
Report Stage: Thursday 9 May 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 Any withdrawn amendments are listed at the end of the document.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: 70 to 159, NC61 to NC89, NS2 and NS3

Secretary James Cleverly

Secretary Alex Chalk

Gov NC64

★ To move the following Clause—

“Cautions given to persons having limited leave to enter or remain in UK

(1) In section 22(3G) of the Criminal Justice Act 2003 (conditional cautions: meaning of “relevant foreign offender”) before paragraph (a) insert—

“(za) an offender who has limited leave to enter or remain in the United Kingdom (within the meaning of the Immigration Act 1971),”.

(2) In section 103(4) of the Police, Crime, Sentencing and Courts Act 2022 (diversionary cautions: meaning of “relevant foreign offender”) before paragraph (a) insert—

“(za) an offender who has limited leave to enter or remain in the United Kingdom (within the meaning of the Immigration Act 1971),”.

Member's explanatory statement

This new clause provides that persons with limited leave to enter or remain in the United Kingdom are “relevant foreign offenders” for the purposes of powers to give a conditional caution, or to impose a condition when giving a diversionary caution. Accordingly, conditions may be imposed

relating to the departure of the person from the United Kingdom and to ensuring they do not return for a period of time.

Secretary James Cleverly
Secretary Alex Chalk

Gov NC65

★ To move the following Clause—

“Duty to report child sex offences

- (1) A person aged 18 or over must make a notification under this section if, while engaging in a relevant activity in England, the person is given reason to suspect that a child sex offence may have been committed (at any time).
- (2) A notification under this section—
 - (a) is to be made to a relevant chief officer of police or a relevant local authority director (or both);
 - (b) must identify each person believed by the person making the notification to be involved in the suspected offence and explain why the notification is made;
 - (c) must be made as soon as reasonably practicable;
 - (d) may be made orally or in writing.
- (3) If the person making the notification believes that no relevant child resides in England and Wales, subsection (2)(a) applies as if it referred to a relevant chief officer of police only.
- (4) The duty under subsection (1) does not apply to a person—
 - (a) if the person reasonably believes that another person has previously made, or will imminently make, a notification under this section in connection with the suspected offence;
 - (b) for such time as the person reasonably believes another person who engages in a relevant activity in England has made or will make a notification under this section on their behalf;
 - (c) for such time as the person reasonably believes that it is not in the best interests of each relevant child to make a notification under this section.
- (5) The duty under subsection (1) is also subject to—

section (Exception for certain consensual sexual activity among children) (exception for certain consensual activity among children);

section (Exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances) (exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances);

section (Exception in respect of certain disclosures by children) (exception in respect of certain disclosures by children).
- (6) A disclosure made in a notification under this section does not breach—

- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information.
- (7) In this section—
- “child” means a person aged under 18;
 - “child sex offence” means an offence specified in Part 1 of Schedule (*Duty to report child sex offences: child sex offences and further relevant activities*);
 - “involved in the suspected offence”: references to a person involved in a suspected offence include, where the suspected offence is under section 1(1)(b), (c) or (d) of the Protection of Children Act 1978 (taking etc indecent photograph of child) or section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child), any person shown in a photograph or pseudo-photograph concerned (other than an imaginary person);
 - “local authority” has the same meaning as in the Children Act 2004 (see section 65);
 - “relevant activity” means—
 - (a) a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006, or
 - (b) an activity specified in Part 2 of Schedule (*Duty to report child sex offences: child sex offences and further relevant activities*);
 - “relevant chief officer of police” means—
 - (a) if a person involved in the suspected offence resides in England and Wales, the chief officer of police for the area in which the person resides, or
 - (b) if the person making the notification—
 - (i) does not know where any person involved in the suspected offence resides, or
 - (ii) believes that each person involved in the suspected offence resides outside England and Wales,such chief officer of police for an area in England and Wales as the person making the notification considers appropriate;
 - “relevant child” means a child involved in the suspected offence who is not the suspected offender;
 - “relevant local authority director” means—
 - (a) if a relevant child resides in England, the director of children's services of the local authority in whose area the child resides,
 - (b) if a relevant child resides in Wales, the director of social services of the local authority in whose area the child resides, or
 - (c) if the person making the notification does not know where any relevant child resides, such director of children's services or director of social services as the person making the notification considers appropriate.

Here “director of children’s services” has the meaning given by section 18 of the Children Act 2004 and “director of social services” has the meaning given by section 144 of the Social Services and Well-being (Wales) Act 2014.”

Member's explanatory statement

This new clause imposes a duty on persons engaging in a relevant activity in England to make a notification to the police or to a local authority if, in the course of that activity, the person is given reason to suspect that a child sex offence may have been committed.

Secretary James Cleverly

Gov NC66

Secretary Alex Chalk

★ To move the following Clause—

“Reasons to suspect child sex offence may have been committed

- (1) For the purposes of section (*Duty to report child sex offences*), a person (P) is given reason to suspect that a child sex offence may have been committed in each of the following 4 cases (and no others).
- (2) The first case is where P witnesses conduct constituting a child sex offence.
- (3) The second case is where a child communicates to P something which would cause a reasonable person who engages in the same relevant activity as P to suspect that a child sex offence may have been committed.
- (4) The third case is where another person (A) communicates to P something which would cause a reasonable person who engages in the same relevant activity as P to suspect that A may have committed a child sex offence.
- (5) The fourth case is where P sees an image or video recording, or hears an audio recording, which would cause a reasonable person who engages in the same relevant activity as P to suspect that a child sex offence may have been committed.
- (6) “Child”, “child sex offence” and “relevant activity” have the same meaning in this section as in section (*Duty to report child sex offences*).”

Member's explanatory statement

This new clause provides for when a person is given reason to suspect that a child sex offence has been committed for the purposes of NC65.

Secretary James Cleverly

Gov NC67

Secretary Alex Chalk

★ To move the following Clause—

“Exception for certain consensual sexual activity among children

- (1) The duty under section (*Duty to report child sex offences*) does not apply to a person if the following 4 conditions are met.
- (2) The first condition is that the child sex offence that the person is given reason to suspect may have been committed (“the suspected offence”) is—
 - (a) an offence under section 13 of the Sexual Offences Act 2003 (child sex offences committed by children or young persons), or
 - (b) an offence under section 1(1)(a), (b) or (c) of the Protection of Children Act 1978 or section 160 of the Criminal Justice Act 1988, relating to an indecent photograph of a child.
- (3) The second condition is that the person reasonably believes that—
 - (a) each person involved in the suspected offence was a child aged 13 or over, and
 - (b) where the suspected offence is under a provision mentioned in subsection (2)(b), the person shown in the indecent photograph concerned is a child aged 13 or over.
- (4) The third condition is that the person is satisfied that—
 - (a) each person involved in the suspected offence (other than the suspected offender) consented to the conduct constituting the suspected offence, and
 - (b) where the suspected offence is under section 1(1)(b) or (c) of the Protection of Children Act 1978 or section 160 of the Criminal Justice Act 1988, the person shown in the indecent photograph concerned consented to—
 - (i) its taking, and
 - (ii) the conduct constituting suspected offence.
- (5) The fourth condition is that the person is satisfied that it would not be appropriate in the circumstances to make a notification under section (*Duty to report child sex offences*), having regard (among other things) to the risk of harm to each person mentioned in subsection (3)(a) and (if relevant) (b).
- (6) For the purposes of the third condition, a person consents if the person agrees by choice, and has the freedom and capacity to make that choice.
- (7) In this section—

“child” and “child sex offence” have the same meaning as in section (*Duty to report child sex offences*);

“indecent photograph” has the same meaning as in the Protection of Children Act 1978 (see section 7 of that Act);.”

Member's explanatory statement

This new clause provides for an exception to the duty imposed by NC65 in respect of certain consensual sexual activity among children.

Secretary James Cleverly

Gov NC68

Secretary Alex Chalk

★ To move the following Clause—

“Exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances

- (1) The duty under section (*Duty to report child sex offences*) does not apply to a person if the following 4 conditions are met.
- (2) The first condition is that the child sex offence that the person is given reason to suspect may have been committed (“the suspected offence”) is an offence under section 14 of the Sexual Offences Act 2003 (arranging or facilitating child sex offence).
- (3) The second condition is that the person reasonably believes that—
 - (a) each person involved in the suspected offence was a child aged 13 or over, and
 - (b) each person who (as regards the suspected offence) the suspected offender intended to be, or believed would be, involved in the offence mentioned in section 14(1)(b) of the Sexual Offences Act 2003 (“the arranged or facilitated offence”) was a child aged 13 or over.
- (4) The third condition is that the person is satisfied that—
 - (a) each person (if any) involved in the suspected offence (other than the suspected offender) consented to the conduct constituting it, and
 - (b) the suspected offender reasonably believed that each person who the suspected offender intended to be, or believed would be, involved in the arranged or facilitated offence would consent to the conduct constituting it.
- (5) The fourth condition is that the person is satisfied that it would not be appropriate in the circumstances to make a notification under section (*Duty to report child sex offences*), having regard (among other things) to the risk of harm to each person—
 - (a) involved in the suspected offence, or
 - (b) who the suspected offender intended to be, or believed would be, involved in the arranged or facilitated offence.
- (6) For the purposes of the third condition, a child consents if the child agrees by choice, and has the freedom and capacity to make that choice.
- (7) “Child” and “child sex offence” have the same meaning in this section as in section (*Duty to report child sex offences*).”

Member's explanatory statement

This new clause provides for an exception to the duty imposed by NC65 in respect of children arranging or facilitating child sex offence in certain circumstances.

Secretary James Cleverly

Gov NC69

Secretary Alex Chalk

★ To move the following Clause—

“Exception in respect of certain disclosures by children

- (1) The duty under section (*Duty to report child sex offences*) does not apply to a person (P) where—
 - (a) P is given reason to suspect that another person (A) may have committed a child sex offence by a communication by A within section (*Reasons to suspect child sex offence may have been committed*)(4), and
 - (b) P reasonably believes that—
 - (i) A is a child, and
 - (ii) each other person involved in the suspect offence is a child aged 13 or over.
- (2) “Child”, “child sex offence” and “involved in the suspected offence” have the same meaning in this section as in section (*Duty to report child sex offences*).”

