
Committee Stage: Wednesday 10 January 2024

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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New Amendments: 70 to 133 and NC21 to NC22

Alex Norris

51

Clause 1, page 1, line 10, leave out subsection (3)

Alex Norris

55

Clause 1, page 1, line 20, at end insert, “, or it is not reasonable to assume that the accused possessed or had control over the item”

Member's explanatory statement

This amendment would clarify that people living in shared accommodation would not be held liable for offensive articles which do not belong to them and which they are unaware of.

Chris Philp

Gov 14

Laura Farris

Clause 1, page 2, line 1, after “means” insert “—

(a) in England and Wales,”

Member's explanatory statement

This amendment and amendments 15 to 18 extend the offence under this clause to Scotland and Northern Ireland.

Chris Philp

Gov 15

Laura Farris

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

- “(b) in Scotland, an offence specified or described in Part 1A of that Schedule;
- (c) in Northern Ireland, an offence specified or described in Part 2 of that Schedule.”

Member's explanatory statement

See the statement for amendment 14.

Chris Philp

Gov 16

Laura Farris

Clause 1, page 2, line 4, after “conviction” insert “in England and Wales”

Member's explanatory statement

See the statement for amendment 14.

Chris Philp

Gov 17

Laura Farris

Clause 1, page 2, line 5, at end insert—

- “(aa) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (ab) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);”

Member's explanatory statement

See the statement for amendment 14.

Chris Philp

Gov 18

Laura Farris

Clause 2, page 2, line 17, after “1968” insert “or, in Northern Ireland, Article 2(2) of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))”

Member's explanatory statement

See the statement for amendment 14.

Chris Philp

Gov 19

Laura Farris

Clause 2, page 2, line 30, leave out “subsection.” and insert “subsection or subsection (4).”

- (4) Before making regulations under this section, the Secretary of State must consult—
- (a) the Scottish Ministers, and
 - (b) the Department of Justice in Northern Ireland.”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Scottish Ministers and the Department of Justice in Northern Ireland before making regulations under this clause.

Alex Norris

52

Clause 3, page 2, line 39, leave out subsection (3)

Chris Philp

Gov 20

Laura Farris

Clause 3, page 3, line 10, leave out paragraphs (a) and (b) and insert—

- “(a) in England and Wales—
- (i) an offence under section 1 of the Theft Act 1968 of theft of a conveyance (as defined by section 12 of that Act) or anything in a conveyance, or
 - (ii) an offence under section 12 of that Act (taking vehicle or other conveyance without authority);
- (b) in Scotland—
- (i) theft of a vehicle, vessel or aircraft constructed or adapted for use for transporting one or more persons or of anything in such a vehicle, vessel or aircraft, or
 - (ii) an offence under section 178 of the Road Traffic Act 1988 (taking motor vehicle without authority);
- (c) in Northern Ireland—
- (i) an offence under section 1 of the Theft Act (Northern Ireland) 1969 of theft of a conveyance (as defined by section 12 of that Act) or anything in a conveyance, or
 - (ii) an offence under section 12 of that Act (taking vehicle or other conveyance without authority).”

Member's explanatory statement

This amendment and amendments 21 and 22 extend the offence under this clause to Scotland and Northern Ireland.

Chris Philp

Gov 21

Laura Farris

Clause 3, page 3, line 16, after “conviction” insert “in England and Wales”

Member's explanatory statement

See the statement for amendment 20.

Chris Philp

Gov 22

Laura Farris

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

- “(aa) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (ab) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);”

Member's explanatory statement

See the statement for amendment 20.

Chris Philp

Gov 47

Laura Farris

Schedule 1, page 75, line 15, after “includes” insert “—

- (a) a person who has the powers of a constable;
- (b)”

Member's explanatory statement

This amendment provides that the offence in this paragraph applies in respect of persons who have the powers of a constable.

Alex Norris

53

Clause 9, page 6, line 24, at end insert—

- “(c) a sword.”

Member's explanatory statement

This amendment would make clear that the bladed articles in scope include swords.

Alex Norris

54

Clause 10, page 7, line 28, at end insert—

“(2A) In the Offensive Weapons Act 2019—

- (a) In section 39(7), omit paragraph (a) and insert “on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both)”
- (b) In section 42(10), omit paragraph (a) and insert “on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both).”

Member's explanatory statement

This amendment would increase the penalty for delivering bladed products or articles to someone under 18 from just a fine.

Chris Philp

Gov 23

Laura Farris

Clause 11, page 8, line 23, after “conviction” insert “in England and Wales”

Member's explanatory statement

This amendment and amendments 24 and 43 extend the offence under this clause to Northern Ireland.

Chris Philp

Gov 24

Laura Farris

Clause 11, page 8, line 24, at end insert—

- “(aa) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);”

Member's explanatory statement

See the statement to amendment 23.

Alex Norris

56

Schedule 2, page 82, line 4, at end insert—

“66AD Publishing or hosting unlawfully obtained intimate photograph or film

- (1) A person (A) commits an offence if A publishes, hosts or makes viewable a photograph or film of another person (B) which has been obtained (1)

unlawfully under sections 66A, 66AA, 66AC or 66B, subject to the provisions of sections 66AB and 66C.

- (2) For the purposes of this part, “publishing, hosting or making viewable” includes—
- (a) physical or online publication, and
 - (b) uploading to a user-to-user service,
 - (c) in relation to owners or administrators of a user-to-user service, allowing public access to a photograph or film uploaded by another person, and
 - (d) maintaining or providing for the presence or availability of a photograph or film by any other means or in any other place, whether or not such service or access is conditional on the payment of a fee.
- (3) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years.”

Member's explanatory statement

This amendment would make it an offence to make publicly available, either through publishing or online hosting, intimate photographs or videos which have been obtained unlawfully.

Alex Norris

57

Schedule 2, page 82, line 4, at end insert—

“66AD Faking intimate photographs or films using digital technology

- (1) A person (A) commits an offence if A intentionally creates or designs using computer graphics or any other digital technology an image or film which appears to be a photograph or film of another person (B) in an intimate state for the purposes of—
- (a) sexual gratification, whether of themselves or of another person;
 - (b) causing alarm, distress or humiliation to B or any other person; or
 - (c) committing an offence under sections 66A or 66B of the Sexual Offence Act 2003.
- (2) It is a defence to a charge under subsection (1) to prove that—
- (a) A had a reasonable excuse for creating or designing the image or film, or
 - (b) that B consented to its creation.
- (3) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years.”

Member's explanatory statement

This amendment would make the creation of 'deepfake' intimate images an offence.

Chris Philp

Gov 48

Laura Farris

Schedule 2, page 85, line 32, at end insert—

"Armed Forces Act 2006 (c. 52)

1 In the Armed Forces Act 2006, after section 177D insert—

"177DA Photographs and films to be treated as used for purpose of certain offences

- (1) This section applies where a person commits an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence under section 66AA(1), (2) or (3) of the Sexual Offences Act 2003 (taking or recording of intimate photograph or film).
- (2) The photograph or film to which the offence relates, and anything containing it, is to be regarded for the purposes of section 177C(3) (and section 94A(3)(b)(ii)) as used for the purpose of committing the offence (including where it is committed by aiding, abetting, counselling or procuring)."

Member's explanatory statement

This amendment amends the Armed Forces Act 2006 to make provision equivalent to the amendment to the Sentencing Code made by paragraph 19(2) of Schedule 2 to the Bill.

Chris Philp

Gov 25

Laura Farris

Clause 15, page 11, line 19, leave out lines 19 to 21

Member's explanatory statement

The amendment and amendment 26 ensure that procedural provisions in respect of regulations made under new section 63CA of PACE 1984 operate as intended.

Chris Philp

Gov 26

Laura Farris

Clause 15, page 11, line 25, at end insert—

“(5A) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament”

Member's explanatory statement

See the statement for amendment 25.

Alex Norris

133

★ Clause 15, page 11, line 27, at end insert—

“63CB Diversion services for persons testing positive for controlled drugs

Where a person has tested positive for the presence of controlled drugs in a sample taken under section 63B, that person must be directed to an appropriate drug diversion service.”

Member's explanatory statement

This amendment would require the police to refer individuals who test positive for a controlled drug to a drug diversion service.

Chris Philp

Gov 27

Laura Farris

Clause 16, page 12, line 3, at end insert “;

(b) in subsection (1)(a), after “taken” insert “—

(i) under section 32A of PACE (testing for presence of controlled drug upon arrest) from a person at a place other than a police station, or

(ii)”;

(c) in subsection (2) omit “from detention at the police station”.”

Member's explanatory statement

This amendment applies Part 3 of the Drugs Act 2005 (assessment of misuse of drugs) where controlled drugs are tested for upon arrest at a place other than a police station under provision introduced by NC13.

Chris Philp

Gov 28

Laura Farris

Clause 16, page 12, line 5, at end insert—

“(3A) In section 11 (requirements under sections 9 and 10: supplemental), in subsection (1)—

- (a) the words from “a person is required” to the end become paragraph (a);
 - (b) at the end of that paragraph insert “, and
 - (b) section 11A does not apply.”
- (3B) After section 11 insert—
- “11A Requirements under sections 9 and 10: supplemental where person to be released from custody at a place other than a police station**
- (1) This section applies if a person—
 - (a) is, while in custody at a place other than a police station, required to attend an initial assessment and remain for its duration by virtue of section 9(2), and
 - (b) is to be released without first being taken to a police station.
 - (2) If the time when, and the place at which, the initial assessment is to take place is set before the person is released, an approved constable must—
 - (a) inform the person of that time and place, and
 - (b) explain that this information will be confirmed in writing.
 - (3) If the time when, and the place at which, the initial assessment is to take place is not set before the person is released, an approved constable must explain that—
 - (a) the time and place will be set after the person is released, and
 - (b) the person will be notified of the time and place in writing.
 - (4) An approved constable must warn the person that they may be liable to prosecution if they fail without good cause to attend the initial assessment and remain for its duration.
 - (5) If the person is also required to attend a follow-up assessment and remain for its duration by virtue of section 10(2), an approved constable must also warn the person that they may be liable to prosecution if they fail without good cause to attend the follow-up assessment and remain for its duration.
 - (6) Where subsection (2) applies, an approved constable must give the person notice in writing which—
 - (a) confirms that the person is required to attend and remain for the duration of an initial assessment or both an initial assessment and a follow-up assessment (as the case may be),
 - (b) confirms the information given in pursuance of subsection (2), and
 - (c) repeats the warning given in pursuance of subsection (4) and any warning given in pursuance of subsection (5).
 - (7) The duties imposed by subsections (2) to (6) must be discharged before the person is released.

