

---

Committee Stage: Tuesday 30 January 2024

---

## Criminal Justice Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage.

A glossary with key terms can be found at the end of this document.

First to Sixteenth Sittings

---

### *First and Second Sittings*

---

Chris Philp

Agreed to

That—

- the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 12 December) meet—
  - at 2.00 pm on Tuesday 12 December;
  - at 11.30 am and 2.00 pm on Thursday 14 December;
  - at 11.30 am and 2.00 pm on Thursday 11 January;
  - at 9.25 am and 2.00 pm on Tuesday 16 January;
  - at 11.30 am and 2.00 pm on Thursday 18 January;
  - at 9.25 am and 2.00 pm on Tuesday 23 January;
  - at 11.30 am and 2.00 pm on Thursday 25 January;
  - at 9.25 am and 2.00 pm on Tuesday 30 January;
- the Committee shall hear oral evidence in accordance with the following Table:

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

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

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

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

---

**Chris Philp**

**Laura Farris**

**Agreed to**

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

---

**Chris Philp**

**Laura Farris**

**Agreed to**

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

**The following Witnesses gave oral evidence:**

**Chief Constable Gavin Stephens**, Chair, National Police Chiefs' Council.

**Graeme Biggar**, Director General, National Crime Agency.

**Gregor McGill**, Director of Legal Service, Crown Prosecution Service.

**Baljit Ubhey**, Director of Strategy and Policy, Crown Prosecution Service.

**Baroness Newlove**, Victims' Commissioner for England and Wales.

**Nicole Jacobs**, Domestic Abuse Commissioner for England and Wales.

**Rebecca Bryant OBE**, Chief Executive, Resolve [via Zoom].

**Harvey Redgrave**, Executive Director, Crest Advisory.

**Andy Marsh**, Chief Executive Officer, College of Policing.

**Andy Cooke QPM DL**, HM Chief Inspector of Constabulary and HM Chief Inspector of Fire & Rescue Services.

**Dame Vera Baird DBE KC**.

**Jonathan Hall KC**, Independent Reviewer of Terrorism Legislation [via Zoom].

**Professor Penney Lewis**, Commissioner for Criminal Law, Law Commission.

*Third and Fourth Sittings***The following Witnesses gave oral evidence:**

**Nick Smart**, Acting President, Police Superintendents' Association of England and Wales.

**Councillor Sue Woolley**, Conservative Lead Member for the LGA's Safer and Stronger Communities Board, Local Government Association.

**Emily Spurrell**, PCC Criminal Justice portfolio lead, Association of Police and Crime Commissioners.

**David Lloyd**, PCC Criminal Justice portfolio lead, Association of Police and Crime Commissioners.

**Mark Fairhurst**, National Chair, POA (the Union) [Via Zoom].

**Kennedy Talbot KC**, Barrister, 33 Chancery Lane.

**Paddy Lillis**, General Secretary, USDAW.

**Paul Gerrard**, Campaigns, Public Affairs & Board Secretariat Director, The Coop Group.

**Helen Dickinson OBE**, Chief Executive, British Retail Consortium.

**Clare Wade KC**, Independent reviewer of domestic homicide sentencing.

*Fifth and Sixth Sittings*

\_\_\_\_\_  
**Alex Norris**

**Withdrawn after debate 51**

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

\_\_\_\_\_  
**Alex Norris**

**Not called 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Alex Norris**

**Not called 52**

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

---

**Chris Philp**

**Agreed to 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

Agreed to 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

Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Clauses 4 to 7 agreed to.**

---

**Chris Philp**

**Agreed to 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.

---

**Schedule, as amended, agreed to.**

---

**Clause agreed to.**

---

**Alex Norris**

**Withdrawn after debate 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.

---

**Clause agreed to.**

---

**Alex Norris**

**Withdrawn after debate 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.

---

**Clause agreed to.**

---

**Chris Philp****Agreed to 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****Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Clauses 12 and 13 agreed to.**

---

**Alex Norris****Withdrawn after debate 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

Not called 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

Agreed to 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.

---

**Schedule, as amended, agreed to.**

---

**Clause 14 agreed to.**

*Seventh and Eighth Sittings*

---

Chris Philp

Agreed to 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

Agreed to 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

Not called 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.

---

**Clause, as amended, agreed to.**

---

Chris Philp

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Clause 17 agreed to.**

---

**Chris Philp**

**Agreed to 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.

---

**Clause, as amended, agreed to.**



---

Alex Norris

Withdrawn after debate 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

Withdrawn after debate 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

Withdrawn after debate 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**

**Not selected 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

---

**Clause agreed to.**

---

**Clause 20 agreed to.**

---

**Schedule 3 agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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

Agreed to 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

Not called 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.

---

**Clause, as amended, agreed to.**

---

**Clause 22 agreed to.**

---

Chris Philp

Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Clause 24 agreed to.**

---

*Ninth and Tenth Sittings*

---

**Clause 25 agreed to.**

---

**Alex Cunningham**

Shabana Mahmood

**Negatived on division 64**

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).

---

**Clause agreed to.**

---

**Clause 27 agreed to.**

---

**Alex Cunningham**  
Shabana Mahmood

**Withdrawn after debate 65**

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**  
Shabana Mahmood

**Negated on division 66**

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**  
Shabana Mahmood

**Not called 67**

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**

**Not called 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.

---

**Clause agreed to.**

---

**Clauses 29 and 30 agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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

Agreed to 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.

---

**Clause, as amended, agreed to.**

---

Chris Philp

Agreed to 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).

---

**Clause, as amended, agreed to.**

---

Chris Philp

Agreed to 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**

**Not called 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.

---

**Schedule, as amended, agreed to.**

---

**Clause 33 agreed to.**

---

**Schedule 5 agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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)).

---

**Clause, as amended, agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Laura Farris

Agreed to Gov 96

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

Laura Farris

Agreed to Gov 97

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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Not called 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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

Agreed to 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

Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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

Agreed to 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

Agreed to 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.

---

**Clause, as amended, agreed to.**

---

Chris Philp

Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

*Eleventh and Twelfth Sittings*

---

**Chris Philp****Agreed to**

That the Order of the Committee of 12 December 2023 be amended in paragraph 1(f) of the order, by substituting "3.00pm" for "2.00 pm".

(SO No. 83C(10)).

---

**Alex Norris****Withdrawn after debate 140**

Clause 38, page 39, line 23, at end insert—

"(c) any interference with the person's attendance at substance abuse support services, mental or physical health support services, or places of worship."

---

**Clause agreed to.**

---

**Alex Norris****Not called 139**

Clause 38, page 39, line 36, at end insert—

"(10) The Secretary of State must lay an annual report before Parliament on the application of the provisions introduced by this section."

---

**Clause agreed to.**

---

**Alex Norris****Negatived on division 142**

Clause 39, page 40, line 12, leave out "3 years" and insert "1 year"

---

**Alex Norris****Negatived on division 138**

Clause 39, page 40, line 31, at end insert—

"(9) Where a person has been served a nuisance begging notice the serving authority must refer that person to their local authority who must provide guidance relating to welfare rights or any other associated issue the person faces."

**Member's explanatory statement**

This amendment would require the local council to offer support for people given nuisance begging notices.

\_\_\_\_\_

**Clause agreed to.**

\_\_\_\_\_

**Alex Norris**

**Not called 141**

Clause 40, page 41, line 5, at end insert—

“(c) any interference with the person’s attendance at substance abuse support services, mental or physical health support services, or places of worship.”

