



# House of Commons

Friday 27 April 2018

## CONSIDERATION OF BILL (REPORT STAGE)

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*New Amendments handed in are marked thus ★*

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

### ASSAULTS ON EMERGENCY WORKERS (OFFENCES) BILL, AS AMENDED

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#### NOTE

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.**

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Philip Davies

NC1

To move the following Clause—

**“Assaults on police constables**

In section 89(1) of the Police Act 1996, leave out from “offence” to end of subsection (1) and insert—

“and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.””

***Member’s explanatory statement***

*This new clause would make assaults specifically on police constables carry the same penalty as the new offence and not just the six months currently available to courts.*

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**Assaults on Emergency Workers (Offences) Bill, *continued***

Philip Davies

NC2

To move the following Clause—

**“Assaults on police constables (No. 2)**

In section 89(1) of the Police Act 1996, leave out from “offence” to end of subsection (1) and insert—

“and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 24 months, or to a fine, or to both.”

***Member’s explanatory statement***

*This new clause would make assaults specifically on police constables carry greater penalties than are currently available to match the new offence and also to ensure that Crown courts have greater powers of sentence for the offence than magistrates’ courts.*

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Philip Davies

NC3

To move the following Clause—

**“Review of impact of non-commencement of sections 154 and 282 of the Criminal Justice Act 2003**

If sections 154 and 282 of the Criminal Justice Act 2003 have not come into force two years after this Act has come into force the Secretary of State for Justice must review the likely impact this non-commencement has had on the sentences given for offences affected by this Act and provide a statement to Parliament within six months of the end of the two-year period detailing that impact.”

***Member’s explanatory statement***

*This new clause would allow a review from the Secretary of State to enable insight into the impact on sentences for the offences covered by the Bill that are not able to exceed six months as a result of no changes being made to the sentencing powers of magistrates.*

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Assaults on Emergency Workers (Offences) Bill, *continued*

Philip Davies

NC4

To move the following Clause—

**“Assaults in prison**

In section 243A of the Criminal Justice Act 2003, after subsection (2) insert—

“(2A) Subsection (2) does not apply if the prisoner has assaulted any person listed in Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a sentence of less than 12 months who assaulted an emergency worker during that sentence would not be eligible for automatic release.*

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Philip Davies

NC5

To move the following Clause—

**“Assaults in prison (No. 2)**

In section 244 of the Criminal Justice Act 2003, after subsection (1A) insert—

“(1B) Subsection (1) does not apply if the prisoner has assaulted any person listed in Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted an emergency worker during that sentence would not be eligible for automatic release.*

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Philip Davies

NC6

To move the following Clause—

**“Assaults in prison (No. 3)**

In section 246 of the Criminal Justice Act 2003, after subsection (4)(i) insert—

“(j) the prisoner has assaulted any person listed in Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted an emergency worker during that sentence would not be eligible for early release.*

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**Assaults on Emergency Workers (Offences) Bill, continued**

Philip Davies

NC7

To move the following Clause—

**“Assaults in prison (No. 4)**

- (1) In section 246A of the Criminal Justice Act 2003, in subsection (2) after “unless” for “either or both” substitute “any”.
- (2) In section 246A of the Criminal Justice Act 2003, after subsection (2)(b) insert—
  - “(c) the prisoner has assaulted any person listed in section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving an extended sentence under sections 226A and 226B of the Criminal Justice Act 2003 who assaulted an emergency worker during that sentence would not be eligible for automatic release after the requisite period.*

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Philip Davies

NC8

To move the following Clause—

**“Assaults in prison (No. 5)**

In section 247 of the Criminal Justice Act 2003, after subsection (2) insert—

- “(3) Subsection (2) does not apply if the prisoner has assaulted any person listed in section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving an extended sentence under sections 227 and 228 of the Criminal Justice Act 2003 who assaulted an emergency worker during that sentence would not be eligible for automatic release after the requisite period.*

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Philip Davies

NC9

To move the following Clause—

**“Assaults in prison (No. 6)**

In section 243A of the Criminal Justice Act 2003, after subsection (2) insert—

- “(2A) Subsection (2) does not apply if the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a sentence of less than 12 months who*

**Assaults on Emergency Workers (Offences) Bill, *continued***

*assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release.*

Philip Davies

NC10

To move the following Clause—

**“Assaults in prison (No. 7)**

In section 244 of the Criminal Justice Act 2003, after subsection (1A) insert—

“(1B) Subsection (1) does not apply if the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release.*

Philip Davies

NC11

To move the following Clause—

**“Assaults in prison (No. 8)**

In section 246 of the Criminal Justice Act 2003, after subsection (4)(i) insert—

“(j) the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for early release.*

Philip Davies

NC12

To move the following Clause—

**“Assaults in prison (No. 9)**

(1) In section 246A of the Criminal Justice Act 2003, in subsection (2) after “unless” for “either or both” substitute “any”.

