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Committee Stage: Thursday 20 May 2021

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## Police, Crime, Sentencing and Courts Bill (Amendment Paper)

This document lists all amendments tabled to the Police, Crime, Sentencing and Courts Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New amendments: 76 to 115 and NC44 to NC57

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Sarah Champion  
Sarah Jones

2

Clause 1, page 2, line 2, after “workforce,”, insert “including the impact of working with traumatised survivors on officers’ wellbeing and morale,”

### Member’s explanatory statement

This amendment aims to ensure the police covenant report, when addressing the health and wellbeing of members and former members of the police workforce, also addresses the specific impact working with traumatised survivors, such as survivors of child sexual abuse, has on officers’ wellbeing and morale.

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Sarah Jones

77

★ Clause 1, page 2, line 34, at end insert—

“(8A)The Secretary of State may not lay the police covenant report before Parliament unless it has been reviewed by an oversight board.

(8B)The oversight board referred to in section (8A) must be made up of representatives of the following organisations, appointed in each case by the organisation itself—

- (a) the Police Federation,
- (b) the Police Superintendents’ Association,
- (c) the Chief Police Officers Staff Association,
- (d) UNISON,
- (e) the National Police Chiefs Council,
- (f) the Association of Police and Crime Commissioners,
- (g) the Home Office, and
- (h) the College of Policing,

and an independent chair appointed by the Secretary of State, and any other person the Secretary of State considers appropriate.”

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Sarah Jones

76

★ Clause 1, page 2, line 41, at end insert—

- “(aa) members of the British Transport Police,
- (ab) members of the Civil Nuclear Constabulary,
- (ac) members of the Ministry of Defence police,”

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Sarah Jones

78

★ Clause 7, page 7, line 33, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

This amendment, together with Amendments 79, 80, 83, 84, 85, 86, 88 and 89, would ensure specified authorities involved in the “serious violence duty” safeguard children at risk of or experiencing from harm.

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Sarah Jones

79

★ Clause 7, page 7, line 37, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Stella Creasy

50

Clause 7, page 8, line 4, at end insert—

“(3A)Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section.”

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Sarah Jones

92

★ Clause 7, page 8, line 4, at end insert—

- “(d) prepare and implement an early help strategy to prevent violence and support child victims of violence and prevent hidden harm.”

**Member's explanatory statement**

This amendment would add a duty on specified authorities to prepare and implement an early help strategy.

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Sarah Jones

80

## ★ Clause 7, page 8, line 6, at end insert—

- “(d) safeguard children involved in serious violence in the area, and
- (e) identify and safeguard children who are involved in serious violence in the area as a result of being a victim of modern slavery and trafficking offences under the Modern Slavery Act 2015.”

**Member's explanatory statement**

See explanatory statement to amendment 78.

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Stella Creasy

52

## Clause 7, page 8, line 10, at end insert—

- “(d) each registered provider of social housing in the area.”

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Sarah Jones

93

## ★ Clause 7, page 8, line 10, at end insert—

- “(d) any children's social care authority for the area which is not a specified authority for the area.”

**Member's explanatory statement**

This amendment would ensure that any children's social care authority which was not already involved in the strategy would be consulted in the preparation of the strategy.

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Stella Creasy

53

## Clause 7, page 8, line 15, at end insert—

- “(d) each registered provider of social housing in the area.”

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Sarah Jones

81

## ★ Clause 7, page 8, line 30, leave out “from time to time” and insert “every two years,”

**Member's explanatory statement**

This amendment would require the specified authorities for an area to prepare and implement a revised strategy every two years.

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Sarah Jones

82

★ Clause 7, page 8, line 30, at end insert—

“(7A)The local policing body for the area must provide an annual monitoring report for local safeguarding partners on actions undertaken as part of a strategy.”

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Sarah Jones

86

★ Clause 7, page 9, line 11, at end insert—

“(d) identify and safeguard children who are involved in serious violence in the area as a result of being a victim of modern slavery and trafficking offences under the Modern Slavery Act 2015.”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Sarah Jones

83

★ Clause 8, page 9, line 3, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Sarah Jones

84

★ Clause 8, page 9, line 6, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Sarah Jones

85

★ Clause 8, page 9, line 11, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Stella Creasy 51

Clause 8, page 9, line 11, at end insert—

“(3A)Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section.”

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Stella Creasy 54

Clause 8, page 9, line 18, at end insert—

“(e) each registered provider of social housing in the area.”

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Stella Creasy 55

Clause 8, page 9, line 23, at end insert—

“(d) any registered provider of social housing in the area.”

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Sarah Jones 87

★ Clause 8, page 10, line 4, leave out “from time to time” and insert “every two years,”

**Member’s explanatory statement**

This amendment would require collaborating specified authorities for an area to prepare and implement a revised strategy every two years.

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Sarah Jones 88

★ Clause 9, page 10, line 30, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Sarah Jones 89

★ Clause 9, page 10, line 32, after “violence”, insert “and safeguard children involved in serious violence”

**Member’s explanatory statement**

See explanatory statement to amendment 78.

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Stella Creasy

56

Clause 9, page 10, line 45, at end insert—

“(f) a registered provider of social housing.”

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Sarah Jones

91

★ Clause 12, page 12, line 34, at end insert—

“(5) In exercising their functions under this Chapter, specified authorities must have particular regard to reducing serious violence against women and girls, including street harassment, and reducing instances of hidden harm resulting from serious violence.”

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Stella Creasy

57

Clause 15, page 15, line 5, at end insert—

“(f) a registered provider of social housing.”

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Stella Creasy

58

Clause 16, page 15, line 37, at end insert—

“(e) a registered provider of social housing.”

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Sarah Jones

90

★ Clause 16, page 16, line 14, at end insert—

“(8) A local policing body must report annually on the requests made under this section, including information on the bodies the request were made to and the use of information provided.”

**Member's explanatory statement**

This amendment would require local policing bodies to report on requests for information made to specified authorities, educational authorities, prison authorities and youth custody authorities for the purpose of assisting with its functions under section 13.

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Stella Creasy 59

Clause 17, page 16, line 19, at end insert "or registered provider of social housing"

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Stella Creasy 60

Clause 17, page 16, line 22, after "authority", insert "or provider"

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Stella Creasy 61

Clause 18, page 17, line 3, at end insert—

"(g) a registered provider of social housing."

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Stella Creasy 62

Clause 19, page 17, line 10, at end insert—

"(1A)In section 5 (Authorities responsible for strategies)—

(a) after subsection (1F) insert—

"(1G) Responsible authorities which are housing authorities must have particular regard to their housing duties when exercising the functions conferred by or under section 6 or section 7."

(b) in subsection (2), after paragraph (d), insert—

"(e) every registered provider of social housing in the area.""

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Sarah Jones

94

★ Clause 36, page 29, line 5, at end insert—

- “(c) the user who has given agreement under subsection (1)(b) was offered free independent legal advice on issues relating to their human rights before that agreement was given.”

**Member’s explanatory statement**

This amendment would ensure that users of electronic devices were offered free independent legal advice before information on their device could be accessed.

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Victoria Atkins  
Chris Philp

63

Clause 37, page 31, line 35, after “London” insert “in its capacity as a local authority”

**Member’s explanatory statement**

This amendment clarifies that the reference in clause 37(11) to the Common Council of the City of London is to the Common Council in its capacity as a local authority.

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Sarah Champion

115

★ Schedule 3, page 198, line 29, leave out “A person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.”

**Member’s explanatory statement**

This amendment would remove immigration officers from the list of authorised persons who may carry out a digital extraction.

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Sarah Jones

95

★ Schedule 4, page 203, line 33, leave out “If it is reasonably practicable to do so” and insert “Unless there is an exceptional reason not to”



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Sarah Jones

96

★ Schedule 4, page 203, line 38, at end insert—

“(4AA) If it is reasonably practicable to do so, the investigating officer must consider the personal situation and the needs, as they appear to the investigating officer given all the circumstances of the case, of the alleged victim (if any) of the relevant offence on—

- (a) whether any of the conditions that are relevant conditions should be varied under subsection (1), and
- (b) if so, what variations should be made to those conditions.

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Sarah Jones

97

★ Schedule 4, page 203, line 40, at end insert “and (4AA)”

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Sarah Champion  
Alex Cunningham

7

Clause 45, page 37, line 1, leave out subsections (2) and (3) and insert—

“(2) In section 21, after subsection (5), insert—

“(5A) This subsection applies if A is regularly involved in caring for, training, supervising or being in sole charge of B and none of subsections (2) to (13) of this section otherwise applies.”

(3) In section 16—

- (a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;
- (b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

(4) In section 17—

- (a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;
- (b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

(5) In section 18—

- (a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;
- (b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

(6) In section 19—

- (a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;
- (b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

**Member's explanatory statement**

This amendment aims to ensure that all adults who are in a position of trust are subject to the child sexual abuse offences provided for by section 16 to 19 of the Sexual Offences Act 2003, rather than simply extending the definition to those who coach, teach, train, supervise or instruct children in a sport or a religion.

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Victoria Atkins 64  
Chris Philp

Clause 53, page 44, line 33, leave out "and (4)" and insert "to (4A)"

**Member's explanatory statement**

This amendment and Amendments 65 to 67 ensure that the references to live audio links and live video links in clause 53(3) are consistent with the provisions made about live links in clause 168 of, and Part 3 of Schedule 19 to, the Bill.

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Victoria Atkins 65  
Chris Philp

Clause 53, page 44, line 36, after first "a" insert "preliminary, sentencing or enforcement"

**Member's explanatory statement**

See the explanatory statement for Amendment 64.

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Victoria Atkins 66  
Chris Philp

Clause 53, page 44, line 37, leave out from "link" to end of line 38

**Member's explanatory statement**

See the explanatory statement for Amendment 64.

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Victoria Atkins 67  
Chris Philp

Clause 53, page 45, line 3, at end insert—

"(4A) In subsection (4), at the appropriate place insert—

""enforcement hearing", "live audio link", "live video link",  
"preliminary hearing", and "sentencing hearing" each has the  
meaning given in section 56(1) of the Criminal Justice Act 2003;"."

**Member's explanatory statement**

See the explanatory statement for Amendment 64.

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Sarah Jones

105

★ Page 45, line 24, leave out Clause 54

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Sarah Jones

106

★ Page 46, line 42, leave out Clause 55

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Bob Stewart

71

Clause 55, page 47, line 12, at end insert—

“(ac)the purpose of the persons organising it is to influence—

(i) an elected representative within the meaning of paragraph 23 of Schedule 1 of the Data Protection Act 2018, or

(ii) a public official,

in relation to how they carry out their public functions and the assembly is held at a location other than the place where the elected representative or public official normally carries out their public duties,”

**Member's explanatory statement**

This amendment would allow a senior police officer to give directions imposing conditions on an assembly aimed at influencing an elected representative or public official which is held at a location other than the place where the elected representative or public official normally carries out their public duties.

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Sarah Jones

107

★ Page 48, line 21, leave out Clause 56

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Sarah Jones

108

★ Page 50, line 22, leave out Clause 57

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Sarah Jones

109

★ Page 51, line 36, leave out Clause 58

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Sarah Jones

110

★ Page 52, line 16, leave out Clause 59

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Sarah Jones

111

★ Page 53, line 18, leave out Clause 60

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_____ Sarah Jones	112
★ Page 55, line 23, leave out Clause 61	
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_____ Sarah Jones	113
★ Page 59, line 22, leave out Clause 62	
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_____ Sarah Jones	114
★ Page 61, line 6, leave out Clause 63	
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_____ Alex Cunningham Sarah Champion	11
Clause 76, page 70, line 38, leave out “diversionary” and insert “conditional”	
_____ Alex Cunningham Sarah Champion	12
Clause 76, page 71, line 2, leave out “diversionary” and insert “conditional”	
_____ Alex Cunningham Sarah Champion	13
Clause 76, page 71, line 7, leave out “Diversinary” and insert “Conditional”	

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Alex Cunningham 46  
Sarah Champion

Clause 76, page 71, line 7, leave out from “Diversionsary” to end of line 8 and insert—  
“cautions must have one or more conditions attached to them.

(4A)Community cautions may have one or more conditions attached to them.”

**Member’s explanatory statement**

This amendment would remove the requirement for community cautions to have conditions attached to them, and instead make such conditions discretionary.

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Alex Cunningham 14  
Sarah Champion

Clause 76, page 71, line 10, leave out “diversionary” and insert “conditional”

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Alex Cunningham 15  
Sarah Champion

Clause 76, page 71, line 16, leave out “diversionary” and insert “conditional”

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Alex Cunningham 8  
Sarah Champion

Clause 76, page 71, line 21, at end insert—

“(8)The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, and every 12 months thereafter, lay before Parliament a report on the use of cautions in accordance with this Part.”