\_\_\_\_\_

**Clause agreed to.**

\_\_\_\_\_

**Clauses 41 and 42 agreed to.**

\_\_\_\_\_

**Chris Philp**

**Agreed to 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.

\_\_\_\_\_

**Clause, as amended, agreed to.**

\_\_\_\_\_

**Clause 44 agreed to.**

\_\_\_\_\_

**Chris Philp**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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
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**

**Agreed to 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.

---

**Alex Norris**

**Not called 143**

Clause 45, page 44, line 16, leave out “5 years” and insert “1 year”

---

**Chris Philp**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Clauses 46 to 50 agreed to.**

---

**Layla Moran**

**Not selected 3**

Page 47, line 13, leave out Clause 51

**Member's explanatory statement**

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

---

**Clause agreed to on division.**

---

**Layla Moran**

**Not selected 4**

Page 48, line 13, leave out Clause 52

**Member's explanatory statement**

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

---

**Clause agreed to on division.**

---

**Layla Moran**

**Not selected 5**

Page 49, line 19, leave out Clause 53

**Member's explanatory statement**

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

---

**Clause agreed to.**

---

**Layla Moran**

**Not selected 6**

Page 49, line 35, leave out Clause 54

**Member's explanatory statement**

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

---

**Clause agreed to.**

---

**Layla Moran**

**Not selected 7**

Page 50, line 28, leave out Clause 55

**Member's explanatory statement**

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

---

**Clause agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Not selected 8**

Page 51, line 12, leave out Clause 56

**Member's explanatory statement**

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

---

**Clause, as amended, agreed to on division.**

---

**Layla Moran**

**Not selected 9**

Page 51, line 37, leave out Clause 57

**Member's explanatory statement**

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

---

**Clause agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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  
 Laura Farris

**Agreed to Gov 80**

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  
 Laura Farris

**Agreed to Gov 81**

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  
 Laura Farris

**Agreed to Gov 82**

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**

Laura Farris

**Agreed to Gov 83**

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**

**Not selected 10**

Page 53, line 1, leave out Clause 58

**Member's explanatory statement**

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

---

**Clause, as amended, agreed to.**

---

**Layla Moran**

**Not selected 11**

Page 53, line 15, leave out Clause 59

**Member's explanatory statement**

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

---

**Clause agreed to.**

---

**Layla Moran**

**Not selected 12**

Page 54, line 7, leave out Clause 60

**Member's explanatory statement**

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

---

**Clause agreed to.**

---

**Layla Moran**

**Not selected 13**

Page 54, line 30, leave out Clause 61

**Member's explanatory statement**

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

---

**Clause agreed to on division.**

---

**Clauses 62 to 65 agreed to.**

---

**Alex Norris**

**Negatived on division 144**

Clause 66, page 58, line 18, at end insert—

“in subsection (4), after “48 hours” insert—

“, unless—

- (a) the individual has been issued with a direction under this section, relating to the same or a substantially similar or related location or behaviour, on one previous occasion, in which case the exclusion period may extend to seven days;
- (b) the individual has been issued with a direction under this section, relating to the same or a substantially similar or related location or behaviour, on more than one previous occasion, in which case the exclusion period may extend to twenty-eight days.”

**Member's explanatory statement**

This amendment would allow for longer exclusion periods under section 35 of the Anti-social behaviour, Crime and Policing Act 2014 for individuals who receive more than one such direction.

---

**Clause agreed to.**

---

**Clause 67 agreed to.**

---

**Alex Norris**

**Not called 145**

Clause 68, page 58, line 37, at end insert—

- “(2) Within twelve months of Royal Assent to this Bill, the Secretary of State must lay before Parliament a report on police use of the power to make public spaces protection orders and expedited orders under Chapter 2 of Part 4 of the Anti-social behaviour, Crime and Policing Act 2014 (as amended by this Bill).”

**Member's explanatory statement**

This amendment would require the Secretary of State to produce a report on the police's use of PSPO powers.

---

**Clause agreed to.**

---

**Schedule 6 agreed to.**

---

**Clause 69 agreed to.**

---

**Schedule 7 agreed to.**

---

**Clauses 70 and 71 agreed to.**

---

**Schedule 8 agreed to.**

*Thirteenth and Fourteenth Sittings*

---

**Clause 72 agreed to.**

---

**Alex Norris**

**Withdrawn after debate 63**

Dame Diana Johnson

Clause 73, page 64, line 36, at end insert—

“(2A) 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.

---

**Jess Phillips**

**Not called 135**

Dame Diana Johnson



Clause 73, page 64, line 36, at end insert—

- “(2A) In subsection (2) the reference to acting ethically includes a prohibition on a police officer engaging in—
- (a) sexual relationships with members of the public whilst acting in their capacity as a police officer; and
  - (b) abusive conduct, including domestic abuse or sexual violence, towards any person whether in their role as a police officer or otherwise.”

**Member's explanatory statement**

Clause 73 is amended to make explicit that ethical policing also entails zero tolerance for violence and other forms of abuse against women and girls by police officers and staff.

---

Alex Norris

Not called 149

Clause 73, page 64, line 36, at end insert—

- “(2A) The Code must set out how persons under the chief officer’s direction and control are to act ethically and with candour when discharging their duties in relation to a major incident, including—
- (a) their duty to assist with any court proceeding, official inquiry or investigation resulting from a major incident fully, transparently and with proper expedition;
  - (b) their duty to disclose relevant information related to the discharge of their duties in relation to a major incident which would not otherwise be disclosed under the terms of reference or parameters of the relevant proceedings, inquiry or investigation.
- (2B) The duties under (2A) may arise from—
- (a) an application by any person affected by the major incident to the relevant court or inquiry chairperson;
  - (b) an instruction from the relevant court or inquiry chairperson; or
  - (c) where there are no extant court or inquiry proceedings, a requirement of any judicial review proceedings in the High Court.”

---

Jess Phillips

Withdrawn after debate 134

Dame Diana Johnson

Clause 73, page 65, line 5, at end insert—

- “(3A) The Code must make explicit that any criminal behaviour perpetrated by persons under the chief officer’s direction and control disclosed as a result of proceedings in the family courts must be considered during the vetting process.”

**Member's explanatory statement**

This amendment ensures criminal behaviour that is uncovered within family courts is disclosed within the vetting process of police officers.

---

**Jess Phillips**

**Not called 136**

Dame Diana Johnson

Clause 73, page 65, line 17, at end insert—

- “(h) the Domestic Abuse Commissioner for England and Wales;
- (i) the Commissioner for Victims and Witnesses;
- (j) the Independent Anti-Slavery Commissioner.”

**Member's explanatory statement**

This amendment aims to ensure that there is independent external oversight to the Code of Practice from bodies which represent the interests of victims and survivors whom this Code seeks to protect.

---

**Clause agreed to.**

---

**Jess Phillips**

**Withdrawn after debate 137**

Clause 74, page 66, line 1, leave out “a local policing body” and insert “the Independent Office for Police Conduct”

**Member's explanatory statement**

The power to seek a referral to the police appeals tribunal should sit with an independent organisation, such as the IOPC.

---

**Clause agreed to.**

---

**Clause 75 agreed to.**

---

**Chris Philp**

**Agreed to Gov 146**

Laura Farris

Clause 76, page 68, line 15, after “purposes” insert “or areas”

**Member's explanatory statement**

This amendment provides that regulations under the Bill (other than regulations under clause 78) may make different provision for different areas.

---

**Clause, as amended, agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Agreed to Gov 147**

Laura Farris

Clause 77, page 69, line 11, after "by" insert "section (*Administering etc harmful substances (including by spiking)*)(2) or"

**Member's explanatory statement**

This amendment provides that consequential amendments made by subsection (2) of the new clause moved by NC45 have the same extent as the provision amended.

