



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 24 April 2018

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: NC4 to NC18

CONSIDERATION OF BILL (REPORT STAGE)

ASSAULTS ON EMERGENCY WORKERS (OFFENCES) BILL, AS AMENDED

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.

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;

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

- (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.

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.

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.

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.

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.

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.

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.

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.

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, subsections (d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.””

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

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 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 subsections (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 subsections (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”.

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 subsections (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.

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 subsections (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.

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.

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.

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.””

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.

 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.

Chris Bryant
Holly Lynch
Philip Davies

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.

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

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

Mohammad Yasin

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.

Chris Bryant

4

Page 4, line 23, leave out Clause 4

Chris Bryant

5

Page 6, line 6, leave out Clause 5

Chris Bryant

6

Page 8, line 14, leave out Clause 6

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.

10 Consideration of Bill (Report Stage): 24 April 2018

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.

NOTICES WITHDRAWN

The following Notices were withdrawn on 5 March 2018:

1
