to end of line 5 and insert “(but an amendment made by sub-paragraph (2), (3), (4) or (5) applies only if this Schedule comes into force before the coming into force of paragraph 21, 23, 24 or 26 (as the case may be) of Schedule 5 to this Act).”

- 257 Page 292, line 41, at end insert –
 “() In paragraph 4A(1) –
 (a) for “it appears to the person in charge” substitute “the Director General determines”;
 (b) for “the person must make a submission to that effect to the Commission” substitute “the Director General must proceed under sub-paragraph (2)”.
- () For paragraph 4A(2) substitute –
 “() The Director General must –
 (a) prepare a record of the determination,
 (b) notify the appropriate authority in relation to the DSI matter, and
 (c) send to it a copy of the determination prepared under paragraph (a).”
- 258 Page 293, line 18, after “The” insert “Independent”
- 259 Page 293, line 32, after “The” insert “Independent”
- 260 Page 293, line 38, after “The” insert “Independent”
- 261 Page 293, line 42, at beginning insert “Independent”
- 262 Page 294, line 3, leave out “subsection (1B)(a)” and insert “subsections (1B)(a), (1BD) and (1BE)”
- 263 Page 294, line 5, after “the” insert “Independent”
- 264 Page 294, line 7, after “substitute “” insert “Independent”
- 265 Page 294, line 13, after “the” insert “Independent”
- 266 Page 294, line 17, after “the” insert “Independent”
- 267 Page 294, line 19, after “section 50(3A)(a)” insert “, (3AD) and (3AE)”
- 268 Page 294, line 21, after “section 51(2B)(a)” insert “, (2BD) and (2BE)”
- 269 Page 294, line 26, after “substitute “” insert “Independent”
- 270 Page 294, line 37, after first “the” insert “Independent”
- 271 Page 295, line 5, after “the” insert “Independent”
- 272 Page 295, line 6, after “The” insert “Independent”
- 273 Page 295, line 10, after “the” insert “Independent”
- 274 Page 295, line 16, after “the” insert “Independent”
- 275 Page 295, line 20, after first “the” insert “Independent”
- 276 Page 295, line 32, after “the” insert “Independent”
- 277 Page 295, line 42, after first “the” insert “Independent”
- 278 Page 296, line 12, after “the” insert “Independent”
- 279 Page 296, line 17, after “the” insert “Independent”
- 280 Page 296, line 23, after “the” insert “Independent”

- 281 Page 296, line 26, after “the” insert “Independent”
- 282 Page 296, line 31, after “the” insert “Independent”
- 283 Page 296, line 32, after “The” insert “Independent”
- 284 Page 296, line 37, after “substitute “” insert “Independent”
- 285 Page 296, line 40, after “the” insert “Independent”
- 286 Page 296, line 40, at end insert –

“Investigatory Powers Act 2016

72A (1) The Investigatory Powers Act 2016 is amended as follows.

- (2) In section 58 (section 57: meaning of “excepted disclosure”), in subsection (4)(c) –
- (a) for “the Independent Police Complaints Commission” substitute “the Director General of the Independent Office for Police Conduct”;
 - (b) for “its functions” substitute “the Director General’s functions”.
- (3) In section 106 (power to issue warrants to law enforcement officers), in subsection (11) –
- (a) for “the chairman, or a deputy chairman, of the Independent Police Complaints Commission” substitute “the Director General of the Independent Office for Police Conduct”;
 - (b) omit “by the Commission”.
- (4) In section 107 (restriction on issue of warrants to certain law enforcement officers), in subsection (2), for paragraph (h) substitute –
- “(h) the Director General of the Independent Office for Police Conduct;”.
- (5) In section 133 (section 132: meaning of “excepted disclosure”), in subsection (3)(b) –
- (a) for “the Independent Police Complaints Commission” substitute “the Director General of the Independent Office for Police Conduct”;
 - (b) for “its functions” substitute “the Director General’s functions”.
- (6) In Schedule 4 (relevant public authorities and designated senior officers), in Part 1 –
- (a) omit the entry relating to the Independent Police Complaints Commission, and
 - (b) after the entry relating to the Office of Communications insert –

“Independent Office for Police Conduct	Director or an equivalent grade	All	(b) and (i)”
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- (7) In Schedule 6 (issue of warrants under section 106 etc. table), in the entry relating to the chairman, or a deputy chairman, of the Independent Police Complaints Commission, for the first two columns substitute –

“The Director General of the Independent Office for Police Conduct.	A person falling within paragraph 6A(2) of Schedule 2 to the Police Reform Act 2002 who is designated by the Director General for the purpose.””
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Schedule 10

- 287** Page 297, line 25, leave out from “under” to end of line 27 and insert “section 19 or 21 of the Investigatory Powers Act 2016 (applications for warrants under Chapter 1 of Part 2 of that Act)”

Schedule 11

- 288** Page 300, leave out lines 22 to 24
- 289** Page 302, line 5, at end insert –

“() In the case of a relevant offence that is an offence under a listed byelaw (see sub-paragraphs (4)(e) and (6)), the power to impose a requirement under sub-paragraph (1) is exercisable only in a place to which the byelaw relates.”

