



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 3 September 2018

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL (REPORT STAGE)

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

Rosie Duffield

Jess Phillips

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

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

(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.

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

Caroline Lucas

Stella Creasy

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

Stella Creasy

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

Stella Creasy

Clause 1, page 2, line 6, leave out subsection (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.

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

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

Stella Creasy

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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

Rosie Duffield

Jess Phillips

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
 - (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.

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

(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

Clause 1, page 2, line 27, leave out “mentioned in section 67A(3)(a) (sexual gratification)” and insert “of obtaining sexual gratification” 4

Sir Christopher Chope

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”. 6

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.
