
Report Stage: Wednesday 30 June 2021

Police, Crime, Sentencing and Courts Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

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

★ New Amendments.

New amendments: 25 to 56, 63 to 94, NC28 to NC52, NC54 to NC64 and NS1

Ms Harriet Harman
Caroline Nokes
Sir Peter Bottomley
Wera Hobhouse
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Liz Saville Roberts
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Mohammad Yasin
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Apsana Begum

Taiwo Owatemi
Dame Diana Johnson
Rushanara Ali
Yvonne Fovargue
Anne Marie Morris
Karin Smyth
Dame Margaret Hodge
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Clive Lewis
Florence Eshalomi
Chris Bryant
Geraint Davies
Darren Jones
Ed Davey
Yvette Cooper
Stephen Farry

NC1

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.”

Ms Harriet Harman
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NC2

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."

Ms Harriet Harman
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NC3

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.

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 Catherine McKinnell

NC4

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.

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Mr Andrew Mitchell
Catherine McKinnell

NC5

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.

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NC6

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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 Debbie Abrahams
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 Catherine McKinnell

NC7

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.

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 Catherine McKinnell

NC8

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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Siobhain McDonagh

Jamie Stone
Mr Andrew Mitchell
Dr Lisa Cameron
John McDonnell
Margaret Ferrier
Mr Virendra Sharma
Paula Barker

NC9

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.

Ms Harriet Harman
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 John McDonnell
 Margaret Ferrier
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 Paula Barker
 Stephen Farry

NC10

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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 Mr Virendra Sharma
 Paula Barker
 Stephen Farry

NC11

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.

Ms Harriet Harman
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 Mr Virendra Sharma
 Paula Barker
 Stephen Farry

NC12

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.

Ms Harriet Harman			NC13
Joanna Cherry			
Alex Cunningham			
Wera Hobhouse			
Sarah Champion			
Layla Moran			
Wendy Chamberlain	Ed Davey	Jamie Stone	
Munira Wilson	Daisy Cooper	Mr Andrew Mitchell	
Sarah Olney	Claudia Webbe	Dr Lisa Cameron	
Andrew Gwynne	Barbara Keeley	John McDonnell	
Dame Diana Johnson	Christine Jardine	Margaret Ferrier	
Tonia Antoniazzi	Kerry McCarthy	Mr Virendra Sharma	
Hywel Williams	Valerie Vaz	Paula Barker	
Caroline Lucas	Siobhain McDonagh	Stephen Farry	

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.

Sir Iain Duncan Smith			NC14
Tom Hunt			
Matt Vickers			
Tim Loughton			
Jane Stevenson			
Sir John Hayes			
Julian Knight	Craig Tracey	Henry Smith	

To move the following Clause—

“Offence of buying a pet for cash etc

- (1) A person “P” must not pay for a pet except—
 - (a) by a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
 - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).

- (2) The Secretary of State may by order amend subsection (1) to permit other methods of payment.
- (3) In this section paying includes paying in kind (with goods or services).
- (4) If P pays for a pet in breach of subsection (1), P is guilty of an offence.
- (5) If P is guilty of an offence under this section, P is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) For the purposes of this section, “pet” means an animal which—
 - (a) provides companionship to any human being,
 - (b) provides assistance to any human being, or
 - (c) provides assistance to any human being in the course of their work.”

Sir Iain Duncan Smith
 Tom Hunt
 Tracey Crouch
 Matt Vickers
 Tim Loughton
 Jane Stevenson
 Andrew Selous

Craig Tracey

Henry Smith

NC15

To move the following Clause—

“Offence of failing to scan a microchip

- (1) When a relevant animal is presented for a consultation with a veterinary surgeon (or registered veterinary nurse), the veterinary surgeon (or veterinary nurse) must—
 - (a) scan the microchip of the relevant animal,
 - (b) check that the microchip number is registered on a database by a database operator which meets current conditions set out in law,
 - (c) check that the person accompanying the relevant animal is either the registered keeper of the relevant animal or has, to the satisfaction of the veterinary surgeon (or veterinary nurse), the permission of the registered keeper of the relevant animal to accompany that animal, and
 - (d) if the condition in paragraph (c) is not met, report to the police the fact that the relevant animal is not accompanied by the registered keeper or a person authorised by the registered keeper.
- (2) For the purposes of subsection (1), a “relevant animal” means an animal which is required by law to be microchipped.
- (3) If a veterinary surgeon (or veterinary nurse) is in breach of subsection (1), they are guilty of an offence.

- (4) If a veterinary surgeon (or veterinary nurse) is guilty of an offence under this section, they are liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Sir Iain Duncan Smith
Tom Hunt
Stephen McPartland
Andrew Rosindell
Mr Andrew Mitchell
Siobhan Baillie
Tracey Crouch
Jane Stevenson
Craig Tracey

Matt Vickers
Julian Knight
Henry Smith

Tim Loughton
Andrew Selous

NC16

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—

- (a) provides companionship to any human being,
- (b) provides assistance to any human being, or
- (c) provides assistance to any human being in the course of their work.”

- (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.”

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

Tom Tugendhat
Sarah Champion

NC17

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.

Debbie Abrahams
Jackie Doyle-Price
Paula Barker
Tony Lloyd
Caroline Lucas
Hywel Williams
Sarah Champion

NC18

Alex Cunningham

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.

Hywel Williams
Ben Lake
Liz Saville Roberts
Alex Cunningham
Sarah Champion
Allan Dorans

NC19

To move the following Clause—

“Justice impact assessment for Wales

- (1) Within six months of the passage of this Act, the Secretary of State must issue a justice impact assessment for any provision of this Act, or regulations made under this Act, which impacts on matters which are devolved to the Welsh Parliament / Senedd Cymru.
- (2) The Secretary of State must, within one month of the date on which they are made, issue a justice impact assessment for any regulations made under this Act which are not included in the assessment required under subsection (1) which impact on matters which are devolved to the Welsh Parliament / Senedd Cymru.”

Member’s explanatory statement

This new clause would require the Secretary of State to issue an assessment of the impact of the Bill on devolved policy and services in Wales within six months of it passing, and to issue such an assessment of any further changes to regulations under the Bill within one month of making them.

Mr Ben Bradshaw

NC20

To move the following Clause—

“Failing to stop or report accidents involving actual or potential serious or fatal injury

(1) After subsection 170(4) of the Road Traffic Act 1988, insert—

“(4A) A person who fails to comply with subsections 170(2) or 170(3) when he knew that the accident had caused serious or fatal personal injury, or where he ought reasonably to have realised that it might have done so, is guilty of an offence.”

(2) In Part 1 of Schedule 2 of the Road Traffic Offenders Act 1988 (prosecution and punishment of offences: offences under the Traffic Acts), after the entry relating to an offence under RTA subsection 170(4), insert the following—

RTA section 170(4A)	Failing to stop and give particulars after accident involving actual or potential serious or fatal injury or to report accident	On indictment	14 years	Obligatory	Obligatory	6-11
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(3) After subsection 34(3)(d) of the Road Traffic Offenders Act 1988, insert—

“(e) section 4A (failing to stop and give particulars after accident involving actual or potential serious or fatal injury or to report accident)”

Member’s explanatory statement

This new clause creates a new offence of failing to stop or report accidents where the driver knew that the accident had caused serious or fatal injury, or where he ought reasonably to have realised that it might have done so, with a maximum sentence of 14 years custody.

Mr Ben Bradshaw

NC21

To move the following Clause—

“Definition of “exceptional hardship”

In the Road Traffic Offenders Act 1988, after subsection 35(4), insert—

“(4A) (a) In subsection (4)(b) above, the hardship that would be caused by an offender’s disqualification should be regarded as exceptional if and only if it is significantly greater than the hardship that would arise for a large majority of other drivers if the same disqualification were imposed on them.

- (b) In assessing whether the hardship arising from the offender's disqualification would be exceptional, a court may take account of—
- (i) any circumstances relating to the offender's economic circumstances or location of residence that would make it exceptionally hard for him to access key services such as grocery shops and postal, banking and healthcare facilities,
 - (ii) any hardship that would be incurred by the offender's family or others who are disabled and who depend on the offender to provide care for them, and
 - (iii) any other circumstance which it believes would make the hardship genuinely exceptional.””

Member's explanatory statement

This new clause provides a definition of “exceptional hardship” for the purpose of RTOA ss35(4)(b). It requires that a court should only regard hardship as “exceptional” if it is significantly greater than the hardship that would arise for a large majority of other drivers if the same disqualification were imposed on them.

Sarah Champion
 Alex Cunningham
 Caroline Lucas
 Andrew Gwynne
 Mr Virendra Sharma
 Rosie Cooper
 Paula Barker
 Emma Hardy
 Mrs Emma Lewell-Buck

Kim Johnson
 Tony Lloyd
 Anna McMorrin

Claudia Webbe
 Helen Hayes

NC22

☆ 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 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.

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

Dr Rupa Huq
Alex Cunningham

Stella Creasy

NC23

☆ 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.

