
Committee Stage: Tuesday 12 December 2023

Criminal Justice Bill

(Amendment Paper)

This document lists all amendments tabled to the Criminal Justice 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 Any withdrawn amendments are listed at the end of the document.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.

Resolution of the Programming Sub-Committee

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 11 December (Standing Order 83C):

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 12 December) meet—
 - (a) at 2.00 pm on Tuesday 12 December;
 - (b) at 11.30 am and 2.00 pm on Thursday 14 December;
 - (c) at 11.30 am and 2.00 pm on Thursday 11 January;
 - (d) at 9.25 am and 2.00 pm on Tuesday 16 January;
 - (e) at 11.30 am and 2.00 pm on Thursday 18 January;
 - (f) at 9.25 am and 2.00 pm on Tuesday 23 January;
 - (g) at 11.30 am and 2.00 pm on Thursday 25 January;
 - (h) at 9.25 am and 2.00 pm on Tuesday 30 January;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 12 December	Until no later than 9.55 am	National Police Chiefs' Council

Tuesday 12 December	Until no later than 10.40 am	National Crime Agency; Crown Prosecution Service
Tuesday 12 December	Until no later than 11.25 am	Victims Commissioner for England and Wales; Domestic Abuse Commissioner for England and Wales
Tuesday 12 December	Until no later than 2.45 pm	Resolve; Crest Advisory
Tuesday 12 December	Until no later than 3.30 pm	College of Policing; HM Chief Inspector of Constabulary and HM Chief Inspector of Fire and Rescue Services
Tuesday 12 December	Until no later than 3.50 pm	Dame Vera Baird DBE KC
Tuesday 12 December	Until no later than 4.10 pm	Independent Reviewer of Terrorism Legislation
Tuesday 12 December	Until no later than 4.30 pm	Law Commission of England and Wales
Thursday 14 December	Until no later than 11.55 am	Police Superintendents' Association of England and Wales
Thursday 14 December	Until no later than 12.40 pm	Local Government Association; Association of Police and Crime Commissioners
Thursday 14 December	Until no later than 1 pm	Prison Officers Association
Thursday 14 December	Until no later than 2.20 pm	Kennedy Talbot KC
Thursday 14 December	Until no later than 3.05 pm	Union of Shop, Distributive and Allied Workers; Co-operative Group Limited; British Retail Consortium
Thursday 14 December	Until no later than 3.25 pm	Clare Wade KC

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 7, Schedule 1, Clauses 8 to 13, Schedule 2, Clauses 14 to 20, Schedule 3, Clauses 21 to 32, Schedule 4, Clause 33, Schedule 5, Clauses 34 to 68, Schedule 6, Clause 69, Schedule 7, Clauses 70 and 71, Schedule 8, Clauses 72 to 79, new Clauses, new Schedules, remaining proceedings on the Bill;

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Tuesday 30 January.

Chris Philp has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order 83C].

Chris Philp

Laura Farris

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Chris Philp

Laura Farris

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Mr David Davis

2

Julian Sturdy
Sir Desmond Swayne
John Stevenson
Damian Green
Mrs Pauline Latham

Wendy Morton
Greg Smith
Caroline Lucas
Sir Jacob Rees-Mogg

Philip Davies
Mr Alistair Carmichael
Dr Liam Fox

Stephen McPartland
Ian Paisley
Richard Fuller

Page 14, line 19, leave out Clause 19

Layla Moran

3

Page 47, line 13, leave out Clause 51

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

4

Page 48, line 13, leave out Clause 52

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

5

Page 49, line 19, leave out Clause 53

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

6

Page 49, line 35, leave out Clause 54

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

7

Page 50, line 28, leave out Clause 55

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

8

Page 51, line 12, leave out Clause 56

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

9

Page 51, line 37, leave out Clause 57

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

10

Page 53, line 1, leave out Clause 58

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

11

Page 53, line 15, leave out Clause 59

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

12

Page 54, line 7, leave out Clause 60

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Layla Moran

13

Page 54, line 30, leave out Clause 61

Member's explanatory statement

This amendment is intended to prevent the criminalisation of rough sleeping.

Dame Diana Johnson

1

Ms Harriet Harman
 Caroline Nokes
 Jess Phillips
 Dr Rupa Huq
 Christine Jardine

Zarah Sultana
 Caroline Lucas
 Stephen Farry

Bell Ribeiro-Addy
 Sarah Champion

Daisy Cooper
 Wendy Chamberlain

Clause 78, page 69, line 21, at end insert—

“() section ([Removal of women from the criminal law related to abortion]).”

Member's explanatory statement

This is an amendment conditional on the introduction of NC1. It would bring the new law into force on the day the Act is passed.