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Alex Cunningham 18  
Sarah Champion

Clause 77, page 71, line 24, leave out “diversionary” and insert “conditional”

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Alex Cunningham 19  
Sarah Champion

Clause 77, page 71, line 31, leave out “diversionary” and insert “conditional”

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Alex Cunningham Sarah Champion	20
Clause 77, page 72, line 3, leave out "diversionary" and insert "conditional"	
Alex Cunningham Sarah Champion	21
Clause 77, page 72, line 6, leave out "diversionary" and insert "conditional"	
Alex Cunningham Sarah Champion	22
Clause 77, page 72, line 8, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	23
Clause 78, page 72, line 11, leave out "diversionary" and insert "conditional"	
Alex Cunningham Sarah Champion	24
Clause 78, page 72, line 15, leave out "diversionary" and insert "conditional"	
Alex Cunningham Sarah Champion	25
Clause 78, page 72, line 20, leave out "diversionary" and insert "conditional"	
Alex Cunningham Sarah Champion	26
Clause 78, page 72, line 34, leave out "diversionary" and insert "conditional"	

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Alex Cunningham Sarah Champion	27
Clause 79, page 72, line 38, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	28
Clause 79, page 72, line 42, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	29
Clause 80, page 73, line 36, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	30
Clause 81, page 74, line 7, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	31
Clause 81, page 74, line 14, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	32
Clause 82, page 74, line 25, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	34
Clause 83, page 74, line 29, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	35
Clause 83, page 74, line 34, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	36
Clause 84, page 74, line 39, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	37
Clause 84, page 75, line 36, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	38
Clause 84, page 75, line 42, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	39
Clause 85, page 76, line 23, leave out "diversionary" and insert "conditional"	
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Alex Cunningham Sarah Champion	40
Clause 85, page 76, line 26, leave out "diversionary" and insert "conditional"	

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Alex Cunningham 41  
Sarah Champion

Clause 85, page 76, line 31, leave out "diversionary" and insert "conditional"

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Alex Cunningham 42  
Sarah Champion

Clause 85, page 76, line 34, leave out "diversionary" and insert "conditional"

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Alex Cunningham 43  
Sarah Champion

Clause 85, page 76, line 39, leave out "diversionary" and insert "conditional"

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Alex Cunningham 44  
Sarah Champion

Clause 85, page 77, line 15, leave out "diversionary" and insert "conditional"

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Alex Cunningham 45  
Sarah Champion

Clause 85, page 77, line 18, leave out "diversionary" and insert "conditional"

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Alex Cunningham 47  
Sarah Champion

Clause 86, page 77, line 36, leave out "of the"

**Member's explanatory statement**

This amendment is consequential on Amendment 13

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Alex Cunningham  
Sarah Champion

48

Clause 86, page 77, line 41, leave out first "the" and insert "any"

**Member's explanatory statement**

This amendment is consequential on Amendment 13

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Alex Cunningham  
Sarah Champion

1

Clause 101, page 86, line 41, at end insert—

"(bb) the abduction, sexual assault and murder of a person not previously known to the offender,"

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Sarah Champion  
Alex Cunningham

49

Clause 109, page 98, line 41, at beginning insert—

"(1) In subsection (3) of section 239 of the Criminal Justice Act 2003 (the Parole Board), omit the words from "and if in any particular case" to end of subsection and substitute—

"(c) the views of the person to whom the case relates""

**Member's explanatory statement**

This amendment would amend the Criminal Justice Act 2003 to ensure victims/survivors are consulted in parole decisions which will affect them.

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Victoria Atkins  
Chris Philp

68

Clause 115, page 104, line 21, at end insert—

“(2A) The amendments made by subsection (2)(a)(i) do not have effect in relation to an offender who—

- (a) is sentenced before the coming into force of section 107 (increase in requisite custodial period for certain offenders of particular concern), and
- (b) on being sentenced, will be a prisoner to whom section 244A of the Criminal Justice Act 2003 (release on licence of prisoners serving sentence under 278 of the Sentencing Code etc) applies.”

**Member’s explanatory statement**

This amendment ensures that the amendments made by clause 115(2)(a)(i) do not apply to a person who is sentenced between the passing of the Bill (when clause 115 comes into force) and the coming into force of clause 107 two months later and who will be a person to whom section 244A of the Criminal Justice Act 2003 applies.

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Sarah Jones

101

★ Clause 139, page 128, line 42, at end insert—

“(9A) If the order is made before regulations have been made under section 175(1) of the Police, Crime, Sentencing and Courts Bill for the coming into force of section 139 of that Act for all purposes and in relation to the whole of England and Wales, the court must, in every case where the prosecution makes an application under paragraph (b) of section 342A(1) for a serious violence reduction order to be made, set out in writing its reasons for making, or not making, such an order.”

**Member’s explanatory statement**

This amendment would require the court, during any pilot of serious violence reduction orders, to set out in writing its reasons for making or not making such an order.

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Sarah Jones

103

★ Clause 139, page 133, line 43, at end insert—

“(3A) Guidance under this section must include guidance on the intelligence, community information and risk factors that are to be considered before an application is made for the imposition of a serious violence reduction order.”

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Sarah Jones

99

★ Clause 140, page 134, line 33, leave out “and (3)” and insert “(3) and (3A)”

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Sarah Jones

98

★ Clause 140, page 134, line 42, at end insert—

“(3A)The report under subsection (3) must include—

- (a) information on the ethnicity of people made subject to a serious violence reduction order;
- (b) information on the number of people made subject to a serious violence reduction order where there is no evidence of their having handled a weapon, either in the incident resulting in the imposition of the order or previously;
- (c) information on the number of people stopped by a police officer in the belief that they are subject to a serious violence reduction order, broken down by ethnicity (collected on the basis of self-identification by the person stopped), and including information on the number of times any one individual is stopped;
- (d) analysis of the distribution of serious violence reduction orders in relation to the ethnic make-up of the population;
- (e) an equality impact assessment including an assessment of the impact of the pilot on the groups mentioned in the equality statement produced before the pilot is commenced;
- (f) analysis of data assessing the extent to which the pilot has reduced serious violent crime and reoffending by comparison with other areas;
- (g) an assessment by the Sentencing Council of the proportionality of the distribution of the imposition of serious violence reduction orders;
- (h) analysis of (i) the impact of the length of time for which a serious violence reduction order is imposed on reoffending and (ii) the extent to which the length of time for which a serious violence reduction order is imposed has harmful impacts on the life of the individual who is subject to it;
- (i) an assessment of the impact of the imposition of serious violence reduction orders on the use of ‘stop and account’ in the pilot area or areas;
- (j) feedback from Community Scrutiny Panels on scrutiny of body-worn video of all stops of people subject to, or believed to be subject to, a serious violence reduction order;
- (k) analysis of any adverse impact of the imposition of serious violence reduction orders, undertaken on the basis of interviews with (i) people subject to a serious violence reduction order and (ii) organisations working with young people, in addition to any other information considered relevant by the person conducting the analysis;
- (l) analysis of who is made subject to a serious violence reduction order, what evidence is relied on to justify the imposition of such orders, and whether there is any bias in the decision-making process;

- (m) analysis of information on the reason for each breach of a serious violence reduction order;
  - (n) analysis of the extent to which searches made under the powers granted by this Part could have been carried out under other powers.
- (3B) Statistical information collected for the purposes of section (3A) from different pilot areas must be collected and presented in a form which enables direct comparison between those areas."

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Sarah Jones

100

★ Clause 140, page 134, line 42, at end insert—

"(3A) The condition in this subsection is that consultation on the report under subsection (3) has been undertaken with anyone the Secretary of State considers appropriate, including—

- (a) representatives of the voluntary sector, and
- (b) representatives of communities disproportionately represented in the criminal justice system."

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Sarah Jones

102

★ Clause 140, page 135, line 2, at end insert—

"(4A) Regulations under section 175(1) which bring section 139 into force only for a specified purpose or in relation to a specified area—

- (a) must include provision bringing into force section 342J of the Sentencing Code (Guidance); and
- (b) must provide that section 139 may come into force for other specified purposes or in relation to specified areas only once guidance has been issued under section 342J of the Sentencing Code."

**Member's explanatory statement**

This amendment would require the Secretary of State to issue guidance on serious violence reduction orders before any pilot could commence.

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Sarah Jones

104

★ Clause 140, page 135, line 2, at end insert—

"(4A) The powers under section 342A(2) of the Sentencing Code are exercisable before the power in section 175(1) has been exercised so as to bring section 139 into force for all purposes and in relation to the whole of England and Wales only if every officer of any police force in an area in relation to which section 139 has been brought into force has completed the College of Policing two-day training on stop and search."

**Member's explanatory statement**

This amendment would require all police officers in a pilot force area to have completed the College of Policing training on stop and search before the power to impose serious violence reduction orders could be used.

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Sarah Champion 3  
Sarah Jones

Clause 145, page 143, line 16, leave out "may" and insert "must"

**Member's explanatory statement**

This amendment would place a requirement on the Secretary of State to prepare (or direct someone to prepare) a list of countries and territories considered to be at high risk of child sexual exploitation or abuse by UK nationals and residents, rather than leaving at the Secretary of State's discretion to produce such a list.

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Sarah Champion 4  
Sarah Jones

Clause 145, page 143, line 20, after "residents", insert ", including those who commit those crimes online, remotely or via the internet"

**Member's explanatory statement**

This amendment would ensure the list prepared by the Secretary of State includes countries and territories where children are considered at high risk of child sexual exploitation by UK nationals and residents who commit those crimes online, remotely or via the internet, and is not limited to in-person offending.

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Sarah Champion 5  
Sarah Jones

Clause 145, page 143, line 24, after "residents", insert ", including those who commit those crimes online, remotely or via the internet"

**Member's explanatory statement**

This amendment would ensure the list prepared by a relevant person directed by the Secretary of State includes countries and territories where children are considered at high risk of child sexual exploitation by UK nationals and residents who commit those crimes online, remotely or via the internet, and is not limited to in-person offending.

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Sarah Champion 6  
Sarah Jones

Clause 145, page 144, line 16, leave out subsection (9)

**Member's explanatory statement**

This amendment would remove the ability of the Secretary of State to withdraw the list of countries and territories considered to be at high risk of child sexual exploitation or abuse by UK nationals and residents.

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Alex Cunningham  
Sarah Champion

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Clause 163, page 180, line 30, leave out from "for" to "or" in line 32 and insert "a serious violent, sexual or terrorism offence specified in regulations made by the Secretary of State by statutory instrument"

**Member's explanatory statement**

This amendment would make the list of offences subject to lifelong disclosure specified in regulations rather than set in primary legislation.

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Alex Cunningham

72

Clause 166, page 185, line 41, at end insert—

"(8A) The Lord Chancellor may not make regulations under subsection (8) unless the advice of the Senior Data Governance Panel (or similar committee established for this purpose) has first been sought on the provision which they would make."

**Member's explanatory statement**

This amendment would require the Lord Chancellor to seek the advice of the Senior Data Governance Panel before making regulations governing the broadcast of court hearings.

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Alex Cunningham

73

Clause 168, page 189, line 30, at end insert—

"(d) the court has been provided with a physical and mental health assessment of the person to whom the direction relates confirming that proceeding via a live audio link or live video link will not impede their ability to understand or effectively participate in proceedings."



**Member's explanatory statement**

This amendment would require the court to be provided with a physical and mental health assessment of an individual before it could make a direction requiring or permitting them to take part in criminal proceedings through a live audio or video link.

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Alex Cunningham

74

Clause 168, page 190, line 10, at end insert—

- “(4) The Secretary of State may exercise the power in section 175(1) so as to bring this section (and part 3 of Schedule 19) into force only if the condition in subsection (5) is met.
- (5) The condition in this subsection is that a review of the impact of the expansion of audio and video links in criminal proceedings has been conducted in accordance with subsection (6).
- (6) The review mentioned in subsection (5) must—
- (a) collect evidence of the impact of live audio and video links on—
    - (i) sentencing and remand decisions,
    - (ii) the effective participation of defendants,
    - (iii) the experience of victims and witnesses, and
    - (iv) the cost to the wider justice system, including costs borne by the police and prison systems; and
  - (b) be undertaken by a person who is independent of the Secretary of State.
- (7) The review mentioned in subsection (5) may also consider any other matter which the person conducting the review considers relevant.”

**Member's explanatory statement**

This amendment would ensure that the expansion in the use of audio and video links will not be undertaken until an independent review of its impact has been undertaken.

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Sir Edward Leigh

69

Clause 175, page 192, line 25, leave out “and (5)” and insert “, (5) and (5A)”.

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Alex Cunningham

75

Clause 175, page 193, leave out line 37

**Member's explanatory statement**

This amendment is consequent on Amendment 74.

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Sir Edward Leigh

70

Clause 175, page 193, line 39, at end insert—

“(5A) Section (Retention by the police of personal data relating to non-criminal conduct perceived to be motivated by hostility) comes into force at the end of the period of six months beginning with the day on which this Act is passed.”

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Ms Harriet Harman  
Caroline Nokes  
Sir Peter Bottomley  
Wera Hobhouse  
Janet Daby  
Caroline Lucas

NC1

Liz Saville Roberts  
Taiwo Owatemi  
Dame Diana Johnson  
Rushanara Ali  
Yvonne Fovargue  
Anne Marie Morris  
Lilian Greenwood  
Debbie Abrahams  
Kevin Brennan  
Mr Virendra Sharma  
Claire Hanna  
Navendu Mishra  
Catherine McKinnell  
Paula Barker  
Jamie Stone  
Derek Twigg  
Apsana Begum

Stella Creasy  
Maria Eagle  
Emma Hardy  
Tonia Antoniazzi  
Bell Ribeiro-Addy  
Mohammad Yasin  
Karin Smyth  
Dame Margaret Hodge  
Mr Andrew Mitchell  
Clive Lewis  
Florence Eshalomi  
Chris Bryant  
Geraint Davies  
Darren Jones  
Ed Davey  
Yvette Cooper

Julie Elliott  
Helen Hayes  
Rosie Cooper  
Rosie Duffield  
Barbara Keeley  
Andrew Gwynne  
Paul Blomfield  
Sir Mark Hendrick  
Clive Efford  
Sarah Champion  
Simon Hoare  
Kim Johnson  
Claudia Webbe  
Mr David Davis  
Jackie Doyle-Price  
Christina Rees

To move the following Clause—

**“Harassment in a public place**

- (1) A person must not engage in any conduct in a public place—
  - (a) which amounts to harassment of another, and
  - (b) which he knows or ought to know amounts to harassment of the other.
- (2) For the purposes of this section, the person whose conduct is in question ought to know that it amounts to harassment of another if a reasonable person would think the conduct amounted to harassment of the other.
- (3) For the purposes of this section—

“conduct” includes speech;

“harassment” of a person includes causing the person alarm or distress.