Member's explanatory statement

This new clause provides for an exception to the duty imposed by NC65 in respect of certain disclosures by children.

Secretary James Cleverly

Gov NC70

Secretary Alex Chalk

★ To move the following Clause—

“Offence of preventing or deterring a person from complying with duty to report child sex offences

- (1) A person commits an offence if they—
 - (a) know that a person is under a duty under section (*Duty to report child sex offences*), and
 - (b) engage in any conduct with the intention of preventing or deterring that person from complying with that duty.
- (2) It is a defence for a person charged with an offence under this section to show that the conduct that they engaged in consisted of making representations about the timing of a notification under section (*Duty to report child sex offences*) in light of the best interests of any person who they reasonably believe to be a relevant child.
- (3) A person is taken to show the fact mentioned in subsection (2) if—
 - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.

- (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 7 years or a fine (or both).
- (5) In this section, "relevant child" has the same meaning as in section (*Duty to report child sex offences*).
- (6) This section applies to persons in the service of the Crown."

Member's explanatory statement

This new clause provides for a new offence of preventing or deterring a person from complying with duty imposed by NC65.

Secretary James Cleverly
Secretary Alex Chalk

Gov NC71

★ To move the following Clause—

"Duty to report child sex offences: modifications for constables

- (1) A constable who is under a duty under section (*Duty to report child sex offences*) is to be treated as having complied with the duty if the constable records, in accordance with applicable policy and procedure, the matters that gave the constable reason to suspect that a child sex offence may have been committed (for the purposes of section (*Duty to report child sex offences*)).
- (2) In the application of sections (*Duty to report child sex offences*)(4), (*Exception for certain consensual sexual activity among children*)(5) and (*Exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances*)(5) in respect of a constable, the references in those provisions to the making of a notification under section (*Duty to report child sex offences*) include references to the making of a record under subsection (1) of this section.
- (3) In this section—
- "applicable policy and procedure" means the policy and procedure relating to the recording of criminal offences of the police force of which the constable mentioned in subsection (1) is a member;
- "child sex offence" has the same meaning as in section (*Duty to report child sex offences*);
- "police force" includes—
- (a) the British Transport Police Force, and
 - (b) the Ministry of Defence police."

Member's explanatory statement

This new clause modifies the duty imposed by NC65 where it applies to a constable.

Secretary James Cleverly

Gov NC72

Secretary Alex Chalk

★ To move the following Clause—

“Duty to report child sex offences: power to amend

The Secretary of State may by regulations amend—

- (a) section (*Duty to report child sex offences*) so as to—
 - (i) change the person or persons to whom a notification under section (*Duty to report child sex offences*) is to be made;
 - (ii) provide that a notification under that section must (in any event) be made within a particular period;
- (b) this Act so as to add or change an exception to the duty under section (*Duty to report child sex offences*);
- (c) Schedule (*Duty to report child sex offences: child sex offences and further relevant activities*) so as—
 - (i) add an offence to, remove an offence from, or otherwise change the offences specified in Part 1 of that Schedule;
 - (ii) add an activity to, remove an activity from or otherwise change the activities specified in Part 2 of that Schedule.”

Member's explanatory statement

This new clause confers a power to make regulations to make certain amendments relating to the duty imposed by NC65.

Secretary James Cleverly

Gov NC73

Secretary Alex Chalk

★ To move the following Clause—

“Guidance about disclosure of information by police for purpose of preventing sex offending

- (1) The Secretary of State may from time to time—
 - (a) issue guidance to chief officers of police about disclosing police information, for the purpose of preventing the commission of relevant sexual offences;
 - (b) revise or withdraw any guidance issued under this section.
- (2) A chief officer of police must have regard to any guidance issued under this section.
- (3) Before issuing or revising guidance under this section, the Secretary of State must consult—
 - (a) the National Police Chiefs' Council, and
 - (b) such other persons as the Secretary of State considers appropriate.

- (4) Subsection (3) does not apply to a revision of guidance if the Secretary of State considers that the revision is insubstantial.
- (5) The Secretary of State must publish—
- (a) any guidance issued under this section, and
 - (b) any revision of that guidance.
- (6) In this section—
- “chief officer of police” means—
- (a) in relation to the British Transport Police Force, the Chief Constable of that Force;
 - (b) in relation to any other police force, the chief officer of police of that force;
- “police force” means—
- (a) a police force maintained by a local policing body, or
 - (b) the British Transport Police Force;
- “police information” means information held by a police force;
- “relevant sexual offence” means an offence listed in Schedule 3 to the Sexual Offences Act 2003.
- (7) In construing the reference in subsection (6) to an offence listed in Schedule 3 to the Sexual Offences Act 2003, disregard any condition subject to which an offence is so listed that relates to—
- (a) the way in which the defendant is dealt with in respect of the offence or a relevant finding (as defined by section 132(9) of that Act), or
 - (b) the age of any person.”

Member's explanatory statement

This new clause confers a power on the Secretary of State to issue guidance to chief officers of police about the disclosure, for the purpose of preventing sex offending, of information held by a police force.

Secretary James Cleverly

Secretary Alex Chalk

Gov NC74

★ To move the following Clause—

“Conditions for notification of Director of Public Prosecutions of investigation report

- (1) In paragraph 23 of Schedule 3 to the Police Reform Act 2002 (action by the Director General of the IOPC in response to an investigation report under paragraph 22 of that Schedule)—
- (a) for sub-paragraph (2A) substitute—
 - “(2A) The first condition is that the report indicates that there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against a person (if any) to whose conduct the investigation related.”;

- (b) after paragraph (2B) insert—
 - “(2C) For the purpose of sub-paragraph (2B)(a), the circumstances where the Director General may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the Director General, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.
 - (2D) In determining whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report, the Director General must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the Director General considers it to be relevant).”
- (2) In paragraph 24 of that Schedule (action by appropriate authority in response to an investigation report under paragraph 22 of that Schedule)—
 - (a) for sub-paragraph (2A) substitute—
 - “(2A) The first condition is that the report indicates that there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against a person (if any) to whose conduct the investigation related.”;
 - (b) after sub-paragraph (2B) insert—
 - “(2C) For the purpose of sub-paragraph (2B)(a), the circumstances where the appropriate authority may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the appropriate authority, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.
 - (2D) In determining whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report, the appropriate authority must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the appropriate authority considers it to be relevant).”
- (3) In paragraph 25 of that Schedule (reviews with respect to an investigation)—
 - (a) in sub-paragraph (4F), for “a criminal offence may have been committed by” substitute “there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against”;
 - (b) after sub-paragraph (4F), insert—
 - “(4FA) For the purposes of sub-paragraph (4F)(a), the circumstances where the relevant review body may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the relevant review

body, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(4FB) In making a determination under sub-paragraph (4F), the relevant review body must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the relevant review body considers it to be relevant)."

- (4) The amendments made by this section do not apply in respect of an investigation relating to a matter (or a report on, or a review relating to, such an investigation) if, before the day on which this section comes into force—
- (a) a complaint was made in respect of the matter, or
 - (b) the matter came to the attention of the appropriate authority or the Director General.

Here, "the appropriate authority" and "the Director General" have the meaning given by section 29 of the Police Reform Act 2002."

Member's explanatory statement

This new Clause amends the conditions applicable to the Director General of the Independent Office for Police Conduct, an appropriate authority or the relevant review body notifying a report on an investigation to the Director of Public Prosecutions.

Secretary James Cleverly
Secretary Alex Chalk

Gov NC75

★ To move the following Clause—

"Accelerated investigation procedure in respect of criminal conduct

- (1) In paragraph 20 of Schedule 3 to the Police Reform Act 2002 (restrictions on proceedings pending the conclusion of an investigation), in sub-paragraph (1), before paragraph (a) insert—

"(za) a determination under paragraph 20ZA has been made in respect of the investigation,".

- (2) After paragraph 20 of that Schedule, insert—

"Accelerated procedure in special cases: criminal conduct

20ZA(1) At any time before the completion of an investigation of a complaint or recordable conduct matter by the appropriate authority on its own behalf, the appropriate authority may make a determination that the conditions in sub-paragraphs (3) and (4) are satisfied in respect of the investigation.

- (2) At any time before the completion of an investigation of a complaint or recordable conduct matter by—
- (a) the appropriate authority under the direction of the Director General, or

- (b) the Director General,
the Director General may make a determination that the conditions in sub-paragraphs (3) and (4) are satisfied in respect of the investigation.
- (3) The first condition is that the investigation indicates that there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against a person (if any) to whose conduct the investigation relates.
- (4) The second condition is that—
- (a) the circumstances are such that, in the opinion of the appropriate authority (if sub-paragraph (1) applies) or the Director General (if sub-paragraph (2) applies), it is appropriate for the matters which are the subject of the investigation to be considered by the Director of Public Prosecutions, or
 - (b) any matters dealt with by the investigation fall within a prescribed category of matters.
- (5) For the purposes of sub-paragraph (4)(a), the circumstances where the appropriate authority or the Director General may form the opinion that it is not appropriate for the matters which are the subject of the investigation to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the appropriate authority or (as the case may be) Director General, it is not in the public interest for the matters which are the subject of the investigation to be considered by the Director of Public Prosecutions.
- (6) In determining whether the conditions in sub-paragraphs (3) and (4) are satisfied in respect of an investigation, the appropriate authority or the Director General must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the appropriate authority or (as the case may be) Director General considers it relevant).
- (7) If the appropriate authority or the Director General makes a determination under sub-paragraph (1) or (2) that the conditions in sub-paragraphs (3) and (4) are satisfied in respect of an investigation, they must give notice of their determination to—
- (a) the person to whose conduct the investigation relates,
 - (b) where the investigation is of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21,
 - (c) where the investigation is of a recordable conduct matter, every person entitled to be kept properly informed in relation that matter under section 21, and
 - (d) where the determination is made by the Director General, the appropriate authority."
- (3) For the italic heading before paragraph 20A of that Schedule substitute "*Accelerated procedure in special cases: gross misconduct*".

- (4) The amendments made by this section do not apply in respect of an investigation relating to a matter if, before the day on which this section comes into force—
- (a) a complaint was made in respect of the matter, or
 - (b) the matter came to the attention of the appropriate authority or the Director General.