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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.

---

**Clause, as amended, agreed to.**

---

**Chris Philp**

**Agreed to 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**

**Agreed to 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**

**Agreed to 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**

**Withdrawn after debate 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**

**Agreed to Gov 148**

Laura Farris

Clause 78, page 69, line 24, at end insert—

“(aa) section (*Maximum term of imprisonment for certain offences on summary conviction*);”

**Member's explanatory statement**

This amendment provides that the new clause moved by NC47 comes into force two months after Royal Assent.

---

Chris Philp

Agreed to Gov 132

Laura Farris

Clause 78, page 69, leave out line 28

**Member's explanatory statement**

See the explanatory statement to amendment 131.

---

**Clause, as amended, agreed to.**

---

**Clause 79 agreed to.**

---

Chris Philp

Added 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

Added 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.

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

Added 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

Added 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

Added 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

Added 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.

#### *Fifteenth and Sixteenth Sittings*

---

**Chris Philp**

Laura Farris

**Added Gov NC45**

To move the following Clause—

**“Administering etc harmful substances (including by spiking)**

(1) In the Offences Against the Person Act 1861, for sections 23 to 25 substitute—

**“23 Administering etc harmful substance so as to endanger life or inflict grievous bodily harm**

- (1) A person commits an offence if—
  - (a) the person intentionally or recklessly, and unlawfully, administers a harmful substance to another person, and
  - (b) the administration of the harmful substance endangers the other person’s life or inflicts grievous bodily harm on them.
- (2) A person commits an offence if—
  - (a) the person unlawfully causes a harmful substance to be administered to or taken by another person,
  - (b) the administration or taking of the harmful substance endangers the other person’s life or inflicts grievous bodily harm on them, and
  - (c) the person intends that, or is reckless as to whether—
    - (i) the harmful substance is administered to or taken by the other person, and
    - (ii) the administration or taking of the harmful substance will endanger the other person’s life or inflict grievous bodily harm on them.
- (3) In this section “harmful substance” means any poison or other destructive or noxious thing.
- (4) 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 10 years or a fine (or both).

**24 Administering etc harmful substance with intent to injure, aggrieve or annoy**

- (1) A person commits an offence if—
  - (a) the person unlawfully administers a harmful substance to, or causes a harmful substance to be administered to or taken by, another person, and
  - (b) the person does so with intent to injure, aggrieve or annoy the other person.
- (2) In this section “harmful substance” has the meaning given by section 23.
- (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).

## 25 Alternative verdict on trial of offence under section 23

A person who is—

- (a) charged with an offence under section 23, and
- (b) found not guilty of that offence,

may be convicted of an offence under section 24 (if it is proved that they committed it)."

- (2) In consequence of the amendment made by subsection (1), in the following provisions for "maliciously administering poison etc" substitute "administering etc harmful substance"—
  - (a) paragraph 8(e) and (f) of Schedule 1 to the Suppression of Terrorism Act 1978;
  - (b) paragraph 5(g) and (h) of Schedule 2A to the Housing Act 1985;
  - (c) paragraph 10 of Schedule 15 to the Criminal Justice Act 2003;
  - (d) paragraph 11 of Schedule 5 to the Sexual Offences Act 2003;
  - (e) in Schedule 2 to the Counter-Terrorism Act 2008, paragraph (b) of the entry relating to offences under the Offences against the Person Act 1861;
  - (f) paragraph 7 of Schedule 4 to the Modern Slavery Act 2015;
  - (g) paragraph 4(c) of Schedule 1 to the Sentencing Act 2020;
  - (h) paragraph 23(f) of Part 2 of Schedule 9 to the Elections Act 2022;
 and in section 72(2)(d) of the Domestic Abuse Act 2021 for "poison" substitute "harmful substance".

### Member's explanatory statement

This new clause re-casts the offences under sections 23 and 24 of the Offences against the Person Act 1861 (administration etc of harmful substances) and the procedural provision under section 25 of that Act relating to those offences.

---

Chris Philp

Laura Farris

Added Gov NC46

To move the following Clause—

### "Sexual activity in presence of child etc

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 11(1) (engaging in sexual activity in presence of child), in paragraph (c) for the words from "he engages" to the end (not including the "and" at

the end of the paragraph) substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".

- (3) In section 18(1) (abuse of position of trust: sexual activity in presence of child), in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".
- (4) In section 32(1) (engaging in sexual activity in presence of person with mental disorder impeding choice), in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".
- (5) In section 36(1) (engaging in sexual activity in presence, procured by inducement, threat or deception, of person with mental disorder)—
  - (a) in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,";
  - (b) in paragraph (d) for "paragraph (c)(i)" substitute "paragraph (c)".
- (6) In section 40(1) (care workers: sexual activity in presence of person with mental disorder), in paragraph (c) for the words from "he engages" to the end substitute "A engages in it when another person (B) is present or is in a place from which A can be observed,".

#### Member's explanatory statement

This new clause amends offences of engaging in sexual activity in the presence of a child or person with mental disorder (B) so as to remove the requirement that the person knows or believes that B is aware, or intends that B should be aware, that the person is engaging in it.

---

Chris Philp

Added Gov NC47

Laura Farris

To move the following Clause—

#### **"Maximum term of imprisonment for certain offences on summary conviction**

In the following provisions for "6 months" substitute "the general limit in a magistrates' court"—

section 1(6)(a) of the Prevention of Social Housing Fraud Act 2013 (unlawful sub-letting: secure tenancies);

section 2(7)(a) of that Act (unlawful sub-letting: assured tenancies and secure contracts);

section 30(3)(b) of the Modern Slavery Act 2015 (breach of certain orders or requirements);

section 339(2)(a) of the Sentencing Act 2020 (breach of criminal behaviour order);

section 354(4)(a) of that Act (breach of sexual harm prevention order);

section 363(2)(a) of that Act (breach of restraining order)."

**Member's explanatory statement**

This new clause provides that the maximum term of imprisonment for certain offences, on summary conviction, is the general limit in a magistrates' court.

---

**Dame Diana Johnson**

**Not called 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**

**Not called 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**

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

Dawn Butler  
 Caroline Lucas  
 Cat Smith  
 Debbie Abrahams  
 Mohammad Yasin  
 Ian Lavery  
 Bell Ribeiro-Addy  
 Hywel Williams

Alicia Kearns  
 Mr Ben Bradshaw  
 Charlotte Nichols  
 Paula Barker  
 Mr Rob Roberts  
 Justin Tomlinson  
 Yvonne Fovargue  
 Ben Lake

**Withdrawn after debate NC3**

Wera Hobhouse  
 Dehenna Davison  
 Mrs Flick Drummond  
 Lloyd Russell-Moyle  
 Kim Johnson  
 Derek Twigg  
 Liz Saville Roberts  
 Paul Blomfield

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**

Tracey Crouch  
Kelly Tolhurst  
Henry Smith

**Not moved NC4**

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

Tracey Crouch  
Stephen Metcalfe

Withdrawn after debate NC5

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**

**Not called 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  
 Zarah Sultana  
 Yasmin Qureshi  
 Yvonne Fovargue

Dame Meg Hillier  
 Siobhain McDonagh  
 Wendy Chamberlain  
 Debbie Abrahams  
 Ian Mearns  
 Mr Jonathan Djanogly  
 Mohammad Yasin  
 Paula Barker  
 Dame Diana Johnson

Andy Slaughter  
 Sir Stephen Timms  
 Charlotte Nichols  
 Ms Diane Abbott  
 John Spellar  
 Richard Burgon  
 Mr Virendra Sharma  
 Mr Rob Roberts