Dame Diana Johnson

NC1

Ms Harriet Harman
 Caroline Nokes
 Jess Phillips
 Dr Rupa Huq
 Christine Jardine

Zarah Sultana
 Caroline Lucas

Bell Ribeiro-Addy
 Sarah Champion

Daisy Cooper
 Stephen Farry

To move the following Clause—

“Removal of women from the criminal law related to abortion

For the purposes of the law related to abortion, including sections 58 and 59 of the Offences Against the Person Act 1861 and the Infant Life (Preservation) Act 1929, no offence is committed by a woman acting in relation to her own pregnancy.”

Member's explanatory statement

This new clause would disapply existing criminal law related to the accessing or provision of abortion care from women acting in relation to their own pregnancy at any gestation, ensuring no woman would be liable for a prison sentence as a result of seeking to end her own pregnancy. It would not change any law regarding the provision of abortion services within a healthcare setting, including but not limited to the time limit, the grounds for abortion, or the requirement for two doctors' approval.

Stella Creasy

NC2

Dr Dan Poulter
 Caroline Nokes
 Paula Barker
 Bell Ribeiro-Addy
 Sarah Champion

Lloyd Russell-Moyle
 Kim Johnson
 Zarah Sultana
 Liz Saville Roberts
 Yasmin Qureshi

Rachel Hopkins
 Kate Osborne
 Caroline Lucas
 Hywel Williams

Stephen Farry
 Nadia Whittome
 Wendy Chamberlain
 Ben Lake

To move the following Clause—

“Abortion: Decriminalisation

- (1) The Secretary of State must by regulations make whatever changes appear to the Secretary of State to be necessary or appropriate for the decriminalisation of abortion, in line with the recommendation in Paragraph 31 of the CEDAW General Recommendation No. 24: Article 12 of the Convention that *“When possible, legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion”*.
- (2) **Regulations under subsection (1) must—**
 - (a) provide for the repeal of sections 58, 59 and 60 of the Offences Against the Person Act 1861,

- (b) provide that no offence under these regulations or any other legislation is committed by a person complying with the requirements of subsection 1 of the Abortion Act 1967,
 - (c) provide that no offence under these regulations or any other legislation is committed by a person acting in relation to their own pregnancy where they have been coerced into taking that action,
 - (d) provide that no person acting in relation to their own pregnancy may be sentenced to a custodial sentence, and
 - (e) provide for alternative offences in relation to acts of abortion where the woman has not, or is suspected to have not, consented to the abortion.
- (3) The Secretary of State may by regulations make any provision that appears to the Secretary of State to be appropriate in view of subsection (1), or (2).
- (4) If regulations under subsection (1) are not approved by both Houses of Parliament within three months of this Act receiving Royal Assent, then sections 58, 59 and 60 of the Offences Against the Person Act 1861 are repealed.
- (5) A statutory instrument made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

Ms Harriet Harman

NC3

Sarah Champion
 Dame Maria Miller
 Dame Margaret Hodge
 Caroline Nokes
 Jess Phillips

To move the following Clause—

"Removal of parental responsibility for men convicted of sexual offences against children

- (1) After section 2 (parental responsibility for children) of the Children Act 1989, insert—

"2A Prisoners: suspension of parental responsibility

- (1) This section applies where—
- (a) a person ("A") has been found guilty of a serious sexual offence involving or relating to a child or children; and
 - (b) A had parental responsibility for a child or children at the time at which the offence was committed.
- (2) A ceases to have parental responsibility for all children, for a time specified by the sentencing court or until an application by A to the family court to reinstate parental responsibility has been approved.""

George Eustice

NC4

Tracey Crouch
Kelly Tolhurst
Henry Smith

To move the following Clause—

“Taking of dog without lawful authority

- (1) A person commits an offence if, without lawful authority or reasonable excuse, the person takes or detains a dog in England—
 - (a) so as to remove it from the lawful control of any person, or
 - (b) so as to keep it from the lawful control of a person who is entitled to have lawful control of it.
- (2) No offence is committed if the person taking or detaining the dog is connected with any of the following—
 - (a) any person entitled to have lawful control of it;
 - (b) where it is removed from the lawful control of a person, that person.
- (3) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (4) In this section—

“connected person”: a person is connected with another person if—

 - (a) they are married to each other,
 - (b) they are civil partners of each other,
 - (c) one is the parent of the other, or
 - (d) they are siblings (whether of the full blood or the half blood);

“detaining”: references to a person detaining a dog include the person—

 - (a) inducing it to remain with the person or anyone else, or
 - (b) causing it to be detained;

“maximum summary term for either-way offences”, with reference to imprisonment for an offence, means—

 - a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
 - (b) if the offence is committed after that time, 12 months;

“taking”: references to a person taking a dog include the person—

 - (a) causing or inducing it to accompany the person or anyone else, or
 - (b) causing it to be taken.”

Member's explanatory statement

This new clause makes provision for the creation of an offence of taking a dog from the lawful control of another person.