- 290** Page 302, line 20, leave out “section 12(2) of the Criminal Justice and Police Act 2001” and insert “section 63(2) of the Anti-social Behaviour, Crime and Policing Act 2014”

Schedule 12

- 291** Page 310, line 32, at end insert –
- “() in that subsection, in the definition of “relevant section 38 designation” –
- (i) for “designated civilian employee” substitute “designated person”;
- (ii) for “the employee” substitute “the person”.”

Before Schedule 15

292 Insert the following new Schedule –

“SCHEDULE 14A

Section 105(2)

SCHEDULE TO BE INSERTED AS SCHEDULE 7A TO THE CRIMINAL JUSTICE AND PUBLIC
ORDER ACT 1994

“OFFENCES SPECIFIED FOR THE PURPOSES OF SECTION 137A

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

- 1 Any of the following offences at common law –
 - (a) false imprisonment;
 - (b) kidnapping;
 - (c) indecent exposure;
 - (d) cheating in relation to the public revenue.

- 2 An offence under any of the following provisions of the Offences against the Person Act 1861 –
 - (a) section 20 (inflicting bodily injury);
 - (b) section 24 (administering poison etc with intent);
 - (c) section 27 (exposing child whereby life is endangered etc);
 - (d) section 31 (setting spring-guns etc with intent);
 - (e) section 37 (assaulting an officer etc on account of his preserving wreck);
 - (f) section 47 (assault occasioning actual bodily harm).

- 3 (1) An offence under any of the following provisions of the Sexual Offences Act 1956 –
 - (a) section 10 (incest by a man);
 - (b) section 11 (incest by a woman);
 - (c) section 30 (man living on the earnings of prostitution);
 - (d) section 31 (woman exercising control over a prostitute);
 - (e) section 33A (keeping a brothel used for prostitution).

(2) An offence under section 12 of that Act (buggery), other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over.

(3) An offence under section 13 of that Act (indecency between men), where the offence was committed by a man aged 21 or over and the other person involved in the conduct constituting the offence was under the age of 16.

- 4 An offence under section 4 of the Criminal Law Act 1967 (assisting offenders).

- 5 An offence under section 5 of the Sexual Offences Act 1967 (living on the earnings of male prostitution).

- 6 An offence under any of the following provisions of the Firearms Act 1968 –
- (a) section 1(1) (possession etc of firearms or ammunition without certificate);
 - (b) section 2(1) (possession etc of shot gun without certificate);
 - (c) section 3(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 7 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- 8 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.
- 9 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 10 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).
- 11 An offence under either of the following provisions of the Child Abduction Act 1984 –
- (a) section 1 (abduction of child by parent etc);
 - (b) section 2 (abduction of child by other persons).
- 12 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 13 An offence under either of the following provisions of the Public Order Act 1986 –
- (a) section 2 (violent disorder);
 - (b) section 3 (affray).
- 14 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 15 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 16 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 17 An offence under either of the following provisions of the Protection from Harassment Act 1997 –
- (a) section 4 (putting people in fear of violence);
 - (b) section 4A (stalking involving fear of violence or serious alarm or distress).

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- 18 An offence under section 29(1)(a) or (b) of the Crime and Disorder Act 1998 (certain racially or religiously aggravated assaults).
- 19 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 20 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (sexual activity with a person aged under 18 in abuse of a position of trust).
- 21 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 22 (1) An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 13 (child sex offences committed by children or young persons);
 - (b) section 16 (abuse of position of trust: sexual activity with a child);
 - (c) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
 - (d) section 18 (abuse of position of trust: sexual activity in the presence of a child);
 - (e) section 19 (abuse of position of trust: causing a child to watch a sexual act);
 - (f) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);
 - (g) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);
 - (h) section 52 (causing or inciting prostitution for gain);
 - (i) section 53 (controlling prostitution for gain).
- (2) An offence under section 25 or 26 of that Act (family child sex offences) where the offence is committed by a person under the age of 18.
- (3) An offence under section 47 of that Act (paying for sexual services of a child), where the offence is committed against a person aged 16 or over.
- 23 An offence under either of the following provisions of the Terrorism Act 2006—
- (a) section 1 (encouragement of terrorism);
 - (b) section 2 (dissemination of terrorist publications).
- 24 An offence under section 45 of the Serious Crime Act 2015 (participating in activities of organised crime group).
- 25 An offence under section 67 of the Policing and Crime Act 2017 (breach of pre-charge bail conditions relating to travel).

PART 2

OFFENCES UNDER THE LAW OF SCOTLAND

- 26 Any of the following offences at common law –
- (a) culpable homicide;
 - (b) treason;
 - (c) rape;
 - (d) assault, where the assault results in serious injury or endangers life;
 - (e) assault with intent to rape or ravish;
 - (f) indecent assault;
 - (g) abduction with intent to rape;
 - (h) public indecency;
 - (i) clandestine injury to women;
 - (j) lewd, indecent or libidinous behaviour or practices;
 - (k) sodomy, other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over;
 - (l) abduction;
 - (m) mobbing;
 - (n) fire-raising;
 - (o) robbery;
 - (p) fraud;
 - (q) extortion;
 - (r) embezzlement;
 - (s) theft;
 - (t) threats;
 - (u) attempting to pervert the course of justice.
- 27 An offence under any of the following provisions of the Firearms Act 1968 –
- (a) section 1(1) (possession etc of firearms or ammunition without certificate);
 - (b) section 2(1) (possession etc of shot gun without certificate);
 - (c) section 3(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 28 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- 29 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.