- (8) Where subsection (2) applies, an approved constable must make, on the spot or as soon as is practicable, a record in writing of—
 - (a) the requirement imposed on the person by virtue of section 9(2),
 - (b) any requirement imposed on the person by virtue of section 10(2),
 - (c) the information and explanation given to the person in pursuance of subsection (2) above,
 - (d) the warning given to the person in pursuance of subsection (4) and any warning given in pursuance of subsection (5) above, and
 - (e) the notice given to the person in pursuance of subsection (6) above.
 - (9) Where subsection (3) applies, an approved constable must make, on the spot or as soon as is practicable, a record in writing of—
 - (a) the requirement imposed on the person by virtue of section 9(2),
 - (b) any requirement imposed on the person by virtue of section 10(2),
 - (c) the explanation given to the person in pursuance of subsection (3) above, and
 - (d) the warning given to the person in pursuance of subsection (4) and any warning given in pursuance of subsection (5) above.
 - (10) Where subsection (3) applies, a police officer must give the person, as soon as is practicable, a notice in writing which—
 - (a) informs the person of the time when, and the place at which, the initial assessment is to take place,
 - (b) confirms that the person is required to attend and remain for the duration of an initial assessment or both an initial assessment and a follow-up assessment (as the case may be), and
 - (c) repeats the warning given in pursuance of subsection (4) and any warning given in pursuance of subsection (5).
 - (11) Where subsection (10) applies, a police officer must make, as soon as is practicable after a notice is given to the person in pursuance of that subsection, a record of the notice.
 - (12) If a person is given a notice in pursuance of subsection (6) or (10), a police officer or a suitably qualified person may give the person a further notice in writing which—
 - (a) informs the person of any change to the time when, or to the place at which, the initial assessment is to take place, and
 - (b) repeats the warning given in pursuance of subsection (4) and any warning given in pursuance of subsection (5).
 - (13) In this section, “approved constable” has the meaning given by section 32B of PACE.”
- (3C) In section 12 (attendance at initial assessment), in subsection (6)—
- (a) in paragraph (a)—

- (i) for "subsection (5) of section 11" substitute "section 11(5) or 11A(6) or (10)";
- (ii) for "subsection (8) of that section" substitute "section 11(8) or 11A(12)";
- (b) in paragraph (b)—
 - (i) for "subsection (5) of section 11" substitute "section 11(5) or 11A(6) or (10)";
 - (ii) for "subsection (8) of that section" substitute "section 11(8) or 11A(12)"."

Member's explanatory statement

This amendment makes provision equivalent to section 11 of the Drugs Act 2005 for certain cases where controlled drugs are tested for upon arrest at a place other than a police station under provision introduced by NC13 and makes consequential amendments.

Chris Philp

Gov 29

Laura Farris

Clause 16, page 12, line 30, at end insert—

- "(c) in subsection (6)—
 - (i) after "in respect of which" insert "—
 - (a) the condition specified in subsection (2) of section 32A of PACE is satisfied in relation to the taking of the sample mentioned in section 9(1)(a)(i) of this Act, or
 - (b)";
 - (ii) for "section 9(1)(a)" substitute "section 9(1)(a)(ii)"."

Member's explanatory statement

This amendment makes an amendment to section 17 of the Drugs Act 2005 that is consequential upon amendment 27.

Chris Philp

Gov 30

Laura Farris

Clause 16, page 12, line 35, after "in" insert "—

- (a) regulations under section 32C of PACE, if section 9(1)(a)(i) of this Act applies, or
- (b)"

Member's explanatory statement

This amendment makes an amendment to section 19 of the Drugs Act 2005 that is consequential upon amendment 27.

Chris Philp

Gov 31

Laura Farris

Clause 16, page 12, line 35, after “section 63CA of PACE” insert “, if section 9(1)(a)(ii) of this Act applies”

Member's explanatory statement

This amendment makes an amendment to section 19 of the Drugs Act 2005 that is consequential upon amendment 27.

Chris Philp

Gov 32

Laura Farris

Clause 18, page 14, line 13, after “application” insert “(including any appeal)”

Member's explanatory statement

This amendment clarifies that for the purposes of clause 18(8)(b), the final determination of an application includes the determination of any appeal.

Alex Norris

61

Clause 19, page 15, line 17, at end insert—

- “(8) A constable may search a specified premises for specified items without obtaining authorisation under subsection (1) if the constable believes that the search is necessary for the effective identification of stolen goods.
- (9) If a constable conducts a search by virtue of subsection (8), they shall inform an officer of at least the rank of inspector that they have made the search as soon as practicable after the completion of the search.
- (10) An officer who is informed of a search under subsection (9) shall make a record in writing—
 - (a) of the grounds for the search;
 - (b) of the nature of the items sought;
 - (c) confirming that the officer would have given their authorisation under subsection (2) had the constable sought it.”

Member's explanatory statement

This amendment aligns the power given under Clause 19 with that in section 18 of the Police and Criminal Evidence Act 1984, and enables a police constable to undertake a search for stolen goods without a warrant without obtaining authorisation from a superior officer.

Alex Norris

58

Clause 19, page 16, line 24, at end insert—

“(4) The Secretary of State must, as soon as is practicable after a period of two years from the date of Royal Assent to this Act, lay before Parliament a report on the implementation and utilisation of the police powers introduced by this section.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a report on the police's use of the new powers of entry, search and seizure.

Alex Norris

59

Clause 19, page 16, line 24, at end insert—

“(4) The College of Policing must exercise its powers under section 39A of the Police Act 1996 to issue a code of practice in relation to the use of powers introduced by this section.

(5) In drawing up the code of practice under subsection (4), the College of Policing must consult with such individuals or bodies as it sees fit.”

Member's explanatory statement

This amendment would require the College of Policing to publish a code of practice on the use of the new powers of entry, search and seizure.

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
Daisy Cooper

Stephen McPartland
Ian Paisley
Richard Fuller
Sammy Wilson

Page 14, line 19, leave out Clause 19

Chris Philp

Gov 33

Laura Farris

Clause 21, page 17, line 33, after “subsection” insert “, and may make consequential amendments of this section”.

Member's explanatory statement

This amendment will ensure that, in the event that the list of bodies to which the new provisions apply is amended by the regulations, any necessary consequential amendments may also be made by the regulations.

Chris Philp

Gov 34

Laura Farris

Clause 21, page 18, line 19, leave out “police force listed in subsection (4)” and insert “body”.

Member's explanatory statement

This amendment and amendment 35 specify in more detail the relevant chief officers of bodies to which the provisions will apply.

Chris Philp

Gov 35

Laura Farris

Clause 21, page 18, line 20, at end insert—

- “(aa) in relation to a police force listed in subsection (4)(b) to (d), the chief constable of that police force;
- (ab) in relation to a service police force listed in subsection (4)(p) to (r), the Provost Marshal of that service police force;
- (ac) in relation to the tri-service serious crime unit, the Provost Marshal for serious crime;
- (ad) in relation to the Service Police Complaints Commissioner, the Service Police Complaints Commissioner;”

Member's explanatory statement

See the statement for amendment 34.

Alex Norris

60

Clause 21, page 19, line 11, at end insert—

- “(4) The Secretary of State must lay an annual report before Parliament providing information on the use of the powers introduced by this section.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a report on the police's use of the new powers giving them access to driver license records.

Chris Philp

Gov 36

Laura Farris

Clause 23, page 22, line 11, at end insert—

“(2) In section 238 of the Armed Forces Act 2006 (deciding the seriousness of an offence), after subsection (7) insert—

“(8) In section 70A of the Sentencing Code (sexual grooming of child as aggravating factor)—

(a) the references in that section to a court are to be read as including a court dealing with an offender for a service offence, and

(b) the reference in subsection (1) to a specified child sex offence is to be read as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is a specified child sex offence.”

Member's explanatory statement

This amendment modifies section 70A of the Sentencing Code (inserted by clause 23), as it applies under the Armed Forces Act 2006.

Alex Cunningham

64

Shabana Mahmood

☆ Clause 26, page 23, line 7, at end insert—

“(2A) The Secretary of State may not issue a warrant under subsection (2) where—

(a) the prisoner has less than 180 days to serve of the requisite custodial period;

(b) the prisoner is serving an indeterminate sentence of imprisonment or detention for public protection; or

(c) the Secretary of State is satisfied that the prisoner should continue to be detained in a domestic prison for the purposes of—

(i) receiving instruction or training which cannot reasonably be provided in a prison in the foreign country, or

(ii) participating in any proceeding before any court, tribunal or inquiry where it is not reasonably practicable for the participation or to take place in a prison in the foreign country.”

Member's explanatory statement

This probing amendment would introduce exclusions on the type of prisoner that could be issued with a warrant to serve their sentence in a foreign country. It excludes people with less than 6 months to serve, those serving indeterminate sentences for public protection and those who need to be detained in the UK for education/training purposes or for legal proceedings (e.g. parole).

Alex Cunningham

65

Shabana Mahmood

☆ Clause 28, page 24, line 36, at end insert—

“(c) report to the Secretary of State on any breaches of the arrangement made between the United Kingdom and a foreign country.”

Member's explanatory statement

This amendment would require the Controller to make a report to the Secretary of State on any breaches of the arrangement between the foreign country and the UK.

Alex Cunningham

66

Shabana Mahmood

☆ Clause 28, page 24, line 39, leave out “may” and insert “must”

Member's explanatory statement

This amendment would ensure that the prisons inspectorate must conduct the duties specified in new section 5A(5D) of the Prisons Act 1952 and ensures its consistency with the legislative basis for its role in England and Wales.

Alex Cunningham

67

Shabana Mahmood

☆ Clause 28, page 24, line 40, after “prisons” insert “and escort arrangements”

Member's explanatory statement

This amendment would ensure that HM Inspectorate of Prisons can inspect escort arrangements under which prisoners are transferred to foreign prisons. This would bring the legislation into line with inspectorate’s powers in relation to UK prisons and escort arrangements under amendments to the Prisons Act made by the Immigration, Asylum and Nationality Act 2006 (s.46) and ensures scrutiny of an area of evidenced risk.

Alex Cunningham

68

Shabana Mahmood

☆ Clause 28, page 25, line 3, at end insert—

“(4) In section 1 of the Coroners and Justice Act 2009, after subsection 2(c) insert—

“(d) the deceased died while in custody or otherwise in state detention in a foreign country pursuant to a warrant issued by the Secretary of State under section 26 of the Criminal Justice Act 2024 (warrant for transfer of prisoner to or from foreign prison).”

Member's explanatory statement

This probing amendment would clarify how the government intends to apply its obligations under Article 2 (right to life) of the Human Rights Act, through ensuring the duties of the coroner also apply to any death involving a prisoner subject to a transfer agreement with a foreign country.

Chris Philp

Gov 37

Laura Farris

Clause 31, page 26, line 23, at end insert “(and, in the case of a service offence, the corresponding offence is not so specified).”

Member's explanatory statement

This amendment provides that, for a service offence, the corresponding offence must also not be specified in Schedule A1 to the Sentencing Code.

Chris Philp

Gov 38

Laura Farris

Clause 31, page 26, line 31, after “applied” insert “(and was not an offence in relation to which section 31 of the Counter-Terrorism Act 2008 would have applied if paragraph (b) of subsection (1) of that section were omitted)”

Member's explanatory statement

This amendment excludes, from inserted subsection (4BB), an offence tried in Scotland where it was alleged but not proved that the offence was aggravated by having a terrorist connection.