Greg Clark

NC5

Tracey Crouch

To move the following Clause—

“Sexual interference with a corpse

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) After section 70, insert—

“70A Sexual interference with a corpse

- (1) A person “P” commits an offence if—
 - (a) P intentionally performs an act of physical interference with the body of a dead person, and
 - (b) the physical interference is sexual.
- (2) For the purposes of this section, physical interference may include—
 - (a) P touching the body of a dead person with any part of P’s own body, and
 - (b) P causing any item or substance to make contact with the body of a dead person.
- (3) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 10 years.””

Ms Harriet Harman

NC6

To move the following Clause—

“Automatic dismissal on conviction for a serious criminal offence

- (1) Section 50 of the Police Act 1996 (Regulations for police forces) is amended in accordance with subsections (2) and (3).
 - (2) After subsection (3) insert “and subject to any regulations made under subsection (3ZA)”.
 - (3) After subsection (3G) insert—
- “(3ZA) Regulations made under this section may provide that upon the conviction of a member of a police force for a certain type of criminal offence, that person shall be dealt with by way of automatic dismissal without the taking of any disciplinary proceedings against that person.””

Ms Harriet Harman

NC7

To move the following Clause—

“Automatic suspension of officers charged with specified allegations

- (1) Regulations made by the Secretary of State pursuant to section 50 of the Police Act 1996 may make further provision as set out in this section.
- (2) Where an officer is charged with an indictable-only or an either-way offence, the Regulation 11 of the Police (Conduct) Regulations 2020 and any other relevant legislation shall not initially apply.
- (3) In a case falling within subsection (2), regulations may provide that the appropriate authority must automatically suspend the officer from the office of constable for an initial period of 30 days.
- (4) Where an officer is suspended in circumstances falling under subsection (3), regulations may provide that—
 - (a) the officer remains a police officer for the purpose of the Police (Conduct) Regulations,
 - (b) the suspension must be with pay,
 - (c) at or prior to the expiry of the initial period of suspension, the appropriate authority must make a determination as to whether the suspension conditions in Regulation 11 of the Police (Conduct) Regulations 2020 are satisfied, and
 - (d) upon the making of a determination referred to in paragraph (c) that an officer should remain suspended, Regulation 11 of the Police (Conduct) Regulations shall apply thereafter to that officer.”

Ms Harriet Harman

NC8

To move the following Clause—

“Automatic dismissal of officers who fail vetting

- (1) The Police Act 1996 is amended in accordance with subsection (2).
- (2) In section 39A (Codes of practice for chief officers), after subsection (1) insert—

“(1A) Without prejudice to subsection (1) and subject to subsection (1B), a code of practice may provide for an officer to be dismissed without notice where—

 - (a) the officer fails vetting, and
 - (b) it is not reasonable to expect that the officer will be capable of being deployed to full duties within a reasonable timeframe.

(1B) Subsection (1A) does not apply where a chief officer concludes that—

 - (a) the officer, notwithstanding his vetting failure, is capable of being deployed to a substantial majority of duties appropriate for an officer of his rank; and
 - (b) it would be disproportionate to the operational effectiveness of the force for the officer to be dismissed without notice.”

Ms Harriet Harman

NC9

To move the following Clause—

“Duty of officer to hand over personal mobile phone

- (1) Section 50 of the Police Act 1996 is amended in accordance with subsection (2).
- (2) After subsection (4) insert—
 - “(4A) Regulations under this section may, in connection with the procedures that are established by or under regulations made by virtue of subsection (3), provide that an officer has a duty to hand over to the appropriate authority a personal telecommunications device capable of storing information in any electronic format which can readily be produced in a visible and legible form, belonging to that police officer where there is a request by the appropriate authority in circumstances where the appropriate authority has reasonable grounds to suspect the police officer of behaving in a way that could amount to gross misconduct and in respect of which information stored on the device may be relevant to the suspected misconduct.
 - (4B) Without prejudice to the generality of subsection (4A), regulations may provide for—
 - (a) the form of the request to be made to the police officer concerned and any related information that must be provided by the police officer in releasing the device including, but not limited to, any passcode required to access information stored on the device;
 - (b) the time period within which the device must be provided to the appropriate authority and any sanction which may be imposed on the police officer for failing to do so;
 - (c) the provision to the police officer concerned of reasons for the requested possession of a device;
 - (d) the arrangements to be put in place for the protection of confidential, privileged or sensitive information stored on the device which is not relevant to the matter under investigation;
 - (e) the period of time that the device may be retained by the appropriate authority and arrangements for the return of the device when it is no longer required for the purposes of the investigation;
 - (f) the deletion of information obtained from the device and retained by the appropriate authority other than information which is reasonably required to be retained in connection with the matter under investigation; and
 - (g) the making of ancillary and consequential amendments to other regulations as may be considered necessary.

- (4C) In subsections (4A) and (4B) “appropriate authority” has the meaning given in article 2 (interpretation) of the Police (Conduct) Regulations 2020.””
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Order of the House

[28 November 2023]

That the following provisions shall apply to the Criminal Justice 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 30 January 2024.
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.