Sarah Champion
 Alex Cunningham
 Kim Johnson
 Rosie Cooper
 Paula Barker
 Claudia Webbe
 Andrew Gwynne
 Dame Diana Johnson
 Chris Bryant
 Mrs Emma Lewell-Buck
 Mr Virendra Sharma
 Wendy Chamberlain
 Philip Davies
 Robert Halfon
 Hywel Williams
 Derek Twigg

Barbara Keeley
 Kate Osborne
 Tony Lloyd
 Wera Hobhouse
 Caroline Nokes
 Mr Clive Betts
 Daisy Cooper
 Neale Hanvey
 Mr David Davis
 Mrs Pauline Latham

Emma Hardy
 Carolyn Harris
 Hilary Benn
 Dr Lisa Cameron
 Sir Desmond Swayne
 Sir George Howarth
 Karin Smyth
 Sammy Wilson
 Mrs Maria Miller

NC24

☆ To move the following Clause—

“Registered sex offenders: change of name or identity

- (1) The Secretary of State must commission a review of how registered sex offenders are able to change their name or other aspects of their identity without the knowledge of the police with the intention of subverting the purpose of their registration.
- (2) The review must consult persons with expertise in this issue, including—
 - (a) representatives of police officers responsible for sex offender management,
 - (b) Her Majesty’s Passport Office, and
 - (c) the Driver and Vehicle Licensing Agency.
- (3) The scope of the review must include consideration of resources necessary for the long-term management of the issue of registered sex offenders changing their names or other aspects of their identity.
- (4) The review must make recommendations for the long-term management of the issue of registered sex offenders changing their names or other aspects of their identity.
- (5) The Secretary of State must report the findings of this review to Parliament within 12 months of the day on which this Act is passed.”

Member’s explanatory statement

This new clause would ensure that the Secretary of State must publish a review into how registered sex offenders are changing their names or other aspects of their identity and propose solutions for how the Government aims to tackle this issue.

Sarah Champion
 Andrew Gwynne
 Mr Virendra Sharma
 Rosie Cooper
 Caroline Lucas
 Paula Barker
 Kim Johnson
 Emma Hardy
 Mrs Emma Lewell-Buck

Claudia Webbe
 Tony Lloyd
 Ms Harriet Harman

Stella Creasy
 Helen Hayes

NC25

☆ 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.

Dame Diana Johnson
Emma Hardy
Derek Twigg
Carolyn Harris
Andrew Gwynne
Rosie Cooper

NC26

☆ To move the following Clause—

“Reporting of sexual offences: public awareness

Within six months of the passage of this Act, the Secretary of State must draw up and implement a campaign to improve public awareness of the desirability

of reporting sexual offences, with particular reference to offences which may not be reported because they are not considered sufficiently serious.”

Dame Diana Johnson
Emma Hardy
Derek Twigg
Carolyn Harris
Andrew Gwynne
Rosie Cooper

NC27

☆ To move the following Clause—

“Code of Practice on dealing with sexual offending

- (1) Within six months of the passage of this Act, the Secretary of State must issue a code of practice on dealing with sexual offending.
- (2) The code must be issued to—
 - (a) all police forces in England and Wales,
 - (b) all local authorities in England and Wales,
 - (c) the National Probation Service,
 - (d) the Victims Commissioner and the Domestic Abuse Commissioner, and
 - (e) anyone else the Secretary of State considers appropriate.
- (3) The code must contain provision designed to—
 - (a) improve public awareness of the desirability of reporting sexual offences, with particular reference to non-contact sexual offences, and
 - (b) achieve any other purpose the Secretary of State considers appropriate to deal with sexual offending.
- (4) Before issuing a code under this section the Secretary of State must—
 - (a) publish proposals,
 - (b) consult such persons as the Secretary of State thinks appropriate, and
 - (c) lay a copy of the code before Parliament.”

Alex Davies-Jones

NC28

★ 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 new clause also aims to improve data collection methodologies around domestic homicide reviews.

Ms Harriet Harman
Joanna Cherry

NC29

★ To move the following Clause—

“ The Right to Protest

- “(1) The Public Order Act 1986 Part II (Processions and Assemblies) is amended as follows.
- (2) Before section 11 insert—

“10A The right to protest

 - (1) Everyone has the right to engage in peaceful protest, both alone and with others.

- (2) Public authorities have a duty to—
 - (a) respect the right to protest;
 - (b) protect the right to protest; and
 - (c) facilitate the right to protest.
- (3) A public authority may only interfere with the right to protest, including by placing restrictions upon its exercise, when it is necessary and proportionate to do so to protect national security or public safety, prevent disorder or crime, protect public health or the rights and freedoms of others.
- (4) For the purposes of this section “public authority” has the same meaning as in section 6 of the Human Rights Act 1998.””

Member’s explanatory statement

This new clause would introduce an express statutory right to protest, imposing both negative and positive obligations on public authorities whilst recognising that the right to protest may need to be limited to protect other legitimate public interests.

Stella Creasy

NC30

★ 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.””

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC31

★ 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) who 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’s 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 age,
 - (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.”

Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Sarah Jones
 Alex Cunningham
 Sir Alan Campbell

NC32

★ To move the following Clause—

“Assault due to enforcement of statutory age restriction

- (1) This section applies to an offence of common assault that is committed against a worker acting in the exercise of enforcing a statutory age restriction.
- (2) This section applies where it is —
 - (a) specified in the complaint that the offence occurred because of the worker’s enforcing a statutory age restriction, and
 - (b) proved that the offence so occurred because of the enforcement of a statutory age restriction.

- (3) A person guilty of an offence to which this section applies is liable on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.
- (4) In consequence of subsections (1) to (3), in section 39 of the Criminal Justice Act 1988 (which provides for common assault to be summary offences punishable with imprisonment for a term not exceeding 6 months)—
- (a) insert—
- “(3) Subsection (1) is subject to section [Assault due to enforcement of statutory age restriction] of the Police, Crime, Sentencing and Courts Act (which makes provision for increased sentencing powers for offences of common assault committed against a worker acting in the exercise of enforcing statutory age restrictions).”
- (5) In this section—

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

- (a) seeking information as to a person’s age,
- (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.
- (6) This section applies only in relation to offences committed on or after the day it comes into force.”

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC33

★ To move the following Clause—

“Accountability of public authorities: duties on public authorities, public servants and officials and others

- (1) Public authorities and public servants and officials have a duty at all times to act within their powers—
- (a) in the public interest, and
- (b) with transparency, candour and frankness.

- (2) Public authorities and public servants and officials have a duty to assist court proceedings, official inquiries and investigations—
 - (a) relating to their own activities, or
 - (b) where their acts or omissions are or may be relevant.
- (3) In discharging the duty under subsection (2), public authorities and public servants and officials shall—
 - (a) act with proper expedition,
 - (b) act with transparency, candour and frankness,
 - (c) act without favour to their own position,
 - (d) make full disclosure of relevant documents, material and facts,
 - (e) set out their position on the relevant matters at the outset of the proceedings, inquiry or investigation, and
 - (f) provide further information and clarification as ordered by a court or inquiry.
- (4) In discharging their duty under subsection (2), public authorities and public servants and officials shall have regard to the pleadings, allegations, terms of reference and parameters of the relevant proceedings, inquiry or investigation but shall not be limited by them, in particular where they hold information which might change the ambit of the said proceedings, inquiry or investigation.
- (5) The duties in subsections (1) and (2) shall—
 - (a) be read subject to existing laws relating to privacy, data protection and national security,
 - (b) apply in a qualified way with respect to private law and non-public functions as set out in subsection (6), and
 - (c) not be limited by any issue of insurance indemnity.
- (6) Where a public authority, public servant or official acts in a private law matter or non-public function the duties in subsections (1) and (2) will apply except where to do so might significantly and disproportionately damage the public interest.
- (7) Where the exception at subsection (6) is applied, including where the justification is to limit the disclosure of commercially sensitive information and contracts, the Chief Officer or Chief Executive of the public authority must give express reasons in writing to the relevant court, inquiry, investigation or individual.
- (8) The duties in subsections (1) and (2) shall apply to a private entity or individual as they apply to a public authority, public servant or official where the relevant activity—
 - (a) is delegated or contracted from a public authority which would otherwise be subject to this Act, or
 - (b) is one where the private entity or individual owes a health and safety responsibility to the public or a section of it, including but not limited to sporting, leisure and entertainment events and premises, public transport systems and the provision of utilities and retail facilities.
- (9) The duties in subsections (1) and (2) shall be enforceable by application to the relevant court or inquiry chairperson by any person affected by the

alleged breach, or the court or inquiry may act of its own motion. Where there are no extant court or inquiry proceedings, the duties may be enforced by judicial review proceedings in the High Court.”

Member’s explanatory statement

This new clause and NC34 and NC35 are intended to form a new Part of this Act which would impose a “duty of candour” on all public authorities and those working for them

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC34

★ To move the following Clause—

“Accountability of public authorities: offences, penalties and costs

- (1) The Chief Officer or Chief Executive of a public authority commits an offence if he or she intentionally or recklessly fails to discharge his or her duty under subsection (2) of section [Accountability of public authorities: duties on public authorities, public servants and officials and others] (“the accountability duty”).
- (2) A public servant or official commits an offence if he or she intentionally or recklessly—
 - (a) misleads the general public or media,
 - (b) misleads court proceedings or any inquiry or investigation to which the accountability duty applies, or
 - (c) impedes the discharge of the accountability duty, by any act or omission, or failure to provide information by witness statement, report or otherwise.
- (3) A person who has previously been a public servant or official commits an offence if he or she refuses to provide, or unreasonably avoids providing—
 - (a) a witness statement, or
 - (b) other relevant material which he or she holds to a court, inquiry or investigation to which subsection (2) of section [Accountability of public authorities: duties on public authorities, public servants and officials and others] applies, relating to his or her conduct or knowledge during the period when in such employment or office.
- (4) The duties provided for in subsection (2) of section [Accountability of public authorities: duties on public authorities, public servants and officials and others] and subsections (1), (2)(c) and (3) of this section do not apply to an individual who is a suspect in a criminal investigation so far as matters related to that investigation are concerned.