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- 30 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 31 An offence under either of the following provisions of the Civic Government (Scotland) Act 1982—
- (a) section 51(2) (publication etc of obscene material);
 - (b) section 52 (taking, distributing etc indecent photographs of children).
- 32 An offence under section 6 of the Child Abduction Act 1984 (parent etc. taking or sending a child out of the United Kingdom).
- 33 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 34 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 35 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 36 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 7 (procuring prostitution etc);
 - (b) section 8(3) (unlawful detention of women and girls);
 - (c) section 10 (parents etc encouraging girls under 16 to engage in prostitution etc);
 - (d) section 11(1)(b) (males soliciting etc for immoral purposes).
- 37 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 38 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 39 An offence under section 313 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (persons providing care services: sexual offences).
- 40 An offence under either of the following provisions of the Terrorism Act 2006—
- (a) section 1 (encouragement of terrorism);
 - (b) section 2 (dissemination of terrorist publications).
- 41 Any of the following offences under the Sexual Offences (Scotland) Act 2009—
- (a) section 8 (sexual exposure);
 - (b) section 9 (voyeurism);
 - (c) section 11 (administering a substance for sexual purposes);
 - (d) section 32 (causing an older child to be present during a sexual activity);
 - (e) section 33 (causing an older child to look at a sexual image);

- (f) section 34(1) (communicating indecently with an older child);
 - (g) section 34(2) (causing an older child to see or hear an indecent communication);
 - (h) section 35 (sexual exposure to an older child);
 - (i) section 36 (voyeurism towards an older child);
 - (j) section 42 (sexual abuse of trust);
 - (k) section 46 (sexual abuse of trust of a mentally disordered person).
- 42 An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 –
- (a) section 38 (threatening or abusive behaviour);
 - (b) section 39 (stalking).
- 43 An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (disclosing etc an intimate photograph or film).

PART 3

OFFENCES UNDER THE LAW OF NORTHERN IRELAND

- 44 Any of the following offences at common law –
- (a) false imprisonment;
 - (b) kidnapping;
 - (c) riot;
 - (d) affray;
 - (e) indecent exposure;
 - (f) cheating in relation to the public revenue.
- 45 An offence under any of the following provisions of the Offences against the Person Act 1861 –
- (a) section 20 (inflicting bodily injury);
 - (b) section 24 (administering poison etc with intent);
 - (c) section 27 (exposing child whereby life is endangered etc);
 - (d) section 31 (setting spring-guns etc with intent);
 - (e) section 37 (assaulting an officer etc on account of his preserving wreck);
 - (f) section 47 (assault occasioning actual bodily harm).
- 46 An offence under section 11 of the Criminal Law Amendment Act 1885 (indecentcy between men), where the offence was committed by a man aged 21 or over and the other person involved in the conduct constituting the offence was under the age of 16.
- 47 An offence under either of the following provisions of the Punishment of Incest Act 1908 –
- (a) section 1 (incest by a man);
 - (b) section 2 (incest by a woman).
- 48 An offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 (assisting offenders).

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- 49 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- 50 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.
- 51 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 52 An offence under Article 8 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (living on the earnings of male prostitution).
- 53 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 54 An offence under either of the following provisions of the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17))—
- (a) Article 3 (abduction of child by parent etc);
- (b) Article 4 (abduction of child by other persons).
- 55 An offence under Article 121 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)) (ill-treatment of patients).
- 56 An offence under Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (possession of indecent photograph of a child).
- 57 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 58 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 59 An offence under Article 6 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9)) (putting people in fear of violence).
- 60 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 61 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (sexual activity with a person aged under 18 in abuse of a position of trust).
- 62 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 63 An offence under section 53 of the Sexual Offences Act 2003 (controlling prostitution for gain).

- 64 An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)) –
- (a) Article 3(1)(b) (possession etc of firearms other than handguns without certificate);
 - (b) Article 3(2) (possession etc of ammunition without certificate);
 - (c) Article 24(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 65 An offence under either of the following provisions of the Terrorism Act 2006 –
- (a) section 1 (encouragement of terrorism);
 - (b) section 2 (dissemination of terrorist publications).
- 66 (1) An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) –
- (a) Article 20 (child sex offences committed by children or young persons);
 - (b) Article 23 (abuse of position of trust: sexual activity with a child);
 - (c) Article 24 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
 - (d) Article 25 (abuse of position of trust: sexual activity in the presence of a child);
 - (e) Article 51 (care workers: sexual activity with a person with a mental disorder);
 - (f) Article 53 (care workers: sexual activity in the presence of a person with a mental disorder);
 - (g) Article 62 (causing or inciting prostitution for gain);
 - (h) Article 63 (controlling prostitution for gain);
 - (i) Article 64 (keeping a brothel used for prostitution).
- (2) An offence under Article 32 or 33 of that Order (family child sex offences) where the offence is committed by a person under the age of 18.
- (3) An offence under Article 37 of that Order (paying for sexual services of a child), where the offence is committed against a person aged 16 or over.
- 67 An offence under section 67 of the Policing and Crime Act 2017 (breach of pre-charge bail conditions relating to travel).””