- (4) Subsection (1) does not apply to conduct if the person can show—
  - (a) that it was for the purpose of preventing or detecting crime,

- (b) that it was under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
  - (c) that in the particular circumstances it was reasonable.
- (5) A person who engages in any conduct in breach of subsection (1) is guilty of an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both."

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Ms Harriet Harman

NC2

Caroline Nokes

Sir Peter Bottomley

Wera Hobhouse

Janet Daby

Caroline Lucas

Liz Saville Roberts

Taiwo Owatemi

Dame Diana Johnson

Rushanara Ali

Yvonne Fovargue

Anne Marie Morris

Lilian Greenwood

Debbie Abrahams

Kevin Brennan

Mr Virendra Sharma

Claire Hanna

Navendu Mishra

Catherine McKinnell

Paula Barker

Jamie Stone

Derek Twigg

Apsana Begum

Stella Creasy

Maria Eagle

Emma Hardy

Tonia Antoniazzi

Bell Ribeiro-Addy

Mohammad Yasin

Karin Smyth

Dame Margaret Hodge

Mr Andrew Mitchell

Clive Lewis

Florence Eshalomi

Chris Bryant

Geraint Davies

Darren Jones

Ed Davey

Yvette Cooper

Julie Elliott

Helen Hayes

Rosie Cooper

Rosie Duffield

Barbara Keeley

Andrew Gwynne

Paul Blomfield

Sir Mark Hendrick

Clive Efford

Sarah Champion

Simon Hoare

Kim Johnson

Claudia Webbe

Mr David Davis

Jackie Doyle-Price

Christina Rees

To move the following Clause—

**"Kerb-crawling**

- (1) It is an offence for a person, from a motor vehicle while it is in a street or public place, or in a street or public place while in the immediate vicinity of a motor vehicle that they have just got out of, to engage in conduct which amounts to harassment in such manner or in such circumstances as to be likely to cause annoyance, alarm, distress, or nuisance to any other person.
- (2) A person guilty of an offence under this section is liable on summary conviction to revocation of their driving licence, or a fine not exceeding level 3 on the standard scale, or both.
- (3) In this section "motor vehicle " has the same meaning as in the Road Traffic Act 1972.
- (4) In this section "street" has the meaning given by section 1(4) of the Street Offences Act 1959."

Debbie Abrahams  
Jackie Doyle-Price  
Dawn Butler  
Barbara Keeley  
Mick Whitley  
Paula Barker  
Sarah Champion  
Tony Lloyd  
Rebecca Long Bailey

Alex Cunningham  
Mr Virendra Sharma  
Caroline Lucas

Mr Andrew Mitchell  
Ian Byrne  
Kim Johnson

NC3

To move the following Clause—

**“Custody for own protection or own welfare**

- (1) The Bail Act 1976 is amended as follows.
- (2) In Part 1 of Schedule 1 (Defendants accused or convicted of imprisonable offences) omit paragraph 3.
- (3) In Part 1A of Schedule 1 (Defendants accused or convicted of imprisonable offences to which Part 1 does not apply) omit paragraph 5.
- (4) In Part 2 of Schedule 1 (Defendants accused or convicted of non-imprisonable offences) omit paragraph 3.”

**Member’s explanatory statement**

This new clause would repeal the power of the criminal courts to remand a defendant into custody for their own protection (or in the case of a child, for their own welfare) pending trial or sentence.

Alex Cunningham  
Peter Kyle  
Sarah Champion

NC4

To move the following Clause—

**“Video recorded cross-examination or re-examination of complainants in respect of sexual offences and modern slavery offences**

- (1) Section 28 of the Youth Justice and Criminal Evidence Act 1999 comes into force in relation to proceedings to which subsection (2) applies on the day on which this Act is passed.
- (2) This subsection applies where a witness is eligible for assistance by virtue of section 17(4) of the Youth Justice and Criminal Evidence Act 1999 (complainants in respect of a sexual offence or modern slavery offence who are witnesses in proceedings relating to that offence, or that offence and any other offences).
- (3) This section has effect notwithstanding section 68(3) of the Youth Justice and Criminal Evidence Act 1999.”

**Member’s explanatory statement**

This new clause would bring section 28 of the Youth Justice and Criminal Evidence Act 1999, which provides for the cross-examination of vulnerable witnesses to be recorded rather than undertaken in court, fully into force for victims of sexual offences and modern slavery offences.

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Tracey Crouch

NC5

To move the following Clause—

**“Reimbursement of a local authority’s expenses in relation to an unauthorised encampment**

- (1) Where P has been found guilty of an offence under Section 61 and a local authority has incurred expenditure as a direct result of P’s offence, P will be liable to reimburse the local authority to the full extent of that expenditure.
- (2) For the purposes of this section, “local authority” has the meaning given in section 1 of the Local Authorities Act 2000.”

**Member’s explanatory statement**

This new clause would enable a local authority to recover costs from those who set up illegal encampments.

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Alex Cunningham  
Sarah Champion

NC6

To move the following Clause—

**“Offence of pet theft**

- (1) The Animal Welfare Act 2006 is amended as follows.
- (2) After section 2 (“protected animal”) insert—

**“2A Definition of pet**

A protected animal is a “pet” for the purposes of this Act if it provides companionship or assistance to any human being.”

- (3) After section 8 (fighting etc.) insert—

**“8A Pet theft**

A person commits an offence if they dishonestly appropriate a pet belonging to another person with the intention of permanently depriving that other person of it.”

- (4) In section 32 (imprisonment or fine) before subsection (1) insert—

“(A1) A person guilty of an offence under section 8A (pet theft) shall be liable—

- (a) on summary conviction to imprisonment for a term for a term not exceeding 51 weeks, or a fine, or to both;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

- (A2) When the court is considering for the purposes of sentencing the seriousness of an offence under section 8A it must consider the following as aggravating factors (that is to say, a factor that increases the seriousness of the offence)—

- (a) the theft caused fear, alarm or distress to the pet, the owner or the pet or another person associated with the pet;
- (b) the theft was for the purposes of commercial gain.”

- (5) In section 34(10) (disqualification) after “8,” insert “8A,.”

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Alex Cunningham  
Sarah Champion

NC7

To move the following Clause—

**“Offence of pet theft (Scotland)**

- (1) The Animal Health and Welfare (Scotland) Act 2006 is amended as follows.
- (2) After section 17 (protected animals) insert—

**“17A Definition of pet**

A protected animal is a “pet” for the purposes of this Act if it provides companionship or assistance to any human being.”

- (3) After section 23 (animal fights) insert—

**“23A Pet theft**

A person commits an offence if they dishonestly appropriate a pet belonging to another person with the intention of permanently depriving that other person of it.”

- (4) In section 40 (disqualification orders) after subsection (13)(b) insert—
  - “(ba) an offence under section 23A,”.
- (5) In section 46 (penalties for offences) after subsection (1) insert—
  - “(1A) A person guilty of an offence under section 23A (pet theft) shall be liable—
    - (a) on summary conviction to imprisonment for a term for a term not exceeding 51 weeks, or a fine, or to both;
    - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both.
  - (1B) When the court is considering for the purposes of sentencing the seriousness of an offence under section 23A it must consider the following as aggravating factors (that is to say, a factor that increases the seriousness of the offence)—
    - (a) that theft caused fear, alarm or distress to the pet, the owner or the pet or another person associated with the pet;
    - (b) the theft was for the purposes of commercial gain.”
- (6) In Schedule 1 (powers of inspectors and constables for Part 2) after paragraph 4(5)(a) insert—
  - “(aa) an offence under section 23A,”.

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Alex Cunningham  
Sarah Champion

NC8

To move the following Clause—

**“Offence of pet theft: consequential amendments**

- (1) The Police and Criminal Evidence Act is amended as follows.
- (2) In section 17(1)(c)(v) (entry for purposes of arrest, etc in connection with offences relating to the prevention of harm to animals), for “and 8(1) and (2)” substitute “8(1) and (2) and 8A”.

Holly Lynch  
Peter Kyle  
Alex Cunningham

NC9

To move the following Clause—

**“Rental of high performance vehicles**

- (1) It is an offence to offer for rental a motor car of more than 300 brake horsepower, unless the motor car is fitted with a black box.
- (2) For the purposes of this section, a black box is a telematic device which records information about the way a motor car is driven.
- (3) The Secretary of State must by regulations determine the information which a black box must record for the purposes of this section.
- (4) Regulations under subsection (3) must provide, at a minimum, for the following information relating to the motor car to which it is fitted to be collected throughout the period of rental—
  - (a) its location;
  - (b) its speed; and
  - (c) its rate of acceleration or deceleration.
- (5) The information recorded by the black box must be disclosed to a constable on request, and the failure to disclose such information is an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (7) The Secretary of State must by regulations determine how the brake horsepower of a motor car is to be calculated for the purposes of this section.
- (8) For the purposes of this section, “motor car” has the meaning given by section 185 of the Road Traffic Act 1988.”

Ms Harriet Harman  
Caroline Nokes  
Sir Peter Bottomley  
Wera Hobhouse  
Janet Daby  
Caroline Lucas  
Liz Saville Roberts  
Taiwo Owatemi  
Dame Diana Johnson  
Rushanara Ali  
Yvonne Fovargue  
Dame Margaret Hodge  
Debbie Abrahams  
Mr Andrew Mitchell  
Catherine McKinnell

Stella Creasy  
Maria Eagle  
Emma Hardy  
Tonia Antoniazzi  
Bell Ribeiro-Addy  
Lilian Greenwood  
Andrew Gwynne  
Florence Eshalomi  
Barbara Keeley

Julie Elliott  
Helen Hayes  
Rosie Cooper  
Rosie Duffield  
Hywel Williams  
Paul Blomfield  
Paula Barker  
Sarah Champion

NC10

To move the following Clause—

**“Restriction on evidence or questions about complainant’s sexual history**

- (1) Section 41 of the Youth Justice and Criminal Evidence Act 1999 is amended as follows.

- (2) In subsection (1)—
- (a) starting in paragraph (b) omit “in cross examination, by or on behalf of any accused at the trial,”;
  - (b) at end insert “with anyone other than the defendant”.
- (3) In subsection (2)—
- (a) for “an accused” substitute “a party to the trial”;
  - (b) in paragraph (a) omit “or (5)”.
- (4) For subsection (3) substitute—
- “(3) This subsection applies if the evidence or question relates to a relevant issue in the case and that issue is not an issue of consent.”
- (5) For subsection (5) substitute—
- “(a) For the purposes of subsection (3) no evidence may be adduced or question asked unless the judge determines in accordance with the procedures in this subsection that the question or evidence has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice.
  - (b) In determining that question the judge shall take into account—
    - (i) the interests of justice, including the right of the accused to make a full answer and defence;
    - (ii) the need to preserve the integrity of the trial process by removing from the fact-finding process any discriminatory belief or bias;
    - (iii) the risk that the evidence may unduly arouse sentiments of prejudice, sympathy or hostility in the jury;
    - (iv) the potential threat to the complainant’s personal dignity and right to privacy;
    - (v) the complainant’s right to personal security and to the full protection and benefit of the law;
    - (vi) the provisions of the Victims Code;and any other factor that the judge considers relevant.”
- (6) In subsection (6), for “subsections (3) and (5)” substitute “subsection (3)”.

**Member’s explanatory statement**

This new clause excludes the admission in evidence of any sexual behaviour of the complainant with a third party, whether by the prosecution or the defence, to show consent, whilst leaving it admissible if it is relevant to any other issue in the case. It sets out the additional requirement that to be admitted the material must be more probative than prejudicial and sets out the considerations the judge must have in regard to considering that extra requirement.



Ms Harriet Harman			NC11
Caroline Nokes			
Sir Peter Bottomley			
Wera Hobhouse			
Janet Daby			
Caroline Lucas			
Liz Saville Roberts	Stella Creasy	Julie Elliott	
Taiwo Owatemi	Maria Eagle	Helen Hayes	
Dame Diana Johnson	Emma Hardy	Rosie Cooper	
Rushanara Ali	Tonia Antoniazzi	Rosie Duffield	
Yvonne Fovargue	Bell Ribeiro-Addy	Hywel Williams	
Dame Margaret Hodge	Lilian Greenwood	Paul Blomfield	
Debbie Abrahams	Andrew Gwynne	Paula Barker	
Mr Andrew Mitchell	Florence Eshalomi	Sarah Champion	
Catherine McKinnell	Barbara Keeley		

To move the following Clause—

**“Definition of “issue of consent”**

- (1) Section 42 of the Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) For paragraph (b) substitute—
  - “(b) “issue of consent” means any issue where the complainant in fact consented to the conduct constituting the offence with which the defendant is charged and any issue where the accused reasonably believed that the complainant so consented;”

**Member’s explanatory statement**

This new clause re-defines “issue of consent” for the purposes of section 41, including in the definition the defendant’s reasonable belief in consent, and thus removing it as a reason for the inclusion of a complainant’s sexual history or behaviour.