- (5) Where the Chief Officer or Chief Executive of a public authority is a suspect in a criminal investigation he or she must delegate the accountability duty to a deputy so far as matters relating to that investigation are concerned and the provisions of this Part shall apply to the said deputy as if he or she was the Chief Officer or Chief Executive.
- (6) No offence pursuant to subsection (1), (2) and (3) of this section is committed by an individual to the extent that he or she reasonably asserts the privilege against self-incrimination.
- (7) A person guilty of an offence under subsection (1), (2) and (3) of this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or both.”
- (8) Where a coroner or chair of a public inquiry determines that there has been a breach of the accountability duty by a public authority, or private entity whose relevant activity falls within subsection (8) of section [Accountability of public authorities: duties on public authorities, public servants and officials and others], he or she may order the relevant authority or entity to pay any costs occasioned by such breach.”

Member’s explanatory statement

See explanatory statement to NC33

Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Sarah Jones
 Alex Cunningham
 Sir Alan Campbell

NC35

★ To move the following Clause—

“Accountability of public authorities: definitions

(1) In this Part—

“court proceeding” means all proceedings in criminal, civil or coronial courts, or tribunals set up pursuant to statute, with jurisdiction anywhere in the United Kingdom, or international courts or tribunals to which the United Kingdom government has given effect by statute or treaty;

“inquiry” means an inquiry under the Inquiries Act 2005 or an ad hoc inquiry set up by national or local government or any public authority;

“investigation” means any police or other investigation set up by a public authority or regulatory body to—

- (a) detect and prosecute criminal and disciplinary offences,
- (b) ensure compliance with professional standards, or
- (c) the adequacy of the provision and delivery of public services and exercise of public functions, and it also includes investigations under the Coroners and Justice Act 2009;

“private entity” means any corporation, partnership, business, or professional, or sole practitioner, or voluntary or charitable organization;

“public authority” means any national or local government department, or other organization, institution or agency engaged in functions of a public nature and the definition includes entities with a private structure but which are majority owned by public funds; and “public authority” is to be given an inclusive meaning where any dispute arises before a court;

“public servants and officials” means all those who work for or hold office under a public authority; and “public servants and officials” is to be given an inclusive meaning where any dispute arises before a court; and

- (2) Where any court or inquiry considers proportionality with regard to any of this Part it must give high importance to the duties set out within subsections (1) and (2) of section [Accountability of public authorities: duties on public authorities, public servants and officials and others].”

Member’s explanatory statement

See explanatory statement to NC33

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC36

★ To move the following Clause—

“Assistance for bereaved persons and core participants at inquests and public inquiries

- (1) With respect to inquests, and public inquiries relating to deaths or serious injuries, and where one or more public authority, or private entity whose relevant activity falls within subsection (2), are designated as “interested persons” (IPs) or “core participants” (CPs), bereaved IPs and CPs shall be entitled to publicly-funded legal assistance and representation at the same level or in proportion to the resources provided to the public authority or private entity, as set out in Schedule [Assistance for bereaved persons and core participants at inquests and public inquiries:

amendment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012].

- (2) Relevant activity of a private entity falls within this subsection where it—
- (a) is delegated or contracted from a public authority, or
 - (b) is one where the private entity or individual owes a health and safety responsibility to the public or a section of it, including but not limited to sporting, leisure and entertainment events and premises, public transport systems and the provision of utilities and retail facilities.”

Member’s explanatory statement

This new clause, together with NS1, would ensure that bereaved persons and core participants at inquests and public inquiries received legal aid proportionate to the legal expenditure by any public authorities involved in the inquest or inquiry (so-called “equality of arms”).

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC37

★ To move the following Clause—

“Public advocate: establishment

- (1) The Lord Chancellor must appoint a person (“the Advocate”) to undertake the functions set out in this Part.
- (2) The Lord Chancellor must, out of money provided by Parliament, pay the expenses of the Advocate and may also pay them such allowances as the Secretary of State determines.
- (3) The Lord Chancellor must ensure that there is an efficient and effective system to support the carrying on of the business of the Advocate.”

Member’s explanatory statement

This new clause and NC38 to NC41 are intended to establish a public advocate to provide advice to representatives of the deceased after major incidents.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC38

★ To move the following Clause—

“Public advocate: role

- (1) The Advocate may undertake the functions set out in section [Public advocate: functions] for a particular event when—
 - (a) invited to do so by the Lord Chancellor, or
 - (b) for that event both requirements one and two have been met.
- (2) Requirement one is that, in the Advocate’s opinion, an event has occurred which has led to large scale loss of life and involved—
 - (a) serious health and safety issues,
 - (b) a failure in regulation, or
 - (c) other events of serious concern.
- (3) In reaching an opinion under subsection (2), the Advocate must have regard to previous decisions of the Advocate.
- (4) Requirement two is that the Advocate has been asked to undertake their functions by fifty per cent plus one or more of the total of—
 - (a) representatives of those deceased due to the event, and
 - (b) any injured survivors of the event.
- (5) For the purposes of subsection (4)(a), each person who is deceased due to the event shall have one representative who will be the first qualifying person of legal age from—
 - (a) a husband, wife or civil partner from a marriage or partnership that was in existence at the time of the event;
 - (b) a child;
 - (c) a grandchild;
 - (d) a parent;
 - (e) a sibling;
 - (f) a half-sibling;
 - (g) a grandparent;
 - (h) a niece or nephew;
 - (i) a half-aunt or half-uncle;
 - (j) a cohabitant with the deceased;
 - (k) the executor of the deceased’s last will and testament; or
 - (l) in the event that no qualifying person higher in this list can be traced and the deceased has died intestate, the Advocate themselves or any person with a verifiable relationship with the deceased that the Advocate may appoint on application for them to do so.

- (6) In subsection (5)—
 - (a) if there is more than one qualifying person in any of categories (5)(a), (b), (c) or (e) then the elder person of legal age within that category will be the first qualifying person; and
 - (b) if a parent is the first qualifying person and is legally separated from the other parent of the deceased, both may choose jointly to represent the deceased.
- (7) The first qualifying person under subsection (5) may assign another qualifying person as their representative.
- (8) For the purposes of subsection (2), the large scale loss of life need not occur due to one single incident and the Advocate may choose to classify a series of deaths over a period of time as a large scale loss of life.
- (9) For the purposes of subsection (4)(b), an injured person is one who has been admitted to hospital as a result of the event.”

Member’s explanatory statement

See explanatory statement to NC37

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC39

★ To move the following Clause—**“Public advocate: functions**

- (1) The functions of the Advocate are as follows.
- (2) The Advocate must report to the representatives under section 2(5) during any police or other authority’s investigation into the disaster regarding the progress of the investigation, and how the representatives can assist with it, including, if there are no lawyers representing the families, the implications of engaging lawyers at that stage.
- (3) Should any person listed in subsection (5) of section [Public advocate: role] request it, the Advocate must make any reports they have provided under subsection (2) to the representatives or legal representatives available to all qualifying persons listed in subsection (5) of section [Public advocate: role].
- (4) Following a further request to the Advocate by fifty percent plus one or more of the representatives of those deceased due to the event, the Advocate must set up a panel (the “Advocate’s Panel”) which must register as a data controller under the Data Protection Act 1998 and review all documentation relating to the event, the deceased and the representatives and report thereon.

- (5) In establishing the Advocate’s Panel under subsection (4), the Advocate must consult the representatives of those deceased due to the event about the composition of the Panel.
- (6) Subject to section 4, all relevant public authorities and other relevant organisations must provide documentation under subsection (4) to an Advocate’s Panel on request from the Panel.
- (7) An Advocate’s Panel must publish a report on its review of the documentation.
- (8) The Advocate may not chair an Advocate’s Panel but will be a member, along with further members and a person whom the Advocate sees fit to appoint to chair the panel.
- (9) In this section, any reference to a representative shall mean all persons meeting the requirements of subsection (4) of section [Public advocate: role], including those who have not asked the Advocate to undertake these functions.”

Member’s explanatory statement

See explanatory statement to NC37

Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Sarah Jones
 Alex Cunningham
 Sir Alan Campbell

NC40

★ To move the following Clause—

“Public advocate: disclosure of information to an Advocate’s Panel

- (1) Nothing in this section detracts from the duty upon relevant public authorities to provide relevant information to an Advocate’s Panel on request from the Panel.
- (2) In this Part—

“relevant information” includes all information which may reasonably be considered to be related to the cause of the event, the event, and actions taken after the event due to it;

“public authority” has the same meaning as in the Freedom of Information Act 2000.
- (3) A public authority may only decline to provide information to the Advocate’s Panel if disclosure of that information to the Panel—
 - (a) is not possible for reasons of safeguarding national security;
 - (b) would, or would be likely to, prejudice the defence of the United Kingdom or of any Crown dependency or overseas territory, or the capability, effectiveness or security of the armed forces of the Crown;

- (c) is prohibited by or under any enactment, is incompatible with any international obligation of the United Kingdom, or would constitute or be punishable as a contempt of court; or
 - (d) would, or would be likely to, prejudice a police investigation as to whether any person has failed to comply with the law.
- (4) A public authority may request that the Advocate's Panel provide an assurance that information provided to the Panel will be secured to the same data security standard as used by that authority, and the Panel may provide such assurance and use its best endeavours to maintain that standard.
- (5) If information is withheld from the Advocate's Panel under subsection (3), the Panel must be informed of the subject of the matter being withheld and the reason for that exemption.
- (6) Upon receiving a notification that information is being withheld, the Panel may apply to the Information Commissioner for a decision whether the public authority has assessed correctly that disclosure is not possible under subsection (3).
- (7) Upon receiving an application from an Advocate's Panel under subsection (6), the Information Commissioner must consider the application and issue a decision notice to the Panel and to the relevant public authority stating either—
 - (a) that the public authority has correctly assessed that the information should be withheld; or
 - (b) that all or some of the information should not be withheld, the steps that the public authority must take to provide the information and the period within which they must be taken.
- (8) A decision notice issued by the Information Commissioner under subsection (7) may be appealed by the Advocate's Panel or the relevant public authority to the Tribunal.
- (9) If on an appeal under subsection (8) the Tribunal considers—
 - (a) that the notice against which the appeal is brought is not in accordance with the law, or
 - (b) to the extent that the notice involved an exercise of discretion by the Commissioner, that he or she ought to have exercised his or her discretion differently, the Tribunal shall allow the appeal or substitute such other notice as could have been served by the Commissioner; and in any other case the Tribunal shall dismiss the appeal.
- (10) On such an appeal, the Tribunal—
 - (a) may review any finding of fact on which the notice in question was based; and
 - (b) shall notify the Lord Chancellor of its decision.
- (11) An Advocate's Panel and any office or officials supporting the work of the Advocate are not a public authority for the purpose of the Freedom of Information Act 2000.