293

Insert the following new Schedule—

“SCHEDULE 14B

Section 105(3)

SCHEDULE TO BE INSERTED AS SCHEDULE 7B TO THE CRIMINAL JUSTICE AND PUBLIC
ORDER ACT 1994“RIGHTS OF PERSONS ARRESTED UNDER SECTION 137A:
MODIFICATIONS

PART 1

ARRESTS IN RESPECT OF OFFENCES COMMITTED IN ENGLAND AND WALES

- 1 (1) This Part sets out the modifications mentioned in section 137D(2), that is, modifications of the provisions which apply in relation to persons arrested under section 137A in respect of a specified offence committed in England and Wales.
- (2) Except as expressly provided by this Part, a reference to a constable in any of those provisions is to be read as a reference to a constable of the arresting force.
- (3) In this Part, references to the arresting force and the investigating force have the same meaning as in section 137C (see subsection (8) of that section).
- 2 (1) Section 56 of the Police and Criminal Evidence Act 1984 (right to have someone informed when arrested) is modified as follows.
- (2) Subsection (1) is to be read as if (instead of referring to the case where a person has been arrested and is being held in custody in a police station or other premises) it referred to the case where a person has been arrested under section 137A and is being detained under section 137C.
- (3) Subsection (2)(a) does not apply.
- (4) Subsection (2)(b) is to be read as if (instead of referring to an officer of at least the rank of inspector) it referred—
 - (a) in relation to delay during the period of 24 hours beginning with the time of the arrest under section 137A, to an officer of the investigating force of at least the rank of inspector;
 - (b) in relation to delay during any remaining period for which the person may be detained under section 137C, to an officer of the investigating force of a rank above that of inspector.
- (5) Subsection (3) does not apply.
- (6) The reference in subsection (5)(a) to an indictable offence is to be read as a reference to an offence that is an indictable offence under the law of England and Wales.
- (7) Subsection (5A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.

- (8) Subsection (6)(b) is to be read as if (instead of referring to a person's custody record) it referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
 - (9) Subsection (8) is to be read as if (instead of referring to a person detained at a police station or other premises) it referred to a person detained under section 137C.
- 3
- (1) Section 58 of the Police and Criminal Evidence Act 1984 (access to legal advice) is modified as follows.
 - (2) Subsection (1) is to be read as if (instead of referring to a person held in custody in a police station or other premises) it referred to a person detained under section 137C.
 - (3) Subsections (2) and (9)(b) are to be read as if (instead of referring to a person's custody record) they referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
 - (4) Subsections (3) and (5) do not apply.
 - (5) Subsection (6)(a) does not apply.
 - (6) The reference in subsection (6)(b) to an officer of at least the rank of superintendent is to be read as a reference to an officer of at least that rank in the investigating force.
 - (7) The reference in subsection (8)(a) to an indictable offence is to be read as a reference to an indictable offence under the law of England and Wales.
 - (8) Subsection (8A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.
- 4
- (1) Section 34 of the Children and Young Persons Act 1933 (attendance at court of parent of child or young person charged with an offence, etc) is modified as follows.
 - (2) Subsection (2) is to be read as if (instead of referring to the case where a child or young person is in police detention) it referred to the case where a child or young person is being detained under section 137C.
 - (3) Subsection (3) is to be read as if (in addition to the information mentioned in paragraphs (a) to (c)) it also mentioned the information set out in section 137D(1)(a) and (b).
 - (4) The reference in subsection (9) to a child's or young person's rights under section 56 of the Police and Criminal Evidence Act 1984 is to be read as a reference to that section as modified by this Schedule.

PART 2

ARRESTS IN RESPECT OF OFFENCES COMMITTED IN SCOTLAND

- 5 (1) This Part sets out the modifications mentioned in section 137D(3), that is, modifications of the provisions which apply in relation to persons arrested under section 137A in respect of a specified offence committed in Scotland.
- (2) Except as expressly provided by this Part, a reference to a constable in any of those provisions is to be read as a reference to a constable of the arresting force.
- (3) A reference to a person in police custody in any of those provisions is to be read as a reference to a person detained under section 137C.
- (4) In this Part, references to the arresting force and the investigating force have the same meaning as in section 137C (see subsection (8) of that section).
- 6 (1) Section 38 of the Criminal Justice (Scotland) Act 2016 (right to have intimation sent to other person) is modified as follows.
- (2) Subsection (6) applies as if (instead of the provision made by that subsection) it defined “an appropriate constable” as being—
- (a) in relation to delay during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector who has not been involved in the investigation in connection with which the arrest was made;
- (b) in relation to delay during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector who has not been involved in the investigation in connection with which the arrest was made.
- 7 (1) Section 40 of that Act (right of under 18s to have access to another person) is modified as follows.
- (2) Subsection (5) applies as if (instead of the provision made by that subsection) it provided for a decision to refuse or restrict access to a person under subsection (1) or (2) to be taken only by—
- (a) in the case of a decision to refuse or restrict access during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector who has not been involved in the investigation in connection with which the arrest was made;