Ms Harriet Harman			NC12
Caroline Nokes			
Sir Peter Bottomley			
Wera Hobhouse			
Janet Daby			
Caroline Lucas			
Liz Saville Roberts	Stella Creasy	Julie Elliott	
Taiwo Owatemi	Maria Eagle	Helen Hayes	
Dame Diana Johnson	Emma Hardy	Rosie Cooper	
Rushanara Ali	Tonia Antoniazzi	Rosie Duffield	
Yvonne Fovargue	Bell Ribeiro-Addy	Hywel Williams	
Dame Margaret Hodge	Lilian Greenwood	Paul Blomfield	
Debbie Abrahams	Andrew Gwynne	Paula Barker	
Mr Andrew Mitchell	Florence Eshalomi	Sarah Champion	
Catherine McKinnell	Barbara Keeley		

To move the following Clause—

**“Admission of evidence or questions about complainant’s sexual history**

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) After section 43 insert—

“43A In any trial or contested hearing to which section 41 of the Youth Justice and Criminal Evidence Act 1999 applies, if no pre-trial application in accordance with Part 36 of the

Criminal Procedure Rules has been made, or if such application has been made and refused in whole or in part, no further application may be made during the course of the trial or before its commencement to call such evidence or ask such question, and no judge may allow such application or admit any such questions or evidence.””

**Member’s explanatory statement**

This new clause would have the effect that no section 41 evidence or questions could be admitted by a judge at trial unless there had been an application before trial in accordance with the practice directions; and the amendment would ban applications from being made immediately before or during the trial.

Ms Harriet Harman

Caroline Nokes

Sir Peter Bottomley

Wera Hobhouse

Janet Daby

Caroline Lucas

Liz Saville Roberts

Taiwo Owatemi

Dame Diana Johnson

Rushanara Ali

Yvonne Fovargue

Dame Margaret Hodge

Debbie Abrahams

Mr Andrew Mitchell

Catherine McKinnell

Stella Creasy

Maria Eagle

Emma Hardy

Tonia Antoniazzi

Bell Ribeiro-Addy

Lilian Greenwood

Andrew Gwynne

Florence Eshalomi

Barbara Keeley

Julie Elliott

Helen Hayes

Rosie Cooper

Rosie Duffield

Hywel Williams

Paul Blomfield

Paula Barker

Sarah Champion

NC13

To move the following Clause—

**“Complainant’s right of representation and appeal on an application to adduce evidence or questions on sexual conduct**

(1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

(2) After section 43 insert—

“43A In any trial to which section 41 applies, where notice is given that there will be an application under Part 36 of the Criminal Procedure Rules for leave to ask questions or to adduce evidence as to any sexual behaviour of the complainant—

- (1) The complainant may not be compelled to give evidence at any hearing on the application.
- (2) The complainant will be entitled to be served with the application and to be legally represented (with the assistance of legal aid if financially eligible) as “a party” within the meaning of the Criminal Procedure Rules in responding in writing to the application and in presenting their case at any hearing on the application.
- (3) If the application succeeds in whole or in part, the complainant will have a right to appeal for a rehearing of the application to the Court of Appeal on notice within 7 days of the judgement being delivered.
- (4) On any such appeal, the Court of Appeal will rehear the application in full and may grant or refuse it in whole or in part.
- (5) The Secretary of State may, by regulation, set out rules of procedure relating to any hearing or appeal under this section.””

**Member's explanatory statement**

This new clause would give the complainant a right of representation, with legal aid if they are financially eligible, to oppose any application to admit section 41 material about them. This new clause would also give complainants a right of appeal to the Court of Appeal if the application is allowed in whole or in part. The new clause also provides that the complainant is not compellable as witness at the application.

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Ms Harriet Harman

NC14

Caroline Nokes

Sir Peter Bottomley

Wera Hobhouse

Janet Daby

Caroline Lucas

Liz Saville Roberts

Taiwo Owatemi

Dame Diana Johnson

Rushanara Ali

Yvonne Fovargue

Dame Margaret Hodge

Debbie Abrahams

Mr Andrew Mitchell

Catherine McKinnell

Stella Creasy

Maria Eagle

Emma Hardy

Tonia Antoniazzi

Bell Ribeiro-Addy

Lilian Greenwood

Andrew Gwynne

Florence Eshalomi

Barbara Keeley

Julie Elliott

Helen Hayes

Rosie Cooper

Rosie Duffield

Hywel Williams

Paul Blomfield

Paula Barker

Sarah Champion

To move the following Clause—

**“Collection of and reporting to Parliament on data and information relating to proceedings involving rape and sexual assault**

- (1) The Secretary of State shall collect and report to Parliament annually the following data and information—
- (a) The time taken in every case of rape or sexual assault for the case to progress from complaint to charge, from charge to pre-trial plea and management hearing; and from then until trial.
  - (b) The number of applications to ask questions or adduce evidence of any sexual behaviour of the complainant under section 41 of the Youth Justice and Criminal Evidence Act 1999 (“the 1999 Act”) made in the Magistrates and Crown Courts of England and Wales, irrespective of whether a trial was subsequently held.
  - (c) The number of cases which involved questions on or evidence of any sexual behaviour of the complainant in all rape, sexual abuse and other trials or contested hearings in the Magistrates and Crown courts in England and Wales, irrespective of whether an application was made to admit such questions or evidence in advance of the trial or hearing.
  - (d) In cases to which section 41 of the 1999 Act applies—
    - (i) whether Part 36 of the Criminal Procedure Rules was followed in each application and if it was not, how it was not;
    - (ii) the questions proposed to be asked;
    - (iii) the evidence proposed to be called;
    - (iv) whether the prosecution opposed the application and if so the content of their representations;
    - (v) whether evidence was called to support or oppose the application;

- (vi) whether the application was allowed in whole or in part and a copy of the judgement made on the application; and
  - (vii) any other material which might assist in an assessment of the frequency, basis and nature of applications for the use of such questions or evidence and the likely impact on any parties to any trial and the trial outcome.
- (2) The data and information to be collected under subsection (1) shall include—
- (a) all the material from any pre-trial application;
  - (b) the questions in fact asked and the evidence in fact called about any sexual behaviour of the complainant in the trial;
  - (c) any application at the start or during the course of the trial to vary or alter any judgement given in any earlier application or any further application to admit such questions or evidence;
  - (d) whether any material not previously authorised was used in the trial;
  - (e) whether the prosecution objected; and
  - (f) any ruling made or action taken by the judge on the further conduct of the trial as a consequence of the admission of questions or evidence under section 41 of the 1999 Act.
- (3) The data and information to be collected under this section shall be collected from the date of Royal Assent to this Bill.”

#### **Member’s explanatory statement**

This new clause requires the Secretary of State to collect and report to Parliament data and information on trial delay and section 41 matters.

Ms Harriet Harman  
 Caroline Nokes  
 Sir Peter Bottomley  
 Wera Hobhouse  
 Janet Daby  
 Caroline Lucas  
 Liz Saville Roberts  
 Taiwo Owatemi  
 Dame Diana Johnson  
 Rushanara Ali  
 Yvonne Fovargue  
 Dame Margaret Hodge  
 Debbie Abrahams  
 Mr Andrew Mitchell  
 Catherine McKinnell

Stella Creasy  
 Maria Eagle  
 Emma Hardy  
 Tonia Antoniazzi  
 Bell Ribeiro-Addy  
 Lilian Greenwood  
 Andrew Gwynne  
 Florence Eshalomi  
 Barbara Keeley

Julie Elliott  
 Helen Hayes  
 Rosie Cooper  
 Rosie Duffield  
 Hywel Williams  
 Paul Blomfield  
 Paula Barker  
 Sarah Champion

**NC15**

To move the following Clause—

#### **“Training for relevant public officials in relation to the conduct of cases of serious sexual offences**

- (1) The Secretary of State shall, on this Act coming into force, publish and implement a strategy to provide training on the investigation of rape and alleged rape complainants, and the admissibility and cross-examination of complainants on their sexual history to—
- (a) the Crown Prosecution Service;

- (b) Police Forces;
  - (c) the Judiciary; and
  - (d) such other public bodies as the Secretary of State considers appropriate.
- (2) The Secretary of State shall ensure that any judge who is asked to hear a trial where the accused is charged with rape or any other serious sexual offence has attended and completed a training programme for such trials which has been accredited by the Judicial College."

**Member's explanatory statement**

This new clause ensures that all criminal justice agencies shall be trained and that no judge can hear a sexual offence trial of any kind unless they have attended the Judicial College serious sexual offence course.

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Alex Cunningham  
Sarah Champion

NC16

To move the following Clause—

**"Threshold for imposing discretionary custodial sentence**

Section 230 of the Sentencing Act 2020 is amended as follows—

After subsection (2), insert—

"(2A) If the court finds that the offence is so serious that neither a fine alone or a community sentence can be justified for the offence, it must state its reasons for being satisfied that the offence is so serious (having regard to the principles in subsection (2B), and, in particular, why a community order with appropriate requirements could not be justified).

(2B) When forming an opinion under subsection (2), the court should take account of the following principles—

- (a) Passing the custody threshold does not mean that a custodial sentence should be deemed inevitable. Custody should not be imposed where a community order could provide sufficient restriction on an offender's liberty (by way of punishment) while addressing the rehabilitation of the offender to prevent future crime.
- (b) Sentences should not necessarily escalate from one community order range to the next at each sentencing occasion. The decision as to the appropriate range of community order should be based upon the seriousness of the new offence, or offences.
- (c) Section 65 of the Sentencing Code (a relevant previous conviction to be treated as an aggravating factor) should not be interpreted so as to push over the custody threshold the sentence for one or more offences that would not themselves justify custody.
- (d) Where the offender being sentenced is a primary carer, imprisonment should not be imposed except for reason of public safety."

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Sarah Champion  
Sarah Jones  
Peter Kyle  
Debbie Abrahams  
Tonia Antoniazzi  
Caroline Lucas  
Carolyn Harris  
Kerry McCarthy

Dr Rupa Huq  
Alex Cunningham

Stella Creasy

NC17

To move the following Clause—

**“Child criminal exploitation**

At end of section 3 of the Modern Slavery Act 2015 (meaning of exploitation), insert—

“Child criminal exploitation

- (7) Another person manipulates, deceives, coerces or controls the person to undertake activity which constitutes a criminal offence and the person is under the age of 18.”

**Member’s explanatory statement**

This new clause introduces a statutory definition of child criminal exploitation.

---

Alex Cunningham  
Sarah Champion

NC18

To move the following Clause—

**“Release of prisoners on Fridays or the day before Bank Holiday periods**

Section 23 of the Criminal Justice Act 1961 is amended by the insertion of the following subsection after subsection (3)—

- “(3A) Where a prisoner is to be discharged on a Friday or the day before a bank holiday, at the discretion of the governor of the prison they may be discharged on a day within the previous five working days that is earlier than the day on which the prisoner would otherwise fall to be discharged.””

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Stella Creasy  
Alex Cunningham  
Sarah Champion  
Caroline Lucas

NC19

To move the following Clause—

**“Implementation of the Law Commission review of hate crime**

- (1) The Secretary of State may by regulations implement any recommendations of the Law Commission following the conclusion of its review of hate crime.
- (2) The power conferred by subsection (1) includes—
- (a) power to amend primary legislation; and

- (b) power to amend or revoke subordinate legislation.
- (3) A document containing a draft of regulations under subsection (1) must be laid before Parliament not later than three months after the publication of the Law Commission's recommendations, and that draft must be in a form which would implement all those recommendations.
- (4) Draft regulations under subsection (1) must be laid before Parliament not earlier than 60 days, but not later than 120 days, after the document referred to in subsection (3) was laid before Parliament.
- (5) The draft regulations laid before Parliament under subsection (4) must be in the form in which they appeared in the document laid before Parliament under sub-section (3), except that they may contain any changes which have been recommended by any committee of either House of Parliament which has reported on that document.
- (6) A Minister must make a motion in each House of Parliament approving the draft regulations laid before Parliament under subsection (4) within 14 days of the date on which they were laid.
- (7) Subject to subsection (8), if the draft regulations are approved by both Houses of Parliament, the Secretary of State must make them in the form of the draft which has been approved.
- (8) If any amendments to the draft regulations are agreed to by both Houses of Parliament, the Secretary of State must make the regulations in the form of the draft as so amended."

**Member's explanatory statement**

This new clause would require the Secretary of State to implement any and all recommendations made by the Law Commission's review of hate crime. Draft regulations implementing the Commission's recommendations would be subject to the super-affirmative scrutiny process (by subsections (3) to (5)), and would be amendable (under subsection (8)).

Sarah Champion  
Alex Cunningham

NC20

To move the following Clause—

**"Special measures access for eligible witnesses**

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 19(2), omit paragraphs (a) and (b) and insert—
- “(a) inform the witness of the special measures which are available to them by virtue of this Act; and
- (b) give a direction under this section providing for whichever measure or measures as the witness may decide they wish to be applied to apply to evidence given by the witness.

Provided that a direction under paragraph (b) shall so far as possible ensure that the measure or measures provided for do not inhibit the evidence of the witness being effectively tested by a party to the proceedings.”

- (3) Omit section 19(3)."

**Member's explanatory statement**

This new clause would mean that once witnesses are determined as eligible for special measures they will be informed of all provisions and able to decide which option best suits them, rather than relying on the court to decide which measures would best improve the quality of evidence.

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Alex Cunningham  
Sarah Champion

NC21

To move the following Clause—

**“Minimum sentence for an offence under section 1 of the Sexual Offences Act 2003**

- (1) This section applies where—
  - (a) an individual is convicted of an offence under section 1 of the Sexual Offences Act 2003, and
  - (b) the offence was committed after the commencement of this section and at a time when the individual was aged 18 or over.
- (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) In this section “appropriate custodial sentence (or order for detention)” means—
  - (a) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and
  - (b) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000.
- (4) In this section “the required minimum term” means seven years.”

**Member's explanatory statement**

This new clause creates a statutory minimum sentence for rape of 7 years. A court must impose at least the statutory minimum unless it is of the opinion there are exceptional circumstances relating to the offence or to the offender which justify not doing so.

---

Alex Cunningham  
Sarah Champion

NC22

To move the following Clause—

**“Minimum sentence for an offence under section 4A of the Protection from Harassment Act 1997**

- (1) This section applies where—
  - (a) an individual is convicted of an offence under section 4A of the Protection from Harassment Act 1997, and
  - (b) the offence was committed after the commencement of this section and at a time when the individual was aged 18 or over.