(12) In this section, “Tribunal” has the meaning given by section 84 of the Freedom of Information Act 2000.”

Member’s explanatory statement

See explanatory statement to NC37

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC41

★ To move the following Clause—

“Public advocate: report

The Advocate shall send to the Lord Chancellor a report—

- (a) on an annual basis, summarising their work;
- (b) at the conclusion of support relating to a particular event; and
- (c) at any other time they identify a need so to do; and the Lord Chancellor must lay before Parliament a copy of any reports received from the Advocate within 15 days of their receipt.”

Member’s explanatory statement

See explanatory statement to NC37

Dr Rupa Huq
Sir Bernard Jenkin
Andy Slaughter
Mrs Maria Miller
Sarah Champion
Dame Diana Johnson
Caroline Lucas
Caroline Nokes
Dr Dan Poulter
Tony Lloyd

Wera Hobhouse
Paula Barker
Tonia Antoniazzi
Simon Fell

Stephen Farry
Christine Jardine
Karin Smyth

NC42

★ 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.
- (5) Nothing in this section applies to—
 - (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic,
 - (b) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental and the camera or footage is not used for any of the purposes listed in subsection (3), and
 - (c) a police officer acting properly in the course of their duties.”

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.

Alex Cunningham

NC43

★ 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 which relate to hatred based on sex and gender characteristics following the conclusion of its review of hate crime legislation.
- (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 six months after the publication of the Law Commission’s recommendations, and that draft must be in a form which would implement all those recommendations which relate to hatred based on sex and gender characteristics.
- (4) Draft regulations under subsection (1) must be laid before Parliament not earlier than 90 days, but not later than 180 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 subsection (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 recommendations made by the Law Commission’s review of hate crime which relate to hatred based on sex and gender characteristics. 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)).

Dame Diana Johnson
 Ms Harriet Harman
 Sarah Champion
 Andrew Gwynne
 Tonia Antoniazzi
 Karin Smyth
 Barbara Keeley
 Debbie Abrahams

Carolyn Harris
 Dame Margaret Hodge

Gavin Robinson
 Mrs Emma Lewell-Buck

NC44

★ To move the following Clause—

“Commercial sexual exploitation

- (1) A person (A) who gives, offers, or promises payment to any person to engage in sexual activity with a person (B) is guilty of an offence.
- (2) For the purposes of subsection (1)—
 - (a) a “payment” includes money, a benefit, or any other consideration.
 - (b) an activity is sexual if a reasonable person would consider that—
 - (i) whatever its circumstances or any person’s purpose in relation to it, it is because of its nature sexual, or
 - (ii) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.
 - (c) no offence is committed by a person (A) unless the sexual activity with the other person (B) involves—
 - (i) the person (A) being in the other person (B)’s presence, and
 - (ii) the person (A) touching the other person (B), or
 - (iii) the person (B) touching themselves for the sexual gratification of the other person (A).
 - (d) it is immaterial whether the payment is given, offered, or promised by a person engaging in the sexual activity, or a third party.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

Member’s explanatory statement

This new clause criminalises buying sex and decriminalises anyone offering sexual services.

Dame Diana Johnson
 Ms Harriet Harman
 Sarah Champion
 Andrew Gwynne
 Tonia Antoniazzi
 Karin Smyth
 Barbara Keeley
 Debbie Abrahams

Carolyn Harris
 Dame Margaret Hodge

Gavin Robinson
 Mrs Emma Lewell-Buck

NC45

★ To move the following Clause—

“Commercial sexual exploitation by a third party

- (1) A person commits an offence if—
- (a) the person (C) assists, facilitates, controls, or incites, by any means, another person (B) to engage in sexual activity with another person (A) in exchange for payment, anywhere in the world; and
 - (b) the circumstances are that—
 - (i) the person (C) knows or ought to know that the other person (B) is engaging in sexual activity for payment; and
 - (ii) the person (C) assists, facilitates, controls, or incites the other person (B) to engage in sexual activity with another person (A) with the intention of receiving payment.
 - (c) Subsection (1) of this section is to be construed in accordance with section [Commercial sexual exploitation].
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

Member’s explanatory statement

This new clause criminalises pimping.

Dame Diana Johnson NC46
 Ms Harriet Harman
 Sarah Champion
 Andrew Gwynne
 Tonia Antoniazzi
 Karin Smyth
 Barbara Keeley
 Debbie Abrahams

Carolyn Harris
 Dame Margaret Hodge

Gavin Robinson
 Mrs Emma Lewell-Buck

★ To move the following Clause—

“Advertising

- (1) A person commits an offence if the person causes or allows to be displayed or published, including digitally, any advertisement in respect of activity prohibited by sections [Commercial sexual exploitation] and [Commercial sexual exploitation by a third party] of this Act.
- (2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

Member’s explanatory statement

This new clause criminalises those who benefit from the advertising of sexual services. This includes ‘pimping websites’.

Dame Diana Johnson NC47
 Ms Harriet Harman
 Sarah Champion
 Andrew Gwynne
 Tonia Antoniazzi
 Karin Smyth
 Barbara Keeley
 Debbie Abrahams

Carolyn Harris
 Dame Margaret Hodge

Gavin Robinson
 Mrs Emma Lewell-Buck

★ To move the following Clause—

“Extra-territoriality

- (1) A person who is a UK national commits an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act regardless of where the offence takes place.
- (2) A person who is not a UK national commits an offence—
 - (a) under sections [Commercial sexual exploitation] to [Advertising] of this Act if any part of the offence takes place in the UK, and

- (b) under section [Advertising] of this Act if any person in the UK pays money to any other person as a result or through the advertisement published or displayed.”

Member’s explanatory statement

This new clause allows criminal prosecutions for acts contravening the relevant sections whether they occur within or outside the United Kingdom.

Dame Diana Johnson
Ms Harriet Harman
Sarah Champion
Andrew Gwynne
Tonia Antoniazzi
Karin Smyth
Barbara Keeley
Debbie Abrahams

Carolyn Harris
Dame Margaret Hodge

Gavin Robinson
Mrs Emma Lewell-Buck

NC48

★ To move the following Clause—

“Immunity of victims

- (1) A person (B), by reason of their involvement as a victim of an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act by another person (A) does not commit an offence by doing anything which (apart from this paragraph) would amount to—
- (a) aiding, abetting, counselling, or procuring the commission of an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act by the other person (A);
 - (b) conspiring with the other person (A) to commit an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act; or
 - (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act by the other person (A); or
 - (d) an offence under section [Advertising] of this Act.
- (2) In this section it is immaterial whether the other person has been convicted of an offence.”

Member’s explanatory statement

This new clause ensures that those subject to commercial sexual exploitation do not find themselves criminalised by having ‘assisted’ the person buying sexual services.

Dame Diana Johnson
 Ms Harriet Harman
 Sarah Champion
 Andrew Gwynne
 Tonia Antoniazzi
 Karin Smyth
 Barbara Keeley
 Debbie Abrahams

Carolyn Harris
 Dame Margaret Hodge

Gavin Robinson
 Mrs Emma Lewell-Buck

NC49

★ To move the following Clause—

“Power of Secretary of State to disregard convictions or cautions

Section 92 of the Protection from Freedoms Act 2012 is replaced as follows.

“92 Power of Secretary of State to disregard convictions or cautions

- (1) A person who has been convicted of, or cautioned for, an offence under—
 - (a) section 12 of the Sexual Offences Act 1956 (buggery),
 - (b) section 13 of that Act (gross indecency between men), or
 - (c) section 61 of the Offences against the Person Act 1861 or section 11 of the Criminal Law Amendment Act 1885 (corresponding earlier offences),
 may apply to the Secretary of State for the conviction or caution to become a disregarded conviction or caution.
- (2) A person who has been convicted of, or cautioned for, an offence under section 1 of the Street Offences Act 1959, may apply to the Secretary of State for the conviction or caution to become a disregarded conviction or caution.
- (3) A conviction or caution becomes a disregarded conviction or caution when conditions A and B are met.
- (4) For the purposes of subsection (1), condition A is that the Secretary of State decides that it appears that—
 - (a) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and
 - (b) any such conduct now would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory).
- (5) For the purposes of subsection (2), condition A is that the Secretary of State decides that it appears that any such conduct now would not be an offence under sections [Commercial sexual exploitation] and [Commercial sexual exploitation by a third party] of the Police, Crime, Sentencing and Courts Act 2021.
- (6) Condition B is that—
 - (a) the Secretary of State has given notice of the decision to the applicant under section 94(4)(b), and
 - (b) the period of 14 days beginning with the day on which the notice was given has ended.
- (7) Sections 95 to 98 explain the effect of a conviction or caution becoming a disregarded conviction or caution.””

Member's explanatory statement

This new clause permits those who as a result of exploitation have convictions for soliciting, to have their conviction disregarded.