- (b) in the case of a decision to refuse or restrict access during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector who has not been involved in the investigation in connection with which the arrest was made.
- 8
 - (1) Section 41 of that Act (social work involvement in relation to under 18s) is modified as follows.
 - (2) Subsection (6) applies as if (instead of the provision made by that subsection) it provided for a decision to refuse or restrict access to a person under subsection (4)(b) to be taken only by –
 - (a) in the case of a decision to refuse or restrict access during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector who has not been involved in the investigation in connection with which the arrest was made;
 - (b) in the case of a decision to refuse or restrict access during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector who has not been involved in the investigation in connection with which the arrest was made.
- 9
 - (1) Section 42 of that Act (support for vulnerable persons) is modified as follows.
 - (2) Subsection (5)(b)(ii) is to be read as if (instead of referring to a person appointed as a member of police staff under section 26(1) of the Police and Fire Reform (Scotland) Act 2012) it referred to a person who performs a function which is equivalent to a function performed at a police station in Scotland by a person appointed as a member of police staff under section 26(1) of that Act.
- 10
 - (1) Section 43 of that Act (right to have intimation sent to solicitor) is modified as follows.
 - (2) Subsection (1) is to be read as if the list of matters of which a person has a right to have intimation sent to a solicitor –
 - (a) did not include paragraph (d), but
 - (b) did include the matters mentioned in section 137D(1)(a) and (b).
- 11
 - (1) Section 44 of that Act (right to consultation with solicitor) is modified as follows.

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- (2) Subsection (3) applies as if (instead of the provision made by that subsection) it provided for a decision to delay the exercise of the right under subsection (1) to be taken only by –
- (a) in the case of a delay during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector who has not been involved in the investigation in connection with which the arrest was made;
 - (b) in the case of a delay during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector who has not been involved in the investigation in connection with which the arrest was made.
- 12 (1) Section 51 of that Act (duty to consider child’s wellbeing) is modified as follows.
- (2) Subsection (1) is to be read as if it did not include paragraphs (a), (c) and (d).

PART 3

ARRESTS IN RESPECT OF OFFENCES COMMITTED IN NORTHERN IRELAND

- 13 (1) This Part sets out the modifications mentioned in section 137D(4), that is, modifications of the provisions which apply in relation to persons arrested under section 137A in respect of a specified offence committed in Northern Ireland.
- (2) Except as expressly provided by this Part, a reference to a constable in any of those provisions is to be read as a reference to a constable of the arresting force.
 - (3) In this Part, references to the arresting force and the investigating force have the same meaning as in section 137C (see subsection (8) of that section).
- 14 (1) Article 57 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (right to have someone informed when arrested) is modified as follows.
- (2) Paragraph (1) is to be read as if (instead of referring to the case where a person has been arrested and is being held in custody in a police station or other premises) it referred to the case where a person has been arrested under section 137A and is being detained under section 137C.
 - (3) Paragraph (2)(a) does not apply.
 - (4) Paragraph (2)(b) is to be read as if (instead of referring to an officer of at least the rank of inspector) it referred –
 - (a) in relation to delay during the period of 24 hours beginning with the time of the arrest under section 137A, to an officer of the investigating force of at least the rank of inspector;

- (b) in relation to delay during any remaining period for which the person may be detained under section 137C, to an officer of the investigating force of a rank above that of inspector.
 - (5) Paragraph (3) does not apply.
 - (6) The reference in paragraph (5)(a) to an indictable offence is to be read as a reference to an offence that is an indictable offence under the law of Northern Ireland.
 - (7) Paragraph (5A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.
 - (8) Paragraph (6)(b) is to be read as if (instead of referring to a person's custody record) it referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
 - (9) Paragraph (8) is to be read as if (instead of referring to a person detained at a police station or other premises) it referred to a person detained under section 137C.
- 15
- (1) Article 59 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (access to legal advice) is modified as follows.
 - (2) Paragraph (1) is to be read as if (instead of referring to a person held in custody in a police station or other premises) it referred to a person detained under section 137C.
 - (3) Paragraphs (2) and (9)(b) are to be read as if (instead of referring to a person's custody record) they referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
 - (4) Paragraphs (3) and (5) do not apply.
 - (5) Paragraph (6)(a) does not apply.
 - (6) The reference in paragraph (6)(b) to an officer of at least the rank of superintendent is to be read as a reference to an officer of at least that rank in the investigating force.
 - (7) The reference in paragraph (8)(a) to an indictable offence is to be read as a reference to an indictable offence under the law of Northern Ireland.
 - (8) Paragraph (8A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.
- 16
- (1) Article 10 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (duty to inform person responsible for welfare of child in police detention) is modified as follows.
 - (2) Paragraph (1) is to be read as if (instead of referring to the case where a child is in police detention) it referred to the case where a child is being detained under section 137C.