- (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) In this section “appropriate custodial sentence (or order for detention)” means—
  - (a) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and
  - (b) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000.
- (4) In this section “the required minimum term” means five months.”

**Member’s explanatory statement**

This new clause creates a new statutory minimum sentence for adults convicted of “stalking involving fear of violence or serious alarm or distress” of 5 months. A court must impose at least the statutory minimum unless it is of the opinion there are exceptional circumstances relating to the offence or to the offender which justify not doing so.

---

Alex Cunningham  
Sarah Champion

NC23

To move the following Clause—

**“Street sexual harassment**

- (1) A person must not engage in any conduct in a public place—
  - (a) which amounts to sexual harassment of another, and
  - (b) which they know or ought to know amounts to sexual harassment of the other.
- (2) For the purposes of this section, the person whose conduct is in question ought to know that it amounts to sexual harassment of another if a reasonable person would think the conduct amounted to sexual harassment of the other.
- (3) The conduct referred to in subsection (1) is known as street sexual harassment.
- (4) A person (A) engages in conduct which amounts to street sexual harassment, or which they know or ought to know amounts to street sexual harassment, of another (B) if—
  - (a) A engages in unwanted conduct of a sexual nature, and
  - (b) the conduct has the purpose or effect of—
    - (i) violating B’s dignity, or
    - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (5) In deciding whether conduct has the effect referred to in subsection (4)(b), each of the following must be taken into account—
  - (a) the perception of B;

- (b) the other circumstances of the case; and
  - (c) whether it is reasonable for the conduct to have that effect.
- (6) For the purposes of this section, “conduct” includes speech, non-verbal attitudes such as gestures imitating or suggesting a sexual act, and obscene sound effects.
- (7) A person who engages in any conduct in breach of subsection (1) is guilty of an offence.
- (8) Where on any occasion an authorised officer finds a person who he has reason to believe has on that occasion committed an offence under section 1 above, he must give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty, unless subsection (9) applies.
- (9) This subsection applies (and subsection (8) does not apply) if a person has previously—
  - (a) been found guilty of an offence under subsection (1), or
  - (b) made payment of a fixed penalty issued under subsection (8).
- (10) Where a person is given a notice under this section in respect of an offence—
  - (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
  - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (11) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
  - (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty; and
  - (c) the person to whom and the address at which the fixed penalty may be paid; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (12) Where a letter is sent in accordance with subsection (11)(c) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (13) The form of notices under this section shall be such as the Secretary of State may by order prescribe.
- (14) The amount of a fixed penalty payable in pursuance of a notice under this section is £500.
- (15) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

**Member’s explanatory statement**

This new clause creates an offence of engaging in unwanted conduct of a sexual nature in public. Those found to have committed an offence would be given an on the spot fine of £500. Those who commit the offence on further occasions would liable to receive a fine of up to £1000.

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Alex Cunningham  
Sarah Champion

NC24

To move the following Clause—

**“Review of domestic homicide**

- (1) Within 18 months of the commencement of this Act, the Secretary of State must commission a review and publish a report on the effectiveness of current legislation and sentencing policy surrounding domestic abuse, with a particular view to making policy recommendations to increase sentences for domestic homicide, and reduce the gap in sentence length between domestic homicide and other homicides.
- (2) A review under subsection (1) must be conducted by a person who meets the criteria for qualification for appointment to the Supreme Court, as set out in section 25 of the Constitutional Reform Act 2005.
- (3) A review under subsection (1) must consider—
  - (a) trends in the incidences and types of domestic abuse, with a focus on domestic homicide,
  - (b) sentencing policy as it applies to domestic abuse, with a focus on domestic homicide,
  - (c) current sentencing guidelines as they relate to domestic abuse, with a focus on domestic homicide, and
  - (d) the creation of new defences and/or mitigating circumstances to protect victims of domestic abuse who commit offences as a consequence of that abuse.
- (4) For the purposes of subsection (1) domestic homicide is to be defined as circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves.
- (5) The Secretary of State must lay a copy of the report before Parliament.
- (6) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

**Member’s explanatory statement**

This new clause compels the Government to commission a review and publish a report on the effectiveness of current legislation and sentencing policy surrounding domestic abuse, with a particular focus on increasing sentences for domestic homicide. The review would also consider the creation of new protections to assist victims of domestic abuse who commit domestic homicide.

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Alex Cunningham  
Sarah Champion

NC25

To move the following Clause—

**“Strategy to tackle misogynist attitudes in society**

- (1) Within 12 months of the passing of this Act, the Secretary of State must lay before Parliament a comprehensive national strategy to tackle misogynistic attitudes in society for the purpose of reducing the number of violent and non-violent offences perpetrated against women and girls.
- (2) For the purposes of subsection (1) misogyny is defined as the dislike of, contempt for, or ingrained prejudice against, women or girls.”

**Member’s explanatory statement**

This new clause compels the Government to commit to the creation of a comprehensive national strategy to tackle the misogynistic attitudes which underpin the abuse faced by women and girls in society for the purpose of reducing the number of violent and non-violent offences perpetrated against women and girls.

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Alex Cunningham  
Sarah Champion

NC26

To move the following Clause—

**“Duty to collect and publish data relating to number of offenders who receive a custodial sentence and are parents of children, or pregnant, at the time of their sentencing**

- (1) The Secretary of State must take reasonable steps to ensure the following data is centrally collected and published annually—
  - (a) the number of offenders who receive a custodial sentence and, at the time of their sentencing—
    - (i) have parental responsibility for a child or children aged under 18; or
    - (ii) are pregnant; and
  - (b) the number of such children and unborn children.
- (2) For the purposes of subsection (1), “parental responsibility” has the meaning given by Section 3 of the Children Act 1989.
- (3) The data collected under subsection (1) must include whether the offenders are the primary carer of any such children.
- (4) For the purposes of subsection (3), “primary carer” means someone who has substantial care of a person under the age of 18. Where care is equally shared, all carers of that child are to be considered a “primary carer”.
- (5) The data collected under subsections (1) and (3) must—
  - (a) only be gathered with the offender’s consent; and
  - (b) be disaggregated according to the following criteria—
    - (i) the gender of the offender to which they relate;
    - (ii) the ethnicity of the offender;

- (iii) the length of the sentence received by the offender;
  - (iv) the offence for which the offender is sentenced.
- (6) The data and information to be collected under this section shall be collected from the date on which this Act is passed."

**Member's explanatory statement**

This new clause will place a duty on the Secretary of State to collect and publish data relating to number of offenders who receive a custodial sentence and are parents of children, or pregnant, at the time of their sentencing.

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Stella Creasy  
Jeff Smith

NC27

To move the following Clause—

**"Voyeurism: breastfeeding**

- (1) Section 67A of the Sexual Offences Act 2003 (Voyeurism: additional offences) is amended as set out in subsection (2).
- (2) After subsection (2), insert—

"(2A) A person (A) commits an offence if—

- (a) A records an image of another person (B) while B is breastfeeding;
- (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
- (c) A does so—
  - (i) without B's consent, and
  - (ii) without reasonably believing that B consents."

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Stella Creasy

NC28

To move the following Clause—

**"Provision of accommodation to reduce or prevent risk of serious violence**

In the Housing Act 1996, section 189, after subsection (d), insert—

- "(e) a person at risk of serious violence, if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence."

**Member's explanatory statement**

This new clause amends the Housing Act 1996 to add those at risk of serious violence to the list of those who have a priority need for accommodation, if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence.

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Stella Creasy

NC29

To move the following Clause—

**“Code of practice on application of section 177 of the Housing Act 1996: prevention and reduction of serious violence**

The Secretary of State must, before the end of the period of 3 months beginning with the day on which this Act is passed, issue a code of practice under Section 214A of the Housing Act 1996 on preventing serious violence to provide—

- (a) that the application of section 177 of the Housing Act 1996 is to be applied to those at risk of serious violence so as to ensure that it is not deemed reasonable for a person to continue to occupy accommodation if the provision of alternative accommodation would prevent or reduce the risk of serious violence against that person;
- (b) for the Homelessness Code of Guidance for Local Authorities to be updated to include a new chapter on the duties of local authorities under subsections 7(3A) and 8(3A) of this Act, with particular reference to preventing and reducing serious violence and safeguarding young people at risk of serious violence;
- (c) that the police shall be responsible for timely collaboration with housing providers on the reduction of the risk of serious violence to individuals where the exercise of housing duties may reduce or prevent the risk of serious violence; and
- (d) guidance on the disclosure of information in accordance with regulations under section (9)(2) of this Act by and to specified authorities which are housing authorities to prevent and reduce serious violence in a prescribed area, with particular reference to assisting the housing authority with the prevention and reduction of serious violence in the exercise of its duties under part 7 of the Housing Act 1996.”

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Sir Edward Leigh

NC30

To move the following Clause—

**“Retention by the police of personal data relating to non-criminal conduct perceived to be motivated by hostility**

- (1) The processing of relevant data by a police authority in accordance with Article 6(1) of the GDPR and section 35 of the Data Protection Act 2018 is not lawful unless it is undertaken in accordance with regulations made by statutory instrument under this section.
- (2) In this section, “relevant data” means personal data relating to a data subject which is based in whole or in part on the perception by another person that the conduct of the data subject was motivated wholly or partially by hostility or prejudice towards any group of people sharing a characteristic and where the conduct in question is unlikely to constitute a criminal offence.
- (3) In this section, “a police authority” means—
  - (a) a person specified or described in paragraphs 5 to 20 of Schedule 7 of the Data Protection Act 2018,

- (b) a person acting under the authority of such a person.
- (4) Subsection (1) does not apply in respect of the processing of information—
  - (a) pursuant to an ongoing criminal investigation,
  - (b) for the purposes of the internal administrative functions of the police authority.
- (5) Regulations under this section must—
  - (a) identify different categories of personal data and processing of the personal data in question;
  - (b) include provisions by reference to each of the various categories of processing and personal data as to—
    - (i) the person or persons whose authority is required for the processing of the personal data,
    - (ii) the notifying of the data subject of the processing of the personal data,
    - (iii) the period for which the personal data can be retained (including provision for the granting of authority for extending that period),
    - (iv) the disclosure of the personal data to third parties,
  - (c) have particular regard to the importance of the right to freedom of expression and the extent to which that right is adversely affected by the processing of relevant data by any police authority.
- (6) Regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (7) The Police Act 1997 is amended by the insertion, after subsection 113B(3), of the following subsection—

“(3A) An enhanced criminal record certificate must not give the details of a relevant matter to the extent that doing so would result in the disclosure of relevant data as defined at subsection (2) of section (Retention by the police of personal data relating to non-criminal conduct perceived to be motivated by hostility) of the Police, Crime, Sentencing and Courts Act 2021.”
- (8) In this section—
  - (a) the terms “personal data”, “data subject”, “processing” and “the GDPR” have the same meanings as under section 3 of the Data Protection Act 2018.”
  - (b) the term “characteristic” includes but is not limited to any protected characteristics under section 3 of the Equality Act 2010.

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Alex Cunningham

NC31

To move the following Clause—

**“Maximum sentence for publishing the identity of a sexual offences complainant**

- (1) Section 5 of the Sexual Offences (Amendment) Act 1992 is amended as follows.

(2) In subsection (1), leave out “and liable on summary conviction to a fine not exceeding level 5 on the standard scale”.

(3) After subsection (1), insert the following subsection—

“(1A) A person guilty of an offence under this section is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding level 5 on the standard scale, or both, or
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or a fine not exceeding level 5 on the standard scale, or both.””

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Ms Harriet Harman

NC32

Joanna Cherry

Alex Cunningham

Wera Hobhouse

Sarah Champion

Layla Moran

Wendy Chamberlain

Ed Davey

Jamie Stone

Munira Wilson

Daisy Cooper

Mr Andrew Mitchell

To move the following Clause—

**“Requirement for a pre-sentence report when sentencing a primary carer**

(1) Section 30 of the Sentencing Act 2020 is amended as follows.

(2) After subsection (3) insert—

“(3A) A court must make inquiries to establish whether the offender is a primary carer for a child.

(3B) If the court establishes that the offender is a primary carer for a child, unless there are exceptional circumstances before sentencing the offender the court must obtain a pre-sentence report containing information to enable the court to make an assessment of the impact of a custodial sentence on the child.”

(3) After subsection (4) insert—

“(5) In this section—

- (a) “child” means a person under the age of 18; and
- (b) “primary carer” means a person who has primary or substantial care responsibilities for a child.””

**Member’s explanatory statement**

This new clause amends section 30 of the Sentencing Act 2020 to make clear the requirement for a sentencing judge to have a copy of a pre-sentence report, considering the impact of a custodial sentence on the dependent child, when sentencing a primary carer of a child.



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Ms Harriet Harman NC33  
 Joanna Cherry  
 Alex Cunningham  
 Wera Hobhouse  
 Sarah Champion  
 Layla Moran  
 Wendy Chamberlain Ed Davey Jamie Stone  
 Munira Wilson Daisy Cooper Mr Andrew Mitchell

To move the following Clause—

**“Duty of the court to state how it has considered the consequences for the child when sentencing**

- (1) Section 52 of the Sentencing Act 2020 is amended as follows.
- (2) After subsection (9) insert—
- “Offenders who are primary carers
- (10) A court sentencing a primary carer for a child must state how the best interests of the child were considered in determining the sentence (including, if appropriate, consideration of the views of the child).
- (11) A court sentencing a pregnant woman must state how the best interests of the baby were considered in determining the sentence.
- (12) In this section—
- (a) “child” means a person under the age of 18; and
- (b) “primary carer” means a person who has primary or substantial care responsibilities for a child.””