Chris Philp

Gov 39

Laura Farris

Clause 31, page 27, line 4, leave out “(4BB), (4BC) and” and insert “(4BA) to”

Member's explanatory statement

This amendment is consequential on amendment 37.

Chris Philp

Gov 40

Laura Farris

Clause 32, page 27, line 8, at end insert—

“(2) In Schedule 5 to the Proceeds of Crime Act 2002 (criminal lifestyle offences: Northern Ireland), after paragraph 9A insert—

“Offences relating to things used in serious crime or vehicle theft

9B (1) An offence under section 1 of the Criminal Justice Act 2024 (articles for use in serious crime).

(2) An offence under section 3 of the Criminal Justice Act 2024 (electronic devices for use in vehicle theft).”

Member's explanatory statement

This amendment adds the offences created by clauses 1 and 3 of the Bill to the offences listed in Schedule 5 to the Proceeds of Crime Act 2002 (criminal lifestyle offences: Northern Ireland).

Chris Philp

Gov 49

Laura Farris

Schedule 4, page 96, line 21, at end insert—

“(4A) After paragraph 9B (inserted by sub-paragraph (4)) insert—

“Offences relating to things used in serious crime or vehicle theft

9C (1) An offence under section 1 of the Criminal Justice Act 2024 (articles for use in serious crime).

(2) An offence under section 3 of the Criminal Justice Act 2024 (electronic devices for use in vehicle theft).”

Member's explanatory statement

This amendment adds the offences created by clauses 1 and 3 of the Bill to the offences listed in Schedule 2 to the Proceeds of Crime Act 2002 (criminal lifestyle offences).

Alex Norris

62

Schedule 4, page 119, line 18, leave out paragraph 25

Member's explanatory statement

This amendment would remove the risk of dissipation as a condition for the making of a restraint order.

Chris Philp

Gov 84

Laura Farris

★ Clause 34, page 27, line 16, at end insert “and Northern Ireland”

Member's explanatory statement

This amendment and amendments 85 to 88 provide that a serious crime prevention order made in Northern Ireland may include electronic monitoring requirements.

Chris Philp

Gov 85

Laura Farris

★ Clause 34, page 27, line 18, after “Wales” insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 84.

Chris Philp

Gov 86

Laura Farris

★ Clause 34, page 27, line 28, at end insert “—

(a) where the order is made in England and Wales,”

Member's explanatory statement

This amendment is consequential on amendment 87.

Chris Philp

Gov 87

Laura Farris

★ Clause 34, page 27, line 30, at end insert—

“(b) where the order is made in Northern Ireland, must be of a description specified in an order made by the Department of Justice under Article 40(3) of the Criminal Justice (Northern Ireland) Order 2008 (N.I. 1).”

Member's explanatory statement

This amendment provides that the person responsible for conducting electronic monitoring must be a person specified by the Department of Justice under Article 40(3) of the Criminal Justice (Northern Ireland) Order 2008 (N.I. 1).

Chris Philp

Gov 88

Laura Farris

★ Clause 34, page 28, line 23, leave out “The court” and insert “A court in England and Wales”

Member's explanatory statement

This amendment sets out the requirements to be satisfied for a court in England and Wales to impose an electronic monitoring requirement. It is limited to England and Wales because electronic monitoring is available throughout Northern Ireland.

Chris Philp

Gov 89

Laura Farris

★ Clause 34, page 28, line 29, leave out “In” and insert “For the purposes of”

Member's explanatory statement

This amendment clarifies that the definitions in new section 5C(5) are relevant to subsection (4)(a) (but the defined terms are not all set out in subsection (4)(a)).

Chris Philp

Gov 90

Laura Farris

- ★ Clause 35, page 30, line 16, leave out “the appropriate court” and insert “a court or sheriff”

Member's explanatory statement

This amendment restates the position under sections 8 of the Serious Crime Act 2007 in relation to applications for serious crime prevention orders to the High Court of Justiciary or the sheriff in Scotland under section 22A of that Act.

Chris Philp

Gov 91

Laura Farris

- ★ Clause 35, page 30, leave out lines 32 and 33 and insert—

- “(ii) the Director of the Serious Fraud Office,
- (iii) the Director General of the National Crime Agency,
- (iv) the Commissioners for His Majesty’s Revenue and Customs,
- (v) the chief officer of police, or
- (vi) the Chief Constable of the Ministry of Defence Police, and”

Member's explanatory statement

This amendment provides that the persons listed in the amendment may apply to the High Court in Northern Ireland for a serious crime prevention order.

Chris Philp

Gov 92

Laura Farris

- ★ Clause 35, page 30, line 34, leave out from “by” to end of line 39 and insert “a person listed in paragraph (a)(iii) to (vi), only if the person has consulted the Director of Public Prosecutions for Northern Ireland.”

Member's explanatory statement

This amendment omits the requirement that a chief officer of police in Northern Ireland may only apply for a serious crime prevention order if it is terrorism-related. It also provides that each of the applicants listed in paragraph (a)(iii) to (vi) must consult the Director of Public Prosecutions for Northern Ireland before making an application.

Chris Philp

Gov 93

Laura Farris

★ Clause 35, page 30, line 39, at end insert—

“(1D) A serious crime prevention order may be made by the Crown Court in Northern Ireland—

(a) only on an application by—

- (i) the Director of Public Prosecutions for Northern Ireland,
- (ii) the Director of the Serious Fraud Office, or
- (iii) a chief officer of police, and

(b) in the case of an application by a chief officer of police, only if—

- (i) it is an application for an order under section 19 or 19A that is terrorism-related (see section 8A), and
- (ii) the chief officer has consulted the Director of Public Prosecutions for Northern Ireland.”

Member's explanatory statement

This amendment makes provision for the Director of the Serious Fraud Office to apply to the Crown Court in Northern Ireland for a serious crime prevention order.

Chris Philp

Gov 94

Laura Farris

★ Clause 35, page 30, leave out lines 41 to 44 and insert—

“(a) in paragraph (a)—

- (i) omit sub-paragraphs (i) and (iii);
- (ii) after sub-paragraph (iv) insert—

“(v) in any other case, the person who applied for the order;”;

(b) for paragraph (b) substitute—

“(b) in relation to a serious crime prevention order in Northern Ireland, the person who applied for the order.””

Member's explanatory statement

This amendment makes provision for the meaning of “relevant applicant authority” for serious crime prevention orders in Northern Ireland, and is consequential on amendment 91.

Chris Philp

Gov 95

Laura Farris

★ Clause 35, page 31, line 17, at end insert—

“(4A) In section 28 (power to wind up companies: Northern Ireland)—

(a) in subsection (1)—

- (i) in the words before paragraph (a), after “Northern Ireland” insert “or the Director of the Serious Fraud Office”;
- (ii) in paragraph (b), for “of Public Prosecutions for Northern Ireland” substitute “concerned”;

(b) for subsection (1A) substitute—

“(1A) A person mentioned in section 8(1C)(a)(iii) to (vi) may present a petition to the court for the winding up of a company, partnership or relevant body if—

- (a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order made on an application by the person, and
 - (b) the person considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.”;
- (c) in subsection (3), for the words from “the Director of Public Prosecutions for Northern Ireland” to the end substitute “a person who is authorised to present a petition in accordance with subsection (1) or (1A).”

Member's explanatory statement

This amendment makes provision for each of the new applicants for a serious crime prevention order in Northern Ireland to be able to present a petition to the court for the winding up of a body which has been convicted of an offence in relation to an order made on the application of the applicant. It is consequential on amendment 91.

Chris Philp

Gov 96

Laura Farris

★ Clause 35, page 31, line 18, at end insert—

“(za) in paragraph 12—

- (i) in paragraphs (a) and (b), after “England and Wales” insert “or Northern Ireland”;
- (ii) in paragraph (c), after “section 27” insert “or 28”;

Member's explanatory statement

This amendment extends the functions of the Director of the Serious Fraud Office in relation to serious crime prevention orders in Northern Ireland, and is consequential on amendment 91.

Chris Philp

Gov 97

Laura Farris

- ★ Clause 35, page 31, line 24, after “England and Wales” insert “or Northern Ireland”

Member's explanatory statement

This amendment and amendments 98 and 99 extend the functions of the Director General of the National Crime Agency in relation to serious crime prevention orders in Northern Ireland, and are consequential on amendment 91.

Chris Philp

Gov 98

Laura Farris

- ★ Clause 35, page 31, line 29, at end insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 97.

Chris Philp

Gov 99

Laura Farris

- ★ Clause 35, page 31, line 33, after “section 27” insert “or 28”

Member's explanatory statement

See the explanatory statement to amendment 97.

Chris Philp

Gov 100

Laura Farris

- ★ Clause 35, page 31, line 43, after “England and Wales” insert “or Northern Ireland”

Member's explanatory statement

This amendment and amendments 101 and 102 extend the functions of the Commissioners for His Majesty's Revenue and Customs in relation to serious crime prevention orders in Northern Ireland, and are consequential on amendment 91.

Chris Philp

Gov 101

Laura Farris

- ★ Clause 35, page 32, line 4, at end insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 100.

Chris Philp

Gov 102

Laura Farris

- ★ Clause 35, page 32, line 8, after “section 27” insert “or 28”

Member's explanatory statement

See the explanatory statement to amendment 100.

Chris Philp

Gov 103

Laura Farris

- ★ Clause 35, page 33, line 7, after “England and Wales” insert “or Northern Ireland”

Member's explanatory statement

This amendment and amendments 104 to 105 extend the functions of the Chief Constable of the Ministry of Defence Police in relation to serious crime prevention orders in Northern Ireland, and are consequential on amendment 91.

Chris Philp

Gov 104

Laura Farris

- ★ Clause 35, page 33, line 12, at end insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 103.

Chris Philp

Gov 105

Laura Farris

- ★ Clause 35, page 33, line 15, at end insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 103.

Chris Philp

Gov 106

Laura Farris

- ★ Clause 35, page 33, line 20, after “England and Wales” insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 103.

Chris Philp

Gov 107

Laura Farris

- ★ Clause 36, page 33, line 35, at end insert “and Northern Ireland”

Member's explanatory statement

This amendment and amendments 108 and 110 to 113 make provision for notification requirements by persons other than individuals who are subject to a serious crime prevention order in Northern Ireland.

Chris Philp

Gov 108

Laura Farris

- ★ Clause 36, page 33, line 38, after “Wales” insert “or Northern Ireland”

Member's explanatory statement

See the explanatory statement for amendment 107.

Chris Philp

Gov 109

Laura Farris

- ★ Clause 36, page 33, line 39, leave out from second “the” to end of line 40 and insert “first day on which any of its provisions comes into force—”

Member's explanatory statement

This amendment adjusts the time period within which a notification under section 15A(1) must be made.

Chris Philp

Gov 110

Laura Farris

- ★ Clause 36, page 34, leave out lines 4 to 6 and insert—

“(3) A person who is subject to a serious crime prevention order made by a court in England and Wales commits an offence under the law of England and Wales if, without reasonable excuse, the person fails to comply with a requirement imposed by subsection (1) as it applies by virtue of the order.