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**

**Not called 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  
 Zarah Sultana  
 Yasmin Qureshi  
 Dame Diana Johnson

Dame Meg Hillier  
 Siobhain McDonagh  
 Wendy Chamberlain  
 Debbie Abrahams  
 Ian Mearns  
 Mr Jonathan Djanogly  
 Mohammad Yasin  
 Paula Barker

Andy Slaughter  
 Sir Stephen Timms  
 Charlotte Nichols  
 Ms Diane Abbott  
 John Spellar  
 Richard Burgon  
 Mr Virendra Sharma  
 Yvonne Fovargue

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**

**Not called 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  
 Zarah Sultana  
 Yasmin Qureshi  
 Yvonne Fovargue

Dame Meg Hillier  
 Siobhain McDonagh  
 Wendy Chamberlain  
 Debbie Abrahams  
 Ian Mearns  
 Mr Jonathan Djanogly  
 Mohammad Yasin  
 Paula Barker  
 Dame Diana Johnson

Andy Slaughter  
 Sir Stephen Timms  
 Charlotte Nichols  
 Ms Diane Abbott  
 John Spellar  
 Richard Burgon  
 Mr Virendra Sharma  
 Mr Rob Roberts

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**

**Not called 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  
 Zarah Sultana  
 Yasmin Qureshi  
 Yvonne Fovargue

Dame Meg Hillier  
 Siobhain McDonagh  
 Wendy Chamberlain  
 Debbie Abrahams  
 Ian Mearns  
 Mr Jonathan Djanogly  
 Mohammad Yasin  
 Paula Barker  
 Dame Diana Johnson

Andy Slaughter  
 Sir Stephen Timms  
 Charlotte Nichols  
 Ms Diane Abbott  
 John Spellar  
 Richard Burgon  
 Mr Virendra Sharma  
 Mr Rob Roberts

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**

**Not called NC15**

Dame Diana Johnson

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**

**Withdrawn after debate NC16**

Kim Johnson

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**

**Withdrawn after debate 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**

**Not called 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  
Shabana Mahmood

Withdrawn after debate NC19

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

Not called 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.

---

Jess Phillips

Withdrawn after debate NC23

To move the following Clause—

**“Sexual exploitation of an adult**

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) Section 52 is amended as follows—
  - (a) in the title for “Causing or inciting prostitution” substitute “Sexual exploitation”, and
  - (b) in paragraph (1)(a) for “causes or incites another person to become a prostitute” substitute “sexually exploits another person”.
- (3) Section 53 is amended as follows—
  - (a) in the title for “prostitution” substitute “sexual exploitation”, and
  - (b) in paragraph (1)(a) for “prostitution” substitute “sexual exploitation”.
- (4) Section 54 is amended as follows—
  - (a) in subsection (2) for “sections 51A, 52, 53 and 53A” substitute “section 53A”, and
  - (b) at end insert—
    - “(4) In sections 52 and 53 “sexual exploitation” means conduct by which a person manipulates, deceives, coerces or controls another person to undertake sexual activity.”

**Member's explanatory statement**

This new clause is an amendment to the Sexual Offences Act 2003, specifically in Sections 52 and 53, “replacing prostitution for gain” with “sexual exploitation of an adult”.



---

Jess Phillips

Withdrawn after debate NC24

Dame Diana Johnson

To move the following Clause—

**“Human trafficking**

- (1) Section 2 of the Modern Slavery Act 2015 is amended as follows.
- (2) In subsection (1) for “arranges or facilitates the travel of” substitute “recruits, transports, transfers, harbours or receives through force, fraud or deception”.
- (3) In subsection (2) for “travel” substitute “the matters mentioned in subsection (1)”.
- (4) Omit subsections (3) to (5).
- (5) In paragraph (6)(a) for “arranging or facilitating takes” substitute “matters mentioned in subsection (1) take”.
- (6) Omit paragraph (6)(b).
- (7) In paragraph (7)(a) for “arranging or facilitating takes” substitute “matters mentioned in subsection (1) take”.
- (8) In paragraph (7)(b) for the first “the” substitute “any”.

**Member's explanatory statement**

This new clause brings the definition of human trafficking in the Modern Slavery Act 2015 in line with the UN definition, particularly removing the requirement for exploitation to have involved travel.

---

Jess Phillips

Not called NC25

To move the following Clause—

**“Grooming as an aggravating factor**

After section 72 of the Sentencing Code (supply of psychoactive substance in certain circumstances) insert—

**“(72A) Grooming**

- (1) This section applies where a court is considering the seriousness of an offence which is aggravated by grooming.
- (2) The court—
  - (a) must treat the fact that the offence is aggravated by grooming as an aggravating factor, and
  - (b) must state in open court that the offence is so aggravated.”

**Member's explanatory statement**

This new clause ensures grooming is to be seen as an aggravating factor in certain cases where the victim is an adult.

---

Jess Phillips

Not called NC26

To move the following Clause—

**“Loitering and soliciting: repeal**

Section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution) is repealed.”

**Member's explanatory statement**

This new clause repeals soliciting and loitering as an offence.

---

Jess Phillips

Not called NC27

To move the following Clause—

**“Aggravating factor relevant to offence of murder: honour based violence and abuse**

- (1) Schedule 21 to the Sentencing Code (determination of minimum term in relation to mandatory life sentence for murder etc) is amended as follows.
- (2) After paragraph 9(g) insert—
  - “(h) the fact that the offender inflicted honour-based violence or abuse on the victim.””

**Member's explanatory statement**

A new clause to instate honour-based abuse as an aggravating factor in murder cases.

---

Jess Phillips

Not called NC28

To move the following Clause—

**“Aggravating factor relevant to offence of murder: strangulation**

- (1) Schedule 21 to the Sentencing Code (determination of minimum term in relation to mandatory life sentence for murder etc) is amended as follows.
- (2) After paragraph 9(g) insert—
  - “(h) the fact that the offender strangled the victim as part of the homicide.””

**Member's explanatory statement**

A new clause to instate strangulation as an aggravating factor in murder cases.

---

Jess Phillips

Not called NC29

To move the following Clause—

**“Infidelity of victim not to be used as part of a defence to murder**

When considering a charge of murder, the court may not take into account as part of the defendant’s defence an allegation that the victim was at any time or in any way, physical or verbal, sexually unfaithful to the defendant.”

**Member's explanatory statement**

This new clause would ensure sexual infidelity can never be used as a defence to murder.

---

Jess Phillips

Not called NC30

To move the following Clause—

**“Power of Secretary of State to disregard convictions or cautions: Loitering or soliciting for purposes of prostitution**

- (1) Section 92 of the Street Offences Act 1959 is amended as follows.
- (2) For subsection (1) substitute—
  - “(1) A person who has been convicted of, or cautioned for, an offence in circumstances where—
    - (a) the conduct constituting the offence was sexual activity between persons of the same sex, or
    - (b) the offence was committed under section 1 of the Street Offences Act 1959, may apply to the Secretary of State for the conviction or caution to become a disregarded conviction or caution.”
- (3) In subsection (2) after first “caution” insert “received in the circumstances set out in subsection (1)(a)”.

**Member's explanatory statement**

A new clause that allows a process allowing the Secretary of State to disregard convictions and cautions received under section 1 of the Street Offences Act 1959.

---

Jess Phillips

Withdrawn after debate NC31

To move the following Clause—

**“Reasonable force in domestic abuse cases**

- (1) Section 76 of the Criminal Justice and Immigration Act 2008 (reasonable force for purposes of self-defence etc.) is amended as follows.
- (2) In subsection (5A) after “In a householder case” insert “or a domestic abuse case”.