- (3) That paragraph is also to be read as if (in addition to the information mentioned in sub-paragraphs (a) to (c)) it also mentioned the information set out in section 137D(1)(a) and (b).
- (4) The reference in paragraph (6) to a child’s rights under Article 57 of the Police and Criminal Evidence (Northern Ireland) Order 1989 is to be read as a reference to that Article as modified by this Schedule.””

Schedule 15

- 294 Page 318, line 16, leave out sub-paragraph (4)
- 295 Page 318, line 42, leave out sub-paragraphs (2) and (3)
- 296 Page 318, line 45, at end insert –
- “() After subsection (2) insert –
- “(2A) In the application of section 137C where a person is arrested under section 137A by an officer of Revenue and Customs in respect of a specified offence that is being investigated by an officer of Revenue and Customs –
- (a) subsection (2)(b) is to be read as if (instead of requiring the detention to be 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) it required the detention to be authorised by an officer of Revenue and Customs of at least the grade equivalent to the rank of inspector;
 - (b) subsection (2)(c) is to be read as if (instead of requiring the detention to be 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) it required the detention to be authorised by an officer of Revenue and Customs of a grade above that equivalent to the rank of inspector;
 - (c) subsection (3) is omitted;
 - (d) in subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs;
 - (e) in subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate officer of Revenue and Customs (as defined by subsection (7));
 - (f) subsection (6)(a) is omitted;
 - (g) in subsection (7)(b), the reference to an officer of at least the rank of inspector is to be read as a reference to an officer of Revenue and Customs of at least the equivalent grade;
 - (h) in subsection (7)(c), the reference to an officer of a rank above that of inspector is to be read as a reference to an officer of Revenue and Customs of above the equivalent grade;
 - (i) subsections (8) to (10) are omitted.

- (2B) Where section 137C applies in accordance with subsection (2A), Schedule 7B applies with the following modifications—
- (a) any reference to a constable in the arresting force is to be read as a reference to an officer of Revenue and Customs;
 - (b) any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to an officer of Revenue and Customs of at least, or above, the equivalent grade;
 - (c) any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to officers of Revenue and Customs;
 - (d) instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to officers of Revenue and Customs;
 - (e) the Schedule is to be read as if it also provided for references in the provisions applied by section 137D(2)(d), (3)(d) and (4)(d) to a police station to include references to an office of Revenue and Customs.
- (2C) In the application of section 137C where a person is arrested under section 137A by an officer of Revenue and Customs in respect of a specified offence other than one that is being investigated by an officer of Revenue and Customs—
- (a) any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an officer of Revenue and Customs of at least, or above, the equivalent grade;
 - (b) the reference in subsection (6)(a) to the arresting force is to be read as a reference to any officer of Revenue and Customs.
- (2D) Where section 137C applies in accordance with subsection (2C), Schedule 7B applies with the following modifications—
- (a) any reference to a constable in the arresting force is to be read as a reference to an officer of Revenue and Customs;
 - (b) any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to officers of Revenue and Customs;
 - (c) instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to officers of Revenue and Customs;
 - (d) the Schedule is to be read as if it also provided for references in the provisions applied by section 137D(2)(d), (3)(d) and (4)(d) to a police station to include references to an office of Revenue and Customs.”

- “
- (1) In Schedule 21 to the Crime and Courts Act 2013 (powers of immigration officers), Part 2 (modification of applied enactments) is amended as follows.
 - (2) In paragraph 41, for “Paragraphs 42 and 43” substitute “Paragraphs 42 to 43”.
 - (3) After paragraph 42 insert—
 - “42A(1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence that is being investigated by an immigration officer.
 - (2) Subsection (2)(b) is to be read as if (instead of requiring the detention to be 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) it required the detention to be authorised by an immigration officer of at least the grade equivalent to the rank of inspector.
 - (3) Subsection (2)(c) is to be read as if (instead of requiring the detention to be 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) it required the detention to be authorised by an immigration officer of a grade above that equivalent to the rank of inspector.
 - (4) Subsection (3) is omitted.
 - (5) In subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs.
 - (6) In subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate immigration officer (as defined by subsection (7)).
 - (7) Subsection (6)(a) is omitted.
 - (8) In subsection (7)—
 - (a) in paragraph (b), the reference to an officer of at least the rank of inspector is a reference to an immigration officer of at least the equivalent grade;
 - (b) in paragraph (c), the reference to an officer of a rank above that of inspector is to be read as a reference to an immigration officer of above the equivalent grade.
 - (9) Subsections (8) to (10) are omitted.
- 42B
- (1) Where section 137C applies in accordance with paragraph 42A, Schedule 7B applies with the following modifications.
 - (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.

- (3) Any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to an immigration officer who is at least, or above, the equivalent grade.
 - (4) Any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
 - (5) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.
- 42C (1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence other than one that is being investigated by an immigration officer.
- (2) Any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an immigration officer of at least, or above, the equivalent grade.
 - (3) The reference in subsection (6)(a) to the arresting force is to be read as a reference to any immigration officer.
- 42D (1) Where section 137C applies in accordance with paragraph 42C, Schedule 7B applies with the following modifications.
- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
 - (3) Any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
 - (4) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.”