(3A) A person who is subject to a serious crime prevention order made by a court in Northern Ireland commits an offence under the law of Northern Ireland if, without reasonable excuse, the person fails to comply with a requirement imposed by subsection (1) as it applies by virtue of the order.”

Member's explanatory statement

This amendment clarifies the jurisdiction in which a person commits an offence for failure to comply with a notification requirement under section 15A.

Chris Philp

Gov 111

Laura Farris

★ Clause 36, page 34, line 7, leave out “on summary conviction to a fine” and insert “—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale.”

Member's explanatory statement

This amendment makes provision for the penalties to apply in Northern Ireland for a failure to comply with the notification requirements set out in section 15A.

Chris Philp

Gov 112

Laura Farris

★ Clause 36, page 34, leave out lines 22 to 24 and insert—

- “(3) A person who is subject to a serious crime prevention order made by a court in England and Wales commits an offence under the law of England and Wales if, without reasonable excuse, the person fails to comply with a requirement imposed by subsection (2) as it applies by virtue of the order.
- (4) A person who is subject to a serious crime prevention order made by a court in Northern Ireland commits an offence under the law of Northern Ireland if, without reasonable excuse, the person fails to comply with a requirement imposed by subsection (2) as it applies by virtue of the order.”

Member's explanatory statement

This amendment clarifies the jurisdiction in which a person commits an offence for failure to comply with a notification requirement imposed by section 15B.

Chris Philp

Gov 113

Laura Farris

★ Clause 36, page 34, line 25, leave out “on summary conviction to a fine” and insert “—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale.”

Member's explanatory statement

This amendment makes provision for the penalties to apply in Northern Ireland for a failure to comply with the notification requirements set out in section 15B.

Chris Philp

Gov 114

Laura Farris

- ★ Clause 36, page 34, line 36, at end insert—

“(3) In this section “relevant body” has the same meaning as in section 15A.”

Member's explanatory statement

This amendment inserts a definition of “relevant body” into section 15C.

Chris Philp

Gov 115

Laura Farris

- ★ Clause 36, page 35, line 1, after “Wales” insert “or Northern Ireland”

Member's explanatory statement

This amendment and amendments 118 and 120 to 123 make provision for notification requirements by individuals who are subject to a serious crime prevention order in Northern Ireland.

Chris Philp

Gov 116

Laura Farris

- ★ Clause 36, page 35, line 2, leave out from “with” to end and insert “the first day on which any of its provisions comes into force,”

Member's explanatory statement

This amendment adjusts the time period during which a notification under section 15D(1) must be made.

Alex Cunningham

69

Shabana Mahmood

- ☆ Clause 36, page 35, line 2, at end insert “or, where the person is in custody, within three days of the day on which the person is released from custody,”

Member's explanatory statement

This amendment would mean that, where a person in custody is made subject to a serious crime prevention order, the three day time period within which they must notify the police of notifiable information does not start until the day they are released from custody.

Chris Philp

Gov 117

Laura Farris

★ Clause 36, page 35, line 13, at end insert—

“(da) any name—

- (i) which the person uses to access a video game that is a user-to-user service or that is available as part of a user-to-user service, or
- (ii) the function of which is to identify the person as the user of such a game;”

Member's explanatory statement

This amendment requires the subject of a serious crime prevention order to notify the police of any name used to access a video game which is a user-to-user service or which identify the person as the user of such a game.

Chris Philp

Gov 118

Laura Farris

★ Clause 36, page 35, leave out lines 24 to 36

Member's explanatory statement

This amendment and amendment 120 clarify the jurisdiction in which a person commits an offence for failure to comply with a notification requirement under section 15D and make provision for the penalties to apply on conviction in Northern Ireland.

Chris Philp

Gov 119

Laura Farris

★ Clause 36, page 36, line 12, at end insert—

“(e) “user-to-user service” has the meaning given by section 3 of the Online Safety Act 2023.”

Member's explanatory statement

This amendment defines “user-to-user service” for the purpose of amendment 117.

Chris Philp

Gov 120

Laura Farris

★ Clause 36, page 36, line 12, at end insert—

- “(6) A person who is subject to a serious crime prevention order made by a court in England and Wales commits an offence under the law of England and Wales if the person—
- (a) fails, without reasonable excuse, to comply with a requirement imposed by subsection (1) as it applies by virtue of the order;
 - (b) notifies the police, in purported compliance with such a requirement, of any information which the person knows to be false.
- (7) A person guilty of an offence under subsection (6) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine, or both.
- (8) A person who is subject to a serious crime prevention order made by a court in Northern Ireland commits an offence under the law of Northern Ireland if the person—
- (a) fails, without reasonable excuse, to comply with a requirement imposed by subsection (1) as it applies by virtue of the order;
 - (b) notifies the police, in purported compliance with such a requirement, of any information which the person knows to be false.
- (9) A person guilty of an offence under subsection (8) 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 5 years or a fine, or both.”

Member's explanatory statement

See the explanatory statement to amendment 118.

Chris Philp

Gov 121

Laura Farris

★ Clause 36, page 36, line 18, after “person” insert “who is subject to a serious crime prevention order made by a court in England and Wales”

Member's explanatory statement

This amendment and amendments 122 and 123 clarify the jurisdiction in which a person commits an offence for failure to comply with section 15E(1).

Chris Philp

Gov 122

Laura Farris

★ Clause 36, page 36, line 21, at end insert “as it applies by virtue of the order”

Member's explanatory statement

See the explanatory statement to amendment 121.

Chris Philp

Gov 123

Laura Farris

★ Clause 36, page 36, line 30, at end insert—

- “(3A) A person who is subject to a serious crime prevention order made by a court in Northern Ireland commits an offence under the law of Northern Ireland if the person—
- (a) fails, without reasonable excuse, to comply with a requirement imposed by subsection (1) as it applies by virtue of the order;
 - (b) notifies the police, in purported compliance with such a requirement, of any information which the person knows to be false.
- (3B) A person guilty of an offence under subsection (3A) 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 5 years or a fine, or both.”

Member's explanatory statement

See the explanatory statement to amendment 121.

Chris Philp

Gov 124

Laura Farris

★ Clause 36, page 37, leave out lines 10 and 11 and insert—

- “(3) A person who is subject to a serious crime prevention order made by a court in England and Wales commits an offence under the law of England and Wales if the person fails, without reasonable excuse, to comply with subsection (1) in relation to the notification.”

Member's explanatory statement

This amendment and amendment 125 make provision for a person to commit an offence under section 15G(1) under the law of Northern Ireland.

Chris Philp

Gov 125

Laura Farris

★ Clause 36, page 37, line 17, at end insert—

- “(5) A person who is subject to a serious crime prevention order made by a court in Northern Ireland commits an offence under the law of Northern Ireland if the person fails, without reasonable excuse, to comply with subsection (1) in relation to the notification.
- (6) A person guilty of an offence under subsection (5) 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 5 years or a fine, or both.”

Member's explanatory statement

See the explanatory statement to amendment 124.

Chris Philp

Gov 126

Laura Farris

★ Clause 36, page 37, line 20, after “Wales” insert “or Northern Ireland”

Member's explanatory statement

This amendment provides for a court in Northern Ireland to make provision in a serious crime prevention order about how notifications under section 15A to 15E are to be made.

Chris Philp

Gov 127

Laura Farris

★ Clause 37, page 38, leave out lines 19 to 21 and insert—

- “(2) A court that makes an order by virtue of subsection (1) in the case of a person who is already the subject of a serious crime prevention order in England and Wales must discharge the existing order.
- (2A) The Crown Court in Northern Ireland may make an order under this section in relation to a person who is acquitted of an offence by or before the court, or where the court allows a person’s appeal against a conviction for an offence, if—
- (a) the court is satisfied that the person has been involved in serious crime (whether in Northern Ireland or elsewhere), and
 - (b) the court has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in Northern Ireland.
- (2B) A court that makes an order by virtue of subsection (2A) in the case of a person who is already the subject of a serious crime prevention order in Northern Ireland must discharge the existing order.”

Member's explanatory statement

This amendment and amendment 128 make provision for the Crown Court in Northern Ireland to make serious crime prevention orders on acquittal or when allowing an appeal.

Chris Philp

Gov 128

Laura Farris

- ★ Clause 37, page 38, line 27, at end insert “or (as the case may be) Northern Ireland”

Member's explanatory statement

See the explanatory statement to amendment 127.

Chris Philp

Gov 129

Laura Farris

- ★ Clause 37, page 38, line 38, at end insert—

“(5A) In section 3(4), for “section 1(2)(a)” substitute “sections 1(2)(a) and 19A(2A)(a)”.”

Member's explanatory statement

This amendment is consequential on amendments 127 and 128.

Chris Philp

Gov 130

Laura Farris

- ★ Clause 37, page 39, line 4, after “19A(1)” insert “and (2A)”

Member's explanatory statement

This amendment is consequential on amendments 127 and 128.

Chris Philp

Gov 70

Laura Farris

- ★ Clause 43, page 42, line 21, after “application” insert “by complaint”

Member's explanatory statement

This amendment provides for applications for nuisance begging prevention orders to be made by complaint.

Chris Philp

Gov 71

Laura Farris

- ★ Clause 45, page 44, line 8, leave out “on the day” and insert “at the beginning of the day after the day on which”

Member's explanatory statement

This amendment provides for a nuisance begging prevention order to take effect at the beginning of the day after the day on which it is made.

Chris Philp

Gov 72

Laura Farris

- ★ Clause 45, page 44, line 9, leave out “subsection (2)” and insert “subsections (2) and (2A)”

Member's explanatory statement

This amendment and amendments 74 and 76 provide that where a nuisance begging prevention order is made in respect of certain offenders, the order may take effect from a later time described in the table inserted by amendment 74.

Chris Philp

Gov 73

Laura Farris

- ★ Clause 45, page 44, line 12, leave out “be made so as to take” and insert “provide that it takes”

Member's explanatory statement

This is a drafting change.

Chris Philp

Gov 74

Laura Farris

- ★ Clause 45, page 44, line 13, at end insert—

“(2A) If a nuisance begging prevention order is made in respect of a person described in the first column of the following table, the order may provide that it takes effect as mentioned in the second column.

Description of person	Time when order takes effect
A person who has been remanded in custody, or committed to custody, by an order of a court	From the beginning of the day on which the person is released from custody

Description of person	Time when order takes effect
A person subject to a custodial sentence	Immediately after the person ceases to be subject to a custodial sentence"

Member's explanatory statement

See the statement for amendment 72.

Chris Philp

Gov 75

Laura Farris

- ★ Clause 45, page 44, line 16, leave out "not exceed" and insert "be a fixed period not exceeding"

Member's explanatory statement

This amendment clarifies that the specified period for an order must be a fixed period.