- (3) In subsection (6) after “In a case other than a householder case” insert “or a domestic abuse case”.
- (4) After subsection (8F) insert—
- “(8G) For the purposes of this section “a domestic abuse case” is a case where—
- (a) the defence concerned is the common law defence of self-defence,
  - (b) D is, or has been, a victim of domestic abuse, and
  - (c) the force concerned is force used by D against the person who has perpetrated the abusive behaviour referred to in paragraph (b).
- (8H) Subsection (8G)(b) will only be established if the behaviour concerned is, or is part of, a history of conduct which constitutes domestic abuse as defined in sections 1 and 2 of the Domestic Abuse Act 2021, including but not limited to conduct which constitutes the offence of controlling or coercive behaviour in an intimate or family relationship as defined in section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).”
- (5) In subsection (9) after “householder cases” insert “and domestic abuse cases”.”

**Member's explanatory statement**

Statutory defence for victims of domestic abuse who may have been coerced into committing certain crimes or driven to use force against their abuser, as a result of being a victim of domestic abuse.

---

Jess Phillips

Not called NC32

To move the following Clause—

**“Defence for victims of domestic abuse who commit an offence**

- (1) A person is not guilty of an offence if—
- (a) the person is aged 18 or over when the person does the act which constitutes the offence,
  - (b) the person does that act because the person is compelled to do it,
  - (c) the compulsion is attributable to their being a victim of domestic abuse, and
  - (d) a reasonable person in the same situation as the person and having the person’s relevant characteristics would have no realistic alternative to doing that act.
- (2) A person may be compelled to do something by another person or by the person’s circumstances.
- (3) Compulsion is attributable to domestic abuse only if—
- (a) it is, or is part of, conduct which constitutes domestic abuse as defined in sections 1 and 2 of the Domestic Abuse Act 2021, including but not limited to conduct which constitutes the offence of controlling or

- coercive behaviour in an intimate or family relationship as defined in section 76 of the Serious Crime Act 2015, or
- (b) it is a direct consequence of a person being, or having been, a victim of such abuse.
- (4) A person is not guilty of an offence if—
- (a) the person is under the age of 18 when the person does the act which constitutes the offence,
  - (b) the person does that act as a direct consequence of the person being, or having been, a victim of domestic abuse as defined at subsection (3)(a) above, and
  - (c) a reasonable person in the same situation as the person and having the person's relevant characteristics would do that act.
- (5) For the purposes of this section "relevant characteristics" means age, sex, any physical or mental illness or disability and any experience of domestic abuse.
- (6) In this section references to an act include an omission.
- (7) Subsections (1) and (4) do not apply to an offence listed in Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply].
- (8) The Secretary of State may by regulations amend Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply].
- (9) The Secretary of State must make arrangements for monitoring of the types of offence for which victims of domestic abuse are prosecuted and use this evidence to inform an annual review of the offences listed in Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply] and any amendment to Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply]."

#### Member's explanatory statement

Statutory defence for victims of domestic abuse who may have been coerced into committing certain crimes as a result of being a victim of domestic abuse.

---

Jess Phillips

Not called NC33

To move the following Clause—

#### **"Police perpetrated domestic abuse as a recordable complaint**

- (1) Schedule 3 of the Police Reform Act 2002 is amended as follows.
- (2) After paragraph 1(2)(b) insert—
  - "(c) it is alleged by any person, including any person serving with the police, that a person under his direction and control, whether in the course of their duties or otherwise, has engaged in domestic abuse within the

meaning of section 1 of the Domestic Abuse Act 2021 or abuse of position for a sexual purpose,”

- (3) After paragraph 2(6B)(c) insert—
- “(ca) the complaint is one which alleges that a person serving with the police, whether in the course of their duties or otherwise, has engaged in domestic abuse or abuse of position for a sexual purpose; and “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2021,“.”

**Member's explanatory statement**

This new clause would ensure all allegations of Police Perpetrated Domestic abuse are treated either as a recordable police complaint or as a recordable conduct matter.

---

Jess Phillips

Not called NC34

To move the following Clause—

**“Domestic abuse complainants: police officers and police staff**

- (1) Section 29(4)(a) of the Police Reform Act 2002 is amended as follows.
- (2) After “person whose conduct it was” insert “, save that this paragraph does not apply where the conduct alleged (assuming it to have occurred) falls within the definition of domestic abuse in section 1 of the Domestic Abuse Act 2021 or constitutes abuse of position for a sexual purpose,“.”

**Member's explanatory statement**

This new clause would ensure that police officers and members of police staff have the same right to make a complaint of domestic abuse against a member of their force as do members of the public.

---

Alex Norris

Not called NC35

To move the following Clause—

**“Vetting: duty of chief officers**

- (1) Chief officers must ensure that all persons under their direction and control have valid and current vetting clearance appropriate to their role.
- (2) All persons under the direction and control of a chief officer must be re-vetted—
- (a) within a period of five years from an individual coming under the direction and control of a chief officer; and
- (b) within a period no longer than every five years thereafter.
- (3) Vetting clearance must not be granted to persons who have received a caution or conviction for serious violent or sexual offences including, but not limited to offences involving—
- (a) domestic abuse,
- (b) coercive and controlling behaviour,

- (c) stalking,
  - (d) harassment,
  - (e) sexual assault or abuse,
  - (f) rape, or
  - (g) female genital mutilation.
- (4) A person who does not have valid and current vetting clearance appropriate to their role will be dismissed."

---

Alex Norris

Not called NC36

To move the following Clause—

**"Allegation of violence against women and girls: withdrawal of warrant card**

Where a police officer is the subject of an allegation that the officer has perpetrated violence against a woman or a girl, the officer's warrant card must be withdrawn pending investigation."

**Member's explanatory statement**

This new clause creates a provision requiring the removal of warrant cards from police officers who are under investigation for crimes relating to violence against women and girls.

---

Alex Norris

Not moved NC37

To move the following Clause—

**"Remand of juveniles in police detention**

In section 38 of the Police and Criminal Evidence Act 1984—

- (1) Omit sub-section (1)(b) and insert "if he is an arrested juvenile—
- (i) his name or address cannot be ascertained or the custody officer has substantial grounds for doubting whether a name or address furnished by him as his name or address is his real name or address;
  - (ii) in the case of a juvenile arrested for an indictable offence—
    - (A) the custody officer has substantial grounds for believing that the juvenile arrested will fail to appear in court to answer bail;
    - (B) the custody officer has substantial grounds for believing that the detention of the juvenile arrested is necessary to prevent him from interfering with the administration of justice or with the investigation of offences or of a particular offence;
  - (iii) in the case of a juvenile arrested for an offence which is not an indictable offence—
    - (A) the juvenile has previously failed to appear in court to answer bail and the custody officer has substantial

- grounds to believe that the juvenile would fail to appear;
- (B) the juvenile has been arrested for breach of bail in these proceedings and the custody officer has substantial grounds to believe that the juvenile would fail to appear;
  - (C) the juvenile is arrested for breach of bail and the custody officer has substantial grounds for believing that they would interfere with the administration of justice or with the investigation of offences;
- (iv) the custody officer has substantial grounds for believing that the detention is necessary to prevent the juvenile committing further indictable offences and to protect the public from death or serious injury, and these risks cannot be safely managed through bail conditions."

(2) After sub-section (1), insert—

"(1A) Before deciding whether to remand a juvenile the custody officer must consider the best interests and welfare of the juvenile.""

#### **Member's explanatory statement**

This new clause would bring the grounds on which the police can refuse to bail a child post-charge, and remand them in police custody, into closer alignment with the grounds used by the court to refuse bail and remand a child to custody.