Here, “the appropriate authority” and “the Director General” have the meaning given by section 29 of the Police Reform Act 2002.”

Member's explanatory statement

This new Clause provides for an exception to the restriction on criminal or disciplinary proceedings pending the conclusion of an investigation of a complaint against the police etc, under an accelerated procedure where the investigation indicates criminal conduct.

Secretary James Cleverly

Gov NC76

Secretary Alex Chalk

★ To move the following Clause—

“Duty of IOPC Director General to give victims right to request review

After paragraph 23 of Schedule 3 to the Police Reform Act 2002 insert—

“23A(1) This paragraph applies where—

- (a) the Director General proposes to make a determination under paragraph 23(2)(b) that one or both of the conditions set out in paragraph 23(2A) and (2B) are not satisfied in respect of a report, and
 - (b) during the course of the investigation to which the report relates, a person (if any) to whose conduct the report relates was informed that the investigation was being treated as concerning conduct in respect of which the person may be prosecuted for a criminal offence.
- (2) The Director General must—
- (a) take such steps as the Director General considers reasonable to give to every relevant victim (or a person acting on such a victim’s behalf) the opportunity to request, within the relevant period, that the Director General reviews their proposed determination, and
 - (b) if such a request is made within the relevant period, so review their proposed determination before making a determination under paragraph 23(2)(b).
- (3) In this paragraph—
- “the relevant period” means the period that the Director General considers to give a relevant victim a reasonable opportunity to request that the Director General reviews their proposed determination;

“relevant victim” means a person—

- (a) who the Director General treats as a victim in relation to an alleged criminal offence constituted by conduct—
 - (i) of the person mentioned in sub-paragraph (1)(b), and
 - (ii) to which the report relates, and
- (b) to whom the Director General considers it appropriate to give the opportunity mentioned in sub-paragraph (2)(a).”

Member's explanatory statement

This new Clause imposes a duty on the Director General of the Independent Office for Police Conduct to review, on the request of a victim, a proposed decision not to refer a report on an investigation to the Director of Public Prosecutions.

Secretary James Cleverly

Secretary Alex Chalk

Gov NC77

★ To move the following Clause—

“Complaints about police and crime commissioners etc

- (1) Schedule 7 to the Police Reform and Social Responsibility Act 2011 (police and crime commissioners etc: regulations about complaints and conduct) is amended as follows.
- (2) In paragraph 3—
 - (a) in sub-paragraph (2)(b)—
 - (i) before “must” insert “subject to paragraph 4A,”;
 - (ii) for “police and crime panels” substitute “an independent person”;
 - (b) after sub-paragraph (2) insert—
 - “(2A) Regulations may make provision about the meaning of “independent person”.”;
 - (c) in sub-paragraph (3), for “police and crime panels” substitute “an independent person”;
 - (d) in sub-paragraph (4)—
 - (i) in paragraph (a), for “police and crime panels are” substitute “an independent person is”;
 - (ii) in the words after paragraph (b), for “police and crime panels” substitute “an independent person”.
- (3) In paragraph 4(2)—
 - (a) before “Regulations” insert “Subject to paragraph 4A,”;
 - (b) for “Part 3 of the Local Government Act 2000” substitute “Chapter 7 of Part 1 of the Localism Act 2011”.

(4) After paragraph 4 insert—

- “4A Regulations must provide for qualifying complaints in relation to which paragraph 3 or 4 applies—
- (a) not to be dealt with, or
 - (b) to cease to be dealt with,
- where the person to whom the complaint relates has ceased, or ceases, to hold the office.”

(5) In the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), in regulation 29(2), for the words from “Part 3” to the end substitute “Chapter 7 of Part 1 of the Localism Act 2011 as if it was an allegation within the meaning given by section 28(9) of that Act.””

Member's explanatory statement

This new Clause provides for non-serious complaints against certain office-holders to be heard by an independent person instead of a police and crime panel, and for such complaints not to be dealt with where the office-holder has left office. It also corrects out of date references to the Local Government Act 2000.

Secretary James Cleverly

Secretary Alex Chalk

Gov NC78

★ To move the following Clause—

“Sex offenders: notification of name change

In the Sexual Offences Act 2003 after section 83 insert—

“83A Notification requirements: name changes (England and Wales)

- (1) A relevant offender must notify a new name to the police—
 - (a) no less than 7 days before using it, or
 - (b) if that is not reasonably practicable, but it is reasonably practicable for the offender to notify the name to the police before using it, as far in advance of their using it as is reasonably practicable.
- (2) Where it is not reasonably practicable for the offender to notify a new name to the police before using it, the offender must notify the name to the police within the period of 3 days beginning with their using it.
- (3) A notification under subsection (1) must specify the date on which the offender expects to use the name.
- (4) Subsection (5) applies where—
 - (a) a notification is given under subsection (1), and
 - (b) the name to which it relates is used more than 2 days before the date specified in the notification.

- (5) Where this subsection applies the relevant offender must notify the name to the police within the period of 3 days beginning with their using the name.
- (6) Subsection (7) applies where—
 - (a) a notification is given under subsection (1), and
 - (b) the name to which it relates has not been used by the end of the period of 3 days beginning with the date specified in the notification.
- (7) Where this subsection applies—
 - (a) subsections (1) and (2) apply as if the notification had not been given, and
 - (b) the relevant offender must, within the period of 6 days beginning with the date specified, notify to the police that the name was not used by the end of the period mentioned in subsection (6)(b).
- (8) Section 83(6) applies to the determination of the period of 3 days mentioned in subsections (2) and (5) and the period of 6 days mentioned in subsection (7), as it applies to the determination of the period in section 83(1).
- (9) A notification under subsection (1), (2) or (5) must include the information set out in section 83(5).
- (10) In this section, a name is “new” unless it has been notified to the police under section 83(1), this section, section 84, or section 2 of the Sex Offenders Act 1997.””

Member's explanatory statement

This new Clause requires sex offenders to notify any new name to the police 7 days before using it (rather than 3 days after using it as at present).

Secretary James Cleverly

Secretary Alex Chalk

Gov NC79

★ To move the following Clause—

“Sex offenders: notification of absence from sole or main residence

In the Sexual Offences Act 2003 after section 85 insert—

“85ZA Notification requirements: absence from notified residence (England and Wales)

- (1) This section applies to a relevant offender at any time if the last home address notified by the offender under section 83(1), 83A, 84(1) or 85(1) was an address in England or Wales such as is mentioned in section 83(7)(a) (sole or main residence).

- (2) If the relevant offender intends to be absent from that home address for a period of more than 5 days (“the relevant period”), the relevant offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).
- (3) The information is—
 - (a) the date on which the relevant offender will leave that home address;
 - (b) such details as the relevant offender holds about—
 - (i) their travel arrangements during the relevant period;
 - (ii) their accommodation arrangements during that period;
 - (iii) their date of return to that home address.
- (4) In this section—

“accommodation arrangements” include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.

“travel arrangements” include, in particular, details of the means of transport to be used and the dates of travel.
- (5) Where—
 - (a) a relevant offender has given a notification under subsection (2), and
 - (b) at any time not less than 12 hours before the offender leaves their home address, the information notified becomes inaccurate or incomplete,the relevant offender must give a further notification under subsection (2).
- (6) Where a relevant offender—
 - (a) has notified a date of return to their home address, but
 - (b) returns to their home address on a date other than that notified,the relevant offender must notify the date of their actual return to the police within 3 days of their actual return.
- (7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 86.
- (8) The Secretary of State may by regulations amend subsection (2) so as to change the duration of the relevant period, provided that the relevant period is at least 5 days.””

Member's explanatory statement

This new Clause requires sex offenders to notify the police if they intend to be absent from their home address for 5 days or more. The notification must usually be given at least 12 hours in advance.

Secretary James Cleverly

Gov NC80

Secretary Alex Chalk

★ To move the following Clause—

“Child sex offenders: requirement to notify if entering premises where children present

In the Sexual Offences Act 2003 after section 86 insert—

“86A Notification requirements: persons required to notify if entering premises at which children present (England and Wales)

- (1) A relevant offender is subject to the requirements in section 86B if—
 - (a) the offender’s local police area is in England or Wales, and
 - (b) condition A or B is met.
- (2) Condition A is that the offender is a child sex offender within the meaning given by section 327B(4) of the Criminal Justice Act 2003.
- (3) Condition B is that the appropriate chief officer of police has given the offender a notice stating that the offender is subject to the requirements in section 86B and that notice has not been cancelled.
- (4) The chief officer may give a notice under subsection (3) only if satisfied that it is necessary to do so for the purpose of protecting children generally, or particular children, from sexual harm from the offender.
- (5) A notice under subsection (3) must indicate that an appeal may be made under section 86D against the decision to give the notice.
- (6) A notice under subsection (3) is treated as being cancelled at such time as the offender’s local police area is no longer in England or Wales.
- (7) For the purposes of this section and sections 86B to 86D—
 - (a) the “appropriate chief officer of police” means, in relation to a relevant offender, the chief officer of police for the offender’s local police area;
 - (b) “section 86A notice” means a notice given to a relevant offender under subsection (3);
 - (c) “section 86B relevant offender” means a relevant offender who is subject to the requirements in that section.

86B Notification requirements: entering premises at which children are present

- (1) A section 86B relevant offender must notify the required information to the police—
 - (a) no less than 12 hours before entering qualifying premises at which children are present, or
 - (b) if that is not reasonably practicable, but it is reasonably practicable for the offender to notify the required information

to the police before entering such premises, as far in advance of their entering such premises as is reasonably practicable.

- (2) Where it is not reasonably practicable for a section 86B relevant offender to notify the required information to the police before entering qualifying premises at which children are present, the offender must notify that information to the police within the period of 3 days beginning with their entering such premises.
- (3) In subsections (1) and (2) “the required information” means—
 - (a) the address of the premises to which the notification relates, and
 - (b) such other information as the Secretary of State may specify in regulations.
- (4) A notification under subsection (1) must also specify the date on which the offender is to enter the premises.
- (5) The Secretary of State may by regulations provide for circumstances in which an offender who has given a notification under subsection (1) or (2) is not required to give a further notification in relation to the same premises or children.
- (6) Subsection (7) applies where—
 - (a) a notification is given under subsection (1), and
 - (b) the offender has not entered the premises by the end of the date specified in the notification.
- (7) Where this subsection applies—
 - (a) subsections (1) and (2) apply as if the notification had not been given, and
 - (b) the relevant offender must, within the period of 6 days beginning with the date specified in the notification, notify to the police that the offender did not enter the premises on that date.
- (8) Section 83(6) applies to the determination of the period of 3 days mentioned in subsection (2) and the period of 6 days mentioned in subsection (7)(b), as it applies to the determination of the period mentioned in section 83(1).
- (9) In this section “qualifying premises” means premises of a kind specified in regulations made by the Secretary of State.