Chris Philp

Gov 76

Laura Farris

- ★ Clause 45, page 44, line 19, after "section" insert "—

"custodial sentence" means—

- (a) a sentence of imprisonment or any other sentence or order mentioned in section 222 of the Sentencing Code or section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000, or
- (b) a sentence or order which corresponds to a sentence or order within paragraph (a) and which was imposed or made under an earlier enactment;"

Member's explanatory statement

See the statement for amendment 72.

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.

Chris Philp**Gov 77**

Laura Farris

★ Clause 56, page 51, line 13, after "application" insert "by complaint"

Member's explanatory statement

This amendment provides for applications for nuisance rough sleeping prevention orders to be made by complaint.

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.

Chris Philp

Gov 78

Laura Farris

- ★ Clause 58, page 53, line 2, leave out “on the day” and insert “at the beginning of the day after the day on which”

Member's explanatory statement

This amendment provides for a nuisance rough sleeping prevention order to take effect at the beginning of the day after the day on which it is made.

Chris Philp

Gov 79

Laura Farris

- ★ Clause 58, page 53, line 3, leave out “subsection (2)” and insert “subsections (2) and (2A)”

Member's explanatory statement

This amendment and amendments 81 and 83 provide that where a nuisance begging prevention order is made in respect of certain offenders, the order may take effect from a later time described in the table inserted by amendment 81.

Chris Philp

Gov 80

Laura Farris

- ★ Clause 58, page 53, line 6, leave out “be made so as to take” and insert “provide that it takes”

Member's explanatory statement

This is a drafting change.

Chris Philp

Gov 81

Laura Farris

★ Clause 58, page 53, line 7, at end insert—

“(2A) If a nuisance rough sleeping prevention order is made in respect of a person described in the first column of the following table, the order may provide that it takes effect as mentioned in the second column.

Description of person	Time when order takes effect
A person who has been remanded in custody, or committed to custody, by an order of a court	From the beginning of the day on which the person is released from custody
A person subject to a custodial sentence	Immediately after the person ceases to be subject to a custodial sentence”

Member's explanatory statement

See the statement for amendment 79.

Chris Philp

Gov 82

Laura Farris

★ Clause 58, page 53, line 10, leave out “not exceed” and insert “be a fixed period not exceeding”

Member's explanatory statement

This amendment clarifies that the specified period for an order must be a fixed period.

Chris Philp

Gov 83

Laura Farris

★ Clause 58, page 53, line 13, after “section” insert “—

“custodial sentence” has the meaning given by section 45;”

Member's explanatory statement

See the statement for amendment 79.

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.
-
- Alex Norris** 63
- Clause 73, page 64, line 36, at end insert—
- “(3A) The Code must set out the actions and behaviours which will be considered to constitute “acting ethically.””
- Member's explanatory statement**
- This amendment would require the College of Policing’s code to state how police officers are to embody and demonstrate the requirement to act ethically.
-
- Chris Philp** Gov 41
Laura Farris
- Clause 77, page 68, line 36, leave out “5” and insert “1”
- Member's explanatory statement**
- This amendment provides that clauses 1 to 4 extend to (ie form part of the law of) Scotland and Northern Ireland, as well as England and Wales.
-
- Chris Philp** Gov 42
Laura Farris

Clause 77, page 69, line 2, at end insert—

“(ea) section (*Terrorist offenders*) (and Schedule (*Notification orders*));”

Member's explanatory statement

This amendment provides that the new clause and Schedule moved by NC14 and NS1 extend to England and Wales, Scotland and Northern Ireland.

Chris Philp

Gov 43

Laura Farris

Clause 77, page 69, line 10, at end insert—

“(3A) Sections 11 and 12 extend to England and Wales and Northern Ireland.”

Member's explanatory statement

See the statement to amendment 23.

Chris Philp

Gov 44

Laura Farris

Clause 77, page 69, line 11, after “by” insert “section 32(2) or”

Member's explanatory statement

This amendment to the extent provision is consequential on Amendment 40.

Chris Philp

Gov 50

Laura Farris

Clause 77, page 69, line 12, at end insert—

- “(5) Nothing in subsections (1) to (4) limits the extent within the United Kingdom of the armed forces provisions.
- (6) Section 384(1) and (2) of the Armed Forces Act 2006 (extent outside the United Kingdom) applies to the armed forces provisions as it applies to the provisions of that Act.
- (7) In subsections (5) and (6) the “armed forces provisions” means—
 - (a) a provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006;
 - (b) an amendment, modification or repeal made by or under this Act of—
 - (i) a provision of or made under the Armed Forces Act 2006,
 - (ii) a provision that amends, modifies or repeals a provision of, or made under, that Act, or

- (iii) any other provision, so far as the provision is applied (by whatever words) by or under that Act.”

Member's explanatory statement

This amendment makes provision about the extent of provisions of or made under the Bill which relate to the Armed Forces Act 2006.

Chris Philp

Gov 131

Laura Farris

- ★ Clause 78, page 69, line 18, leave out “, 21 and 34” and insert “and 21”

Member's explanatory statement

This amendment and amendment 132 provide for the clauses about serious crime prevention orders to be brought into force by regulations.

Chris Philp

Gov 45

Laura Farris

Clause 78, page 69, line 18, after “sections” insert “(*Testing of persons outside of police detention for presence of controlled drugs*),”

Member's explanatory statement

This amendment makes provision to bring NC13 into force on Royal Assent for the purpose of making regulations and issuing codes of practice.

Chris Philp

Gov 46

Laura Farris

Clause 78, page 69, line 18, after “regulations” insert “or issuing codes of practice”

Member's explanatory statement

See the statement for amendment 45.

Dame Diana Johnson

1

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

Zarah Sultana
 Caroline Lucas
 Stephen Farry
 Liz Saville Roberts

Bell Ribeiro-Addy
 Sarah Champion
 Ben Lake

Daisy Cooper
 Wendy Chamberlain
 Hywel Williams

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.

Chris Philp

Gov 132

Laura Farris

★ Clause 78, page 69, leave out line 28

Member's explanatory statement

See the explanatory statement to amendment 131.

Chris Philp

Gov NC10

Laura Farris

To move the following Clause—

“Power to seize bladed articles etc: armed forces

In the Armed Forces Act 2006, after section 93ZC (inserted by section (*Stolen goods on premises (entry, search and seizure without warrant): armed forces*)) insert—

“93ZD Power to seize bladed articles etc

- (1) This section applies where—
 - (a) a service policeman is lawfully on any premises which are searchable by virtue of this Part, or
 - (b) a person subject to service law who is not a service policeman is lawfully on any premises in the exercise of a power of search conferred by virtue of this Part.
- (2) If the service policeman or person subject to service law—

- (a) finds, on the premises, an article which has a blade or is sharply pointed (a “relevant article”), and
 - (b) has reasonable grounds for suspecting that the relevant article would be likely to be used in connection with unlawful violence (if it were not seized),they may seize the relevant article.
- (3) The following provisions apply where a relevant article is seized under this section.
- (4) The service policeman or person subject to service law who seized the relevant article—
 - (a) must give a record of what was seized to a person who is on the premises, or
 - (b) if there is no person on the premises, must leave a record of what was seized in a prominent place on the premises.
- (5) The record must—
 - (a) describe the relevant article,
 - (b) state that it has been seized under this section,
 - (c) specify the date of seizure,
 - (d) give the reason why the relevant article was seized, and
 - (e) specify the name, rank or rate, and the unit, of the service policeman or person subject to service law who seized the relevant article.
- (6) Following seizure of the relevant article, the service policeman or person subject to service law may—
 - (a) retain it, or
 - (b) destroy it or otherwise dispose of it.This is subject to subsections (7) and (12).
- (7) A person (“P”) claiming to be the owner of the relevant article may apply to the commanding officer of the relevant person for a determination that the relevant article should be delivered to P.
- (8) The “relevant person” is the person by virtue of whose occupation of or other connection with the premises, the premises are within subsection (1).
- (9) The commanding officer may make a determination under subsection (7) if it appears to them that—
 - (a) P is the owner of the relevant article, and
 - (b) it would be just to make the determination.
- (10) If the commanding officer does not make a determination under subsection (7), P may appeal to a judge advocate.
- (11) The Secretary of State may by regulations make provision—

- (a) with respect to the practice and procedure which is to apply in connection with applications for a determination under subsection (7) and appeals under subsection (10);
 - (b) conferring functions on judge advocates in relation to appeals under subsection (10).
- (12) The relevant article may not be destroyed or disposed of—
- (a) in the period of 6 months beginning with the day on which it is seized, or
 - (b) if an application under subsection (7) is made in that period, until the application (including any appeal) has been finally determined or otherwise disposed of (and then, only if no determination is made that the relevant article should be delivered to P).
- (13) In this section “unlawful violence” includes—
- (a) unlawful damage to property, and
 - (b) a threat of unlawful violence (including of unlawful damage to property).””

Member's explanatory statement

This new clause amends the Armed Forces Act 2006 to make provision equivalent to that made by clause 18 of the Bill.

Chris Philp

Laura Farris

Gov NC11

To move the following Clause—

“Stolen goods on premises (entry, search and seizure without warrant): armed forces

In the Armed Forces Act 2006, after section 93 insert—

“93ZA Search for particular stolen goods

- (1) A service policeman of at least the rank of naval lieutenant, military or marine captain or flight lieutenant may authorise a service policeman to—
 - (a) enter specified premises which are relevant residential premises, and
 - (b) search the specified premises for specified items.
- (2) An officer may give an authorisation under subsection (1) only if satisfied that there are reasonable grounds to believe that—
 - (a) the specified items are stolen goods,
 - (b) the specified items are on the specified premises, and
 - (c) it is likely that the purpose of the search would be frustrated or seriously prejudiced if no search could be carried out before the time mentioned in subsection (3).

- (3) That time is the earliest time by which it would be practicable—
 - (a) for a service policeman to obtain and execute a warrant under section 83 authorising the entry and search of the premises, or
 - (b) in a case where a member of a UK police force could obtain a warrant under section 8 of PACE or any other enactment authorising the entry and search of the premises, for a member of such a force to obtain and execute such a warrant.
- (4) An officer may give an authorisation under subsection (1) orally or in writing.
- (5) As soon as reasonably practicable after giving the authorisation the officer must record in writing—
 - (a) if the authorisation is given orally, the authorisation, and
 - (b) in any case, the officer's reasons for being satisfied as mentioned in subsection (2).
- (6) The powers conferred by an authorisation under subsection (1) may be exercised only—
 - (a) by a service policeman in uniform,
 - (b) before the end of the 24 hour period beginning with the time the authorisation is given, and
 - (c) at a reasonable hour (unless it appears to the service policeman that exercising them at a reasonable hour may frustrate or seriously prejudice the purpose of exercising them).
- (7) The power of search conferred by an authorisation under subsection (1) is exercisable only to the extent that is reasonably required for the purpose of searching the specified premises for the specified items.
- (8) Where the occupier of the specified premises is present at the time the service policeman seeks to enter and search them, the service policeman must—
 - (a) identify themselves to the occupier, and
 - (b) state the purpose for which they are entering and searching the premises.