Before Schedule 16

299 Insert the following new Schedule –

“SCHEDULE 15A

LATE NIGHT LEVY REQUIREMENTS

- 1 Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy) is amended as follows.
- 2 (1) Section 126 (“relevant late night authorisation” and related definitions) is amended as follows.
 - (2) In subsection (2) –
 - (a) for ““Relevant late night authorisation”” substitute ““Relevant late night alcohol authorisation””;
 - (b) after “licensing authority” insert “, a late night levy requirement”;

-
- (c) at the end of paragraph (b) insert “(whether or not it also authorises the provision of late night refreshment at a time or times during such a period)”.
- (3) After subsection (2) insert –
- “(2A) “Relevant late night refreshment authorisation”, in relation to a licensing authority, a late night levy requirement and a levy year, means a premises licence which –
- (a) is granted by the authority,
 - (b) authorises the provision of late night refreshment at a time or times during the late night supply period on one or more days in the related payment year, and
 - (c) does not also authorise the supply of alcohol at a time or times during any such period.”
- (4) After subsection (3) insert –
- “(3A) Where a licensing authority decides under section 125(2) to apply a late night levy requirement in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the licensing authority may determine under section 132(1) –
- (a) a single late night levy period that is to apply in respect of both kinds of authorisations, or
 - (b) two late night levy periods, one of which is to apply in respect of relevant late night alcohol authorisations and the other of which is to apply in respect of relevant late night refreshment authorisations.”
- (5) In subsection (5), for “The late night supply period” substitute “A late night supply period”.
- (6) In subsection (8) –
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
 - (b) omit “in its area”.
- 3 (1) Section 127 (liability to pay late night levy) is amended as follows.
- (2) In subsection (1) –
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
 - (b) after “the area” insert “or part of the area”;
 - (c) for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
- (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
- (4) After subsection (2) insert –
- “(2A) In addition, if the requirement relates to a late night authorisation that is a relevant late night refreshment authorisation, the holder of the authorisation is not liable to pay the late night levy for a levy year if only hot drinks are supplied (or held out for supply) in reliance on the authorisation during the levy year.”

- (5) In subsection (3), for “in its area” substitute “in relation to the late night levy requirement”.
- 4
- (1) Section 128 (amount of late night levy) is amended as follows.
 - (2) In subsection (1) after “For” insert “any levy requirement and”.
 - (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.
 - (4) In subsection (3) –
 - (a) after “in relation to” insert “a late night levy requirement and”;
 - (b) for “in its area” substitute “in relation to the late night levy requirement”.
 - (5) In subsection (4) –
 - (a) for “the late night levy” substitute “a late night levy”;
 - (b) after “the same” insert “, in respect of all late night levy requirements”;
 - (c) for “the levy” substitute “a levy”;
 - (d) omit “for the levy year”.
- 5
- (1) Section 129 (payment and administration of the levy) is amended as follows.
 - (2) In subsection (1), in the closing words, for “the late night levy” substitute “a late night levy”.
 - (3) In subsection (2) –
 - (a) for “the levy” substitute “a levy”;
 - (b) for “relevant late night authorisations” substitute “a late night authorisation to which a late night levy requirement relates”.
 - (4) In subsection (4) –
 - (a) in paragraph (a), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
 - (b) in paragraph (b), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
 - (c) in paragraph (c), for “the relevant late night authorisation” substitute “a relevant late night alcohol authorisation to which a late night levy requirement relates”;
 - (d) in the closing words, for “the levy year” substitute “the levy year in question”.
 - (5) In subsection (5), for “the late night levy” substitute “a late night levy”.
 - (6) In subsection (6), in the closing words, for “the late night levy” (in both places where it occurs) substitute “a late night levy”.
- 6
- (1) Section 130 (net amount of levy payments) is amended as follows.
 - (2) In subsection (1), after “In this Chapter” insert “, in relation to a late night levy requirement”.
 - (3) In subsection (3), for “the late night levy requirement” substitute “a late night levy requirement”.

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- (4) In subsection (5), in the opening words, at the beginning insert “In relation to a late night levy requirement”.
- 7 (1) Section 131 (application of net amount of levy payments) is amended as follows.
- (2) In subsection (1), at the beginning insert “In relation to a late night levy requirement”.
- (3) After subsection (4) insert –
- “(4A) The licensing authority must publish information as to how it applies the remainder of the net amount mentioned in subsection (2)(b).
- (4B) The information must be published at least once in each calendar year during which any part of the remainder is applied.
- (4C) It is for the licensing authority to determine the manner in which the information is published.”
- (4) In subsection (6)(b), for “in respect of the levy” substitute “in respect of a levy”.
- 8 (1) Section 132 (introduction of late night levy requirement) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, for “the late night levy requirement” substitute “a late night levy requirement”;
- (b) in those words, omit “in its area”;
- (c) in paragraph (b) –
- (i) in sub-paragraph (i), after “period” insert “or periods (as to which see section 126(3A))”;
- (ii) in sub-paragraph (ii), omit “in its area”;
- (iii) in sub-paragraph (iii), omit “in its area”.
- 9 (1) Section 133 (amendment of late night levy requirement) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, for the words from the beginning to “section 125,” substitute “Where, in consequence of a decision by a licensing authority under section 125, a late night levy requirement applies,”
- (b) in paragraph (a), omit “in the area”;
- (c) in paragraph (c), for “in the area” substitute “in relation to the late night levy requirement”.
- (3) After subsection (1) insert –
- “(1A) Where the late night levy requirement is in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the power conferred by subsection (1)(b) includes –
- (a) where a single late night levy period applies, power to decide that two late night levy periods are to apply instead;