86C Periodic reviews of section 86A notices

- (1) This section applies to a section 86B relevant offender who has been given a section 86A notice which has not been cancelled.
- (2) In this section the “review date” means—
 - (a) the end of the period of 12 months beginning with the date on which the notice was given to the offender, and

- (b) the end of each successive period of 12 months.
- (3) The offender may, within the period of one month ending with each review date, make representations to the appropriate chief officer of police about the notice.
- (4) The chief officer must, before the start of the period mentioned in subsection (3), notify the offender of their right to make representations under that subsection.
- (5) As soon as reasonably practicable after each review date, the appropriate chief officer of police must—
 - (a) consider any representations made under subsection (3) about the notice,
 - (b) decide whether to cancel the notice, and
 - (c) give notice of the decision (a “decision notice”) to the offender.
- (6) The chief officer may cancel the section 86A notice only if no longer satisfied as mentioned in section 86A(4).
- (7) If the chief officer decides that the section 86A notice should not be cancelled, the decision notice must contain a statement of reasons for the decision and indicate that an appeal may be made against the decision under section 86D.

86D Appeals in relation to section 86A notices

- (1) A section 86B relevant offender may appeal to a magistrates’ court against a decision of a chief officer of police—
 - (a) to give the offender a section 86A notice;
 - (b) not to cancel a section 86A notice which has been given to the offender (see section 86C).
- (2) An appeal under this section may be made by complaint to a magistrates’ court within the period of 21 days beginning with—
 - (a) in the case of an appeal under subsection (1)(a), the day on which the section 86A notice is given to the offender;
 - (b) in the case of an appeal under subsection (1)(b), the day on which notice of the decision is given to the offender.
- (3) A section 86B relevant offender may appeal under this section to any magistrates’ court in a local justice area which includes any part of the police area for which the chief officer is the appropriate chief officer of police.
- (4) On an appeal under subsection (1)(a) the court may confirm or cancel the notice which is subject of the appeal.
- (5) On an appeal under subsection (1)(b) the court may—
 - (a) confirm the decision, or

- (b) remit the decision to the appropriate chief officer of police for reconsideration with such directions (if any) as the court considers appropriate.””

Member's explanatory statement

This new Clause requires certain sex offenders to notify the police before entering certain premises at which children are present. The notification must usually be given at least 12 hours in advance.

Secretary James Cleverly

Gov NC81

Secretary Alex Chalk

★ To move the following Clause—

“Sex offenders: method of notification

In the Sexual Offences Act 2003 after section 87 insert—

“87A Alternative method of notification (England and Wales)

- (1) A person (“P”) may give a notification under section 83A, 84, 85(1), 85ZA or 86B virtually if—
 - (a) conditions 1 to 3 are met, and
 - (b) any further conditions specified by the Secretary of State in regulations are met.
- (2) Condition 1 is that—
 - (a) a senior police officer has given P a notice authorising P to give notifications under section 83A, 84, 85(1), 85ZA or 86B virtually, and
 - (b) the notice has not been cancelled.
- (3) A senior police officer may give P a notice under subsection (2)(a) only if satisfied that it is not necessary, for the purpose of protecting the public or any particular members of the public from sexual harm, for P to give those notifications in accordance with section 87.
- (4) The senior police officer—
 - (a) may, by giving P a further notice, cancel the notice under subsection (2)(a), and
 - (b) must do so if no longer satisfied as mentioned in subsection (3).
- (5) “Senior police officer” means a police officer of at least the rank of inspector who is authorised to give notices under this section by the chief officer of police for P’s local police area.
- (6) Condition 2 is that the notification does not relate to a matter specified by the Secretary of State in regulations.
- (7) Condition 3 is that the notification is given to a person authorised to receive virtual notifications by the chief officer of police for P’s local police area.

- (8) A notification is given virtually if it is given by a means which enables P and the person receiving the notification to see and hear each other without being together in the same place.
- (9) The conditions which may be specified in regulations under subsection (1)(b) include further conditions about the means of giving the notification.
- (10) A notification given in accordance with this section must be acknowledged in writing, in such form as the Secretary of State may direct.
- (11) Where P gives a notification in accordance with this section P must, if requested to do so by the person to whom it is given, attend at a relevant police station and allow a relevant person to—
 - (a) take P's fingerprints,
 - (b) photograph any part of P, or
 - (c) do both of those things.
- (12) In subsection (11)—
 - (a) "relevant police station" means a police station at which P may give a notification in accordance with section 87(1), and
 - (b) "relevant person" means a person at that police station to whom P may give such a notification.
- (13) Nothing in this section prevents P giving a notification in accordance with section 87(1)."

Member's explanatory statement

This new Clause empowers the police to authorise sex offenders to give notifications under Part 2 of the Sexual Offences Act 2003, other than initial notifications, virtually rather than in person at a police station.

Secretary James Cleverly

Gov NC82

Secretary Alex Chalk

★ To move the following Clause—

"Sex offenders: review of indefinite notification requirements

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 91A (review of indefinite notification requirements: qualifying relevant offender) after subsection (1) insert—

"(1A) The relevant chief officer of police may, without an application for review having been made, consider whether a qualifying relevant offender should remain subject to the indefinite notification requirements (referred to in this Part as an "own motion review")."

(3) After section 91E insert—

“91EA Review of indefinite notification requirements: own motion review

- (1) The relevant chief officer of police may begin an own motion review on, or at any time after, the qualifying date.
- (2) The “qualifying date” has the same meaning in this section as in section 91B.
- (3) The relevant chief officer of police begins an own motion review by notifying the qualifying relevant offender that they are considering whether the qualifying relevant offender should remain subject to the indefinite notification requirements.
- (4) The notification must inform the qualifying relevant offender of their right to make representations under subsection (5).
- (5) The qualifying relevant offender may make representations to the relevant chief officer of police within 35 days of receipt of the notification.
- (6) The relevant chief officer of police may within 7 days of beginning an own motion review notify a responsible body that they are beginning an own motion review.
- (7) If the responsible body holds information which it considers to be relevant to the review, it must give the information to the relevant chief officer of police within 28 days of receipt of the notification.

91EB Review of indefinite notification requirements: determination of own motion review

- (1) On an own motion review the relevant chief officer of police must, within 6 weeks of the date mentioned in subsection (2)—
 - (a) determine whether the qualifying relevant offender should remain subject to the indefinite notification requirements, and
 - (b) give notice of the determination to the qualifying relevant offender.
- (2) The date is the latest date on which the qualifying relevant offender may make representations under section 91EA(5).
- (3) The relevant chief officer of police may determine that the qualifying relevant offender should not remain subject to the indefinite notification requirements only if satisfied that it is not necessary, for the purpose of protecting the public or any particular members of the public from sexual harm, for the qualifying relevant offender to remain subject to the indefinite notification requirements.
- (4) If the relevant chief officer of police determines that the qualifying relevant offender should not remain subject to the indefinite notification requirements, the qualifying relevant offender ceases to

be subject to the indefinite notification requirements on the date of receipt of the notice of determination.

- (5) If the relevant chief officer of police determines that the qualifying relevant offender should remain subject to the indefinite notification requirements, the notice of determination must—
 - (a) contain a statement of reasons for the determination, and
 - (b) inform the qualifying relevant offender that they may appeal the determination in accordance with section 91ED.
- (6) The Secretary of State may by regulations amend the period in subsection (1).

91EC Review of indefinite notification requirements: factors applying to determination under section 91EB

In determining an own motion review under section 91EB, the relevant chief officer of police must—

- (a) have regard to the representations (if any) made by the qualifying relevant offender,
- (b) have regard to the information (if any) received from a responsible body,
- (c) consider the risk of sexual harm posed by the qualifying relevant offender and the effect of a continuation of the indefinite notification requirements on the offender, and
- (d) take into account the matters listed in section 91D(2).

91ED Review of indefinite notification requirements: appeals against determinations under section 91EB

- (1) A qualifying relevant offender may appeal against a determination of the relevant chief officer of police under section 91EB(5).
- (2) An appeal under this section may be made by complaint to a magistrates' court within the period of 21 days beginning with the day of receipt of the notice of determination.
- (3) A qualifying relevant offender may appeal under this section to any magistrates' court in a local justice area which includes any part of the police area for which the chief officer is the relevant chief officer of police.
- (4) If the court makes an order that a qualifying relevant offender should not remain subject to the indefinite notification requirements, the qualifying relevant offender ceases to be subject to the indefinite notification requirements on the date of the order."

(4) After section 91F insert—

“91G Discharge from indefinite notification requirements in Scotland or Northern Ireland

A relevant offender who is discharged from the notification requirements of this Part under—

- (a) sections 88A to 88H (discharge from indefinite notification requirements in Scotland), or
- (b) Schedule 3A (discharge from indefinite notification requirements in Northern Ireland),

is, by virtue of the discharge, also discharged from the notification requirements of this Part as they apply in England and Wales.””

Member's explanatory statement

This new Clause allows the police to review whether a sex offender who is subject to the notification requirements indefinitely should be discharged from the requirements, without an application. It also ensures that a discharge from the requirements in Scotland or Northern Ireland has effect in England and Wales.