**Member’s explanatory statement**

This new clause amends section 52 of the Sentencing Act 2020 to require a sentencing judge to state how the best interests of a child were considered when sentencing a primary carer of a dependent child.

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Ms Harriet Harman NC34  
 Joanna Cherry  
 Alex Cunningham  
 Wera Hobhouse  
 Sarah Champion  
 Layla Moran  
 Wendy Chamberlain Ed Davey Jamie Stone  
 Munira Wilson Daisy Cooper Mr Andrew Mitchell

To move the following Clause—

**“Welfare of child to be a distinct consideration when sentencing a primary carer**

- (1) After section 227 of the Sentencing Act 2020, insert—

**“227A Restrictions on imposing imprisonment on a primary carer**

- (1) This section applies where a court is considering imposing a custodial sentence on—
- (a) a primary carer for a child, or

- (b) a pregnant woman.
- (2) The sentencing court must—
  - (a) consider the impact of a custodial sentence on the child or unborn child, and
  - (b) presume (subject to victim impact and any other sentencing considerations) that a non-custodial sentence is in the best interests of the child or unborn child.
- (3) In this section—
  - (a) “child” means a person under the age of 18, and
  - (b) “primary carer” means a person who has primary or substantial care responsibilities for a child.””

**Member’s explanatory statement**

This new clause would create a requirement for a sentencing judge to consider the impact of a custodial sentence on a child when sentencing a primary carer of a dependent child.

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Ms Harriet Harman  
 Joanna Cherry  
 Alex Cunningham  
 Wera Hobhouse  
 Sarah Champion  
 Layla Moran  
 Wendy Chamberlain  
 Munira Wilson

Ed Davey  
 Daisy Cooper

Jamie Stone  
 Mr Andrew Mitchell

NC35

To move the following Clause—

**“Welfare of child to be a distinct consideration when determining bail for a primary carer**

- (1) Section 4 of the Bail Act 1976 is amended as follows.
- (2) After subsection (9) insert—
  - “(10) Where a court determines whether to grant bail in criminal proceedings to a person to whom this section applies who is a primary carer for a child or pregnant, the court must—
    - (a) consider the impact of not granting bail on the child or unborn child; and
    - (b) presume (subject to victim impact or other relevant considerations) that it is in the best interests of the child or unborn child for bail to be granted.
- (11) In this section—
  - (a) “child” means a person under the age of 18, and
  - (b) “primary carer” means a person who has primary or substantial care responsibilities for a child.””

**Member's explanatory statement**

This new clause would impose a requirement for the judge to consider the impact of not granting bail on a child when determining, in criminal proceedings, whether to grant bail to a primary carer of a dependent child.

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Ms Harriet Harman

NC36

Joanna Cherry

Alex Cunningham

Wera Hobhouse

Sarah Champion

Layla Moran

Wendy Chamberlain

Ed Davey

Jamie Stone

Munira Wilson

Daisy Cooper

Mr Andrew Mitchell

To move the following Clause—

**“Data collection in relation to prisoners who are primary carers**

- (1) The Secretary of State must collect and publish annual data identifying—
  - (a) how many prisoners are the primary carers of a child,
  - (b) how many children have a primary carer in custody, and
  - (c) the ages of those children.
- (2) In this section—
  - (a) “child” means a person under the age of 18, and
  - (b) “primary carer” means a person who has primary or substantial care responsibilities for a child.”

**Member's explanatory statement**

This new clause would impose a requirement on the Secretary of State to collect and publish data on the number of prisoners who are the primary carers of a child and the number of children who have a primary carer in custody.

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Sarah Champion

NC37

Dr Lisa Cameron

To move the following Clause—

**“Retrial for child sexual offences**

- (1) Schedule 5 of The Criminal Justice Act 2003 is amended as follows.
- (2) After paragraph 14, insert—

*“Sexual assault of a child under 13*

14A An offence under section 7 of the Sexual Offences Act 2003.”

- (3) In paragraph 15, leave out from “where” to the end of the paragraph.

(4) After paragraph 15, insert—

*“Sexual activity with a child*

15A An offence under section 9 of the Sexual Offences Act 2003.

*Causing or inciting a child to engage in sexual activity*

15B An offence under section 10 of the Sexual Offences Act 2003.

*Indecent assault against a child under 16*

15C An offence under section 14 or 15 of the Sexual Offences Act 1956 where it is alleged that the assault was against a child under 16 by a person over 18.””

**Member’s explanatory statement**

This new clause would amend the Criminal Justice Act 2003 so that all child sexual offences, and not just those involving penetration, can be subject to retrial.

---

Sarah Champion

NC38

To move the following Clause—

**“Publication of data on child sexual offences, child sexual exploitation offences and modern slavery offences committed against children**

- (1) The Secretary of State must collect and publish annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery offences committed against those under the age of 18 in England and Wales, by police force area.
- (2) The data collected and published must include—
  - (a) number of child victims of crimes, by age;
  - (b) number of reported crimes;
  - (c) number of persons charged;
  - (d) number of persons prosecuted; and
  - (e) number of persons sentenced and length of sentence.
- (3) In this section—
  - (a) references to child sexual offences and child sexual exploitation offences relate to offences committed under Part 1 of the Sexual Offences Act 2003; and
  - (b) references to modern slavery offences relate to offences committed under sections 1 to 4 of the Modern Slavery Act 2015.”

**Member’s explanatory statement**

This new clause would place a requirement on the Secretary of State to collect and publish annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery offences committed against children aged under 18 in England and Wales by Police Force area.

Sarah Champion

NC39

To move the following Clause—

**“Aggravated child sexual offences**

- (1) The Sexual Offences Act 2003 is amended in accordance with this section.
- (2) In section 14—
  - (a) in subsection (4), at the beginning, insert “Subject to subsection (5),”;  
and
  - (b) after subsection (4), insert—
- “(5) If one or more of the following applies, a person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life—
  - (a) the child has a mental impairment at the time of the offence;
  - (b) the child is subjected to inhuman or degrading treatment in connection with the offence;
  - (c) the child dies as a result of physical harm suffered in connection with the offence;
  - (d) as a consequence of the offence the child is forced to engage in sexual activity with another child;
  - (e) as a consequence of the offence the child is forced to engage in sexual activity with a family member;
  - (f) more than 500 pounds were paid in aggregate for the commission of the offence or related offences.”
- (3) In section 48—
  - (a) in subsection (2), at the beginning, insert “Subject to subsection (3),”;  
and
  - (b) after subsection (2), insert—
- “(3) If one or more of the following applies, a person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life—
  - (a) the child has a mental impairment at the time of the offence;
  - (b) the child is subjected to inhuman or degrading treatment in connection with the offence;
  - (c) the child dies as a result of physical harm suffered in connection with the offence;
  - (d) as a consequence of the offence the child is forced to engage in sexual activity with another child;
  - (e) as a consequence of the offence the child is forced to engage in sexual activity with a family member;
  - (f) more than 500 pounds were paid in aggregate for the commission of the offence or related offences.”

**Member’s explanatory statement**

This new clause introduces a new aggravated offence in relation to the offences listed in sections 14 and 48 of the Sexual Offences Act 2003. This captures instances of more extreme abuse and exploitation of children.

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Sarah Champion

NC40

To move the following Clause—

**“Communication for the purpose of causing or inciting sexual exploitation of a child**

Section 48 of the Sexual Offences Act 2003 (Causing or inciting sexual exploitation of a child) is amended by the insertion of the following subsection after subsection (1)—

“(1A) A person commits an offence if he communicates with another person, whether in person or remotely via electronic communication through the internet or other telecommunications, for the purpose of committing an offence under subsection (1), regardless of whether the sexual exploitation takes place.””

**Member’s explanatory statement**

This new clause is intended to criminalise communications or activity which is intended to enable the sexual abuse or exploitation of a child. It addresses the initial steps taken by the sex offender with the intention of committing an offence, regardless of whether that offence in fact took place.

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Sarah Champion

NC41

To move the following Clause—

**“Causing or inciting a child under 13 to engage in sexual activity**

(1) Section 8 of the Sexual Offences Act 2003 (Causing or inciting a child under 13 to engage in sexual activity) is amended in accordance with sections (2) and (3).

(2) In paragraph (1)(a), leave out “to engage in an activity” and insert “, having communicated with B by any means, to engage in an activity in any part of the world”.

(3) After subsection (1), insert—

“(1A) For the purposes of this section “by any means” includes, but is not limited to—

- (a) in person, and
- (b) remotely via electronic communication through the internet or other telecommunications .””

**Member’s explanatory statement**

This new clause clarifies that this offence can be committed either in person or online and in the UK or in any part of the world.

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Alex Cunningham

NC42

To move the following Clause—

**“Enhancement of special measures in sexual offences**

(1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

(2) In section 27, after subsection (1), insert—

“(1A) Any interview conducted under this section of a complainant in respect of a sexual offence must be conducted by—

- (a) a member of the Bar of England and Wales,
- (b) a member of the Faculty of Advocates,
- (c) a member of the Bar of Northern Ireland, or
- (d) a solicitor advocate.”

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Dr Rupa Huq  
 Sir Bernard Jenkin  
 Dame Diana Johnson  
 Caroline Lucas  
 Caroline Nokes  
 Tim Loughton  
 Dr Dan Poulter  
 Tonia Antoniazzi  
 Stella Creasy  
 Valerie Vaz  
 Karin Smyth  
 Huw Merriman  
 Crispin Blunt

NC43

Bell Ribeiro-Addy  
 Andy Slaughter  
 Sarah Champion  
 Ian Byrne  
 Richard Burgon  
 Stephen Farry

Olivia Blake  
 Carolyn Harris  
 Tony Lloyd  
 Paula Barker  
 Lilian Greenwood  
 Mrs Maria Miller

To move the following Clause—

**“Offence of interference with access to or provision of abortion services**

(1) A person who is within a buffer zone and who interferes with any person’s decision to access, provide, or facilitate the provision of abortion services in that buffer zone is guilty of an offence.

(2) A “buffer zone” means an area with a boundary which is 150 metres from any part of an abortion clinic or any access point to any building that contains an abortion clinic.

(3) For the purposes of subsection (1)—

“interferes with” means—

- (a) seeks to influence; or
- (b) persistently, continuously or repeatedly occupies; or
- (c) impedes or threatens; or
- (d) intimidates or harasses; or
- (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion; or

- (f) informs or attempts to inform about abortion services by any means, including, without limitation, graphic, physical, verbal or written means; or
  - (g) sketches, photographs, records, stores, broadcasts, or transmits images, audio, likenesses or personal data of any person without express consent.
- (4) A person guilty of an offence under subsection (1) is liable—
- (a) in the first instance—
    - (i) on summary conviction, to imprisonment for a term not exceeding 6 months, or
    - (ii) to a fine not exceeding level 5 on the standard scale, or
    - (iii) to both; and
  - (b) on further instances—
    - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both; or
    - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.

**Member's explanatory statement**

This new clause would introduce areas around abortion clinics and hospitals (buffer zones) where interference with, and intimidation or harassment of, women accessing or people providing abortion services would be an offence.

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Sarah Jones

NC44

★ To move the following Clause—

**“Duty on health service bodies to have due regard to police covenant principles**

- (1) In exercising in relation to England a relevant healthcare function, a person or body specified in subsection (2) must have due regard to—
- (a) the obligations of and sacrifices made by members of the police workforce,
  - (b) the principle that it is desirable to remove any disadvantage for members or former members of the police workforce arising from their membership or former membership, and
  - (c) the principle that special provision for members or former members of the police workforce may be justified by the effects on such people of membership, or former membership, of that workforce.
- (2) The specified persons and bodies are—
- (a) the National Health Service Commissioning Board;
  - (b) a clinical commissioning group;
  - (c) a National Health Service trust in England;
  - (d) an NHS foundation trust.”



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Sarah Jones

NC45

★ To move the following Clause—

**“Offence of assaulting etc. retail worker**

- (1) It is an offence for a person to assault, threaten or abuse another person—
  - (a) who is a retail worker, and
  - (b) who is engaged, at the time, in retail work.
- (2) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person—
  - (a) is a retail worker, and
  - (b) is engaged, at the time, in retail work.
- (3) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months, a fine, or both.
- (4) Evidence from a single source is sufficient to establish, for the purposes of this section—
  - (a) whether a person is a retail worker, and
  - (b) whether the person is engaged, at the time, in retail work.
- (5) The offence under subsection (1) of threatening or abusing a retail worker is committed by a person only if the person—
  - (a) behaves in a threatening or abusive manner towards the worker, and
  - (b) intends by the behaviour to cause the worker or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.
- (6) Subsection (5) applies to—
  - (a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,
  - (b) behaviour consisting of—
    - (i) a single act, or
    - (ii) a course of conduct.
- (7) Subsections (8) to (10) apply where, in proceedings for an offence under subsection (1), it is—
  - (a) specified in the complaint that the offence is aggravated by reason of the retail worker enforcing a statutory age restriction, and
  - (b) proved that the offence is so aggravated.
- (8) The offence is so aggravated if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction.
- (9) Evidence from a single source is sufficient to prove that the offence is so aggravated.
- (10) Where this section applies, the court must—
  - (a) state on conviction that the offence is so aggravated,

- (b) record the conviction in a way that shows that the offence is so aggravated,
- (c) take the aggravation into account in determining the appropriate sentence, and
- (d) state—
  - (i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
  - (ii) otherwise, the reasons for there being no such difference.

(11) In this section—

“enforcement”, in relation to a statutory age restriction, includes—

- (a) seeking information as to a person’s ages,
  - (b) considering information as to a person’s age,
  - (c) refusing to sell or supply goods or services,
- for the purposes of complying with the restriction (and “enforcing” is to be construed accordingly)

“statutory age restriction” means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.

