



# House of Commons

Thursday 12 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*

### VOYEURISM (OFFENCES) (NO. 2) BILL

#### NOTE

**This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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

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),” <sup>2</sup>

*Member’s explanatory statement*

*This amendment is consequential to Amendment 1*

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

Mrs Maria Miller  
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3

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

***Member's explanatory statement***

*This amendment is consequential to Amendment 1*

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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.”

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**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  
 Caroline Lucas

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.”

***Member’s explanatory statement***

*This amendment ensures that if the crime is motivated by misogyny then that will be considered by*

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

*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 paragraphs (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.*

Stella Creasy  
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Rosie Cooper  
Thelma Walker  
Caroline Lucas

Dr Rupa Huq  
Rosie Duffield  
Diana Johnson

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.*

**ORDER OF THE COMMITTEE [10 JULY 2018]**

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:

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**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

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