Secretary James Cleverly

Gov NC83

Secretary Alex Chalk

★ To move the following Clause—

“Sex offenders: restriction on applying for replacement identity documents in new name

(1) In the Sexual Offences Act 2003 after section 93 insert—

“Applications for certain identity documents in new name (England and Wales)

93A Offenders requiring authorisation before applying for certain identity documents in new name

- (1) A relevant offender is subject to the restriction in section 93B(1) if—
 - (a) the offender’s local police area is in England or Wales, and
 - (b) the appropriate chief officer of police has given the offender a notice stating that the offender is subject to that restriction and the notice has not been cancelled.
- (2) The chief officer may give a notice under subsection (1)(b) only if satisfied that it is necessary to do so for the purpose of—
 - (a) protecting the public or any particular members of the public from sexual harm from the offender, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

- (3) A notice under subsection (1)(b) must indicate that an appeal may be made under section 93F against the decision to give the notice.
- (4) A notice under subsection (1)(b) is treated as being cancelled at such time as the offender's local police area is no longer in England or Wales.
- (5) For the purposes of this section and sections 93B to 93H—
 - (a) the "appropriate chief officer of police" means, in relation to a relevant offender, the chief officer of police for the offender's local police area;
 - (b) "section 93A notice" means a notice given to a relevant offender under subsection (1)(b);
 - (c) "section 93B relevant offender" means a relevant offender who is subject to the restriction in section 93B(1).

93B Requirement for authorisation before applying for certain identity documents in new name

- (1) A section 93B relevant offender who holds, or has held, an identity document of a particular type must not apply for an identity document of that type to be issued to the offender in a new name unless authorised to do so under section 93C.
- (2) For the purposes of subsection (1) an offender's name is "new", in relation to an identity document of a particular type, if the identity document of that type most recently issued to the offender was not in that name.
- (3) A person who fails, without reasonable excuse, to comply with subsection (1) commits an offence.
- (4) A person who commits an offence under subsection (3) 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).
- (5) For the purposes of this section and section 93C—
 - (a) "identity document" means a document falling within subsection (6);
 - (b) an identity document is of the same type as another identity document if both documents fall within the same paragraph of subsection (6).
- (6) A document falls within this subsection if it is—
 - (a) an immigration document (with in the meaning given by section 7(2) of the Identity Documents Act 2010);
 - (b) a United Kingdom passport (within the meaning of the Immigration Act 1971);

- (c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988.
- (7) The Secretary of State may by regulations amend subsection (6) so as to add to the list of documents falling within that subsection.

93C Authorisation to apply for certain identity documents in new name

- (1) A section 93B relevant offender who holds, or has held, an identity document of a particular type may apply to the appropriate chief officer of police for authorisation to apply for an identity document of that type to be issued to the offender in a new name.
- (2) The application must—
 - (a) be in writing,
 - (b) specify the type of identity document that is being applied for and the name in which it is to be issued, and
 - (c) include such other information, or be accompanied by such documents, as the Secretary of State may specify in regulations.
- (3) The chief officer must, within four weeks of receiving the application—
 - (a) decide whether to grant or refuse authorisation, and
 - (b) give notice of the decision (a “decision notice”) to the applicant.
- (4) In deciding whether to grant or refuse authorisation, the chief officer must have regard to any guidance issued by the Secretary of State under section 93G.
- (5) The chief officer may grant authorisation only if satisfied that—
 - (a) any conditions specified in regulations made by the Secretary of State for the purposes of this section are met, and
 - (b) it is not necessary to refuse authorisation for the purpose of—
 - (i) protecting the public or any particular members of the public from sexual harm from the offender, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.
- (6) If the chief officer refuses authorisation—
 - (a) the decision notice must contain a statement of reasons for the decision and indicate that an appeal may be made under section 93F against the decision, and
 - (b) a further application under subsection (1) may not be made in relation to an identity document of the same type before the end of the period of one year beginning with the date on which the decision notice is given.
- (7) An authorisation under this section—
 - (a) may be cancelled by the chief officer giving further notice to the person so authorised;

- (b) is treated as having been cancelled at the end of the period of one year beginning with the date on which the decision notice is given to that person.
- (8) The chief officer may cancel an authorisation only if no longer satisfied as mentioned in subsection (5).

93D Young offenders: parental notices

- (1) Where a section 93B relevant offender is under 18, the appropriate chief officer of police may give written notice (a "parental notice") to a person with parental responsibility for the offender (their "parent").
- (2) If a parental notice has been given to the offender's parent and it has not expired, sections 93B(1) and 93C(1) have effect as if after "particular type" (in both places) there were inserted ", or a person with parental responsibility for such an offender who has been given a notice under section 93D,".
- (3) A parental notice expires when the offender reaches the age of 18.

93E Periodic reviews of section 93A notices

- (1) As soon as reasonably practicable after each review date, the appropriate chief officer of police must review a section 93A notice with a view to determining whether it should be cancelled.
- (2) The "review date", in relation to a section 93A notice, is—
 - (a) the end of the period of 12 months beginning with the date on which the notice is given, and
 - (b) the end of each successive period of 12 months.
- (3) In carrying out their review, the chief officer must consider any representations made during the consultation period by the offender to whom the notice was given.
- (4) Before the start of the consultation period, the chief officer must notify the offender of their right to make representations during that period.
- (5) In subsections (3) and (4) the "consultation period" means the period of one month ending with the review date.
- (6) After completing their review, the chief officer must—
 - (a) decide whether to cancel the section 93A notice, and
 - (b) give notice of the decision (a "decision notice") to the offender.
- (7) The chief officer may cancel the section 93A notice only if no longer satisfied as mentioned in section 93A(2).
- (8) If the chief officer of police decides that the section 93A notice should not be cancelled, the decision notice must contain a statement of reasons for the decision and indicate that an appeal may be made under section 93F against the decision.

93F Appeals

- (1) A person (“P”) may appeal to a magistrates’ court against a decision of a chief officer of police—
 - (a) to give P a section 93A notice;
 - (b) to refuse P authorisation under section 93C;
 - (c) to cancel an authorisation granted to P under that section (see section 93C(7)(a));
 - (d) to give P a notice under section 93D;
 - (e) not to cancel a section 93A notice which has been given to P (see section 93E).
- (2) An appeal under this section may be made by complaint to a magistrates’ court within the period of 21 days beginning with—
 - (a) in the case of an appeal under subsection (1)(a) or (d), the day on which the notice is given to P;
 - (b) in the case of an appeal under subsection (1)(b), (c) or (e), the day on which notice of the decision is given to P.
- (3) A person may appeal under this section to any magistrates’ court in a local justice area which includes any part of the police area for which the chief officer is the appropriate chief officer of police.
- (4) On an appeal under subsection (1)(a) or (d), the court may confirm or cancel the notice which is the subject of the appeal.
- (5) On an appeal under subsection (1)(b), (c) or (e), the court may—
 - (a) confirm the decision, or
 - (b) remit the decision to the appropriate chief officer of police for reconsideration with such directions (if any) as the court considers appropriate.

93G Guidance

- (1) The Secretary of State must issue guidance to chief officers of police in relation to the determination by them of applications under section 93C.
 - (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
 - (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State thinks appropriate.”
- (2) In the Sexual Offences Act 2003 after section 93G (inserted by subsection (1)) insert—

“93H Restriction on granting replacement driving licences in new name

- (1) The Secretary of State may by regulations make provision to prevent a person from being granted a driving licence (a “replacement licence”) if—

- (a) the person holds, or has held, a driving licence,
 - (b) the name to be specified in the replacement licence (“the new name”) is different to the name specified in the driving licence most recently granted to the person, and
 - (c) it appears to the Secretary of State, on the basis of information provided by the appropriate chief officer of police, that the person is a section 93B relevant offender who was not authorised to apply for a driving licence in the new name.
- (2) The regulations may, in particular, include provision for authorising or requiring—
 - (a) the appropriate chief officer of police to disclose specified information to the Secretary of State, and
 - (b) the Secretary of State to disclose specified information to the appropriate chief officer of police,where the disclosure falls within subsection (3).
- (3) A disclosure falls within this subsection if it is made—
 - (a) for the purposes of enabling the Secretary of State or the appropriate chief officer of police to carry out their functions under or by virtue of the regulations;
 - (b) in connection with the detection or investigation of an offence under section 93B(3).
- (4) The regulations may, in particular, make provision about how the appropriate chief officer of police or Secretary of State may or must use information disclosed to them by virtue of subsection (2).
- (5) The regulations may not authorise or require the disclosure or other processing of information if the disclosure or other processing would contravene the data protection legislation (but in determining whether the disclosure or other processing would do so, take into account any duty imposed or power conferred by the regulations).
- (6) The regulations may include provision amending Part 3 of the Road Traffic Act 1988.
- (7) In this section—

“the data protection legislation” and “processing” have the same meanings as in the Data Protection Act 2018 (see section 3 of that Act);

“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988;

“specified” means specified in regulations under this section.””

Member's explanatory statement

This new Clause empowers the police to prohibit a sex offender from changing their name on identity documents without authorisation from the police. It also empowers the Secretary of State to make regulations to prevent the granting of driving licences to offenders subject to the prohibition, without the necessary authorisation.

Secretary James Cleverly

Gov NC84

Secretary Alex Chalk

★ To move the following Clause—

“Sex offenders: power of entry and search

- (1) Section 96B of the Sexual Offences Act 2003 (power of entry and search of relevant offender's home address) is amended as follows.
- (2) In subsection (1), for “a senior” substitute “an appropriate”.
- (3) In subsection (10)—
 - (a) before the definition of “the relevant force” insert—
 - ““appropriate police officer”, in relation to an application for a warrant under subsection (1), means—
 - (a) in England and Wales, a constable authorised to make the application by a constable of the rank of inspector or above;
 - (b) in Northern Ireland, a constable of the rank of superintendent or above;”;
 - (b) omit the definition of “senior police officer”.

Member's explanatory statement

Applications for warrants to search a sex offender’s home address must currently be made by a superintendent. This new Clause provides that in England and Wales applications may be made by a constable on the authorisation of an inspector.

Secretary James Cleverly

Gov NC85

Secretary Alex Chalk

★ To move the following Clause—

“Sex offenders notification requirements: minor and consequential amendments

Schedule (Sex offenders notification requirements: minor and consequential amendments) makes provision consequential on sections (Sex offenders: notification of name changes) to (Sex offenders: powers of entry and search).”

Member's explanatory statement

This new Clause introduces Schedule (*Sex offenders notification requirements: minor and consequential amendments*), which makes provision consequential on new Clauses NC78 to NC84 and other minor amendments.