Dame Diana Johnson
Ms Harriet Harman
Sarah Champion
Andrew Gwynne
Tonia Antoniazzi
Karin Smyth
Barbara Keeley
Debbie Abrahams

Carolyn Harris
Dame Margaret Hodge

Gavin Robinson
Mrs Emma Lewell-Buck

NC50

★ To move the following Clause—

“Repeals

The enactments specified in the following Table are repealed to the extent specified in column 2 of the Table.

TABLE

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Sexual Offences Act 1956 (c. 69)	Sections 33 to 36
Street Offences Act 1959 (c. 57)	The whole Act
Sexual Offences Act 1967 (c. 60)	Section 6
Criminal Justice and Police Act 2001 (c. 16)	Section 46
Sexual Offences Act 2003 (c. 42)	Sections 51A to 56
Policing and Crime Act 2009 (c. 26)	Section 14 and 16 to 19”

Mary Kelly Foy
Ian Byrne
Bell Ribeiro-Addy
Zarah Sultana
Claudia Webbe
Apsana Begum

NC51

★ To move the following Clause—

“Review of crime against Gypsy, Roma and Traveller communities

- (1) The Secretary of State must undertake a review of the prevention, investigation and prosecution of crime against Gypsy, Roma and Traveller communities.
 - (2) The review must have particular regard to the prevention, investigation and prosecution of hate crime against those communities.
 - (3) A report of the review must be laid before Parliament within six months of the passage of this Act.”
-

Mary Kelly Foy
Ian Byrne
Bell Ribeiro-Addy
Zarah Sultana
Claudia Webbe
Apsana Begum

NC52

★ To move the following Clause—

“Training for relevant public officials in relation to Gypsy, Roma and Traveller communities

- (1) The Secretary of State must, on this Act coming into force, publish and implement a strategy to provide training 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 on the investigation of crimes against people from Gypsy, Roma and Traveller backgrounds.
 - (2) The strategy must include provision to improve the accessibility to people from those backgrounds of means of reporting crime against them.”
-

Claudia Webbe
Bell Ribeiro-Addy
Zarah Sultana
Apsana Begum

NC54

★ To move the following Clause—

“Equality Impact Analyses of provisions of this Act

- (1) The Secretary of State must review the equality impact of the provisions of this Act in accordance with this section and lay a report of that review before the House of Commons within six months of the passage of this Act.
 - (2) A review under this section must consider the impact of those provisions on—
 - (a) households at different levels of income,
 - (b) people with protected characteristics (within the meaning of the Equality Act 2010),
 - (c) the Government’s compliance with the public sector equality duty under section 149 of the Equality Act 2010, and
 - (d) equality in different parts of the United Kingdom and different regions of England.
 - (3) A review under this section must include a separate analysis of each section of the Act, and must also consider the cumulative impact of the Act as a whole.”
-

Dame Diana Johnson
Caroline Lucas

NC55

★ To move the following Clause—

“Amendment of criminal law in relation to termination of pregnancy

- (1) Sections 58 (administering drugs or using instruments to procure abortion) and 59 (procuring drugs, &c. to cause abortion) of the Offences Against the Person Act 1861 are repealed.
- (2) After section 59 of the Offences Against the Person Act 1861 insert—

“59A Non-consensual termination of pregnancy

- (1) A person (A) commits an offence if—
 - (a) in relation to a woman (B) A commits any unlawful act involving the use or threat of force, or the administration of any substance capable of causing abortion,
 - (b) A believes that B is pregnant or is reckless as to whether she is pregnant, and

- (c) A intends to cause B's abortion or is reckless as to whether her abortion results.
- (2) For the purposes of subsection (1)—
 - (a) an act done by, or with the informed consent or assistance of B, or done in good faith by a registered medical practitioner, registered nurse or registered midwife, is not to be considered unlawful,
 - (b) but B is not to be treated as consenting to the administration of a substance unless she is aware of its nature as a substance capable of causing abortion.
- (3) A person guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for life or for any shorter term."
- (3) No offence is committed under section 1 of the Infant Life (Preservation) Act 1929 by—
 - (a) a woman who terminates her own pregnancy or who assists in or consents to such termination, or
 - (b) a registered medical practitioner, registered nurse or registered midwife acting in good faith."

Member's explanatory statement

The new clause would decriminalise abortion and create a new offence of non-consensual termination of pregnancy, which would include the example where a woman's abusive partner intentionally or recklessly caused her abortion through abusive behaviour.

Bell Ribeiro-Addy
Apsana Begum
Zarah Sultana
Claudia Webbe

NC56

★ To move the following Clause—

"Review of stop and search powers

- (1) The Secretary of State must undertake a review of police stop and search powers.
- (2) The review must consider—
 - (a) the effectiveness of the use of those powers in the reduction of crime, and
 - (b) the impact of the use of the powers on policing in Black and minority ethnic communities.
- (3) A report of the review must be laid before Parliament within six months of the passage of this Act."

Bell Ribeiro-Addy
Apsana Begum
Zarah Sultana
Claudia Webbe

NC57

★ To move the following Clause—

“Public inquiry into the prevention, investigation and prosecution of crimes as they affect Black, Asian and minority ethnic people

Within six months of the passage of this Act, the Secretary of State must cause an inquiry to be held under the Inquiries Act 2005 into the prevention, investigation and prosecution of crime as they affect Black, Asian and minority ethnic people.”

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC58

★ 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 18 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 18;

“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 authorised 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]."

Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Sarah Jones
 Alex Cunningham
 Sir Alan Campbell

NC59

★ 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 [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 (10) and (11) of section [Extraction of information from electronic devices] also contain definitions for the purposes of this section.”
-

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC60

★ 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.”
-

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NC61

★ 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."
-

Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Sarah Jones
 Alex Cunningham
 Sir Alan Campbell

NC62

★ 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.”
-

Sarah Jones

NC63

★ 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.”

Philip Davies

NC64

★ To move the following Clause—

“Scrutiny of timeliness of investigations of complaints against police and allegations of police misconduct

- (1) The Police (Conduct) Regulations 2020 are amended by the insertion of the following regulation after regulation 19—

“Scrutiny of investigation timeliness

-
- 19A (1) A legally qualified person within the meaning of regulation 28(4)(a) and (6) shall be appointed to scrutinise the information provided pursuant to regulation 19.
 - (2) On each occasion where information is provided in writing under regulation 19(1) the legally qualified person appointed under paragraph (1) shall determine whether there is good and sufficient reason for the time—

- (a) already taken; and
 - (b) realistically anticipated to be needed for completion of the investigation.
- (3) In determining whether there is good and sufficient reason under paragraph (2) the legally qualified person may have regard to any relevant matter, and shall have particular regard to—
- (a) whether the investigation has been efficient and effective;
 - (b) whether there has been unnecessary or unreasonable delay having regard to complexity and seriousness of the case;
 - (c) the impact upon the officer and others;
 - (d) any anticipated further delay;
 - (e) the public interest and affect upon confidence in the police disciplinary system; and
 - (f) representations made on behalf of any person entitled to receive a copy of the information provided under regulation 19.
- (4) Unless the legally qualified person determines that there is good and sufficient reason under paragraph (2)(a) and (b) then—
- (a) all investigation into possible misconduct or gross misconduct shall be terminated forthwith; and
 - (b) no disciplinary proceedings may be initiated in respect of the matters under investigation.
- (5) Nothing in this provision shall have any effect in relation to any criminal investigation.”
- (2) The Police (Complaints and Misconduct) Regulations 2020 are amended by the insertion of the following regulation after regulation 13—

“Scrutiny of investigation timeliness

-
- 13A (1) A legally qualified person within the meaning of regulation 28(4)(a) and (6) of the Police (Conduct) Regulations 2020 shall be appointed to scrutinise the information provided pursuant to regulation 13.
- (2) On each occasion where information is provided in writing under regulation 13 paragraph (1) or (2) the legally qualified person appointed under paragraph (1) shall determine whether there is good and sufficient reason for the time—
- (a) already taken; and
 - (b) realistically anticipated to be needed for completion of the investigation.
- (3) In determining whether there is good and sufficient reason under paragraph (2) the legally qualified person may have regard to any relevant matter, and shall have particular regard to—
- (a) whether the investigation has been efficient and effective;
 - (b) whether there has been unnecessary or unreasonable delay having regard to complexity and seriousness of the case;
 - (c) the impact upon the officer and others;
 - (d) any anticipated further delay;
 - (e) the public interest and affect upon confidence in the police disciplinary system; and
 - (f) representations made on behalf of any person entitled to receive a copy of the information provided under regulation 13.
- (4) Unless the legally qualified person determines that there is good and sufficient reason under paragraph (2)(a) and (b) then—
- (a) all investigation into possible misconduct or gross misconduct shall be terminated forthwith; and

(b) no disciplinary proceedings may be initiated in respect of the matters under investigation.

(5) Nothing in this provision shall have any effect in relation to any criminal investigation."

Sarah Champion 25
 Sarah Jones
 Claudia Webbe
 Debbie Abrahams
 Mr Virendra Sharma
 Emma Hardy
 Dame Diana Johnson Hilary Benn Siobhain McDonagh

★ Clause 1, page 2, line 3, 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 formers 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.

Secretary Priti Patel 32
 Secretary Robert Buckland

★ Clause 1, page 2, line 18, leave out "seek" and insert "ensure that"

Member's explanatory statement

This amendment is consequential on Amendment 34.

Secretary Priti Patel 33
 Secretary Robert Buckland

★ Clause 1, page 2, line 22, at beginning insert "are sought"

Member's explanatory statement

This amendment is consequential on Amendment 34.