93ZB Seizure on search under section 93ZA

- (1) This section applies where a service policeman is lawfully on relevant residential premises in exercise of the powers conferred by an authorisation under section 93ZA(1).
- (2) The service policeman may seize anything which is on the specified premises (whether or not it is a specified item) if the service policeman has reasonable grounds to believe—
 - (a) that it is stolen goods, and
 - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged altered or destroyed.

- (3) The service policeman may seize anything which is on the specified premises (whether or not it is a specified item) if the service policeman has reasonable grounds to believe—
 - (a) that it is evidence in relation to—
 - (i) an offence under section 42 which the service policeman is investigating, or
 - (ii) any other offence under section 42,
as respects which the corresponding offence under the law of England and Wales is theft, and
 - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, damaged, altered or destroyed.
- (4) The powers of seizure in subsections (2) and (3) include power to require information which is stored in an electronic form and is accessible from the premises to be produced in a form—
 - (a) in which it can be taken away and which it is visible and legible,
or
 - (b) from which it can readily be produced in a visible and legible form.
- (5) As soon as reasonably practicable after exercising a power of seizure conferred by this section, the service policeman must record in writing—
 - (a) the grounds on which the power was exercised, and
 - (b) the items seized.

93ZC Sections 93ZA and 93ZB: supplementary

- (1) The powers conferred by sections 93ZA and 93ZB do not include powers to search for or seize—
 - (a) items subject to legal privilege,
 - (b) excluded material, or
 - (c) special procedure material.
- (2) In sections 93ZA and 93ZB “specified” means specified in an authorisation under section 93ZA(1).
- (3) Sections 93ZA and 93ZB are to be construed in accordance with section 24 of the Theft Act 1968, reading references in that section to blackmail and fraud as including an offence under section 42 as respects which the corresponding offence under the law of England and Wales is blackmail or fraud.
- (4) In sections 93ZA and 93ZB the following expressions have the meanings given by section 84—
 - “excluded material”
 - “items subject to legal privilege”
 - “relevant residential premises”
 - “special procedure material”.

Member's explanatory statement

This new clause amends the Armed Forces Act 2006 to make provision equivalent to the provision inserted into the Theft Act 1968 by clause 19 of the Bill.

Chris Philp

Laura Farris

Gov NC12

To move the following Clause—

“Powers to compel attendance at sentencing hearing: armed forces

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 259 insert—

“Attendance at sentencing hearings

259A Power to order attendance

- (1) This section applies where—
 - (a) an offender has been convicted of a service offence in respect of which a life sentence may, or must, be passed,
 - (b) the offender is kept in service custody awaiting sentencing by the Court Martial, and
 - (c) the offender has refused, or there are reasonable grounds to suspect the offender will refuse, to attend court for the sentencing hearing.
- (2) The Court Martial may order the offender to attend court for the sentencing hearing.
- (3) An order under subsection (2) may be made by the Court Martial of its own motion or on the application of the Director of Service Prosecutions.
- (4) Before making an order under subsection (2) in relation to an offender aged under 18, the Court Martial must have regard to the welfare of the offender.
- (5) In this section—

“life sentence” means any of the following sentences imposed by virtue of this Act—

 - (a) a sentence of imprisonment for life,
 - (b) a sentence of detention for life during His Majesty's pleasure, or
 - (c) a sentence of custody for life;

“sentencing hearing” means a hearing following conviction that is held for the purposes of sentencing an offender.
- (6) Nothing in this section limits any other power of the Court Martial to order an offender to attend court for a sentencing hearing.

259B Power to order production of offender

- (1) This section applies where—
 - (a) an offender aged 18 or over is kept in service custody awaiting sentencing by the Court Martial or the Service Civilian Court in respect of a service offence, and
 - (b) the offender has refused, or there are reasonable grounds to suspect the offender will refuse, to attend court for the sentencing hearing.
 - (2) The court may order that the offender is produced before the court for the sentencing hearing.
 - (3) An order under subsection (2) may be made by the court of its own motion or on the application of the Director of Service Prosecutions.
 - (4) A person subject to service law who is authorised for the purposes of this section by the Provost Marshal of the Royal Military Police may use reasonable force, if necessary and proportionate, to give effect to an order under subsection (2).
 - (5) In this section “sentencing hearing” has the meaning given by section 259A.
 - (6) A person is to be treated as having complied with an order under subsection (2) if they have done all that they reasonably can to secure that the offender is produced before the court for sentencing.
 - (7) Nothing in this section affects—
 - (a) any other power of the court to order that an offender is produced before the court for a sentencing hearing;
 - (b) any other power to use force.”
- (3) In section 309 (offences of misbehaviour in court etc)—
- (a) after subsection (1) insert—

“(1A) The Court Martial also has jurisdiction under this section to deal with an offender who fails without reasonable excuse to comply with an order under section 259A(2) (order to attend sentencing hearing).”;
 - (b) in subsection (2)(a) after “days” insert “or, in a case within subsection (1A), 2 years”.

Member's explanatory statement

This new clause amends the Armed Forces Act 2006 to make provision equivalent to the provision inserted into the Sentencing Code by clause 22 of the Bill.

Chris Philp

Laura Farris

Gov NC13

To move the following Clause—

“Testing of persons outside of police detention for presence of controlled drugs

- (1) The Police and Criminal Evidence Act 1984 is amended as set out in subsections (2) to (5).
- (2) In section 30 (arrest elsewhere than at police station), after subsection (11) insert—
 - “(11A) Nothing in subsection (1A) or in section 30A prevents a constable delaying taking a person to a police station, or releasing the person under section 30A, for such time as is reasonable for the purpose of taking a sample under section 32A.
 - (11B) Where there is any such delay the reasons for the delay must be recorded when the person first arrives at the police station or (as the case may be) is released under section 30A.”
- (3) After section 32 (search upon arrest) insert—

“32A Testing for presence of controlled drugs upon arrest at a place other than a police station

- (1) An approved constable may take a single non-intimate sample from a person for the purpose of ascertaining whether any specified controlled drug is in the person’s body, if the following conditions are met—
 - (a) the arrest condition,
 - (b) the age condition, and
 - (c) the request condition.
- (2) The arrest condition is that section 30(1A) applies in respect of the person and either—
 - (a) the offence for which the person was arrested is a trigger offence, or
 - (b) a constable of at least the rank of inspector—
 - (i) has reasonable grounds for suspecting that the misuse by the person of a specified controlled drug caused or contributed to the offence for which the person was arrested, and
 - (ii) has authorised the sample to be taken.
- (3) The age condition is that the person is aged 18 or over.
- (4) The request condition is that an approved constable has requested the person to give the sample.
- (5) Before requesting the person to give a sample, an approved constable must—
 - (a) warn the person that if, when so requested, the person fails without good cause to do so the person may be liable to prosecution, and
 - (b) in a case within subsection (2)(b), inform the person of the giving of the authorisation and of the grounds in question.

- (6) A sample may only be taken under this section—
 - (a) at or near the place where an approved constable requested the person to give the sample, and
 - (b) before the person has been taken to a police station or released under section 30(7) or 30A.
- (7) If a sample is taken from a person under this section, an approved constable must give the person a notice in writing which sets out—
 - (a) the offence in respect of which the arrest condition is met;
 - (b) in a case within subsection (2)(b), details of the authorisation and the grounds in question;
 - (c) the date and time when the sample was taken;
 - (d) the location where the sample was taken;
 - (e) whether an analysis of the sample reveals that a specified controlled drug may be present in the person's body.
- (8) A notice under subsection (7) must be given as soon as reasonably practicable and in any event before the earlier of the person being released or charged with the offence in respect of which the arrest condition is met.
- (9) A person who fails without good cause to give any sample which may be taken from the person under this section commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).

32B Section 32A: supplementary

- (1) A constable of at least the rank of inspector may give an authorisation under section 32A(2)(b) orally or in writing but, if it is given orally, the constable must confirm it in writing as soon as is practicable.
- (2) If a person from whom a sample is taken under section 32A is taken to a police station, the constable giving the notice under section 32A(7) must secure that a record is made, as part of the person's custody record, of the matters set out in the notice.
- (3) If a person from whom a sample is taken under section 32A is released under section 30(7) or 30A, the constable giving the notice under section 32A(7) must, as soon as is practicable after the notice is given, make a record in writing of the matters set out in the notice.
- (4) Section 32A does not prejudice the generality of section 63.
- (5) In section 32A—

“approved constable” means a constable who has been approved for the purposes of section 32A by the chief officer of police of the police force to which the constable belongs (or, where the constable belongs to the British Transport Police Force, by the chief constable of the British Transport Police Force);

“non-intimate sample” has the same meaning as in Part 5 (see section 65(1));

“specified controlled drug” means a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations under section 32C;

“trigger offence” means an offence specified in regulations under section 32C.

32C Section 32A: regulations

- (1) The Secretary of State may by regulations for the purposes of section 32A—
 - (a) specify a controlled drug as a “specified controlled drug”;
 - (b) specify an offence as a “trigger offence”.
- (2) Regulations under subsection (1)—
 - (a) may make different provision for different purposes or different areas; and
 - (b) may make transitional, transitory or saving provision.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument containing (whether alone or with other provision) regulations under subsection (1)(b) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.

32D Section 32A: disclosure of obtained information

Information obtained from a sample taken from a person under section 32A may be disclosed—

- (a) for the purpose of informing any decision about granting bail in criminal proceedings (within the meaning of the Bail Act 1976) to the person;
- (b) for the purpose of informing any decision about the giving of a diversionary caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022 to the person;
- (c) where the person is in police detention or is remanded in or committed to custody by an order of a court or has been granted such bail, for the purpose of informing any decision about the person’s supervision;
- (d) where the person is convicted of an offence, for the purpose of informing any decision about the appropriate sentence to be

- passed by a court and any decision about the person's supervision or release;
- (e) for the purpose of an assessment which the person is required to attend by virtue of section 9(2) or 10(2) of the Drugs Act 2005;
 - (f) for the purpose of proceedings against the person for an offence under section 12(3) or 14(3) of that Act;
 - (g) for the purpose of ensuring that appropriate advice and treatment is made available to the person."
- (4) In section 63B, after subsection (5D) insert—
- "(5E) A sample may not be taken from a person under this section if—
- (a) the person is in police detention by virtue of being taken to a police station after being arrested at a place other than a police station, and
 - (b) a sample was taken from the person under section 32A."
- (5) In section 66(2) (codes of practice), after "section" insert "32A or".
- (6) In Schedule 1 to the Bail Act 1976 (persons entitled to bail: supplementary provisions), in Part 1 (defendants accused or convicted of imprisonable offences), in paragraph 6B(1)(b)(i), after "under section" insert "32A or"."

Member's explanatory statement

The new clause provides for testing of controlled drugs upon arrest at a place other than a police station and makes related changes.