Secretary James Cleverly

Gov NC86

Secretary Alex Chalk

★ To move the following Clause—

“Creating purported sexual image of adult

- (1) In the Sexual Offences Act 2003, after section 66AC (inserted by Schedule 2 to this Act) insert—

“66AD Creating purported sexual image of adult

- (1) A person (A) commits an offence if—
- (a) A intentionally creates a purported sexual image of another person (B),
 - (b) A does so with the intention of causing B alarm, distress or humiliation, and
 - (c) B does not consent to the creation of the purported sexual image.
- (2) A person (A) commits an offence if—
- (a) A intentionally creates a purported sexual image of another person (B),
 - (b) A does so for the purpose of A or another person obtaining sexual gratification,
 - (c) B does not consent to the creation of the purported sexual image, and
 - (d) A does not reasonably believe that B consents.
- (3) “Purported sexual image” of a person means an image which—
- (a) appears to be or include a photograph or film of the person (but is not, or is not only, a photograph or film of the person),
 - (b) appears to be of an adult, and
 - (c) appears to show—
 - (i) the person participating or engaging in a sexual act which is not of a kind ordinarily done in public,
 - (ii) the person doing a sexual thing which is not of a kind ordinarily done in public,
 - (iii) all or part of the person’s exposed genitals or anus, or
 - (iv) all or part of the person’s exposed breasts, except where what appears to be shown is something of a kind ordinarily seen in public.
- (4) In this section, a reference to creating a purported sexual image of a person does not include doing so by modifying a photograph or film of the person where what is created by the modification is an image which—
- (a) appears to show the person, and
 - (b) does not appear to show something within subsection (3)(c)(i) to (iv) which, or a person who, is not shown in the photograph or film.
- (5) A person who commits an offence under this section is liable on summary conviction to a fine.

66AE Creating purported sexual image of adult: definitions etc

- (1) This section applies for the purposes of section 66AD.
 - (2) "Consent" to the creation of a purported sexual image includes general consent covering the particular act of creation as well as specific consent to that particular act.
 - (3) Whether a belief is "reasonable" is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
 - (4) A reference to an "image", "photograph" or "film" includes data stored by any means which is capable of conversion into an image, photograph or film.
 - (5) An image of a person appears to be an image of an adult if—
 - (a) the impression conveyed by the image is that the person shown is aged 18 or over, or
 - (b) the predominant impression conveyed by the image is that the person shown is aged 18 or over (even if some of the physical characteristics shown are those of a person under 18).
 - (6) An act or thing is "sexual" if a reasonable person would, in all the circumstances but regardless of any person's purpose, consider it to be sexual."
- (2) In section 79(5) of that Act (meaning of references to image of a person) after "a person" insert "(except in sections 66AD and 66AE)"."

Member's explanatory statement

This new clause creates an offence of creating a purported sexual image of an adult, without consent.

Secretary James Cleverly

Gov NC87

Secretary Alex Chalk

★ To move the following Clause—

"Manslaughter: sexual conduct aggravating factor

- (1) In Chapter 3 of Part 4 of the Sentencing Code (seriousness and determining sentence), after section 72 insert—

"72A Manslaughter involving sexual conduct

- (1) In considering the seriousness of an offence of manslaughter involving sexual conduct, the court must—
 - (a) treat the fact that the offence involves sexual conduct as an aggravating factor, and
 - (b) state in open court that the offence is so aggravated.

- (2) This section has effect in relation to a person who is convicted of an offence on or after the date on which section (*Manslaughter: sexual conduct aggravating factor*) of the Criminal Justice Act 2024 comes into force.”
- (2) In section 238 of the Armed Forces Act 2006 (deciding the seriousness of an offence), after subsection (8) (inserted by section 23) insert—
- “(9) In section 72A of the Sentencing Code (manslaughter involving sexual conduct)—
- (a) the reference to an offence of manslaughter is to be read as including a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is manslaughter, and
 - (b) the references to a court are to be read as including a court dealing with an offender for a service offence.””

Member's explanatory statement

This new clause makes the fact that an offence of manslaughter involves sexual conduct an aggravating factor (as well as making the same provision as regards the corresponding service offence).

Secretary James Cleverly

Secretary Alex Chalk

Gov NC88

★ To move the following Clause—

“Length of terrorism sentence with fixed licence period: Northern Ireland

- (1) In Article 7 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))—
- (a) in paragraph (2) omit “Articles 13A, 14 and 15A and”;
 - (b) in paragraph (3) before sub-paragraph (a) insert—

“(za) Articles 13A and 14 of this Order;”.
- (2) The amendments made by this section apply in relation to convictions occurring on or after the day on which this section comes into force.”

Member's explanatory statement

This new clause results in Article 7(2) of the Criminal Justice (Northern Ireland) Order 2008 (requirement that term of sentence is commensurate with seriousness) applying to a sentence under Article 15A of that Order (terrorism sentence with fixed licence period).

Secretary James Cleverly

Secretary Alex Chalk

Gov NC89

★ To move the following Clause—

“Reviews of sentencing: time limits

- (1) Schedule 3 to the Criminal Justice Act 1988 (reviews of sentencing - supplementary) is amended as follows.
- (2) In paragraph 1 (time limit for notice of application for leave to refer a case)—
 - (a) the existing provision becomes sub-paragraph (1) of that paragraph;
 - (b) at the end of that sub-paragraph insert “(“the relevant period”); but in England and Wales this is subject to sub-paragraph (2).”;
 - (c) after that sub-paragraph insert—
 - “(2) Where—
 - (a) the Attorney General receives a request to review the sentencing of a person, and
 - (b) the request is received in the last 14 days of the relevant period,notice of an application for leave to refer the case in question to the Court of Appeal under section 36 may be given within 14 days from the day on which the request is received.
 - (3) For the purposes of this Part, a certificate of the Attorney General as to the date on which a request to review the sentencing of a person was received is conclusive evidence of that fact.
 - (4) Where more than one request to review the sentencing of a person is received, references in sub-paragraphs (2) and (3) to a request are to the first request that is received.”
- (3) In paragraph 12 (application of Schedule to Northern Ireland), after paragraph (d) insert—
 - “(da) paragraph 1 has effect as if sub-paragraphs (2) to (4) were omitted;”.

Member's explanatory statement

This new clause provides that where the Attorney General receives a request to review a person's sentence in the last 14 days of the current period for giving any notice of application for leave to refer the case to the Court of Appeal, the Attorney General may give such notice within 14 days from the date the request is received.

Dame Diana Johnson

NC1

Stephen Farry
 Caroline Lucas
 Wendy Chamberlain
 Caroline Nokes
 Sarah Champion

Christine Jardine
 Paula Barker
 Ben Lake
 Kim Johnson
 Mrs Sharon Hodgson
 Valerie Vaz
 Richard Burgon
 Dr Rupa Huq
 Matthew Pennycook
 Ian Byrne
 John McDonnell

Dehenna Davison
 Jess Phillips
 Liz Saville Roberts
 Charlotte Nichols
 Tracey Crouch
 Dr Dan Poulter
 Rachel Hopkins
 Matt Warman
 Rosie Duffield
 Nadia Whittome
 Carolyn Harris

Ms Harriet Harman
 Daisy Cooper
 Hywel Williams
 Mick Whitley
 Bell Ribeiro-Addy
 Dame Margaret Beckett
 Dame Caroline Dinenge
 Lloyd Russell-Moyle
 Olivia Blake
 Jeremy Corbyn

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

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
 Dame Diana Johnson

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

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

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

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
 Dame Siobhain McDonagh
 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Mohammad Yasin
 Dame Diana Johnson
 Stella Creasy

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

To move the following Clause—

“Automatic dismissal on conviction for a serious criminal offence

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

Ms Harriet Harman

NC4

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
 Dame Siobhain McDonagh
 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Mohammad Yasin
 Dame Diana Johnson
 Stella Creasy

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

To move the following Clause—

“Automatic suspension of officers charged with specified allegations

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

Ms Harriet Harman

NC5

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
 Dame Siobhain McDonagh
 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Mohammad Yasin
 Dame Diana Johnson
 Stella Creasy

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

To move the following Clause—

“Automatic dismissal of officers who fail vetting

- (1) The Police Act 1996 is amended in accordance with subsection (2).
- (2) In section 39A (Codes of practice for chief officers), after subsection (1) insert—
- “(1A) Without prejudice to subsection (1) and subject to subsection (1B), a code of practice may provide for an officer to be dismissed without notice where—
- (a) the officer fails vetting, and
 - (b) it is not reasonable to expect that the officer will be capable of being deployed to full duties within a reasonable timeframe.
- (1B) Subsection (1A) does not apply where a chief officer concludes that—
- (a) the officer, notwithstanding his vetting failure, is capable of being deployed to a substantial majority of duties appropriate for an officer of his rank; and
 - (b) it would be disproportionate to the operational effectiveness of the force for the officer to be dismissed without notice.”

Ms Harriet Harman

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
 Dame Siobhain McDonagh
 Wendy Chamberlain
 Debbie Abrahams
 Ian Mearns
 Mr Jonathan Djanogly
 Mohammad Yasin
 Dame Diana Johnson
 Stella Creasy

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

To move the following Clause—

“Duty of officer to hand over personal mobile phone

- (1) Section 50 of the Police Act 1996 is amended in accordance with subsection (2).
- (2) After subsection (4) insert—
 - “(4A) Regulations under this section may, in connection with the procedures that are established by or under regulations made by virtue of subsection (3), provide that an officer has a duty to hand over to the appropriate authority a personal telecommunications device capable of storing information in any electronic format which can readily be produced in a visible and legible form, belonging to that police officer where there is a request by the appropriate authority in circumstances where the appropriate authority has reasonable grounds to suspect the police officer of behaving in a way that could amount to gross misconduct and in respect of which information stored on the device may be relevant to the suspected misconduct.
 - (4B) Without prejudice to the generality of subsection (4A), regulations may provide for—
 - (a) the form of the request to be made to the police officer concerned and any related information that must be provided by the police officer in releasing the device including, but not limited to, any passcode required to access information stored on the device;
 - (b) the time period within which the device must be provided to the appropriate authority and any sanction which may be imposed on the police officer for failing to do so;
 - (c) the provision to the police officer concerned of reasons for the requested possession of a device;
 - (d) the arrangements to be put in place for the protection of confidential, privileged or sensitive information stored on the device which is not relevant to the matter under investigation;
 - (e) the period of time that the device may be retained by the appropriate authority and arrangements for the return of the device when it is no longer required for the purposes of the investigation;
 - (f) the deletion of information obtained from the device and retained by the appropriate authority other than information which is reasonably required to be retained in connection with the matter under investigation; and
 - (g) the making of ancillary and consequential amendments to other regulations as may be considered necessary.
 - (4C) In subsections (4A) and (4B) “appropriate authority” has the meaning given in article 2 (interpretation) of the Police (Conduct) Regulations 2020.””