(12) In this section, “retail worker”—

- (a) means a person—
  - (i) whose usual place of work is retail premises, or
  - (ii) whose usual place of work is not retail premises but who does retail work,
- (b) includes, in relation to a business that owns or occupies any premises in which the person works, a person who—
  - (i) is an employee of the business,
  - (ii) is an owner of the business, or
  - (iii) works in the premises under arrangements made between the business and another person for the provision of staff,
- (c) also includes a person who delivers goods from retail premises.

(13) For the purposes of subsection (12), it is irrelevant whether or not the person receives payment for the work.

(14) In proceedings for an offence under subsection (1), it is not necessary for the prosecutor to prove that the person charged with the offence knew or ought to have known any matter falling within subsection (12)(b) in relation to the person against whom the offence is alleged to have been committed.

(15) In this section, “retail premises” means premises that are used wholly or mainly for the sale or supply of goods, on a retail basis, to members of the public.

(16) In this section, “retail work” means—

- (a) in the case of a person whose usual place of work is retail premises, any work in those retail premises,

- (b) in the case of a person whose usual place of work is not retail premises, work in connection with—
    - (i) the sale or supply of goods, on a retail basis, to members of the public, or
    - (ii) the sale or supply of services (including facilities for gambling) in respect of which a statutory age restriction applies,
  - (c) subject to subsection (17), in the case of a person who delivers goods from retail premises, work in connection with the sale or supply of goods, on a retail basis, to members of the public.
- (17) A person who delivers goods from retail premises is doing retail work only during the period beginning when the person arrives at a place where delivery of goods is to be effected and ending when the person leaves that place (whether or not goods have been delivered).
- (18) In this section, references to working in premises includes working on any land forming part of the premises.”

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Sarah Jones

NC46

★ To move the following Clause—

**“Offence of assaulting etc. health and social care or transport worker**

- (1) It is an offence for a person to assault, threaten or abuse another person—
  - (a) who works in health, social care or transport, and,
  - (b) who is engaged, at the time, in such work.
- (2) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person—
  - (a) works in health, social care or transport, and;
  - (b) is engaged, at the time, in such work.
- (3) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months, a fine, or both.
- (4) Evidence from a single source is sufficient to establish, for the purposes of this section—
  - (a) whether a person works in health, social care or transport, and
  - (b) whether the person is engaged, at the time, in such work.
- (5) The offence under subsection (1) of threatening or abusing a person who works in health, social care or transport (A) is committed by a person (B) only if B—
  - (a) behaves in a threatening or abusive manner towards A, and
  - (b) intends by the behaviour to cause A or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.
- (6) Subsection (5) applies to—
  - (a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,

- (b) behaviour consisting of—
  - (i) a single act, or
  - (ii) a course of conduct.
- (7) The Secretary of State must by regulations made by statutory instrument define “health”, “social care” and “transport” for the purposes of this section.
- (8) For the purposes of deciding whether a person works in health, social care or transport, it is irrelevant whether or not the person receives payment for the work.”

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Sarah Jones

NC47

★ To move the following Clause—

**“Duties to collaborate and plan to prevent and reduce child criminal exploitation and safeguard affected children**

- (1) The specified authorities for a local government area must collaborate with each other to prevent and reduce child criminal exploitation in the area and safeguard affected children.
- (2) The duty imposed on the specified authorities for a local government area by subsection (1) includes a duty to plan together to exercise their functions so as to prevent and reduce child criminal exploitation in the area and safeguard affected children.
- (3) In particular, the specified authorities for a local government area must—
  - (a) Identify the kinds of child criminal exploitation that occur in the area,
  - (b) identify the causes of child criminal exploitation in the area, so far as it is possible to do so, and
  - (c) prepare and implement a strategy for exercising their functions to prevent and reduce child criminal exploitation and safeguard affected children in the area.
- (4) In preparing a strategy under this section for a local government area, the specified authorities for the area must ensure that the following are consulted—
  - (a) each educational authority for the area;
  - (b) each prison authority for the area;
  - (c) each youth custody authority for the area.
- (5) A strategy under this section for a local government area may specify an action to be carried out by—
  - (a) an educational authority for the area,
  - (b) a prison authority for the area, or
  - (c) a youth custody authority for the area.
- (6) Once a strategy has been prepared under this section for a local government area, the specified authorities for the area must—
  - (a) keep the strategy under review, and
  - (b) every two years, prepare and implement a revised strategy.

- (7) A strategy prepared under this section may be combined with a strategy prepared in accordance with section 7 (Duties to collaborate and plan to prevent and reduce serious violence) or section 8 (Powers to collaborate and plan to prevent and reduce serious violence).
- (8) For the purposes of this section, “child criminal exploitation” means activity which would constitute an offence under section [Child criminal exploitation] of this Act.”

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Sarah Jones

NC48

★ To move the following Clause—

**“Reporting of data on homicide reviews**

- (1) The Secretary of State must collect and report to Parliament annually data and information relating to reviews under—
  - (a) Section 16M of the Children Act 2004 (child death reviews) where the death of the child was due to homicide,
  - (b) Section 9 of the Domestic Violence, Crime and Victims Act 2004 (domestic homicide review), and
  - (c) Section 23 of the Police, Crime, Sentencing and Courts Act 2021 (offensive weapons homicide reviews).
- (2) The Secretary of State must set out in regulations the type of data to be collected and reported under this Section.
- (3) Not later than three months after each report has been laid before Parliament, the Secretary of State must lay before Parliament a report which assesses the lessons which may be learnt from the data.
- (4) The report prepared for the purposes of subsection (3) must be prepared by a person independent of the Secretary of State.”

**Member’s explanatory statement**

This new clause requires the Secretary of State to collect and report annually to Parliament data on child death reviews where they involve homicide, domestic homicide reviews and offensive weapons homicide reviews. It would also require the Secretary of State to commission and lay before Parliament a “lessons learnt” review of the data.

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Sarah Jones

NC49

★ To move the following Clause—

**“Extraction of information from electronic devices**

- (1) Subject to Conditions A to D below, insofar as applicable, an authorised person may extract information stored on an electronic device from that device if—
  - (a) a user of the device has voluntarily provided the device to an authorised person, and
  - (b) that user has agreed to the extraction of specified information from the device by an authorised person.

- (2) Condition A for the exercise of the power in subsection (1) is that it may be exercised only for the purposes of—
  - (a) preventing, detecting, investigating or prosecuting an offence,
  - (b) helping to locate a missing person, or
  - (c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.
- (3) For the purposes of subsection (2) an adult is an at-risk adult if the authorised person reasonably believes that the adult—
  - (a) is experiencing, or at risk of, neglect or physical, mental or emotional harm, and
  - (b) is unable to protect themselves against the neglect or harm or the risk of it.
- (4) Condition B for the exercise of the power in subsection (1) is that the power may only be exercised if—
  - (a) the authorised person reasonably believes that information stored on the electronic device is relevant to a purpose within subsection (2) for which the authorised person may exercise the power, and
  - (b) the authorised person is satisfied that exercise of the power is strictly necessary and proportionate to achieve that purpose.
- (5) For the purposes of subsection (4)(a), information is relevant for the purposes within subsection (2)(a) in circumstances where the information is relevant to a reasonable line of enquiry.
- (6) Condition C as set out in subsection (7) applies if the authorised person thinks that, in exercising the power, there is a risk of obtaining information other than information necessary for a purpose within subsection (2) for which the authorised person may exercise the power.
- (7) Condition C is that the authorised person must, to be satisfied that the exercise of the power in the circumstances set out in subsection (6) is strictly necessary and proportionate, be satisfied that there are no other less intrusive means available of obtaining the information sought by the authorised person which avoid that risk.
- (8) Condition D is that an authorised person must have regard to the code of practice for the time being in force under section [Code of practice] in accordance with section [Effect of code of practice] below.
- (9) This section does not affect any power relating to the extraction or production of information, or any power to seize any item or obtain any information, conferred by or under an enactment.
- (10) In this section and section [Application of section [Extraction of information from electronic devices] to children and adults without capacity]—

“adult” means a person aged 16 or over;

“authorised person” means a person specified in subsection (1) of section [Application of section [Extraction of information from electronic devices] to children and adults without capacity] (subject to subsection (2) of that section);

“child” means a person aged under 16;

“agreement” means that the user has confirmed explicitly and unambiguously in writing that they agree—

- (a) to provide their device, and
- (b) to the extraction of specified data from that device.

Such an explicit written confirmation can only constitute agreement for these purposes if, in accordance with the Code of Practice issued pursuant to section [Effect of code of practice], the user—

- (i) has been provided with appropriate information and guidance about why the extraction is considered strictly necessary (including, where relevant, the identification of the reasonable line of enquiring relied upon);
- (ii) has been provided with appropriate information as to (a) how the data will or will not be used in accordance with the authorized person’s legal obligations and (b) any potential consequences arising from their decision;
- (iii) has confirmed their agreement in the absence of any inappropriate pressure or coercion;

“electronic device” means any device on which information is capable of being stored electronically and includes any component of such a device;

“enactment” includes—

- (a) an Act of the Scottish Parliament,
- (b) an Act or Measure of Senedd Cymru, and
- (c) Northern Ireland legislation;

“information” includes moving or still images and sounds;

“offence” means an offence under the law of any part of the United Kingdom;

“user”, in relation to an electronic device, means a person who ordinarily uses the device.

(11) References in this section and sections [Application of section [Extraction of information from electronic devices] to children and adults without capacity] to the extraction of information include its reproduction in any form.

(12) This section is subject to sections [Application of section [Extraction of information from electronic devices] to children and adults without capacity] and [Application of section [Extraction of information from electronic devices] where user has died etc].”

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Sarah Jones

NC50

★ To move the following Clause—

**“Application of section [Extraction of information from electronic devices] to children and adults without capacity**

- (1) A child is not to be treated for the purposes of subsection (1) of section [Extraction of information from electronic devices] as being capable of—
  - (a) voluntarily providing an electronic device to an authorised person for those purposes, or
  - (b) agreeing for those purposes to the extraction of information from the device by an authorised person.
- (2) If a child is a user of an electronic device, a person who is not a user of the device but is listed in subsection (3) may—
  - (a) voluntarily provide the device to an authorised person for the purposes of subsection (1) of section [Extraction of information from electronic devices], and
  - (b) agreement for those purposes to the extraction of information from the device by an authorised person.
- (3) The persons mentioned in subsection (2) are—
  - (a) the child’s parent or guardian or, if the child is in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation,
  - (b) a registered social worker, or
  - (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over other than an authorised person.
- (4) The agreement of persons listed in subsection (3) further to subsection 2(b) should only be accepted where, if it is appropriate, the child has been consulted on whether such agreement should be provided and the authorised person is satisfied those views have been taken into account.
- (5) An adult without capacity is not to be treated for the purposes of section [Extraction of information from electronic devices] as being capable of—
  - (a) voluntarily providing an electronic device to an authorised person for those purposes, or
  - (b) agreeing for those purposes to the extraction of information from the device by an authorised person.
- (6) If a user of an electronic device is an adult without capacity, a person who is not a user of the device but is listed in subsection (7) may—
  - (a) voluntarily provide the device to an authorised person for the purposes of subsection (1) of section [Extraction of information from electronic devices], and
  - (b) agreement for those purposes to the extraction of information from the device by an authorised person.
- (7) The persons mentioned in subsection (6) are—
  - (a) a parent or guardian of the adult without capacity,
  - (b) a registered social worker,



- (c) a person who has a power of attorney in relation to the adult without capacity, or
  - (d) if no person falling within paragraph (a), (b) or (c) is available, any responsible person aged 18 other than an authorised person.
- (8) The agreement of persons listed in subsection (7) further to subsection (6)(b) should only be accepted where, if it is appropriate, the adult without capacity has been consulted on whether such agreement should be provided and the authorised person is satisfied those views have been taken into account.
- (9) Nothing in this section prevents any other user of an electronic device who is not a child or an adult without capacity from—
- (a) voluntarily providing the device to an authorised person for the purposes of subsection (1) of section [Extraction of information from electronic devices], or
  - (b) agreeing for those purposes to the extraction of information from the device by an authorised person.
- (10) In this section and section and [Application of section [Extraction of information from electronic devices] where user has died etc]—

“adult without capacity” means an adult who, by reason of any impairment of their physical or mental condition, is incapable of making decisions for the purposes of subsection (1) of section [Extraction of information from electronic devices];

“local authority”—

- (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council or the Common Council of the City of London,
- (b) in relation to Wales, means a county council or a county borough council, and
- (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;

“registered social worker” means a person registered as a social worker in a register maintained by—

- (a) Social Work England,
- (b) the Care Council for Wales,
- (c) the Scottish Social Services Council, or
- (d) the Northern Ireland Social Care Council;

“relevant authority”—

- (a) in relation to England and Wales and Scotland, means a local authority;
- (b) in relation to Northern Ireland, means an authority within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));

“voluntary organisation”—

- (a) in relation to England and Wales and Scotland, has the same meaning as in the Children Act 1989;

(b) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995.

(11) Subsections (9) and (10) of section [Extraction of information from electronic devices] also contain definitions for the purposes of this section."