Chris Philp

Gov NC14

Laura Farris

To move the following Clause—

"Terrorist offenders

- (1) Schedule (*Notification orders*) amends Part 4 of the Counter-Terrorism Act 2008 (notification requirements) so as to enable courts to make notification orders in respect of persons who have committed certain domestic offences or service offences.
- (2) In section 43B of the Terrorism Act 2000 (terrorist offenders released on licence: arrest without warrant pending recall decision) in subsection (4) after paragraph (d) insert—
- "(e) a person in respect of whom—
- (i) a domestic offence notification order (within the meaning of Schedule 4A to the Counter-Terrorism Act 2008), or
 - (ii) a service offence notification order (within the meaning of Schedule 6A to that Act),
- has been made and who is serving a sentence for the offence by virtue of which the order was made.""

Member's explanatory statement

This new clause introduces the Schedule moved by NS1 (which provides for orders applying the notification requirements in Part 4 of the Counter-Terrorism Act 2008 to persons who have committed certain domestic offences or service offences) and also extends powers of arrest and search to persons in respect of whom such orders are made.

Chris Philp

Gov NC21

Laura Farris

★ To move the following Clause—

“Dispersal powers: removal of senior police officer authorisation

- (1) Omit section 34 of the Anti-social Behaviour, Crime and Policing Act 2014 (authorisation of constables to use dispersal powers by police officer of at least the rank of inspector).
- (2) In consequence of subsection (1), in section 35 of that Act (directions excluding a person from an area)—
 - (a) in subsection (1)—
 - (i) omit “and an authorisation is in force under section 34”;
 - (ii) for “in the locality specified in the direction” substitute “in a locality”;
 - (b) in subsection (4), omit the second sentence.”

Member's explanatory statement

This new clause removes the requirement that a police officer of at least the rank inspector must authorise the use of dispersal powers under section 35 of the Anti-social Behaviour, Crime and Policing Act 2014.

Chris Philp

Gov NC22

Laura Farris

★ To move the following Clause—

“Dispersal powers: extension to local authorities

- (1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.
- (2) In section 35—
 - (a) in subsections (1), for “a constable in uniform” substitute “an authorised person”;
 - (b) in subsection (2), (3) and (6), for “constable” substitute “authorised person”;
 - (c) after subsection (4), insert—

“(4A) Each of the following is an “authorised person”—

 - (a) a constable in uniform;

- (b) a person authorised for the purposes of this Part by the local authority in whose area the public place mentioned in subsection (1) is situated (“authorised LA officer”).”
- (d) after subsection (6), insert—
 - “(6A) A direction given by an authorised LA officer under this section is not valid if the officer—
 - (a) is asked by the person to whom the direction is given to show evidence of their authorisation, and
 - (b) fails to do so.”
- (e) in subsection (7), for “the constable” substitute “a constable in uniform in the public place”;
- (f) for subsection (8) substitute—
 - “(8) Any constable may withdraw or vary a direction given by a constable under this section.
 - (8A) Any authorised LA officer may withdraw or vary a direction given by an authorised LA officer under this section.
 - (8B) A variation under subsection (8) or (8A) must not extend the duration of a direction beyond 48 hours from when it was first given.”;
- (g) in subsection (11), for ““exclusion period”” to the end substitute “—
 - “authorised person” has the meaning given by subsection (4A);
 - “exclusion period” has the meaning given by subsection (1)(b);
 - “local authority” has the same meaning as in Part 1 (see section 20).”
- (3) In section 36 (restrictions)—
 - (a) in subsections (1), (2), (3) and (4), for “A constable” substitute “An authorised person”;
 - (b) in subsection (1), for “constable”, in the second place it appears, substitute “authorised person”;
 - (c) in subsection (5), for “a constable” substitute “an authorised person”.
- (4) In section 38 (record-keeping), in subsections (1) and (2), for “A constable” substitute “An authorised person”.
- (5) In section 41 (guidance), in subsection (1), for “chief officers of police” to the end substitute “—
 - (a) chief officers of police about the exercise, by officers under their direction or control, of those officers’ functions under this Part;
 - (b) local authorities about the exercise, by persons authorised under section 35(4A)(b), of those persons’ functions under this Part.””

Member's explanatory statement

This new clause confers dispersal powers under Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014 on persons authorised by local authorities for the purposes of the Part.

Dame Diana Johnson

NC1

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

Zarah Sultana
 Caroline Lucas
 Ben Lake

Bell Ribeiro-Addy
 Sarah Champion
 Hywel Williams

Daisy Cooper
 Stephen Farry
 Liz Saville Roberts

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
 Ian Byrne

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

Dawn Butler
 Caroline Lucas
 Cat Smith
 Debbie Abrahams
 Mohammad Yasin
 Ian Lavery
 Derek Twigg
 Liz Saville Roberts
 Paul Blomfield

Alicia Kearns
 Mr Ben Bradshaw
 Charlotte Nichols
 Paula Barker
 Mr Rob Roberts
 Justin Tomlinson
 Bell Ribeiro-Addy
 Hywel Williams

Wera Hobhouse
 Dehenna Davison
 Mrs Flick Drummond
 Lloyd Russell-Moyle
 Kim Johnson
 Tony Lloyd
 Yvonne Fovargue
 Ben Lake

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
Stephen Metcalfe

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

Dame Margaret Hodge
 Sir Peter Bottomley
 Daisy Cooper
 Ms Karen Buck
 Tim Loughton

Dawn Butler
 Mr Ben Bradshaw
 Marsha De Cordova
 Christina Rees
 Graham Stringer
 Jon Cruddas
 Richard Burgon
 Mr Virendra Sharma
 Mr Rob Roberts

Dame Meg Hillier
 Siobhain McDonagh
 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Zarah Sultana
 Yasmin Qureshi
 Yvonne Fovargue

Andy Slaughter
 Sir Stephen Timms
 Charlotte Nichols
 Ms Diane Abbott
 John Spellar
 Tony Lloyd
 Mohammad Yasin
 Paula Barker

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

Dame Margaret Hodge
 Sir Peter Bottomley
 Daisy Cooper
 Ms Karen Buck
 Tim Loughton

Dawn Butler
 Mr Ben Bradshaw
 Marsha De Cordova
 Christina Rees
 Graham Stringer
 Jon Cruddas
 Richard Burgon
 Mr Virendra Sharma
 Yvonne Fovargue

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 Siobhain McDonagh
 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Zarah Sultana
 Yasmin Qureshi

Andy Slaughter
 Sir Stephen Timms
 Charlotte Nichols
 Ms Diane Abbott
 John Spellar
 Tony Lloyd
 Mohammad Yasin
 Paula Barker

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

Dame Margaret Hodge
 Sir Peter Bottomley
 Daisy Cooper
 Ms Karen Buck
 Tim Loughton

Dawn Butler
 Mr Ben Bradshaw
 Marsha De Cordova
 Christina Rees
 Graham Stringer
 Jon Cruddas
 Richard Burgon
 Mr Virendra Sharma
 Mr Rob Roberts

Dame Meg Hillier
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 Mr Jonathan Djanogly
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 Yasmin Qureshi
 Yvonne Fovargue

Andy Slaughter
 Sir Stephen Timms
 Charlotte Nichols
 Ms Diane Abbott
 John Spellar
 Tony Lloyd
 Mohammad Yasin
 Paula Barker

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

Dame Margaret Hodge
 Sir Peter Bottomley
 Daisy Cooper
 Ms Karen Buck
 Tim Loughton

Dawn Butler
 Mr Ben Bradshaw
 Marsha De Cordova
 Christina Rees
 Graham Stringer
 Jon Cruddas
 Richard Burgon
 Mr Virendra Sharma
 Mr Rob Roberts

Dame Meg Hillier
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 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Zarah Sultana
 Yasmin Qureshi
 Yvonne Fovargue

Andy Slaughter
 Sir Stephen Timms
 Charlotte Nichols
 Ms Diane Abbott
 John Spellar
 Tony Lloyd
 Mohammad Yasin
 Paula Barker

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.””

Peter Dowd

NC15

To move the following Clause—

“Intentionally administering a substance with intent to cause harm

- (1) A person (“P”) commits an offence if P intentionally administers a substance to, or causes a substance to be taken by, another person—
 - (a) without the consent of that other person, and
 - (b) with the intention of causing harm to that other person.
- (2) A person who commits 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 5 years.”

Member's explanatory statement

As it stands, spiking is covered by several different offences. This amendment is intended to create a standalone offence of spiking.

Peter Dowd

NC16

To move the following Clause—

“Complicity in joint enterprise cases

In section 8 (abettors in misdemeanors) of the Accessories and Abettors Act 1861, after “shall” insert “, by making a significant contribution to its commission,”.

Member's explanatory statement

This new clause would clarify the definition of ‘joint enterprise’ (or secondary liability), so that an individual must make a “significant contribution” to an offence committed by another to be criminally liable.

Peter Dowd

NC17

To move the following Clause—

“Offence of failing to remain at the scene of a traffic collision

In section 170 of the Road Traffic Act 1988, after subsection (4) insert—

- “(4A) A person guilty of an offence under subsection (4) is liable—
- (a) If a person other than the driver of the vehicle suffered a fatal injury—
 - (i) on conviction on indictment, to imprisonment for a term not exceeding 14 years.
 - (b) If a person other than the driver of the vehicle suffered a serious non-fatal injury—
 - (i) on summary conviction, to imprisonment for a term not exceeding 10 years or a fine not exceeding £20,000 or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding 10 years.
 - (c) In any other case—
 - (i) on summary conviction, to imprisonment for a term not exceeding 10 years or a fine not exceeding £20,000 or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

Member's explanatory statement

This new clause would expand the existing offence of failing to stop after a road collision to create more serious penalties for failing to stop after collisions which result in death or serious injury.

Peter Dowd

NC18

To move the following Clause—

“Time to report road collision

In section 170 of the Road Traffic Act 1988, omit subsection (6) and insert—

- (6) In complying with a duty under this section to report an accident or to produce such a certificate of insurance or other evidence, as is mentioned in section 165(2)(a) of this Act, it is an offence for a driver—
- (a) not to do so at a police station or to a constable as soon as is reasonably practicable, and
 - (b) not to do so within two hours of the occurrence of the accident in relation to reporting an accident, or within twenty-four hours of the occurrence of the accident in relation to the production of a certificate of insurance or other evidence.”

Member's explanatory statement

This amendment would amend the Road Traffic Act 1988 to reduce the time within which a driver must report a road collision in which they were involved from twenty-four hours to two hours, and make it an offence not to report an accident.

Alex Cunningham

NC19

Shabana Mahmood

☆ To move the following Clause—

“Use of another person’s dwelling place for criminal purposes: cuckooing

- (1) A person “P” commits an offence if—
- (a) P makes regular use of or takes up residence in a residential building lawfully occupied by another person “R”,
 - (b) P uses the residential building as a base for criminal activities including but not limited to—
 - (i) dealing, storing or taking unlawfully held controlled drugs,
 - (ii) facilitating sex work,
 - (iii) taking up residence without a lawful agreement with R in circumstances where R is under duress or otherwise being coerced or controlled, or
 - (iv) financially abusing R.
- (2) For the purposes of this section—
- (a) “building” includes any structure or part of a structure (including a temporary or moveable structure), and
 - (b) a building is “residential” if it is designed or adapted, before the time of entry, for use as a place to live.
- (3) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both)."

