



House of Commons

Tuesday 10 July 2018

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 6 and NC1

VOYEURISM (OFFENCES) (NO. 2) BILL

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

VOYEURISM (OFFENCES) (NO.2) BILL

Lucy Frazer

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 10 July) meet—
 - (a) at 2.00 pm on Tuesday 10 July;
 - (b) at 11.30 am and 2.00 pm on Thursday 12 July;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Voyeurism (Offences) (No. 2) Bill, *continued*
TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 10 July	Until no later than 10.00 am	Gina Martin
Tuesday 10 July	Until no later than 10.30 am	The National Police Chiefs' Council
Tuesday 10 July	Until no later than 2.30 pm	Rt Hon Maria Miller MP
Tuesday 10 July	Until no later than 3.00 pm	Brook

Lucy Frazer

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Lucy Frazer

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Mrs Maria Miller
 Dame Caroline Spelman
 Wera Hobhouse
 Jess Phillips
 Liz Saville Roberts
 Jim Shannon

Angela Crawley
 Nicky Morgan
 Stella Creasy
 Mr Peter Bone

Mr Andrew Mitchell
 Dr Sarah Wollaston
 Heidi Allen
 Sir Christopher Chope

Caroline Lucas
 Hannah Bardell
 Michael Fabricant
 Jo Swinson

Clause 1, page 1, line 9, leave out “for a purpose mentioned in subsection (3)”
Member’s explanatory statement
This amendment is consequential to Amendment 1

Voyeurism (Offences) (No. 2) Bill, *continued*

Mrs Maria Miller
 Dame Caroline Spelman
 Wera Hobhouse
 Jess Phillips
 Liz Saville Roberts
 Jim Shannon

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 Dr Sarah Wollaston
 Heidi Allen
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 Jo Swinson

3

Clause 1, page 2, line 2, leave out paragraph (c)

Member's explanatory statement

This amendment is consequential to Amendment 1

Mrs Maria Miller
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1

Clause 1, page 2, line 6, leave out subsection (3) and insert—

“(3) It is a defence for a person (A) charged with an offence under this section to prove—

(a) in respect of an offence under subsection (1)—

- (i) that operating the equipment was necessary for the purposes of preventing or detecting crime, or
- (ii) that A did not operate the equipment with the intent of observing another person's genitals, buttocks or underwear, and

(b) in respect of an offence under subsection (2)—

- (i) that recording the image was necessary for the purposes of preventing or detecting crime, or
- (ii) that A did not record the image with the intent of recording an image of another person's genitals, buttocks or underwear.”

Voyeurism (Offences) (No. 2) Bill, *continued*

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4

Clause 1, page 2, line 8, at end insert—

- “(3A) It is an offence for a person (A) to disclose an image of another person (B) recorded during the commission of an offence under subsection (2) if the disclosure is made without B’s consent.
- (3B) It is a defence for a person (A) charged with an offence under subsection (3A) to prove—
- (a) that disclosure of the image was necessary for the purposes of preventing or detecting crime, or
 - (b) that A did not disclose the image with the intent of disclosing an image of another person’s genitals, buttocks or underwear.”

Stella Creasy
 Alison McGovern
 Stephen Doughty
 Tonia Antoniazzi
 Ruth Cadbury
 Helen Hayes

Lucy Powell
 Melanie Onn
 Christine Jardine
 Lilian Greenwood

Jess Phillips
 Rosie Cooper
 Thelma Walker

Dr Rupa Huq
 Rosie Duffield
 Diana Johnson

6

★ Clause 1, page 2, line 13, at end insert—

- “(4A) Where a court is considering for the purposes of sentencing the seriousness of an offence under this section, and either or both of the facts in subsection (4B) are true, the court —
- (a) must treat the fact mentioned in subsection (4B) as an aggravating factor (that is to say, a factor that increases the seriousness of an offence), and
 - (b) must state in open court that the offence is so aggravated.
- (4B) The facts referred to in subsection (4A) are—
- (a) if, at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim having (or being presumed to have) a particular sex characteristic, or
 - (b) if the offence is motivated (wholly or partly) by hostility towards persons of who share a particular sex characteristic based on them sharing that characteristic.
- (4C) For the purposes of subsection (4B), “sex characteristic” means the protected characteristic of sex in section 11 of the Equality Act 2010.”

Voyeurism (Offences) (No. 2) Bill, continued
Member's explanatory statement

This amendment ensures that if the crime is motivated by misogyny then that will be considered by a court as an aggravating factor when considering the seriousness of the crime for the purposes of sentencing.

Sir Christopher Chope
Mr Peter Bone

5

☆ Clause 1, page 2, line 27, leave out subsections (a) and (b) and insert—

“the offence was committed by a person who was aged 18 years or more at the time of the offence, for the purposes of obtaining sexual gratification.”

Member's explanatory statement

This amendment is consequential upon Amendments 1, 2 and 3 and will mean that the notification requirements are triggered only when the offence is committed for the purposes of obtaining sexual gratification and by a person who is aged 18 or more at the time of the offence.

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NC1

★ To move the following Clause—

“Requirement to amend guidance

The Director of Public Prosecutions shall ensure, within six months of this Act coming into force, that any guidance issued under section 37A of the Police and Criminal Evidence Act 1984 is amended to ensure such guidance specifies information to be provided to the Director of Public Prosecutions to assist with—

- (a) the prosecution of an offence under this Act, and
- (b) the identification of any aggravating factor to an offence under this Act.”

Member's explanatory statement

This new clause requires the Director of Public Prosecutions to ensure that guidance provided to the police is amended to require the police to provide information to assist with the prosecution of the offences under this Bill or the identification of any aggravating factors.