Keir Starmer

Nick Thomas-Symonds

Mr David Lammy

Sarah Jones

Alex Cunningham

Sir Alan Campbell

64

★ Clause 1, page 2, line 42, 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,”

Secretary Priti Patel

Secretary Robert Buckland

34

★ Clause 1, page 3, line 11, at end insert—

- “(g) constables of the British Transport Police Force,
- (h) special constables of the British Transport Police Force appointed under section 25 of the Railways and Transport Safety Act 2003,
- (i) employees of the British Transport Police Authority appointed under section 27 of that Act and under the direction and control of the chief constable of the British Transport Police Force,
- (j) persons designated as community support volunteers or policing support volunteers under section 38 of the Police Reform Act 2002 as applied by section 28 of the Railways and Transport Safety Act 2003,
- (k) members of the Civil Nuclear Constabulary,
- (l) employees of the Civil Nuclear Police Authority employed under paragraph 6 of Schedule 10 of the Energy Act 2004 if, or to the extent that, they are employed to assist the Civil Nuclear Constabulary,
- (m) members of the Ministry of Defence Police and other persons under the direction and control of the Chief Constable of the Ministry of Defence Police, and
- (n) National Crime Agency officers.”

Member’s explanatory statement

This amendment would, for the purposes of the police covenant report, extend the definition of “members of the police workforce” to include the persons mentioned.

Liz Saville Roberts
Hywel Williams
Ben Lake

47

★ Clause 2, page 3, line 30, at end insert—

“(3) In section 3 of the Assaults on Emergency Workers (Offences) Act 2018 (meaning of “emergency worker”), in paragraph (1)(e) omit “of a corresponding kind to those carried out by a prison officer”.”

Member’s explanatory statement

This amendment would expand the definition of “emergency worker” to include all prison staff, not just prison officers and those carrying out functions of a corresponding kind to those of a prison officer.

Secretary Priti Patel
Secretary Robert Buckland

35

★ Clause 4, page 5, line 28, at end insert—

“(da) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,”

Member’s explanatory statement

This amendment would apply the provisions in clause 4 about the meaning of dangerous driving as it applies to constables and others to employees of the British Transport Police Authority.

Secretary Priti Patel
Secretary Robert Buckland

36

★ Clause 4, page 5, line 35, leave out “(d)” and insert “(da)”

Member’s explanatory statement

This amendment is consequential on Amendment 35.

Secretary Priti Patel
Secretary Robert Buckland

37

★ Clause 5, page 6, line 39, at end insert—

“(da) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,”

Member's explanatory statement

This amendment would apply the provisions in clause 5 about the meaning of careless driving as it applies to constables and others to employees of the British Transport Police Authority.

Secretary Priti Patel
Secretary Robert Buckland

38

- ★ Clause 5, page 7, line 1, leave out "(d)" and insert "(da)"

Member's explanatory statement

This amendment is consequential on Amendment 37.

Secretary Priti Patel
Secretary Robert Buckland

39

- ★ Clause 6, page 7, line 32, after "persons" insert "or areas"

Member's explanatory statement

This amendment enables regulations prescribing driving training for the purposes of the amendments in clauses 4 and 5 to make different provision for different areas.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

73

- ★ Clause 7, page 7, line 40, after "violence", insert "and safeguard children involved in serious violence"

Member's explanatory statement

This amendment, together with amendments 74, 75, 78, 79, 80, 81, 83 and 84 would ensure specified authorities involved in the 'serious violence duty' safeguard children at risk of or experiencing from harm.

Keir Starmer 74
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

- ★ Clause 7, page 8, line 3, after “violence”, insert “and safeguard children involved in serious violence”

Member’s explanatory statement

See explanatory statement to amendment 73.

Keir Starmer 75
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

- ★ Clause 7, page 8, line 9, 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 73.

Keir Starmer 87
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

- ★ Clause 7, page 8, line 9, 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.

Keir Starmer 88
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

★ Clause 7, page 8, line 15, 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.

Keir Starmer 76
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

★ Clause 7, page 8, line 35, 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.

Keir Starmer 77
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

★ Clause 7, page 8, line 35, 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.”

Keir Starmer 78
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

- ★ 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 73.

Keir Starmer 79
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

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

Member’s explanatory statement

See explanatory statement to amendment 73.

Keir Starmer 80
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

- ★ Clause 8, page 9, line 14, after “violence”, insert “and safeguard children involved in serious violence”

Member’s explanatory statement

See explanatory statement to amendment 73.

Keir Starmer 81
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

★ Clause 8, page 9, line 14, 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 73.

Keir Starmer 82
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

★ Clause 8, page 10, line 8, 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.

Keir Starmer 83
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

★ Clause 9, page 10, line 34, after “violence”, insert “and safeguard children involved in serious violence”

Member’s explanatory statement

See explanatory statement to amendment 73.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

84

- ★ Clause 9, page 10, line 36, after “violence”, insert “and safeguard children involved in serious violence”

Member’s explanatory statement

See explanatory statement to amendment 73.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

86

- ★ Clause 12, page 12, line 37, 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.”

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

85

- ★ Clause 16, page 16, line 16, 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.

Hywel Williams

89

★ Clause 17, page 16, line 28, leave out "consult" and insert "receive the consent of"

Hywel Williams

90

★ Clause 18, page 17, line 7, leave out "consult" and insert "receive the consent of"

Hywel Williams

91

★ Clause 19, page 17, line 41, leave out "consult" and insert "receive the consent of"

Hywel Williams

92

★ Clause 21, page 19, line 11, leave out "consult" and insert "receive the consent of"

Hywel Williams

93

- ★ Clause 31, page 26, line 20, after “Ministers” insert “and receive their consent”
-

Hywel Williams

94

- ★ Clause 35, page 28, line 22, after “Ministers” insert “and receive their consent”
-

Sarah Jones

72

- ★ Clause 36, page 29, line 12, 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.

Alex Cunningham
 Claudia Webbe
 Debbie Abrahams
 Mr Virendra Sharma
 Emma Hardy
 Dame Diana Johnson
 Hilary Benn

Siobhain McDonagh

51

- ★ Clause 45, page 37, line 12, leave out subsections (2) and (3) and insert—

“(2) 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)”.

(3) 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)”.

- (4) 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)”.
- (5) 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)”.
- (6) 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.””

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.

Mr Alistair Carmichael
Ed Davey
Daisy Cooper
Wendy Chamberlain
Wera Hobhouse
Tim Farron
Sarah Green
Sarah Olney
Stephen Farry

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

1

Page 46, line 25, leave out Clause 55

Member’s explanatory statement

This amendment, together with amendments 2 to 7, would remove Part 3 (Public order) from the Bill.

Ms Harriet Harman
Joanna Cherry

52

★ Clause 55, page 46, line 28, leave out subsections (2) to (4) and insert—

“(2) After subsection (11) insert—

“(12) The Secretary of State may by regulations make provision about the meaning for the purposes of this section of “serious disruption to the life of the community”.

- (13) Regulations under subsection (12) may, in particular—
- (a) define any aspect of “serious disruption to the life of the community” for the purposes of this section;
 - (b) give examples of cases in which a public procession is or is not to be treated as resulting in serious disruption to the life of the community.
- (14) Regulations under subsection (12)—
- (a) are to be made by statutory instrument;
 - (b) may apply only in relation to public processions in England and Wales;
 - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (15) A statutory instrument containing regulations under subsection (12) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Member’s explanatory statement

This amendment would remove the proposed new trigger, based on noise, for imposing conditions on public processions in England and Wales. The Secretary of State’s power to make regulations would be amended accordingly.

Mr Alistair Carmichael 2
 Ed Davey
 Daisy Cooper
 Wendy Chamberlain
 Wera Hobhouse
 Tim Farron
 Sarah Green
 Sarah Olney
 Stephen Farry

Christine Jardine
 Jamie Stone

Layla Moran
 Munira Wilson

Page 47, line 42, leave out Clause 56

Member’s explanatory statement

This amendment, together with amendments 1 and 3 to 7, would remove Part 3 (Public order) from the Bill.

Ms Harriet Harman 53
 Joanna Cherry

★ Clause 56, page 48, line 2, leave out paragraph (b)

Member's explanatory statement

This amendment, together with Amendments 54 and 55, would remove the proposed new trigger, based on noise, for imposing conditions on public assemblies in England and Wales. The Secretary of State's power to make regulations would be amended accordingly.

Ms Harriet Harman
Joanna Cherry

56

- ★ Clause 56, page 48, line 17, leave out from beginning to end of line 20 and insert—

“(a) in the case of an assembly in England and Wales, such conditions as to the place at which the assembly may be (or continue to be) held, the time at which it is to start and/or conclude, its maximum duration, or the maximum number of persons who may constitute it, as appear to the officer necessary to prevent the disorder, damage, disruption, impact or intimidation mentioned in subsection (1);”

Member's explanatory statement

This amendment removes the proposed ability to impose any necessary conditions on public assemblies in England and Wales and replace it with the existing available conditions plus conditions concerning the time at which the public assembly must start and finish.

Ms Harriet Harman
Joanna Cherry

54

- ★ Clause 56, page 48, line 19, leave out “, impact”

Member's explanatory statement

See explanatory statement to Amendment 53.

Ms Harriet Harman
Joanna Cherry

55

- ★ Clause 56, page 48, line 28, leave out subsections (5) to (6) and insert—

“(5) After subsection (10A) (as inserted by section 57(11)) insert —

“(11) The Secretary of State may by regulations make provision about the meaning for the purposes of this section of “serious disruption to the life of the community”.

(12) Regulations under subsection (11) may, in particular—

- (a) define any aspect of “serious disruption to the life of the community” for the purposes of this section;
- (b) give examples of cases in which a public assembly is or is not to be treated as resulting in serious disruption to the life of the community.