---

Alex Norris

Not moved NC38

Dame Diana Johnson

To move the following Clause—

#### **"Police provision of naloxone**

- (1) The College of Policing must exercise its powers under section 39A of the Police Act 1996 to issue a code of practice about the provision of naloxone and other medications for the treatment of persons suffering drug-related overdoses in police stations.
- (2) The Code must set out—
  - (a) which officers should be provided with such medications and related equipment,
  - (b) in what circumstances such medications should be used, and
  - (c) what guidance should be provided to officers on the use of such medications.
- (3) In drawing up the code of conduct, the College of Policing must consult with such individuals or bodies as it sees fit."



---

Alex Norris

Withdrawn after debate NC39

Dame Diana Johnson

To move the following Clause—

**“Requirement for specialist rape and serious sexual offence teams**

- (1) The chief officer of each police force in England and Wales must establish a specialist team for the investigation of rape and serious sexual offences within the relevant force area.
- (2) The chief officer must provide for members of the specialist team to be provided with such training and guidance on the investigation of rape and serious sexual offences as the chief officer sees fit.
- (3) Any chief officer who fails to establish a specialist team must produce and publish a report to the Secretary of State outlining—
  - (a) the reasons for the chief officer’s decision not to establish a specialist team;
  - (b) how rape and serious sexual offences are to be investigated in the absence of a specialist team;
  - (c) what training and guidance is given to officers on the investigation of rape and serious sexual offences.”

---

Alex Cunningham

Withdrawn after debate NC40

Shabana Mahmood

To move the following Clause—

**“Doorstep theft: aggravating factor in theft offence**

- (1) The Sentencing Code 2020 is amended as follows.
- (2) After section 72 (supply of psychoactive substance in certain circumstances) insert—

**“72A Theft from outside a dwelling place**

- (1) This clause applies where the court is considering an offence under section 1 of the Theft Act 1968.
- (2) Where the theft is of an item delivered to, but not yet taken inside, a person’s dwelling place, the court must—
  - (a) treat this fact as an aggravating factor, and
  - (b) state in open court that the offence is so aggravated.”

**Member's explanatory statement**

This new clause defines theft from a doorstep as an aggravating factor for the purposes of sentencing in cases of theft.

Alex Norris

Negatived on division NC41

Dame Diana Johnson

To move the following Clause—

**“Offence of assaulting a retail worker**

- (1) It is an offence for a person to assault, threaten or abuse another person who is a retail worker, and who is engaged, at the time, in retail work.
- (2) The offence under section 1 of threatening or abusing a retail worker—
  - (a) is committed by a person if the person—
    - (i) behaves in a threatening or abusive manner towards the worker, and
    - (ii) intends by the behaviour to cause the worker or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.
  - (b) applies to—
    - (i) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,
    - (ii) behaviour consisting of—
      - (A) a single act, or
      - (B) a course of conduct.
- (3) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person is a retail worker and is engaged, at the time, in retail work.
- (4) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £10,000 (or both).
- (5) An offence committed under subsection (1) is aggravated if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction.
- (6) Where, in proceedings for an offence under subsection (1), it is—
  - (a) specified in the complaint that the offence is aggravated by reason of the retail worker enforcing a statutory age restriction, and
  - (b) proved that the offence is so aggravated,
 the court must—
  - (a) state on conviction that the offence is so aggravated,
  - (b) record the conviction in a way that shows that the offence is so aggravated,
  - (c) take the aggravation into account in determining the appropriate sentence, and
  - (d) state—
    - (i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the offence

were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.

(7) Evidence from a single source is sufficient to establish, for the purposes of this section—

- (a) whether a person is a retail worker,
- (b) whether the person is engaged, at the time, in retail work,
- (c) whether an offence committed under subsection (1) is aggravated because of the enforcement of a statutory age restriction.

(8) In this section—

“retail worker”—

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

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

“retail work”—

- (a) in the case of a person whose usual place of work is retail premises, means any work in those retail premises,
- (b) in the case of a person whose usual place of work is not retail premises, means work in connection with—
  - (i) the sale or supply of goods, on a retail basis, to members of the public, or
  - (ii) the sale or supply of services (including facilities for gambling) in respect of which a statutory age restriction applies,
- (c) in the case of a person who delivers goods from retail premises, means work in connection with the sale or supply of goods, on a retail basis, to members of the public done during the period beginning when the person arrives at a place where delivery of goods is to be effected and ending when the person leaves that place (whether or not goods have been delivered),
- (d) is not dependent on a person receiving payment.

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

- (a) seeking information as to a person's age,
- (b) considering information as to a person's age, or
- (c) refusing to sell or supply goods or services,

for the purposes of complying with the restriction (and “enforcing” is to be construed accordingly),  
 “statutory age restriction” means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.”

---

Alex Norris

Not called NC42

To move the following Clause—

**“Requirement for anti-social behaviour lead**

- (1) The chief officer of each police force in England and Wales must appoint a designated officer for each neighbourhood within the relevant force area to act as the force’s lead on work relating to anti-social behaviour in that neighbourhood area.”

**Member’s explanatory statement**

This new clause would require each police force to appoint a designated officer for each neighbourhood area to lead work on anti-social behaviour in that area.

---

Jess Phillips

Not called NC43

To move the following Clause—

**“Domestic abuse: automatic referral to Independent Office for Police Conduct**

- (1) A chief officer of police must ensure that any allegation of domestic abuse made against a person under the chief officer’s direction and control must be referred to the Independent Office for Police Conduct for determination of the mode of investigation.
- (2) If the Independent Office for Police Conduct determines that the investigation must be referred back to the chief officer’s force, then such an investigation must be conducted and concluded.
- (3) The Independent Office for Police Conduct may also refer the complaint to the chief officer of police for a different police force and direct that the complaint be investigated independently by that force.”

---

Carolyn Harris

Not called NC44

Dame Diana Johnson

To move the following Clause—

**“Offence of enabling or profiting from prostitution**

- (1) A person or body corporate (C) commits an offence if they—
  - (a) facilitate, whether online or offline, or

- (b) gain financially from a person (A) engaging in sexual activity with another person (B) in exchange for payment or other benefit, or the promise of payment or other benefit, and the conditions in subsection (2) are met.
- (2) The conditions are—
- (a) that C knows or ought to know that A is engaging in, or intends to engage in, sexual activity for payment or other benefit; and
  - (b) that C is not a dependent child of A.
- (3) For the purposes of this section—
- (a) “Sexual activity”—
    - (i) means any acts which a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual,
    - (ii) requires A and B to be in each other’s presence,
  - (b) “Facilitates” includes, but is not limited to, causing or allowing to be displayed or published, including digitally, any advertisement in respect of sexual activity involving A.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

**Member's explanatory statement**

This new cause would make it an offence to facilitate or profit from the prostitution of another person.

---

Jess Phillips

Not called NC48

To move the following Clause—

**“Duty to investigate suspects diligently**

- (1) The Police (Conduct) Regulations 2020 are amended as follows.
- (2) In Schedule 2 (standards of professional behaviour), under the heading “Duties and Responsibilities”, after “Police officers are diligent in the exercise of their duties and responsibilities.” insert “This includes undertaking diligent searching for, and consideration of, all relevant intelligence related to a suspect.”

**Member's explanatory statement**

This new clause is a change to Police Regulations. It is designed to ensure that officers diligently consider all intelligence on a suspect, including previous convictions or reports related to that person.

