

Police, Crime, Sentencing and Courts Bill

LORDS INSISTENCE, REASONS, NON-INSISTENCE, AMENDMENTS IN LIEU AND
INSTEAD, CONSEQUENTIAL AMENDMENTS, AND DISAGREEMENT

[The page and line references are to HL Bill 40, the bill as first printed for the Lords, or to the Lords amendment]

After Clause 49

LORDS AMENDMENT 58

58 Insert the following new Clause –

“Application of Police and Criminal Evidence Act 1984 to National Food Crime Unit of Food Standards Agency

In the Police and Criminal Evidence Act 1984, after section 114B insert –

“114C Application to National Food Crime Unit of Food Standards Agency

The Secretary of State may by regulations apply any provisions of this Act to investigation of offences conducted by officers of the National Food Crime Unit in respect of search and seizure.”

COMMONS REASON

The Commons disagree to Lords Amendment 58 for the following Reason –

58A *Because it is premature to confer new search and seizure powers on the Food Standards Agency until the accompanying accountability arrangements, including in respect of the handling of complaints about the exercise of such powers, have been determined.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 58 for the following Reason –

58B *Because the Lords wish the Commons to consider the matter again.*

After Clause 54

LORDS AMENDMENT 72

72 Insert the following new Clause—

“Offences motivated by hostility towards the sex or gender of the victim

- (1) In this section—
 - “relevant crime” means a reported crime in which—
 - (a) the victim or any other person perceived the alleged offender, at the time of or immediately before or after the offence, to demonstrate hostility or prejudice based on sex, or
 - (b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex;
 - “sex” has the same meaning as in section 11 of the Equality Act 2010 (sex).
- (2) The Secretary of State must make regulations requiring the chief officer of police of any police force to provide information relating to—
 - (a) the number of relevant crimes reported to the police force, and
 - (b) the number of those crimes which, in the opinion of the chief officer of police, would be subject to subsection (4).
- (3) A court considering the seriousness of an offence arising from a relevant crime not included in subsection (4) must treat the fact that the offence is aggravated by hostility or prejudice towards sex or gender as an aggravating factor when determining a sentence.
- (4) Subsection (3) does not apply to—
 - (a) an offence under the law of England and Wales which is for the time being specified in Schedule 3 to the Sexual Offences Act 2003, other than the offence specified in paragraph 14 of that Schedule (fraudulent evasion of excise duty),
 - (b) an offence under the law of England and Wales which is for the time being specified in Part 6 of the Domestic Abuse Act 2021, or
 - (c) an offence under the law of England and Wales which is defined in section 1 of the Domestic Abuse Act 2021 as “domestic abuse”.

COMMONS REASON

The Commons disagree to Lords Amendment 72 for the following Reason –

72A *Because pending the Government’s full consideration of the Law Commission’s review of hate crime legislation, the Law Commission has identified adding sex or gender to this legislation could prove detrimental to efforts to tackle violence against women and girls.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 72 to which the Commons have disagreed for their Reason 72A and do propose Amendment 72B in lieu –

72B After Clause 54, insert the following new Clause—

“Intimidatory offences aggravated by sex or gender

- (1) A person must not commit an act—
 - (a) which amounts to harassment or intimidation of another,
 - (b) which he or she knows or ought to know amounts to harassment or intimidation of the other, and
 - (c) which is aggravated by hostility towards sex or gender.
- (2) For the purposes of this section, the person whose act is in question ought to know that it amounts to or involves harassment or intimidation of another if a reasonable person in possession of the same information would think the act amounted to harassment or intimidation of the other.
- (3) Subsection (1) or (2) does not apply to an act if the person who pursued it shows—
 - (a) that it was pursued for the purpose of preventing or detecting crime,
 - (b) that it was pursued 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 the conduct was reasonable.
- (4) A person who commits an act in breach of subsection (1) is guilty of an offence.
- (5) 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.
- (6) An offence is “aggravated by hostility towards sex or gender” for the purposes of this section if—
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s sex or gender (or presumed sex or gender); or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a group based on their sex or gender.
- (7) The Secretary of State must make regulations within six months of the passing of this Act requiring the chief officer of police of any police force to provide information relating to—
 - (a) the number of crimes reported to the police force which, in the opinion of the chief officer of police, fall under subsection (6), and
 - (b) the number of crimes reported to the police force which, in the opinion of the chief officer of police, do not fall under subsection (6) but in which the victim indicated they believed they were targeted due to their sex or gender.”

Clauses 55 and 61

LORDS AMENDMENTS 73, 74 AND 87

COMMONS REASON

The Commons disagree to Lords Amendment 73 for the following Reason –

73A *Because it is appropriate for the police to be able to attach conditions to a public procession where the noise generated by persons taking part in the procession may result in serious disruption to the activities of an organisation which are carried out in the vicinity of the procession or may have a significant relevant impact on persons in the vicinity of the procession.*

74 Page 47, line 15, at end insert –

2 “(2) After subsection (2) insert –

“(2ZA) For the purposes of subsection (1)(a), the cases in which a public procession in England and Wales may result in serious disruption to the life of the community include, in particular, where –

(a) it may result in a significant delay to the delivery of a time-sensitive product to consumers of that product, or

(b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to –

(i) the supply of money, food, water, energy or fuel,

(ii) a system of communication,

(iii) a place of worship,

(iv) a transport facility,

(v) an educational institution, or

(vi) a service relating to health.