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Sarah Jones

NC51

★ To move the following Clause—

**"Application of section [Extraction of information from electronic devices] where user has died etc**

- (1) If any of conditions A to C is met, an authorised person may exercise the power in subsection (1) of section [Extraction of information from electronic devices] to extract information stored on an electronic device from that device even though—
  - (a) the device has not been voluntarily provided to an authorised person by a user of the device, or
  - (b) no user of the device has agreed to the extraction of information from the device by an authorised person.
- (2) Condition A is that—
  - (a) a person who was a user of the electronic device has died, and
  - (b) the person was a user of the device immediately before their death.
- (3) Condition B is that—
  - (a) a user of the electronic device is a child or an adult without capacity, and
  - (b) an authorised person reasonably believes that the user's life is at risk or there is a risk of serious harm to the user.
- (4) Condition C is that—
  - (a) a person who was a user of the electronic device is missing,
  - (b) the person was a user of the device immediately before they went missing, and
  - (c) an authorised person reasonably believes that the person's life is at risk or there is a risk of serious harm to the person.
- (5) The exercise of the power in subsection (1) of section [Extraction of information from electronic devices] by virtue of this section is subject to subsections (2) to (8) of that section.
- (6) Subsections (10) and (11) of section [Extraction of information from electronic devices] and subsection (9) of section [Application of section [Extraction of information from electronic devices] to children and adults without capacity] contain definitions for the purposes of this section."

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Sarah Jones

NC52

★ To move the following Clause—

**“Code of practice**

- (1) The Secretary of State must prepare a code of practice containing guidance about the exercise of the power in subsection (1) of section [Extraction of information from electronic devices].
- (2) In preparing the code, the Secretary of State must consult—
  - (a) the Information Commissioner,
  - (b) the Scottish Ministers,
  - (c) the Welsh Government,
  - (d) the Department of Justice in Northern Ireland,
  - (e) the Victims Commissioner,
  - (f) the Domestic Abuse Commissioner,
  - (g) any regional Victims Champion including the London Victims Commissioner,
  - (h) persons who appear to the Secretary of State to represent the interests of victims, witnesses and other individuals likely to be affected by the use of the power granted in subsection (1) of section [Extraction of information from electronic devices], and
  - (i) such other persons as the Secretary of State considers appropriate.
- (3) After preparing the code, the Secretary of State must lay it before Parliament and publish it.
- (4) The code is to be brought into force by regulations made by statutory instrument.
- (5) The code must address, amongst other matters—
  - (a) the procedure by which an authorised person must obtain and record confirmation that a device has been provided voluntarily;
  - (b) the procedure by which an authorised person must obtain and record confirmation that agreement has been provided for the extraction of specified information, including the information which must be provided to the user about—
    - (i) how long the device will be retained;
    - (ii) what specific information is to be extracted from the device and why, including the identification of the reasonable line of enquiry to be pursued and the scope of information which will be extracted, reviewed and/or retained;
    - (iii) how the extracted information will be kept secure;
    - (iv) how the extracted information will or may be used in a criminal process;
    - (v) how they can be kept informed about who their information is to be shared with and the use of their information in the criminal process;

- (vi) their right to refuse to agree to provide their device and/or to the proposed extraction in whole or in part and the potential consequences of that refusal; and
  - (vii) the circumstances in which a further extraction may be required, and what will happen to the information after the case has been considered;
- (c) the different types of extraction processes available, and the parameters which should be considered in defining the scope of any proposed extraction from a user's device;
  - (d) the circumstances in which the extraction of information should and should not be considered strictly necessary and proportionate;
  - (e) the considerations to be taken into account in determining whether there are less intrusive alternatives available to extraction for the purposes of subsection (7) of section [Extraction of information from electronic devices];
  - (f) the process by which the authorised person should identify and delete data which is not responsive to a reasonable line of enquiry and/or has been assessed as not relevant to the purposes for which the extraction was conducted; and
  - (g) the records which must be maintained documenting for each extraction or proposed extraction, including—
    - (i) the specific information to be extracted;
    - (ii) the reasonable lines of enquiry pursued;
    - (iii) the basis upon which the extraction is considered strictly necessary, including any alternatives considered and why they were not pursued;
    - (iv) confirmation that appropriate information was provided to the user and, if applicable, agreement obtained;
    - (v) the reasons why the user was not willing to agree to a proposed extraction.
- (6) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (7) After the code has come into force the Secretary of State may from time to time revise it.
  - (8) References in subsections (2) to (7) to the code include a revised code."

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Sarah Jones

NC53

★ To move the following Clause—

**"Effect of code of practice**

- (1) An authorised person must in the exercise of the power granted under section [Extraction of information from electronic devices] have regard to the code of practice issued under section [Code of practice] in deciding whether to exercise, or in the exercise of that power.

- (2) A failure on the part of any person to comply with any provision of a code of practice for the time being in force under section [Code of practice] shall not of itself render him liable to any criminal or civil proceedings.
- (3) A code of practice in force at any time under section [Code of practice] shall be admissible in evidence in any criminal or civil proceedings.
- (4) In all criminal and civil proceedings any code in force under section [Code of practice] shall be admissible in evidence; and if any provision of the code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question."

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Sarah Jones

NC54

★ To move the following Clause—

**"Offence of breach of conditions of pre-charge bail**

- (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) After Section 37 insert—

**"37ZA Offence of breach of conditions of pre-charge bail**

- (1) Where a person has been arrested and released on pre-charge bail under subsection 37(7), that person commits an offence if they breach any condition attached to that pre-charge bail.
- (2) A person guilty of an offence under this Section will be liable on summary conviction to a fine not exceeding level 3 on the standard scale."

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Alex Davies-Jones

NC55

★ To move the following Clause—

**"Domestic homicide reviews**

- (1) Section 9 of the Domestic Violence, Crime and Victims Act 2004 is amended as follows.
- (2) For subsection (2) substitute—
  - "(2) The Secretary of State must in all cases which meet the circumstances set out in subsection (1) direct a specified person or body within subsection (4) to establish, or to participate in, a domestic homicide review."
- (3) After subsection (3) insert—

"(3ZA) The Secretary of State must by regulations set out—

- (a) the type of data relating to domestic homicide reviews which must be recorded, including—
  - (i) the number of domestic homicide reviews taking place across England and Wales annually; and
  - (ii) the time taken to complete each individual domestic homicide review;

- (b) that the data must be recorded centrally in a Home Office database; and
- (c) that the data must be published annually.””

**Member’s explanatory statement**

This new clause seeks to modify the Domestic Violence, Crime and Victims Act 2004 to force the Secretary of State to automatically direct a domestic homicide review in circumstances as outlined in Section 9 of the Act. The amendment also aims to improve data collection methodologies around domestic homicide reviews.

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Tom Tugendhat

NC56

★ To move the following Clause—

**“Maximum sentences for causing or allowing a child or vulnerable adult to suffer serious injury or death**

- (1) Section 5 of the Domestic Violence, Crime and Victims Act 2004 is amended as follows—
  - (a) in subsection (7), for “a term not exceeding 14 years” substitute “life”, and
  - (b) in subsection (8), for “10” substitute “14”.
- (2) Schedule 19 of the Sentencing Act 2020 is amended by the insertion of the following after paragraph 20—

*“Domestic Violence, Crime and Victims Act 2004*

20A An offence to which section 5(7) of the Domestic Violence, Crime and Victims Act 2004 applies.””

**Member’s explanatory statement**

This new clause seeks to increase sentencing levels under section 5 of the Domestic Violence Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to suffer serious injury or death) by raising the death offence to life imprisonment, and the “serious injury” offence to 14 years.

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Sarah Champion

NC57

★ To move the following Clause—

**“Restriction on evidence or questions about mental health counselling or treatment records relating to complainant or witness**

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) After section 43 insert—

**“43A Restriction on evidence or questions about mental health counselling or treatment records relating to complainant or witness**

- (1) If at a trial a person is charged with a sexual offence, then, except with the leave of the court—
  - (a) no evidence may be adduced, and

- (b) no question may be asked in cross examination, by or on behalf of any accused at the trial, about any records made in relation to any mental health counselling or treatment which may have been undertaken by a complainant or witness.
- (2) The records made include those made by—
- (a) a counsellor,
  - (b) a therapist,
  - (c) an Independent Sexual Violence Adviser (ISVA), and
  - (d) any victim support services.
- (3) The court may give leave in relation to any evidence or question only on an application made by or on behalf of a party to the trial, and may not give such leave unless it is satisfied that—
- (a) the evidence or question relates to a relevant issue in the case which will include a specific instance (or specific instances) of alleged sexual behaviour on the part of the complainant,
  - (b) the evidence or question has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice, and
  - (c) a refusal of leave might have the result of rendering unsafe a conclusion of the jury or (as the case may be) the court on any relevant issue in the case.
- (4) For the purposes of making a determination under paragraph (3)(b) the judge shall take into account—
- (a) the interests of justice, including the right of the accused to make a full answer and defence;
  - (b) the need to preserve the integrity of the trial process by removing from the fact-finding process any discriminatory belief or bias;
  - (c) the risk that the evidence may unduly arouse sentiments of prejudice, sympathy or hostility in the jury;
  - (d) the potential threat to the personal dignity and right to privacy of the complainant or witness;
  - (e) the complainant's or witness's right to personal security and to the full protection and benefit of the law;
  - (f) the provisions of the Victims Code; and
  - (g) any other factor that the judge considers relevant.
- (5) Where this section applies in relation to a trial by virtue of the fact that one or more of a number of persons charged in the proceedings is or are charged with a sexual offence—
- (a) it shall cease to apply in relation to the trial if the prosecutor decides not to proceed with the case against that person or those persons in respect of that charge; but

- (b) it shall not cease to do so in the event of that person or those persons pleading guilty to, or being convicted of, that charge.
- (6) Nothing in this section authorises any evidence to be adduced or any question to be asked which cannot be adduced or asked apart from this section.
- (7) In relation to evidence or questions under this Section, if no pre-trial application in accordance with Part 36 of the Criminal Procedure Rules has been made, or if such application has been made and refused in whole or in part, no further application may be made during the course of the trial or before its commencement to call such evidence or ask such question, and no judge may allow such application or admit any such questions or evidence.””

**Member’s explanatory statement**

This new clause would restrict evidence or questions about mental health counselling or treatment records relating to complainant or witness unless a defined threshold is met. Victims have cited concern of their notes being read out in court as a reason they withdraw from the trial.

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## Order of the House

**[16 March 2021]**

That the following provisions shall apply to the Police, Crime, Sentencing and Courts Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 24 June 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.



**Other proceedings**

7. Any other proceedings on the Bill may be programmed.

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## Order of the Committee [18 May 2021]

**That—**

1. the Committee shall (in addition to its first meeting at 9.25am on Tuesday 18 May) meet—
  - (a) at 2.00 pm on Tuesday 18 May;
  - (b) at 11.30 am and 2.00 pm on Thursday 20 May;
  - (c) at 9.25 am and 2.00 pm on Tuesday 25 May;
  - (d) at 11.30 am and 2.00 pm on Thursday 27 May;
  - (e) at 9.25 am and 2.00 pm on Tuesday 8 June;
  - (f) at 11.30 am and 2.00 pm on Thursday 10 June;
  - (g) at 9.25 am and 2.00 pm on Tuesday 15 June;
  - (h) at 11.30 am and 2.00 pm on Thursday 17 June;
  - (i) at 9.25 am and 2.00 pm on Tuesday 22 June;
  - (j) at 11.30 am and 2.00 pm on Thursday 24 June;
2. the Committee shall hear oral evidence in accordance with the following Table:

<b>Date</b>	<b>Time</b>	<b>Witness</b>
Tuesday 18 May	Until no later than 10.30 am	The National Police Chiefs' Council
Tuesday 18 May	Until no later than 11.25 am	The Police Superintendents' Association; The Police Federation of England and Wales
Tuesday 18 May	Until no later than 2.45 pm	The Centre for Justice Innovation; The Centre for Social Justice
Tuesday 18 May	Until no later than 3.30 pm	Jonathan Hall QC, the Independent Reviewer of Terrorism Legislation; HM Inspectorate of Constabulary and Fire & Rescue Services
Tuesday 18 May	Until no later than 4.15 pm	Local Government Association; The Association of Police and Crime Commissioners
Tuesday 18 May	Until no later than 4.45 pm	Doughty Street Chambers; Garden Court Chambers
Tuesday 18 May	Until no later than 5.15 pm	Youth Justice Board
Tuesday 18 May	Until no later than 5.45 pm	The Bar Council

<b>Date</b>	<b>Time</b>	<b>Witness</b>
Thursday 20 May	Until no later than 12.15 pm	National Association for the Care and Resettlement of Offenders; Unlock
Thursday 20 May	Until no later than 1.00 pm	The Victims' Commissioner
Thursday 20 May	Until no later than 2.45 pm	The Children's Society; Community Justice Scotland
Thursday 20 May	Until no later than 3.30 pm	The Association of Youth Offending Team Managers
Thursday 20 May	Until no later than 4.15 pm	The Law Society
Thursday 20 May	Until no later than 5.00 pm	Howard League for Penal Reform; Criminal Justice Alliance; Women in Prison; Sentencing Academy
Thursday 20 May	Until no later than 5.45 pm	Professor Colin Clark, University of the West of Scotland; Amnesty International UK; Liberty

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10, Schedule 1, Clause 11, Schedule 2, Clauses 12 to 42, Schedule 3, Clause 43, Schedule 4, Clauses 44 to 47, Schedule 5, Clauses 48 to 51, Schedule 6, Clauses 52 to 66, Schedule 7, Clauses 67 to 73, Schedule 8, Clause 74, Schedule 9, Clauses 75 to 97, Schedule 10, Clauses 98 to 100, Schedule 11, Clauses 101 to 127, Schedule 12, Clause 128, Schedule 13, Clause 129, Schedule 14, Clauses 130 to 134, Schedule 15, Clause 135, Schedule 16, Clauses 136 to 156, Schedule 17, Clauses 157 to 161, Schedule 18, Clauses 162 to 168, Schedule 19, Clauses 169 to 171, Schedule 20, Clauses 172 to 176, new Clauses, new Schedules, remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 24 June.