(13) Regulations under subsection (11)—

- (a) are to be made by statutory instrument;

- (b) may apply only in relation to public processions in England and Wales;
- (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(14) A statutory instrument containing regulations under subsection (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Member’s explanatory statement

See explanatory statement to Amendment 53.

Mr Alistair Carmichael
Ed Davey
Daisy Cooper
Wendy Chamberlain
Wera Hobhouse
Tim Farron
Sarah Green
Sarah Olney
Stephen Farry

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

3

Page 49, line 21, leave out Clause 57

Member’s explanatory statement

This amendment, together with amendments 1, 2 and 3 to 7, would remove Part 3 (Public order) from the Bill.

Ms Harriet Harman
Joanna Cherry

26

★ Clause 57, page 49, line 33, leave out from beginning to end of line 35 and insert—

- “(a) in the case of a public procession in England and Wales, at the time the person fails to comply with the condition the person—
 - (i) knows that the condition has been imposed or has deliberately or recklessly avoided gaining knowledge that the condition has been imposed; and
 - (ii) knows or ought to know that their action or inaction amounts to a failure to comply with the condition.”

Member’s explanatory statement

This amendment prevents a person who fails to comply with a condition on a public procession in England and Wales avoiding criminal liability by deliberately or recklessly avoiding knowledge of the relevant condition, without extending the criminal offence to cover persons who breach conditions accidentally.

Ms Harriet Harman
Joanna Cherry

27

- ★ Clause 57, page 49, line 38, leave out subsection (6)

Member's explanatory statement

This amendment removes increases in sentences for non-violent offences by those who organise and attend public processions.

Ms Harriet Harman
Joanna Cherry

28

- ★ Clause 57, page 50, line 33, leave out from beginning to end of line 35 and insert—
- “(a) in the case of a public assembly in England and Wales, at the time the person fails to comply with the condition the person—
- (i) knows that the condition has been imposed or has deliberately or recklessly avoided gaining knowledge that the condition has been imposed; and
 - (ii) knows or ought to know that their action or inaction amounts to a failure to comply with the condition.”

Member's explanatory statement

This amendment prevents a person who fails to comply with a condition on a public assembly in England and Wales avoiding criminal liability by deliberately or recklessly avoiding knowledge of the relevant condition, without extending the criminal offence to cover persons who breach conditions accidentally.

Ms Harriet Harman
Joanna Cherry

29

- ★ Clause 57, page 50, line 38, leave out subsections (11) and (12)

Member's explanatory statement

This amendment removes increases in sentences for non-violent offences by those who organise and attend public assemblies.

Mr Alistair Carmichael 4
Ed Davey
Daisy Cooper
Wendy Chamberlain
Wera Hobhouse
Tim Farron
Sarah Green
Sarah Olney
Stephen Farry

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

Page 51, line 22, leave out Clause 58

Member's explanatory statement

This amendment, together with amendments 1 to 3 and 5 to 7, would remove Part 3 (Public order) from the Bill.

Mr Alistair Carmichael 5
Ed Davey
Daisy Cooper
Wendy Chamberlain
Wera Hobhouse
Tim Farron
Sarah Green
Sarah Olney
Stephen Farry

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

Page 52, line 36, leave out Clause 59

Member's explanatory statement

This amendment, together with amendments 1 to 4, 6 and 7, would remove Part 3 (Public order) from the Bill.

Mr Alistair Carmichael 6
 Ed Davey
 Daisy Cooper
 Wendy Chamberlain
 Wera Hobhouse
 Tim Farron
 Sarah Green Christine Jardine Layla Moran
 Sarah Olney Jamie Stone Munira Wilson
 Stephen Farry

Page 53, line 17, leave out Clause 60

Member’s explanatory statement

This amendment, together with amendments 1 to 5 and 7, would remove Part 3 (Public order) from the Bill.

Ms Harriet Harman 30
 Joanna Cherry

★ Clause 60, page 53, line 31, leave out subsection (2) and insert—

“(2) For the purposes of subsection (1) “serious harm” means—

- (a) death, personal injury or disease,
- (b) loss of, or damage to, property,
- (c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity, or
- (d) being put at serious risk of suffering anything mentioned in paragraphs (a) to (c).

Member’s explanatory statement

This amendment removes the reference to the experience of a ‘person’ when defining what serious harm means in the context of ‘serious harm to the public or a section of the public’. It also requires the public to be put at significant risk of harm before criminal liability arises, to avoid the offence being excessively broad in its reach.

Ms Harriet Harman 31
 Joanna Cherry

★ Clause 60, page 53, line 37, at end insert—

“(3A) In determining whether a person had a reasonable excuse for the purposes of subsection (3) a court must have particular regard to the importance of the right to protest, including the right to freedom of expression under Article 10 and the right to freedom of association under Article 11 of Part 1 of Schedule 1 to the Human Rights Act 1998.”

Member's explanatory statement

This amendment ensures that the right to protest is given particular regard when a court considers whether a person has a reasonable excuse defence to a charge of public nuisance.

Mr Alistair Carmichael			7
Ed Davey			
Daisy Cooper			
Wendy Chamberlain			
Wera Hobhouse			
Tim Farron			
Sarah Green	Christine Jardine	Layla Moran	
Sarah Olney	Jamie Stone	Munira Wilson	
Stephen Farry			

Page 54, line 18, leave out Clause 61

Member's explanatory statement

This amendment, together with amendments 1 to 6, would remove Part 3 (Public order) from the Bill.

Ian Byrne			8
Mary Kelly Foy			
Bell Ribeiro-Addy			
Apsana Begum			
Zarah Sultana			
Claudia Webbe			
Stephen Farry			

☆ Page 56, line 23, leave out Clause 62

Andy Slaughter			11
Stephen Farry			
Caroline Lucas			

☆ Clause 62, page 56, line 36, leave out "the occupier, a representative of the occupier or"

Member's explanatory statement

This amendment would remove the role of a private individual in triggering a criminal offence by requiring that a person would need to refuse a request to leave the land from a police officer before an offence under subsection (2) is committed.

Andy Slaughter 12
 Stephen Farry
 Caroline Lucas

☆ Clause 62, page 56, line 40, at end insert—

“(1A) A constable may only make a request under subsection 1(d) if a senior officer is reasonably satisfied that it is reasonable and proportionate to do so, after suitable consultations with relevant bodies, having particular regard to Convention rights and personal circumstances, including the best interests of any children residing on the land.”

Member’s explanatory statement

This amendment would require a senior police officer to ensure an assessment of welfare needs has been considered and the request to leave the land is proportionate before any requests to leave the land are made and any powers under Part 4 are triggered.

Andy Slaughter 13
 Caroline Lucas

☆ Clause 62, page 57, line 11, leave out “or is likely to be caused”

Member’s explanatory statement

This amendment, together with Amendments 14 to 18, would limit the conditions for committing the offence to damage or disruption which has occurred rather than potential damage and disruption.

Andy Slaughter 14
 Caroline Lucas

☆ Clause 62, page 57, leave out lines 13 to 15

Member’s explanatory statement

See explanatory statement to Amendment 13.

Andy Slaughter 15
 Caroline Lucas

☆ Clause 62, page 57, line 17, leave out “or is likely to be caused”

Member’s explanatory statement

See explanatory statement to Amendment 13.

Andy Slaughter 16
Caroline Lucas

- ☆ Clause 62, page 57, line 18, leave out “or likely to be carried on,”

Member’s explanatory statement

See explanatory statement to Amendment 13.

Andy Slaughter 17
Caroline Lucas

- ☆ Clause 62, page 57, line 19, leave out “or is likely to be caused”

Member’s explanatory statement

See explanatory statement to Amendment 13.

Andy Slaughter 18
Caroline Lucas

- ☆ Clause 62, page 57, line 20, leave out “or likely to be carried on,”

Member’s explanatory statement

See explanatory statement to Amendment 13.

Andy Slaughter 19
Caroline Lucas

- ☆ Clause 62, page 57, line 22, leave out “imprisonment for a term not exceeding three months or”

Member’s explanatory statement

See explanatory statement to Amendment 20.

Andy Slaughter 20
Caroline Lucas

- ☆ Clause 62, page 57, line 24, leave out “, or both”

Member’s explanatory statement

This amendment, together with Amendment 19, would remove the penalty of a custodial sentence of imprisonment for up to three months for committing the offence, while keeping the penalty to a fine not exceeding level 4.

Andy Slaughter
Caroline Lucas

21

☆ Clause 62, page 58, line 42, leave out from beginning to end of line 19 on page 60

Member's explanatory statement

This amendment would remove provisions that property belonging to the person committing the offence should be seized and forfeited by the police.

Ian Byrne
Mary Kelly Foy
Bell Ribeiro-Addy
Apsana Begum
Zarah Sultana
Claudia Webbe
Stephen Farry

9

☆ Page 60, line 22, leave out Clause 63

Ian Byrne
Mary Kelly Foy
Bell Ribeiro-Addy
Apsana Begum
Zarah Sultana
Claudia Webbe
Stephen Farry

10

Caroline Lucas

☆ Page 62, line 6, leave out Clause 64

Alex Cunningham

50

★ Clause 102, page 87, line 41, at end insert—

“(b) the abduction, sexual assault, and murder of a person”.

Member’s explanatory statement

This amendment would ensure those found guilty of abduction, sexual assault, and murder receive a Whole Life Order as a starting sentence.

Sarah Champion

48

Alex Cunningham

Andrew Gwynne

Mr Virendra Sharma

Rosie Cooper

Caroline Lucas

Paula Barker

Emma Hardy

Anna McMorrin

Kim Johnson

Tony Lloyd

Mrs Emma Lewell-Buck

Claudia Webbe

Helen Hayes

★ Clause 110, page 99, line 41, at beginning insert—

“(1) In subsection (3) of section 239 of the Criminal Justice Act 2003 (the Parole Board), after 3(b) insert—

“(c) the views of the victim or victims of the crime to which 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.

