



# House of Commons

Wednesday 5 September 2018

## CONSIDERATION OF BILL (REPORT STAGE)

---

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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

---

Stella Creasy  
Tonia Antoniazzi  
Martin Whitfield  
Luciana Berger  
Debbie Abrahams  
Peter Kyle

Lucy Powell  
Liz Saville Roberts  
Ben Lake

Rosie Duffield  
Hywel Williams  
Kerry McCarthy

Jess Phillips  
Jonathan Edwards  
Caroline Lucas

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 that 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.”

## 2 Consideration of Bill (Report Stage): 5 September 2018

---

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

***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.*

---

Mrs Maria Miller  
Sir Christopher Chope  
Liz Saville Roberts  
Nicky Morgan  
Mr Andrew Mitchell  
Jess Phillips

Caroline Lucas  
Wera Hobhouse

Stella Creasy

Dr Sarah Wollaston

Clause 1, page 1, line 9, leave out “for a purpose mentioned in subsection (3)”

1

Mrs Maria Miller  
Sir Christopher Chope  
Liz Saville Roberts  
Nicky Morgan  
Mr Andrew Mitchell  
Jess Phillips

Caroline Lucas  
Wera Hobhouse

Stella Creasy

Dr Sarah Wollaston

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

2

Mrs Maria Miller  
Sir Christopher Chope  
Liz Saville Roberts  
Nicky Morgan  
Mr Andrew Mitchell  
Jess Phillips

Caroline Lucas  
Wera Hobhouse

Stella Creasy

Dr Sarah Wollaston

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

3

***Member's explanatory statement***

*As drafted the Bill potentially does not outlaw “upskirting” in certain cases such as for purely financial motives; or where the motivation is “group bonding” where the identity of the victim is irrelevant. This amendment makes all “upskirting” an offence.*

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

Mrs Maria Miller  
Liz Saville Roberts  
Nicky Morgan  
Mr Andrew Mitchell  
Jess Phillips  
Caroline Lucas

Stella Creasy

Dr Sarah Wollaston

Wera Hobhouse

5

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.”

**Member’s explanatory statement**

*As the Bill is currently drafted it would be an offence to take an upskirting picture but not necessarily an offence for it to be distributed (existing “intimate image” legislation does not outlaw the distribution in all cases). This amendment makes it an offence to distribute non-consensual “upskirting” images.*

Stella Creasy  
Tonia Antoniazzi  
Martin Whitfield  
Luciana Berger  
Debbie Abrahams  
Peter Kyle

Lucy Powell  
Caroline Lucas  
Vernon Coaker  
Hywel Williams  
Kerry McCarthy  
Stephen Doughty  
Jo Swinson  
Dr Rosena Allin-Khan  
Gareth Thomas

Rosie Duffield  
Lilian Greenwood  
Dame Margaret Hodge  
Jonathan Edwards  
Christian Matheson  
Helen Hayes  
Melanie Onn  
Mr Ben Bradshaw  
Liz McInnes

Jess Phillips  
Anna McMorrin  
Liz Saville Roberts  
Ben Lake  
Louise Haigh  
Tulip Siddiq  
Ann Coffey  
John Woodcock  
Gill Furniss

7

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 any 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 that—
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim having (or being presumed to have) a particular sex characteristic, or

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

- (b) the offence was 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.
- (4D) The Secretary of State shall, within twelve months of Royal Assent being given to this Act, request that the Law Commission review the provisions of subsections (4A) to (4C).”

***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.*

Mrs Maria Miller  
Liz Saville Roberts  
Nicky Morgan  
Mr Andrew Mitchell  
Jess Phillips  
Caroline Lucas

Stella Creasy

Dr Sarah Wollaston

Wera Hobhouse

4

Clause 1, page 2, line 27, leave out “mentioned in section 67A(3)(a) (sexual gratification)” and insert “of obtaining sexual gratification”

Sir Christopher Chope

6

Clause 1, page 2, line 29, leave out from “the” to end of line 40 and insert “offender was aged 18 years or older at the time of the offence”.

***Member’s explanatory statement***

*This amendment makes the offence notifiable in all cases when the offence is committed by a person aged 18 or over and for sexual gratification.*

---