
Report Stage: Thursday 1 February 2024

Criminal Justice Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Criminal Justice Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

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

New Amendments: NC7 and NC8

Dame Diana Johnson

NC1

Stephen Farry

☆ To move the following Clause—

“Removal of women from the criminal law related to abortion

For the purposes of 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 procurement 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.

Ms Harriet Harman

NC2

☆ 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.””

Ms Harriet Harman

NC3

☆ 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

NC4

☆ 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

NC5

☆ 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

NC6

☆ 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.””

Sir Iain Duncan Smith

NC7

Caroline Ansell
Julie Marson
Tim Loughton
Nick Fletcher
Bob Seely

Jonathan Gullis
Dame Andrea Jenkyns
Chris Green

Mr Ranil Jayawardena
Simon Fell

Greg Smith
Andrew Selous

★ To move the following Clause—

**“Occupation or control of another person’s residence for criminal purposes
“Cuckooing”**

- (1) A person commits an offence if the person occupies or exercises control over the home of another person (V) in connection with the commission of a criminal offence or offences using any of the following methods—
 - (a) the threat or use of force or other coercive behaviour;
 - (b) abduction, kidnap or false imprisonment;
 - (c) fraud or other deception;
 - (d) the abuse of power or a position of vulnerability;
 - (e) the giving of payments or other benefits to achieve the consent of a person who has control over V.
- (2) A person also commits an offence under this section if the person arranges or facilitates the activity set out in subsection (1).
- (3) A person who commits an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding seven years,
 - (b) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both).”

Member's explanatory statement

This new clause makes it an offence to exercise control over another person’s residence for the purpose of criminal activity by means of coercion, threats or abuse of a position of vulnerability.

Carolyn Harris

NC8

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

Dame Diana Johnson

1

Stephen Farry

☆ Clause 88, page 92, line 19, at end insert—

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

Member's explanatory statement

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

Order of the House

[28 November 2023]

That the following provisions shall apply to the Criminal Justice Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 30 January 2024.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other Proceedings

7. Any other proceedings on the Bill may be programmed.