Sarah Champion

49

Alex Cunningham

Andrew Gwynne

Mr Virendra Sharma

Rosie Cooper

Caroline Lucas

Paula Barker

Emma Hardy

Anna McMorrin

Kim Johnson

Tony Lloyd

Mrs Emma Lewell-Buck

Claudia Webbe

Helen Hayes

★ Clause 110, page 99, line 41, at beginning insert—

“(1) In subsection (4) of section 239 of the Criminal Justice Act 2003 (the Parole Board), at end insert “, including the views of the victim or victims of the crime to which 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.

Apsana Begum
Bell Ribeiro-Addy
Zarah Sultana
Claudia Webbe

63

★ Page 127, line 33, leave out Clause 139

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

68

★ Clause 140, page 129, line 44, 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.

Secretary Priti Patel
Secretary Robert Buckland

40

★ Clause 140, page 133, line 16, at end insert—

“(e) where the offence on the basis of which the order was made is an offence to which this paragraph applies, the chief constable of the British Transport Police Force.

(2A) Paragraph (e) of subsection (2) applies to an offence which—

- (a) was committed at, or in relation to, a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (jurisdiction of British Transport Police Force), or
- (b) otherwise related to a railway within the meaning given by section 67 of the Transport and Works Act 1992 or a tramway within the meaning given by that section.”

Member’s explanatory statement

This amendment enables the chief constable of the British Transport Police Force to apply for an order varying, renewing or discharging a serious violence reduction order in certain circumstances.

Secretary Priti Patel 41
Secretary Robert Buckland

- ★ Clause 140, page 133, line 47, after “offender” insert “or the chief constable of the British Transport Police Force”

Member’s explanatory statement

This amendment is consequential on Amendment 40.

Secretary Priti Patel 42
Secretary Robert Buckland

- ★ Clause 140, page 134, line 21, after “police” insert “or the chief constable of the British Transport Police Force”

Member’s explanatory statement

This amendment is consequential on Amendment 40.

Secretary Priti Patel 43
Secretary Robert Buckland

- ★ Clause 140, page 134, line 24, at end insert—

“(d) where the offence on the basis of which the serious violence reduction order was made is an offence to which this paragraph applies, the chief constable of the British Transport Police Force may appeal against the making of an order under that section which was made on the application of the offender.

(2A) Paragraph (d) of subsection (2) applies to an offence which—

- (a) was committed at, or in relation to, a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (jurisdiction of British Transport Police Force), or

- (b) otherwise related to a railway within the meaning given by section 67 of the Transport and Works Act 1992 or a tramway within the meaning given by that section.”

Member’s explanatory statement

This amendment is consequential on Amendment 40.

Secretary Priti Patel
Secretary Robert Buckland

44

- ★ Clause 140, page 134, line 38, at end insert “and

- (c) the chief constable of the British Transport Police Force,”

Member’s explanatory statement

This amendment is consequential on Amendment 40.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

70

- ★ Clause 140, page 134, 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.”

Secretary Priti Patel
Secretary Robert Buckland

45

- ★ Clause 140, page 134, line 44, leave out “or chief officer of police” and insert “, chief officer of police or the chief constable of the British Transport Police Force”

Member’s explanatory statement

This amendment is consequential on Amendment 40.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

66

★ Clause 141, page 135, line 33, leave out “and (3)” and insert “(3) and (3A)”.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

65

★ Clause 141, page 135, 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.”

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

67

★ Clause 141, page 135, line 142, 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.”

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

69

★ Clause 141, page 136, 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.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

71

★ Clause 141, page 136, 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.

Dame Diana Johnson			22
Barbara Keeley			
Sarah Jones			
Sarah Champion			
Ms Harriet Harman			
Tonia Antoniazzi			
Sir Peter Bottomley	Yvonne Fovargue	John McDonnell	
Yvette Cooper	Karin Smyth	Emma Hardy	
Derek Twigg	Carolyn Harris	Andrew Gwynne	
Rosie Cooper			

☆ Clause 149, page 151, line 14, at end insert—

“(1B) Unless there are exceptional reasons not to do so, a sexual harm prevention order must require the offender—

- (a) to comply with a referral for assessment of suitability to participate in a treatment programme approved by the Secretary of State for the purpose of reducing the risk of sexual harm that a person may pose, and
- (b) if assessed as suitable for such a programme, to participate in it.”

Dame Diana Johnson			23
Barbara Keeley			
Sarah Jones			
Sarah Champion			
Ms Harriet Harman			
Tonia Antoniazzi			
Sir Peter Bottomley	Yvonne Fovargue	John McDonnell	
Yvette Cooper	Karin Smyth	Emma Hardy	
Derek Twigg	Carolyn Harris	Andrew Gwynne	
Rosie Cooper			

☆ Clause 149, page 153, line 34, at end insert—

“(1B) Unless there are exceptional reasons not to do so, a sexual harm prevention order must require the defendant—

- (a) to comply with a referral for assessment of suitability to participate in a treatment programme approved by the Secretary of State for the purpose of reducing the risk of sexual harm that a person may pose, and
 - (b) if assessed as suitable for such a programme, to participate in it.”
-

Dame Diana Johnson			24
Barbara Keeley			
Sarah Jones			
Sarah Champion			
Ms Harriet Harman			
Tonia Antoniazzi			
Sir Peter Bottomley	Yvonne Fovargue	John McDonnell	
Yvette Cooper	Karin Smyth	Emma Hardy	
Derek Twigg	Carolyn Harris	Andrew Gwynne	
Rosie Cooper			

☆ Clause 150, page 155, line 42, at end insert—

“(7A)Unless there are exceptional reasons not to do so, a sexual risk order must require the defendant—

- (a) to comply with a referral for assessment of suitability to participate in a treatment programme approved by the Secretary of State for the purpose of reducing the risk of sexual harm that a person may pose, and
- (b) if assessed as suitable for such a programme, to participate in it.”

Secretary Priti Patel			46
Secretary Robert Buckland			

★ Clause 175, page 193, line 11, at end insert—

“(ab) section 1;”

Member’s explanatory statement

This amendment is consequential on Amendment 34.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Sarah Jones
Alex Cunningham
Sir Alan Campbell

NS1

★ To move the following Schedule—

“Assistance for bereaved persons and core participants at inquests and public inquiries: amendment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012

- 1 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- 2 After section 9 insert—

“9A Inquest and public inquiry into an incident or failure leading to death or serious injury

- (1) Where an inquest is opened or a public inquiry announced into any incident or failure leading to the death or serious injury of a person or persons, and where one or more public authority, or private entity whose relevant activity falls within subsection (2) of section [Assistance for bereaved persons and core participants at inquests and public inquiries] of the Police, Crime, Sentencing and Courts Act 2021, are designated as “interested persons” (IPs) pursuant to section 47 of the Coroners and Justice Act 2009, or “core participants” (CPs) pursuant to Rule 5 of the Inquiry Rules 2006, the bereaved or injured IPs and CPs shall be entitled to publicly-funded legal advice and representation.
- (2) The provision shall be at rates previously applied to CPs under section 40(4) of the Inquiries Act 2005, to be reviewed from time to time.
- (3) In cases falling within this section, public authority rates shall be capped at the rates referred to in subsection (2).
- (4) The number, grades and seniority of legal advisers and advocates, and the number of remunerated hours allowed shall be the same or in proportion to provision made for the relevant public authority.
- (5) Where such provision is not the same, it may be more or less than that provided for the public authority, dependent upon the respective roles and burden of work and where provision is not the same the Director must provide a formal written determination setting out the basis for the disparity and certifying that in his or her view the level of funding is proportionate.
- (6) As soon as practicable after instruction by a bereaved IP or CP where subsection (1) applies, the solicitor shall notify the Director of an intention to apply for funding and within four weeks of such notification the solicitor shall make a provisional application for funding based upon instructions and disclosures made at that date.
- (7) Within seven days of receipt of a notification under subsection (6), the Director shall notify any relevant public authority that it must provide the funding information detailed in subsection (8) within four weeks.

- (8) On receipt of a notification under subsection (7) the public authority shall, within four weeks, furnish the Director with a funding plan setting out the provision it is to make for the said proceedings, to include—
- (a) the number,
 - (b) grades,
 - (c) seniority of legal advisers, advocates and support staff (to include investigators and administrators), and
 - (d) the estimated number of remunerated hours that will be expended by each relevant person in the proper and reasonable preparation and representation of the case.
- (9) The funding plan at subsection (8) shall—
- (a) make clear where provision for legal advice and representation has been made by the public authority in connected proceedings, and the details of such provision, and
 - (b) be certified as being complete and that it includes all proper and reasonable provision made by the Chief Officer or Chief Executive of the public authority in relation to the case.
- (10) In a case of complexity the solicitor for the bereaved applicant or the solicitor for the public authority may agree with the Director that funding plans can be provided periodically or in stages and any such agreement shall be at the discretion of the Director and as directed by him or her.
- (11) Where any funding plan is amended or finalized the Director must be notified and provided with the amended plan within seven days.
- (12) Where a bereaved IP or CP is entitled to public funding under subsection (1), but there is no public authority IP or CP, then the Director shall have regard to the funding plan of the solicitor for the bereaved applicant and the general circumstances of the case, including the level of representation by other IPs or CPs, in assessing the relevant provision under this section.
- (13) Where a bereaved IP or CP is entitled to public funding under subsection (1), it shall not be means-tested.

9B Application of section 9A in the interests of justice

The Director may apply the provisions in section 9A to other inquiries and investigations insofar as is in the interests of justice.””

Member’s explanatory statement

See explanatory statement to NC36

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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