Member's explanatory statement

This new clause would make cuckooing an offence. Cuckooing is where the home of a vulnerable person is taken over by a criminal in order to use it to deal, store or take drugs, facilitate sex work, as a place for them to live, or to financially abuse the occupier.

Jess Phillips

NC20

☆ To move the following Clause—

"Sharing or threatening to share intimate photograph or film: modesty clothing

- (1) Section 188 of the Online Safety Act 2023 is amended as follows.
- (2) After inserted section 66D(5)(e) insert—
 - "(f) the person not wearing modesty clothing such as a hijab or niqab when they would normally do so."

Member's explanatory statement

This new clause would see definition of "intimate image" extended to include specific categories of image that may be considered intimate by particular religious or cultural groups.

Chris Philp

Gov NS1

Laura Farris

To move the following Schedule—

"SCHEDULE

Section (Terrorist offenders)(1)

NOTIFICATION ORDERS

- 1 The Counter-Terrorism Act 2008 is amended as follows.
- 2 (1) Section 40 (overview) is amended as follows.
 - (2) In subsection (2) after paragraph (a) insert—
 - "(aa) orders applying the notification requirements to persons dealt with in the United Kingdom for certain offences to which this Part does not apply (see section 57A and Schedule 4A),".
 - (3) After subsection (3) insert—
 - "(4) Schedule 6A provides for orders applying the notification requirements to persons dealt with for certain service offences to which this Part does not apply."

- 3 In section 57, in the heading for “Notification” substitute “Foreign offence notification”.
- 4 After that section insert—
- “57A Domestic offence notification orders**
- Schedule 4A makes provision for notification orders applying the notification requirements of this Part to persons who have been dealt with for certain offences that are not offences to which this Part applies.”
- 5 (1) Section 59 (application to service offences) is amended as follows.
- (2) The existing provision becomes subsection (1) of that section.
- (3) After that subsection insert—
- “(2) Schedule 6A makes provision for notification orders applying the notification requirements of this Part to persons who have been dealt with for certain service offences that are not offences to which this Part applies.”
- 6 (1) Section 61 (meaning of “dealt with” for an offence) is amended as follows.
- (2) In subsection (4)(b)—
- (a) for “or” substitute “, paragraph 2(6)(b) of Schedule 4A”;
- (b) after “Schedule 6” insert “or paragraph 2(6)(b) of Schedule 6A”.
- (3) In subsection (5), at the end of paragraph (a) (before the “and”) insert—
- “(aa) paragraph 2(5) of Schedule 4A or paragraph 2(5) of Schedule 6A (conditions for making domestic or service offence notification order where offence dealt with before commencement),”.
- 7 (1) Schedule 4 is amended as follows.
- (2) In the Schedule heading for “Notification” substitute “Foreign offence notification”.
- (3) For “notification order”, in each place it appears (including in any heading except the Schedule heading), substitute “foreign offence notification order”.
- 8 After Schedule 4 insert—

“SCHEDULE 4A

Section 57A

DOMESTIC OFFENCE NOTIFICATION ORDERS

Introductory

- 1 In this Schedule—
- “the appropriate court” means—
- (a) in England and Wales or Northern Ireland, the High Court;
- (b) in Scotland, the Court of Session;
- “authorised person” means the Secretary of State or—

- (a) in England and Wales, a chief officer of police;
- (b) in Scotland, the chief constable of the Police Service of Scotland;
- (c) in Northern Ireland, the chief constable of the Police Service of Northern Ireland;

“offence”: any reference to an offence is to an offence under the law of England and Wales, Scotland or Northern Ireland (and does not include a service offence).

Domestic offence notification orders

- 2 (1) This paragraph applies where an authorised person makes an application to the appropriate court for an order under this paragraph (a “domestic offence notification order”) in respect of a person (“the offender”).
- (2) The court must make a domestic offence notification order in respect of the offender if it is satisfied that the following 4 conditions are met (and must otherwise refuse the application).
- (3) The first condition is that the offender has been dealt with for an offence (“the relevant offence”) that—
- (a) was committed before 29 June 2021,
 - (b) is punishable with imprisonment for more than 2 years, and
 - (c) is not an excluded offence.
- (4) “Excluded offence” means—
- (a) an offence to which this Part applied when the offender was dealt with (see sections 41 and 42),
 - (b) an offence in relation to which section 30 or 31 of this Act or section 69 of the Sentencing Code applied,
 - (c) an offence in relation to which section 31 of this Act would have applied if paragraph (b) of subsection (1) of that section were omitted, or
 - (d) an offence under section 19, 21A or 39 of the Terrorism Act 2000.
- (5) If the offender was dealt with for the relevant offence before the commencement of this Part, sub-paragraph (4) applies as if for paragraph (a) there were substituted—
- “(a) an offence which, on the commencement of this Part, was within section 41(1) or (2),”.
- (6) The second condition is that—
- (a) the offender has been dealt with for the relevant offence in a way mentioned in section 45 (reading any reference to an offence to which this Part applies as a reference to the relevant offence),
 - (b) the offender was aged 16 or over at the time of being dealt with for the relevant offence, and
 - (c) the offender—

- (i) is imprisoned or detained in pursuance of the sentence passed or order made in respect of the offence,
 - (ii) would be so imprisoned or detained but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or
 - (iii) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence.
- (7) The third condition is that the relevant offence has a terrorist connection (see section 93).
- (8) The fourth condition is that the period in respect of which the notification requirements would apply in respect of the relevant offence (see section 53) has not expired.

Restrictions on applications for domestic offence notification orders

- 3 (1) A chief officer of police may make an application for a domestic offence notification order in respect of a person only if—
- (a) the person resides in the chief officer's police area, or
 - (b) the chief officer believes that the person is in, or is intending to come to, that area.
- (2) The chief constable of the Police Service of Scotland may make an application for a domestic offence notification order in respect of a person only if—
- (a) the person resides in Scotland, or
 - (b) the chief constable believes that the person is in, or is intending to come to, Scotland.
- (3) The chief constable of the Police Service of Northern Ireland may make an application for a domestic offence notification order in respect of a person only if—
- (a) the person resides in Northern Ireland, or
 - (b) the chief constable believes that the person is in, or is intending to come to, Northern Ireland.

Effect of domestic offence notification order

- 4 The effect of a domestic offence notification order is that the notification requirements of this Part apply to the offender.

Modifications of this Part

- 5 (1) The following modifications apply where a domestic offence notification order is made.
- (2) Section 43(1) does not apply to the offender, as regards the relevant offence.

- (3) Section 47(1) (initial notification) applies as if the reference to the day on which the person is dealt with were a reference to the date of service of the domestic offence notification order.
 - (4) For the purposes of section 53 (period for which notification requirements apply), references there to “the offence” are to the relevant offence.
 - (5) For the meaning of “the relevant offence”, see paragraph 2(3).”
- 9 After Schedule 6 insert—

“SCHEDULE 6A

Section 59(2)

SERVICE OFFENCE NOTIFICATION ORDERS

Introductory

- 1 In this Schedule—
- “the appropriate court” means—
 - (a) in England and Wales or Northern Ireland, the High Court;
 - (b) in Scotland, the Court of Session;
 - “authorised person” means the Secretary of State or—
 - (a) in England and Wales, a chief officer of police;
 - (b) in Scotland, the chief constable of the Police Service of Scotland;
 - (c) in Northern Ireland, the chief constable of the Police Service of Northern Ireland.

Service offence notification orders

- 2 (1) This paragraph applies where an authorised person makes an application to the appropriate court for an order under this paragraph (a “service offence notification order”) in respect of a person (“the offender”).
- (2) The court must make a service offence notification order in respect of the offender if it is satisfied that the following 4 conditions are met (and must otherwise refuse the application).
- (3) The first condition is that the offender has been dealt with for a service offence (“the relevant offence”) that—
- (a) is punishable with imprisonment for more than 2 years,
 - (b) is not an excluded offence, and
 - (c) if a day has been appointed for the commencement of section 1 of the Counter-Terrorism and Sentencing Act 2021 as that section has effect for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006, is committed before that day.
- (4) In sub-paragraph (3)(b) “excluded offence” means—

- (a) a service offence to which this Part applied when the offender was dealt with (see paragraphs 1 and 2 of Schedule 6),
 - (b) a service offence in relation to which section 32 of this Act or section 69 of the Sentencing Code applied, or
 - (c) a service offence as respects which the corresponding civil offence is an offence under section 19, 21A or 39 of the Terrorism Act 2000.
- (5) If the offender was dealt with for the relevant offence before the commencement of this Part, sub-paragraph (4) applies as if for paragraph (a) there were substituted—
- “(a) a service offence as respects which the corresponding civil offence was on the commencement of this Part within section 41(1) or (2),”.
- (6) The second condition is that—
- (a) the offender has been dealt with for the relevant offence in a way mentioned in paragraph 5 of Schedule 6 (reading any reference to a service offence to which this Part applies as a reference to the relevant offence),
 - (b) the offender was aged 16 or over at the time of being dealt with for the relevant offence, and
 - (c) the offender—
 - (i) is imprisoned or detained in pursuance of the sentence passed or order made in respect of the offence,
 - (ii) would be so imprisoned or detained but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or
 - (iii) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence.
- (7) The third condition is that the relevant offence has a terrorist connection (see section 93).
- (8) The fourth condition is that the period in respect of which the notification requirements would apply in respect of the relevant offence (see paragraph 7 of Schedule 6) has not expired.

Restrictions on applications for service offence notification orders

- 3 (1) A chief officer of police may make an application for a service offence notification order in respect of a person only if—
- (a) the person resides in the chief officer’s police area, or
 - (b) the chief officer believes that the person is in, or is intending to come to, that area.

- (2) The chief constable of the Police Service of Scotland may make an application for a service offence notification order in respect of a person only if—
 - (a) the person resides in Scotland, or
 - (b) the chief constable believes that the person is in, or is intending to come to, Scotland.
- (3) The chief constable of the Police Service of Northern Ireland may make an application for a service offence notification order in respect of a person only if—
 - (a) the person resides in Northern Ireland, or
 - (b) the chief constable believes that the person is in, or is intending to come to, Northern Ireland.

Effect of service offence notification order

- 4 The effect of a service offence notification order is that the notification requirements of this Part apply to the offender.

Modifications of this Part

- 5 (1) The following modifications apply where a service offence notification order is made.
 - (2) Section 47(1) (initial notification) applies as if the reference to the day on which the person is dealt with were a reference to the date of service of the service offence notification order.
 - (3) Paragraph 3(1) of Schedule 6 does not apply to the offender, as regards the relevant offence.
 - (4) For the purposes of paragraph 7 of that Schedule (period for which notification requirements apply), references there to “the service offence” or “the offence” are to the relevant offence.
 - (5) For the meaning of “the relevant offence”, see paragraph 2(3).”

Member's explanatory statement

The new schedule provides for orders applying the notification requirements in Part 4 of the Counter-Terrorism Act 2008 to persons who have committed certain domestic offences or service offences.

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.

Order of the Committee

[12 December 2023]

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.