(2ZB) In subsection (2ZA)(a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.

(2ZC) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.””

COMMONS AMENDMENT

The Commons agree with the Lords in their Amendment 74 and propose Amendment 74A as an amendment thereto –

74A Leave out line 2

87 Leave out Clause 61

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 87 and propose the following amendments to the words so restored to the Bill –

87A Page 55, line 21, at end insert –

“(5A) For the purposes of subsection (1)(a), the cases in which the noise generated by a person taking part in a one-person protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.”

- 87B** Page 56, line 15, leave out “make” and insert “amend subsection (5A) for the purposes of making”
- 87C** Page 56, line 19, after “particular” insert “, amend that subsection for the purposes of”
- 87D** Page 56, line 20, leave out “define” and insert “defining”
- 87E** Page 56, line 22, leave out “give” and insert “giving”
- 87F** Page 56, line 29, at end insert “, including provision which makes consequential amendments to this Part.”

LORDS INSISTENCE, DISAGREEMENT, AMENDMENT IN LIEU AND CONSEQUENTIAL AMENDMENTS

The Lords insist on their Amendment 73 for Reason 73B, disagree with the Commons in their Amendment 74A and propose Amendment 74B to Lords Amendment 74 in lieu and Amendments 74C, 74D, 74E, 74F and 74G as consequential amendments, and insist on their Amendment 87 and disagree with the Commons in their Amendments 87A, 87B, 87C, 87D, 87E and 87F for Reason 87G –

- 73B** *Because the Lords wish the Commons to consider the matter again.*
- 74B** Leave out lines 20 to 26
- 74C** As an amendment to Lords Amendment 75, leave out “any of subsections (2ZA) to (2ZC)” and insert “subsection (2ZA) or (2ZB)”
- 74D** As an amendment to Lords Amendment 76, leave out “any” and insert “either”
- 74E** As an amendment to the Bill, page 47, leave out lines 36 and 37
- 74F** As an amendment to the Bill, page 47, line 40, leave out “an expression mentioned in subsection 12(a) or (b)” and insert “that expression”
- 74G** As an amendment to the Bill, page 47, leave out lines 44 and 45
- 87G** *Because the Lords wish the Commons to consider the matter again.*

Clause 56

LORDS AMENDMENT 80

- 80** Leave out Clause 56

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 80 and propose the following amendments to the words so restored to the Bill –

- 80A** Page 48, line 40, at end insert –

- “(2ZA) For the purposes of subsection (1)(a), the cases in which a public assembly in England and Wales may result in serious disruption to the life of the community include, in particular, where –
- (a) it may result in a significant delay to the supply of a time-sensitive product to consumers of that product, or
 - (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to –
 - (i) the supply of money, food, water, energy or fuel,
 - (ii) a system of communication,
 - (iii) a place of worship,
 - (iv) a transport facility,
 - (v) an educational institution, or
 - (vi) a service relating to health.
- (2ZB) In subsection (2ZA)(a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.
- (2ZC) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.”

- 80B** Page 49, line 13, leave out “make” and insert “amend any of subsections (2ZA) to (2ZC) for the purposes of making”
- 80C** Page 49, line 18, after “particular” insert “, amend any of those subsections for the purposes of”
- 80D** Page 49, line 19, leave out “define” and insert “defining”
- 80E** Page 49, line 21, leave out “give” and insert “giving”
- 80F** Page 49, line 31, at end insert “, including provision which makes consequential amendments to this Part.”

LORDS INSISTENCE, DISAGREEMENT AND AMENDMENT IN LIEU

The Lords insist on their Amendment 80, disagree with the Commons in their Amendments 80A, 80B, 80C, 80D, 80E and 80F and propose Amendment 80G instead of the words so left out of the Bill –

- 80G** After Clause 55, insert the following new Clause –

“Imposing conditions on public assemblies

- (1) Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows.
- (2) After subsection (2) insert –

“(2A) For the purposes of subsection (1)(a), the cases in which a public assembly in England and Wales may result in serious disruption to the life of the community include, in particular, where –

 - (a) it may result in a significant delay to the supply of a time-sensitive product to consumers of that product, or

- (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
 - (i) the supply of money, food, water, energy or fuel,
 - (ii) a system of communication,
 - (iii) a place of worship,
 - (iv) a transport facility,
 - (v) an educational institution, or
 - (vi) a service relating to health.
- (2B) In subsection (2A)(a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.”
- (3) After subsection (10A) (as inserted by section 57(11)) insert—
 - “(11) The Secretary of State may by regulations amend subsection (2A) or (2B) for the purposes of making 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, amend either of those subsections for the purposes of—
 - (a) defining any aspect of that expression for the purposes of this section;
 - (b) giving 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 assemblies in England and Wales;
 - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.
 - (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.””

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