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**Assaults on Emergency Workers (Offences) Bill, *continued***

- (2) In section 246A of the Criminal Justice Act 2003, after subsection (2)(b) insert—
- “(c) the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*These new clause would mean that a prisoner serving an extended sentence under sections 226A and 226B of the Criminal Justice Act 2003 who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release after the requisite period.*

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Philip Davies

NC13

To move the following Clause—

**“Assaults in prison (No. 10)**

In section 247 of the Criminal Justice Act 2003, after subsection (2) insert—

- “(3) Subsection (2) does not apply if the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving an extended sentence under sections 227 and 228 of the Criminal Justice Act 2003 who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release after the requisite period.*

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Philip Davies

NC14

To move the following Clause—

**“Assaults in prison (No. 11)**

In section 243A of the Criminal Justice Act 2003, after subsection (2) insert—

- “(2A) Subsection (2) does not apply if the prisoner has assaulted a prison officer during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a sentence of less than 12 months who assaulted a prison officer during that sentence would not be eligible for automatic release.*

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Assaults on Emergency Workers (Offences) Bill, *continued*

Philip Davies

NC15

To move the following Clause—

**“Assaults in prison (No. 12)**

In section 244 of the Criminal Justice Act 2003, after subsection (1A) insert—

“(1B) Subsection (1) does not apply if the prisoner has assaulted a prison officer during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer during that sentence would not be eligible for automatic release.*

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Philip Davies

NC16

To move the following Clause—

**“Assaults in prison (No. 13)**

In section 246 of the Criminal Justice Act 2003, after subsection (4)(i) insert—

“(j) the prisoner has assaulted a prison officer during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer during that sentence would not be eligible for early release.*

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Philip Davies

NC17

To move the following Clause—

**“Assaults in prison (No. 14)**

(1) In section 246A of the Criminal Justice Act 2003, in subsection (2) after “unless” for “either or both” substitute “any”.

(2) In section 246A of the Criminal Justice Act 2003, after subsection 2 (b) insert—

“(c) the prisoner has assaulted a prison officer during the course of their sentence.””

***Member’s explanatory statement***

*This new clause would mean that a prisoner serving an extended sentence under sections 226A and 226B of the Criminal Justice Act 2003 who assaulted a prison officer would not be eligible for automatic release after the requisite period.*

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 Assaults on Emergency Workers (Offences) Bill, *continued*

Philip Davies

NC18

To move the following Clause—

**“Assaults in prison (No. 15)**

In section 247 of the Criminal Justice Act 2003, after subsection (2) insert—

“(3) Subsection (2) does not apply if the prisoner has assaulted a prison officer during the course of their sentence.””

**Member’s explanatory statement**

*This new clause would mean that a prisoner serving an extended sentence under sections 227 and 228 of the Criminal Justice Act 2003 who assaulted a prison during that sentence would not be eligible for automatic release after the requisite period.*

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Chris Bryant  
Holly Lynch  
Philip Davies  
Louise Haigh

2

Clause 1, page 1, line 3, after “battery” insert “including spitting”

**Member’s explanatory statement**

*This makes explicit that this section applies to incidents of assault or battery that are spitting.*

Philip Davies

9

Clause 1, page 1, line 10, leave out “12” and insert “24”

**Member’s explanatory statement**

*This amendment would increase the sentence for the new offence from 12 to 24 months in Crown courts to allow for longer sentences and to ensure Crown courts have greater powers of sentence for the offence than magistrates’ courts.*

Philip Davies

11

Clause 1, page 2, line 1, leave out subsection (4) and insert—

“(4) Sections 154 and 282 of the Criminal Justice Act 2003 shall come into force.”

**Member’s explanatory statement**

*This amendment would increase the sentencing powers of magistrates from six months to 12 months for a single offence and enable the sentencing in the Bill to actually be imposed in magistrates’ courts.*

Philip Davies

10

Clause 1, page 2, line 14, at end insert—

“(5A) Offences under this Act are either way offences.”

**Member’s explanatory statement**

*This amendment would mean that offences under the Act are to be treated as either way offences.*

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Assaults on Emergency Workers (Offences) Bill, *continued*

Chris Bryant  
Holly Lynch  
Jim Fitzpatrick  
Jo Stevens  
Mr Bob Seely  
Liz Twist

Mohammad Yasin  
Louise Haigh

Philip Davies

Caroline Lucas

3

Clause 2, page 2, line 39, at end insert—

“(aa) an offence under section 3 (sexual assault) of the Sexual Offences Act 2003”

***Member’s explanatory statement***

*This causes the fact that the victim was an emergency worker to be an aggravating factor in cases of sexual assault.*

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Chris Bryant

4

Page 4, line 23, leave out Clause 4

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Chris Bryant

5

Page 6, line 6, leave out Clause 5

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Chris Bryant

6

Page 8, line 14, leave out Clause 6

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Chris Bryant

7

Clause 7, page 9, line 37, leave out from “only,” to end of line 38

***Member’s explanatory statement***

*This amendment is consequential on Amendment 5.*

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**10                    Consideration of Bill (Report Stage): 27 April 2018**

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**Assaults on Emergency Workers (Offences) Bill, *continued***

Chris Bryant

**8**

Title, line 3, leave out from “duty;” to “and” in line 6  
*Member’s explanatory statement*  
*This amendment is consequential on Amendments 4 to 6.*

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 5 March 2018:*

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