---

**Gerald Jones**

**Not called NC49**

Bob Seely  
Judith Cummins  
Carolyn Harris

To move the following Clause—

**“Amendments to the Road Traffic Act 1988**

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) In each of the sections listed below, after “a road or other public place” insert “, or a private place adjacent to a road,”—
  - section 1 (causing death by dangerous driving);
  - section 1A (causing serious injury by dangerous driving);
  - section 2 (dangerous driving);
  - section 2B (causing death by careless, or inconsiderate, driving);
  - section 2C (causing serious injury by careless, or inconsiderate, driving);
  - section 3 (careless, and inconsiderate, driving).”

**Member's explanatory statement**

This new clause would extend the Road Traffic Act 1988 so that a range of driving offences can be committed in private places adjacent to roads as well as on public roads or in public places.

---

**Dehenna Davison**

**Withdrawn after debate NC50**

Wendy Chamberlain  
Stephen Hammond  
Mrs Emma Lewell-Buck  
Greg Smith  
Charlotte Nichols

Cat Smith  
Jason McCartney  
Kate Osborne  
Dame Caroline Dinenage  
Sir Simon Clarke  
Ms Harriet Harman  
Jess Phillips  
Elliot Colburn  
Sammy Wilson  
Sally-Ann Hart

Simon Jupp  
Simon Fell  
Tracey Crouch  
Justin Tomlinson  
Alicia Kearns  
Jill Mortimer  
Carolyn Harris  
Harriett Baldwin  
Dame Diana Johnson

Sir Paul Beresford  
Nickie Aiken  
Mr Mark Francois  
Lee Anderson  
Ben Lake  
Alex Norris  
Sir Geoffrey Clifton-Brown  
Bob Blackman  
Derek Thomas

To move the following Clause—

**“One-punch manslaughter**

- (1) A person (P) is guilty of an offence where they cause the death of another person (B) as a result of a single punch in the circumstances described in subsection (2).
- (2) The circumstances referred to in subsection (1) are—
  - (a) P administered a single punch to the head or neck of B;

- (b) there was significant risk that the punch would cause serious physical harm to B;
  - (c) P was or ought to have been aware of the risk mentioned in paragraph (b);
  - (d) P did not administer the punch referred to in paragraph (a) in self-defence; and
  - (e) B's death was caused by—
    - (i) the impact of the punch, or
    - (ii) further impact or injury resulting from the single punch.
- (3) In this section "serious physical harm" means harm that amounts to death or serious personal injury for the purposes of the Offences against the Person Act 1861.
- (4) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a minimum of seven years."

#### Member's explanatory statement

This new clause is intended to create a specific offence of "One Punch Manslaughter", with a minimum sentence of seven years.

---

Alex Cunningham

Negated on division NC51

To move the following Clause—

**"Aggravated offences: hostility towards transgender identity, sexual orientation and disability**

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) For the first cross-heading under Part II, substitute "Offences aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity: England and Wales".
- (3) In section 28—
  - (a) for the heading, substitute "Meaning of "aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity"";
  - (b) in subsection (1), omit "racially or religiously aggravated" and insert "aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity";
  - (c) in subsection (1)(a), omit from "based on" to the end of sub-subsection (a) and insert—
    - " —
    - (i) the victim's membership (or presumed membership) of a racial group;
    - (ii) the victim's membership (or presumed membership) of a religious group;
    - (iii) a disability (or presumed disability) of the victim;

- (iv) the sexual orientation (or presumed sexual orientation) of the victim; or
    - (v) the victim being (or being presumed to be) transgender, or";
  - (d) in subsection (1)(b), omit from "hostility towards" to the end of sub-subsection (b) and insert—
    - " —
    - (i) members of a racial group based on their membership of that group;
    - (ii) members of a religious group based on their membership of that group;
    - (iii) persons who have a disability or a particular disability;
    - (iv) persons who are of a particular sexual orientation; or
    - (v) persons who are transgender.";
  - (e) in subsection (2), in the definition of "membership" leave out "racial or religious" and insert "relevant".
- (4) In section 29—
  - (a) for the heading, substitute "Assaults aggravated on grounds of race, religion, disability, sexual orientation or transgender identity";
  - (b) in subsection (1), omit "racially or religiously aggravated" and insert "aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity".
- (5) In section 30—
  - (a) for the heading, substitute "Criminal damage aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity";
  - (b) in subsection (1), omit "racially or religiously aggravated" and insert "aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity".
- (6) In section 31—
  - (a) for the heading, substitute "Public order offences aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity";
  - (b) in subsection (1), omit "racially or religiously aggravated" and insert "aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity".
- (7) In section 32—
  - (a) for the heading, substitute "Harassment etc aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity";
  - (b) in subsection (1), omit "racially or religiously aggravated" and insert "aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity".



**Member's explanatory statement**

This new clause would include offences motivated by hostility towards an individual's disability status, sexual orientation or transgender identity (or perception thereof) in those which are aggravated under the Crime and Disorder Act 1998.

---

Alex Norris

Withdrawn after debate NC52

To move the following Clause—

**"Definition of unauthorised access to computer programs or data**

In section 17 of the Computer Misuse Act 1990, at the end of subsection (5) insert—

- "(c) he does not reasonably believe that the person entitled to control access of the kind in question to the program or data would have consented to that access if he had known about the access and the circumstances of it, including the reasons for seeking it;
- (d) he is not empowered by an enactment, by a rule of law, or by the order of a court or tribunal to access of the kind in question to the program or data."

---

Alex Norris

Not called NC53

To move the following Clause—

**"Defences to charges under the Computer Misuse Act 1990**

(1) The Computer Misuse Act 1990 is amended as follows.

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

"(2A) It is a defence to a charge under subsection (1) to prove that—

- (a) the person's actions were necessary for the detection or prevention of crime; or
- (b) the person's actions were justified as being in the public interest."

(3) In section 3, after subsection (5) insert—

"(5A) It is a defence to a charge under subsection (1) to prove that—

- (a) the person's actions were necessary for the detection or prevention of crime; or
- (b) the person's actions were justified as being in the public interest."

---

Chris Philp

Added 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.

---

Jess Phillips

Not called NS2

To move the following Schedule—

“SCHEDULE

OFFENCES TO WHICH THE DEFENCE FOR VICTIMS OF DOMESTIC ABUSE WHO COMMIT AN OFFENCE  
DOES NOT APPLY

*Common Law Offences*

- 1 False imprisonment.
- 2 Kidnapping.
- 3 Manslaughter.
- 4 Murder.
- 5 Perverting the course of justice.
- 6 Piracy.

*Offences against the Person Act 1861 (c. 100)*

- 7 An offence under any of the following provisions of the Offences Against the Person Act 1861—
  - section 4 (soliciting murder)
  - section 16 (threats to kill)
  - section 18 (wounding with intent to cause grievous bodily harm)
  - section 20 (malicious wounding)
  - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)
  - section 22 (using drugs etc to commit or assist in the committing of an indictable offence)
  - section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm)
  - section 27 (abandoning children)
  - section 28 (causing bodily injury by explosives)
  - section 29 (using explosives with intent to do grievous bodily harm)



- section 30 (placing explosives with intent to do bodily injury)
- section 31 (setting spring guns etc with intent to do grievous bodily harm)
- section 32 (endangering safety of railway passengers)
- section 35 (injuring persons by furious driving)
- section 37 (assaulting officer preserving wreck)
- section 38 (assault with intent to resist arrest).

*Explosive Substances Act 1883 (c. 3)*

- 8 An offence under any of the following provisions of the Explosive Substances Act 1883—
- section 2 (causing explosion likely to endanger life or property)
  - section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)
  - section 4 (making or possession of explosives under suspicious circumstances).