Sir Iain Duncan Smith

NC7

Caroline Ansell
Julie Marson
Tim Loughton
Nick Fletcher
Bob Seely

Jonathan Gullis
Dame Andrea Jenkyns
Chris Green
Alicia Kearns
Miriam Cates
Dame Caroline Dinenage
Jess Phillips
Nickie Aiken
Miss Sarah Dines
Jane Hunt
Sir Robert Buckland
Paul Bristow
Adam Holloway
Alex Sobel
Stella Creasy
Rob Butler

Mr Ranil Jayawardena
Simon Fell
Selaine Saxby
Will Quince
Suella Braverman
Sir Peter Bottomley
Andrew Lewer
Sally-Ann Hart
Bob Blackman
Sir Jacob Rees-Mogg
Fiona Bruce
Dame Margaret Hodge
Kevin Foster
Lloyd Russell-Moyle
Mr Rob Roberts

Greg Smith
Andrew Selous
Mrs Flick Drummond
Carolyn Harris
Sir Julian Lewis
Sir James Duddridge
Sarah Champion
Shailesh Vara
Tracey Crouch
Mr David Jones
Tim Farron
Jane Stevenson
Ms Marie Rimmer
Damien Moore
Liam Byrne

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
Sarah Champion
Ronnie Cowan
Sir Iain Duncan Smith

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 froma 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.

Dehenna Davison

NC9

Stephen Hammond
Mrs Emma Lewell-Buck
Greg Smith
Charlotte Nichols
Cat Smith

Simon Jupp
Simon Fell
Tracey Crouch
Wendy Chamberlain

Sir Paul Beresford
Nickie Aiken
Mr Mark Francois

Jason McCartney
Kate Osborne
Dame Diana Johnson

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.

Bob Blackman

NC10

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Derek Thomas
Ben Lake
Mrs Natalie Elphicke
Helen Morgan
Will Quince

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Liz Saville Roberts
Bell Ribeiro-Addy
Dame Caroline Dinenage
Sir David Davis

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Hywel Williams
Sir Robert Neill
Stella Creasy
Sir Robert Buckland

To move the following Clause—

“Implementation of section 81 of the Police, Crime, Sentencing and Courts Act 2022

The Secretary of State must by regulations appoint a day no later than two months following Royal Assent to this Act for the coming into force of section 81 of the Police, Crime, Sentencing and Courts Act 2022.”

Member's explanatory statement

This new clause would introduce a commencement provision for the repeal of the Vagrancy Act 1824.

Bob Blackman

NC11

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Derek Thomas
Ben Lake
Mrs Natalie Elphicke
Sir David Davis

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Liz Saville Roberts
Bell Ribeiro-Addy
Dame Caroline Dinenage
Sir Robert Buckland

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Hywel Williams
Sir Robert Neill
Stella Creasy
Will Quince

To move the following Clause—

“Use of anti-social behaviour powers in respect of begging and sleeping rough

- (1) The Secretary of State must, within two months of Royal Assent to this Act, issue guidance to local authorities and police forces regarding the use of powers relating to anti-social behaviour in—
 - (a) this Act; and
 - (b) the Anti-social Behaviour, Crime and Policing Act 2014.
- (2) Guidance issued under subsection (1) must state that—
 - (a) the following principles are to be applied in the exercise of powers under the Acts referred to in subsection (1)—
 - (i) begging or sleeping rough does not in itself amount to action causing harassment, alarm or distress (in the absence of other factors);
 - (ii) begging or sleeping rough does not in itself amount to unreasonable conduct (in the absence of other factors);
 - (iii) policing and other enforcement action should balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough; and
 - (iv) the powers contained in the Acts referred to in subsection (1) should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available;
 - (b) a constable or other person exercising functions under the Acts referred to in subsection (1), or considering whether to exercise such functions, in connection with a person who has been, or may have been, involved in begging or sleeping rough, must consider whether the person could be referred to public authorities, or charitable or other persons, for help in addressing the problems that cause them to be involved in begging or sleeping rough.
- (3) Local authorities and police forces must—
 - (a) have regard to the guidance issued under subsection (1); and
 - (b) take reasonable steps to provide education and training to their employees and officers designed to ensure consistent and effective application of the principles outlined in subsection (2).
- (4) Before issuing or revising guidance under subsection (1) the Secretary of State must consult—
 - (a) representatives of police forces;
 - (b) representatives of local authorities; and
 - (c) persons representing the interests of homeless persons.
- (5) For the purposes of this section—

“begging” means asking for gifts on streets or in other public places (for which purpose it is immaterial whether gifts are of money or in kind, whether they are expressed as gifts or as loans, or whether a person asks expressly or impliedly), by displaying receptacles for donations or

otherwise, but does not include soliciting donations to a registered charity with the express written authority of that charity or accepting voluntary gifts offered by any person without prior request;

“registered charity” means a charity registered under section 30 of the Charities Act 2011, or exempted or excepted from registration under or by virtue of that section; and

“sleeping rough” means sleeping (or making preparations to sleep, or possessing bedding or other equipment for the purpose of sleeping) on streets or in other public places, or in places or structures not designed for human habitation.”

Member's explanatory statement

This new clause would require the Government to issue guidance on the use of powers relating to anti-social behaviour under this Act and the Anti-social Behaviour, Crime and Policing Act 2014.

Mr Alistair Carmichael

NC12

To move the following Clause—

“Controlling or coercive behaviour by persons providing psychotherapy or counselling services

- (1) A person (“A”) commits an offence if—
 - (a) A is a person providing or purporting to provide psychotherapy or counselling services to another person (“B”),
 - (b) A repeatedly or continuously engages in behaviour towards B that is controlling or coercive,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will or may have a serious effect on B.
- (2) A’s behaviour has a “serious effect” on B if—
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B psychological harm which has a substantial adverse effect on B's usual day-to-day activities.
- (3) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (4) In proceedings for an offence under this section it is a defence for A to show that—
 - (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (5) A defence under subsection (4) requires A to have shown—
 - (a) sufficient evidence of the facts, and
 - (b) that the contrary is not proved beyond reasonable doubt.

- (6) The defence in subsection (4) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (7) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both."

Caroline Ansell

NC15

Sally-Ann Hart
 Rachael Maskell
 Ms Marie Rimmer
 Robin Millar
 Bob Blackman

Mary Robinson
 Miriam Cates
 Eddie Hughes
 Mrs Flick Drummond
 Maggie Throup
 Derek Thomas
 Mr Philip Hollobone
 Sir John Hayes
 Andrew Bridgen
 John Stevenson
 Mark Pritchard
 Rachel Maclean
 Andrew Rosindell

Sir Desmond Swayne
 Chris Green
 Fiona Bruce
 Sir Edward Leigh
 Sir Jacob Rees-Mogg
 Sir Gary Streeter
 James Gray
 Greg Smith
 Mrs Natalie Elphicke
 Sir Liam Fox
 Sammy Wilson
 Rob Butler
 Graham Stringer

Nick Fletcher
 Andrew Lewer
 Marco Longhi
 Martin Vickers
 Steve Double
 Philip Davies
 Andrew Selous
 Angus Brendan MacNeil
 Justin Tomlinson
 Sir Robert Goodwill
 Alun Cairns
 Danny Kruger

To move the following Clause—

"Abortion: gestation limits

- (1) In section 1(2) of the Infant Life (Preservation) Act 1929, for "twenty-eight" substitute "twenty-two".
- (2) In section 1(1)(a) of The Abortion Act 1967, for "twenty-fourth" substitute "twenty-second"."

Member's explanatory statement

This new clause would reduce the upper limit for abortion in most cases from 24 to 22 weeks.

Gerald Jones

NC16

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.

Alex Norris

NC17

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

NC18

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

NC19

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.””

Alex Norris

NC20

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

NC21

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

NC22

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 Norris

NC23

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.
- (2) Any chief officer who fails to establish an anti-social behaviour lead officer for each neighbourhood must produce and publish a report to the Secretary of State outlining—
 - (a) the reasons for the chief officer’s decision not to establish an anti-social behaviour lead officer for each neighbourhood;
 - (b) how anti-social behaviour offences are to be investigated in the absence of lead officers;
 - (c) what training and guidance is given to officers on the investigation of anti-social behaviour offences.”

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.

Selaine Saxby

NC24

Fabian Hamilton
Mr Ben Bradshaw
Wera Hobhouse
Peter Dowd
Sally-Ann Hart

To move the following Clause—

“Definition of exceptional hardship

In section 35 of the Road Traffic Offenders Act 1988, after subsection (4) insert—

- “(4A) In subsection (4)(b), the hardship that would be caused by an offender’s disqualification should be regarded as exceptional only if it is significantly greater than the hardship that would be experienced by a large majority of other drivers if disqualification were imposed on them.
- (4B) In assessing whether the hardship arising from the offender’s disqualification would be exceptional a court may take account of—

- (a) any circumstances relating to the offender's economic circumstances or location of residence which would make it exceptionally hard for them to access essential services and facilities;
- (b) any hardship that would be incurred by the offender's family or others who are disabled or who depend on the offender to provide care for them; and
- (c) any other circumstances which it believes would make the hardship exceptional."