- (b) where two late night levy periods apply, power to decide that a single late night levy period is to apply instead.”
- (4) In subsection (4) –
 - (a) in paragraph (b), omit “in the area of a licensing authority”;
 - (b) in that paragraph, after “relevant decision” insert “by a licensing authority”;
 - (c) in the closing words, omit “in its area”.
- 10 (1) Section 134 (introduction or variation of late night levy requirement: procedure) is amended as follows.
 - (2) In subsection (1) –
 - (a) in paragraph (a), for “the late night levy requirement” substitute “a late night levy requirement”;
 - (b) in that paragraph, omit “in the area of the licensing authority”;
 - (c) in paragraph (b), for “the late night levy requirement” substitute “a late night levy requirement”;
 - (d) in that paragraph omit “in the area of the licensing authority”.
 - (3) In subsection (2) –
 - (a) in paragraph (a)(iii), for “relevant late night authorisations” substitute “late night authorisations to which the levy requirement in question relates or would relate”;
 - (b) in paragraph (c)(i), for “so as to cease to be a relevant late night authorisation before the beginning of the first levy year” substitute “so that it is not a late night authorisation to which the levy requirement relates at the beginning of the first levy year”.
 - (4) In subsection (3) –
 - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
 - (b) omit “to the area of a licensing authority”.
 - (5) In subsection (4) –
 - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
 - (b) omit “in its area”.
 - (6) Omit subsection (5).
- 11 (1) Section 135 (permitted exemption and reduction categories) is amended as follows.
 - (2) In subsection (1) –
 - (a) in paragraph (a), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
 - (b) in that paragraph, for “the requirement to pay the late night levy is not to apply” substitute “no requirement to pay a late night levy is to apply”;
 - (c) in paragraph (b), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
 - (d) in that paragraph, for “the levy” substitute “a levy”.
 - (3) In subsection (2), omit “in its area”.

- (4) In subsection (4) –
- (a) in paragraph (a), for “the levy” substitute “a levy”;
 - (b) in paragraph (b), for “the levy” substitute “a levy”;
 - (c) in the closing words –
 - (i) for “the late night levy” substitute “a late night levy”;
 - (ii) after “the same” insert “, in respect of all late night levy requirements,”;
 - (iii) for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
 - (iv) omit “for a levy year”.

12 After section 136 insert –

“136A Late night levy: requests by relevant local policing bodies

- (1) The relevant local policing body in relation to a licensing authority may request the licensing authority to make a proposal for a decision under section 125(2) that a late night levy requirement of a kind described in the request is to apply.
- (2) In deciding whether to make a request, the relevant local policing body must consider the matters mentioned in section 125(3).
- (3) A request must be accompanied by any evidence the relevant local policing body has in support of its request.
- (4) In deciding how to respond to the request, the licensing authority must consider the matters mentioned in section 125(3).
- (5) The licensing authority must publish –
 - (a) the request, including the evidence accompanying it, and
 - (b) its response to the request.
- (6) The response must include reasons, including an explanation of the outcome of the authority’s consideration of the matters mentioned in section 125(3).
- (7) It is for the licensing authority to determine the manner in which it publishes the request and its response under subsection (4).”

13 (1) Section 137 (interpretation) is amended as follows.

- (2) For ““the late night levy requirement” substitute ““a late night levy requirement””.
- (3) At the appropriate place insert –

““late night refreshment” has the same meaning as in the Licensing Act 2003 (see Schedule 2 to that Act);”.
- (4) In the definition of ““levy year” –
 - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
 - (b) omit “in the area of the authority”.
- (5) In the definition of ““payment year”, for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.”

In the Title

- 300** Line 18, after “enforcement;” insert “to make provision about the powers of the police to require removal of disguises;”
- 301** Line 19, after “commissioners” insert “and the Deputy Mayor for Policing and Crime”
- 302** Line 20, after “areas;” insert “to make provision about financial support for families at inquests in which a police force is an interested person;”
- 303** Line 21, after “firearms” insert “and pyrotechnic articles”
- 304** Line 28, after “documents;” insert “to make provision for pardons for convictions etc for certain abolished offences;”
- 305** Line 29, after “marriage;” insert “to increase the maximum sentences for stalking offences;”
- 306** Line 31, after “harm;” insert “to make provision about coroners’ duties in respect of deaths in state detention;”
- 307** Line 31, after “harm;” insert “to make provision about victims’ rights;”

LORDS AMENDMENTS TO THE
POLICING AND CRIME BILL

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