*Infant Life (Preservation) Act 1929 (c. 34)*

- 9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

*Children and Young Persons Act 1933 (c. 12)*

- 10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

*Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)*

- 11 An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

*Infanticide Act 1938 (c. 36)*

- 12 An offence under section 1 of the Infanticide Act 1938 (infanticide).

*Firearms Act 1968 (c. 27)*

- 13 An offence under any of the following provisions of the Firearms Act 1968—
- section 5 (possession of prohibited firearms)
  - section 16 (possession of firearm with intent to endanger life)
  - section 16A (possession of firearm with intent to cause fear of violence)
  - section 17(1) (use of firearm to resist arrest)
  - section 17(2) (possession of firearm at time of committing or being arrested for specified offence)

- section 18 (carrying firearm with criminal intent).

*Theft Act 1968 (c. 60)*

- 14 An offence under any of the following provisions of the Theft Act 1968—
- section 8 (robbery or assault with intent to rob)
  - section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it
  - section 10 (aggravated burglary)
  - section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person
  - section 21 (blackmail).

*Criminal Damage Act 1971 (c. 48)*

- 15 The following offences under the Criminal Damage Act 1971—
- an offence of arson under section 1
  - an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

*Immigration Act 1971 (c. 77)*

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

*Customs and Excise Management Act 1979 (c. 2)*

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

*Taking of Hostages Act 1982 (c. 28)*

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

*Aviation Security Act 1982 (c. 36)*

- 19 An offence under any of the following provisions of the Aviation Security Act 1982—
- section 1 (hijacking)
  - section 2 (destroying, damaging or endangering safety of aircraft)
  - section 3 (other acts endangering or likely to endanger safety of aircraft)
  - section 4 (offences in relation to certain dangerous articles).

*Mental Health Act 1983 (c. 20)*

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

*Child Abduction Act 1984 (c. 37)*

- 21 An offence under any of the following provisions of the Child Abduction Act 1984—
- section 1 (abduction of child by parent etc)
  - section 2 (abduction of child by other persons).

*Public Order Act 1986 (c. 64)*

- 22 An offence under any of the following provisions of the Public Order Act 1986—
- section 1 (riot)
  - section 2 (violent disorder).

*Criminal Justice Act 1988 (c. 33)*

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).

*Road Traffic Act 1988 (c. 52)*

- 24 An offence under any of the following provisions of the Road Traffic Act 1988—
- section 1 (causing death by dangerous driving)
  - section 3A (causing death by careless driving when under the influence of drink or drugs).

*Aviation and Maritime Security Act 1990 (c. 31)*

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
- section 1 (endangering safety at aerodromes)
  - section 9 (hijacking of ships)
  - section 10 (seizing or exercising control of fixed platforms)
  - section 11 (destroying fixed platforms or endangering their safety)
  - section 12 (other acts endangering or likely to endanger safe navigation)
  - section 13 (offences involving threats).

*Channel Tunnel (Security) Order 1994 (S.I. 1994/570)*

- 26 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

*Protection from Harassment Act 1997 (c. 40)*

- 27 An offence under any of the following provisions of the Protection from Harassment Act 1997—
- section 4 (putting people in fear of violence)
  - section 4A (stalking involving fear of violence or serious alarm or distress).

*Crime and Disorder Act 1998 (c. 37)*

- 28 An offence under any of the following provisions of the Crime and Disorder Act 1998 —
- section 29 (racially or religiously aggravated assaults)
  - section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

*Terrorism Act 2000 (c. 11)*

- 29 An offence under any of the following provisions of the Terrorism Act 2000—
- section 54 (weapons training)
  - section 56 (directing terrorist organisation)
  - section 57 (possession of article for terrorist purposes)
  - section 59 (inciting terrorism overseas).

*International Criminal Court Act 2001 (c. 17)*

- 30 An offence under any of the following provisions of the International Criminal Court Act 2001—
- section 51 (genocide, crimes against humanity and war crimes)
  - section 52 (ancillary conduct).

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 31 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- section 47 (use of nuclear weapons)
  - section 50 (assisting or inducing certain weapons-related acts overseas)
  - section 113 (use of noxious substance or thing to cause harm or intimidate).

*Female Genital Mutilation Act 2003 (c. 31)*

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—
- section 1 (female genital mutilation)

- section 2 (assisting a girl to mutilate her own genitalia)
- section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

*Sexual Offences Act 2003 (c. 42)*

33 An offence under any of the following provisions of the Sexual Offences Act 2003—

- section 1 (rape)
- section 2 (assault by penetration)
- section 3 (sexual assault)
- section 4 (causing person to engage in sexual activity without consent)
- section 5 (rape of child under 13)
- section 6 (assault of child under 13 by penetration)
- section 7 (sexual assault of child under 13)
- section 8 (causing or inciting child under 13 to engage in sexual activity)
- section 9 (sexual activity with a child)
- section 10 (causing or inciting a child to engage in sexual activity)
- section 13 (child sex offences committed by children or young persons)
- section 14 (arranging or facilitating commission of child sex offence)
- section 15 (meeting a child following sexual grooming)
- section 16 (abuse of position of trust: sexual activity with a child)
- section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)
- section 18 (abuse of position of trust: sexual activity in presence of child)
- section 19 (abuse of position of trust: causing a child to watch a sexual act)
- section 25 (sexual activity with a child family member)
- section 26 (inciting a child family member to engage in sexual activity)
- section 30 (sexual activity with a person with a mental disorder impeding choice)
- section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)
- section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)
- section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)

- section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)
- section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)
- section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)
- section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)
- section 38 (care workers: sexual activity with a person with a mental disorder)
- section 39 (care workers: causing or inciting sexual activity)
- section 40 (care workers: sexual activity in the presence of a person with a mental disorder)
- section 41 (care workers: causing a person with a mental disorder to watch a sexual act)
- section 47 (paying for sexual services of a child)
- section 48 (causing or inciting child prostitution or pornography)
- section 49 (controlling a child prostitute or a child involved in pornography)
- section 50 (arranging or facilitating child prostitution or pornography)
- section 61 (administering a substance with intent)
- section 62 (committing offence with intent to commit sexual offence)
- section 63 (trespass with intent to commit sexual offence)
- section 64 (sex with an adult relative: penetration)
- section 65 (sex with an adult relative: consenting to penetration)
- section 66 (exposure)
- section 67 (voyeurism)
- section 70 (sexual penetration of a corpse).

*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

- 34 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

*Terrorism Act 2006 (c. 11)*

- 35 An offence under any of the following provisions of the Terrorism Act 2006—
- section 5 (preparation of terrorist acts)
  - section 6 (training for terrorism)
  - section 9 (making or possession of radioactive device or material)

- section 10 (use of radioactive device or material for terrorist purposes)
- section 11 (terrorist threats relating to radioactive devices etc).

*Modern Slavery Act 2015 (c. 30)*

- 36 An offence under any of the following provisions of the Modern Slavery Act 2015—
- section 1 (slavery, servitude and forced or compulsory labour)
  - section 2 (human trafficking).

*Ancillary offences*

- 37 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.”

Bill, as amended, to be reported.

## Glossary

**Added:** New Clause agreed without a vote and added to the Bill.

**Agreed to:** agreed without a vote

**Agreed to on division:** agreed following a vote.

**Negated:** rejected without a vote.

**Negated on division:** rejected following a vote.

**Not called:** debated in a group of amendments, but not put to a decision.

**Not moved:** not debated or put to a decision.

**Question proposed:** debate underway but not concluded.

**Withdrawn after debate:** moved and debated but then withdrawn, so not put to a decision.

**Not selected:** not chosen for debate by the Chair.