Vicky Ford

NC25

Sir Robert Buckland
 Suella Braverman
 Peter Dowd
 Miriam Cates
 Sally-Ann Hart

Dame Diana Johnson
 Simon Jupp

Sarah Champion
 Dame Margaret Hodge

Kit Malthouse
 Danny Kruger

To move the following Clause—

“Offence of possession of guidance on creating child sexual abuse content

- (1) Section 69 (Possession of paedophile manual) of the Serious Crime Act 2015 is amended as follows.
- (2) In subsection (1), omit from “to” to the end of the subsection and insert—
 - “possess, create, share or distribute any item that—
 - (a) contains advice or guidance about abusing children sexually; or
 - (b) contains advice or guidance about the creation of content which depicts the sexual abuse of children.”
- (3) In subsection (2)(b)(ii), after “sexually” insert—
 - “or about the creation of content which depicts the sexual abuse of children”
- (4) In subsection (8)—
 - (a) after “sexually” insert “(or “the sexual abuse of children””,
 - (b) omit “(but not pseudo-photographs)” and insert “, including pseudo-photographs”,
 - (c) after second “or Northern Ireland” insert—
 - ““creation of content” includes using any tool to create visual or audio content;”,
 - (d) at end insert—
 - ““tool” includes, but is not limited to, any computer or other digital technology, program, platform or application, including those which utilise artificial intelligence or machine learning.””

Member's explanatory statement

This new clause would expand the existing offence of possessing guides about abusing children sexually to include guides on creating child sexual abuse content, including through the use of artificial intelligence or machine learning.

Vicky Ford

NC26

Sir Robert Buckland
Suella Braverman
Peter Dowd
Miriam Cates
Sally-Ann Hart

Dame Diana Johnson
Simon Jupp

Sarah Champion
Dame Margaret Hodge

Kit Malthouse
Danny Kruger

To move the following Clause—

“Offence of simulating sexual communication with a child

- (1) A person commits an offence if they—
 - (a) use;
 - (b) design;
 - (c) distribute; or
 - (d) provide access to
 a tool to simulate sexual communication with a person under 16.
- (2) For the purposes of this section—
 - (a) a communication is sexual if—
 - (i) any part of it relates to sexual activity, or
 - (ii) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual,
 - (b) “tool” includes, but is not limited to, any computer or other digital technology, program, platform or application, including those which utilise artificial intelligence or machine learning.
- (3) A person guilty of an offence under this section is liable to the same penalties as apply to an offence committed under section 15A of the Sexual Offences Act 2003.”

Member's explanatory statement

This new clause would create an offence of using, creating or sharing online or digital tools which simulate sexual communication with a child.

Carolyn Harris

NC27

To move the following Clause—

“Referral to diversion programmes

Any person issued with—

- (a) a nuisance begging direction (under section 46);
- (b) a nuisance begging prevention notice (under section 47);
- (c) a nuisance begging prevention order (under section 51);
- (d) a nuisance rough sleeping direction (under section 59);
- (e) a nuisance rough sleeping prevention notice (under section 60); or
- (f) a nuisance rough sleeping prevention order (under section 64)

must be provided by the serving authority with information on available pre-court diversion programmes relevant to the person’s needs.”

Kim Johnson

NC28

John McDonnell
 Claudia Webbe
 Afzal Khan
 Marsha De Cordova
 Apsana Begum

Olivia Blake
 Sarah Champion
 Kate Hollern
 Paula Barker
 Florence Eshalomi
 Zarah Sultana
 Mrs Paulette Hamilton
 Richard Burgon
 Ian Byrne
 John Cryer
 Cat Smith

Mrs Sharon Hodgson
 Mick Whitley
 Rachael Maskell
 Ian Mearns
 Beth Winter
 Jeremy Corbyn
 Rachel Hopkins
 Sam Tarry
 Caroline Lucas
 Mr Barry Sheerman

Kate Osborne
 Andy McDonald
 Mary Kelly Foy
 Bell Ribeiro-Addy
 Dawn Butler
 Nadia Whittome
 Daisy Cooper
 Lloyd Russell-Moyle
 Peter Dowd
 Liz Saville Roberts

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.

Carolyn Harris

NC29

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, coercion, fraud, deception, the abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits”.
- (3) In subsection (2), for “travel” substitute “matters mentioned in subsection (1) or to V being exploited”.
- (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.

Elliot Colburn

NC32

Mr Ben Bradshaw
Lloyd Russell-Moyle
Kate Osborne
Caroline Lucas
Debbie Abrahams

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.

George Eustice

NC33

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.

Peter Dowd

NC35

Kim Johnson
Mick Whitley
Judith Cummins
Carolyn Harris
Sir George Howarth

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

NC36

Kim Johnson
Mick Whitley
Judith Cummins
Carolyn Harris
Sir George Howarth

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 new clause 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 Norris

NC38

Dame Margaret Hodge

To move the following Clause—

“Senior manager liability for neglect in relation to offences committed by bodies corporate and partnerships

- (1) Where an organisation commits an offence under section 16, a person (“S”) also commits an offence if—
 - (a) S was a senior manager of the same body corporate or partnership at the time the offence was committed under section 16; and
 - (b) S failed to prevent the offence from being committed, or was negligent such that an offence was committed.
- (2) It is a defence for S to prove that they took all reasonable steps to prevent the offence being committed.

- (3) In this section, “body corporate”, “partnership” and “senior manager” have the meanings given in section 16.
- (4) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term of 12 months;
 - (b) on conviction on indictment, to imprisonment for a term of 5 years and an unlimited fine.”

Robert Jenrick

NC39

Mrs Heather Wheeler
 Dame Andrea Jenkyns
 Henry Smith
 Sir Jacob Rees-Mogg
 Sir Desmond Swayne

Sir Simon Clarke
 Sir John Hayes
 Sir Robert Buckland
 Marco Longhi
 Mr Philip Hollobone
 Nick Fletcher
 James Grundy
 Brendan Clarke-Smith
 Lia Nici
 Adam Afriyie
 Bob Seely
 Sir Bill Wiggin

Miriam Cates
 Mr Jonathan Djanogly
 Bob Blackman
 Neil O'Brien
 Dr James Davies
 Lee Anderson
 Jill Mortimer
 Andrew Lewer
 Robin Millar
 Sally-Ann Hart
 Mr David Jones

Miss Sarah Dines
 Antony Higginbotham
 Sir James Duddridge
 Dr Caroline Johnson
 Danny Kruger
 Chris Green
 Eddie Hughes
 Tom Hunt
 Paul Bristow
 Sir Jake Berry
 Adam Holloway

To move the following Clause—

“Nationality and visa or asylum status of offenders: reporting

The Secretary of State must, within 12 months of the date of Royal Assent to this Act and annually thereafter, produce and publish a report setting out statistics on the nationality and visa or asylum status of every offender convicted in the courts of England and Wales in the previous 12 months.”

Stella Creasy

NC40

Dr Dan Poulter
 Sarah Owen
 Caroline Lucas
 Charlotte Nichols
 Bell Ribeiro-Addy

Lloyd Russell-Moyle
 Paula Barker
 Kim Johnson

Liz Saville Roberts
 Ian Byrne
 Kate Osborne

Wera Hobhouse
 Ms Diane Abbott
 Wendy Chamberlain

To move the following Clause—

“Abortion: Punitive Measures

- (1) No offence is committed under any of the provisions mentioned in subsection (3) by—

- (a) a woman acting in relation to her own pregnancy, or
 - (b) a registered medical professional acting with the explicit consent of a pregnant woman in relation to her own pregnancy,
- where that pregnancy has not exceeded 24 weeks.
- (2) No custodial sentence may be imposed under any of the provisions mentioned in subsection (3) in relation to a woman acting in relation to her own pregnancy.
 - (3) For the purposes of this section, the relevant provisions are—
 - (a) sections 58, 59, and 60 of the Offences Against the Person Act 1861, and
 - (b) the Infant Life (Preservation) Act 1929.
 - (4) No proceedings for an offence under any of the provisions mentioned in subsection (3) may be instituted against a woman acting in relation to her own pregnancy or a medical professional who acted in good faith and with honest belief that the woman they assisted gave them a genuine account except by or with the consent of the Director of Public Prosecutions, who must personally exercise any function of giving consent.
 - (5) In the event of making regulations or issuing guidance consequential to subsection (1), the Secretary of State must have regard to the need to withdraw punitive measures imposed on women who undergo abortion.”

Member's explanatory statement

This new clause would decriminalise abortion up to 24 weeks, avoiding the need for some of the requirements of the Abortion Act. It would ensure that late term abortions outside the Abortion Act do not result in custodial sentences, and that future regulations have regard to the recommendations of the Convention on the Elimination of Discrimination Against Women.

Sir Liam Fox

NC41

Mrs Theresa May
 Dame Meg Hillier
 Christine Jardine
 Ian Paisley
 George Galloway

Ms Marie Rimmer
 Tim Farron
 Nadhim Zahawi
 Nickie Aiken
 Bob Blackman
 Alun Cairns
 Vicky Ford
 Kevin Foster
 Chris Green
 Mr Philip Hollobone
 Royston Smith
 Tim Loughton
 Mark Pritchard
 Greg Smith
 Martin Vickers
 Adam Holloway
 Sir Charles Walker
 Dr James Davies
 Sir Simon Clarke

Sir Iain Duncan Smith
 Mrs Flick Drummond
 Sammy Wilson
 Dame Harriett Baldwin
 Fiona Bruce
 Stephen Crabb
 Jo Gideon
 Mark Garnier
 Damian Green
 Jane Hunt
 Danny Kruger
 Angus Brendan MacNeil
 Andrew Selous
 John Stevenson
 Sir Jeremy Wright
 Andrew Rosindell
 Shailesh Vara
 Sir Edward Leigh
 Sir David Davis

Carol Monaghan
 Rachael Maskell
 Sir Robert Buckland
 Adam Afriyie
 Rob Butler
 Steve Double
 Nick Fletcher
 James Gray
 Sir John Hayes
 Simon Jupp
 Marco Longhi
 John Penrose
 Mark Menzies
 Sir Desmond Swayne
 Simon Fell
 Alicia Kearns
 Maggie Throup
 Craig Whittaker
 Graham Stringer

To move the following Clause—

“Upper gestational limit on abortion where the foetus has Down syndrome

In section 1 (Medical termination of pregnancy) of the Abortion Act 1967, at the end of subsection (1)(d) insert “provided that, where that risk arises from a foetus having Down syndrome, and the foetus having Down syndrome is the sole reason why that risk arises, the pregnancy has not exceeded the gestational limit identified in sub-subsection (a).”

Member's explanatory statement

This new clause would mean that terminations would not be allowed beyond 24 weeks where any risk is purely on the grounds of a diagnosis of Down syndrome.

Sarah Owen

NC43

To move the following Clause—

“Offence of creating or sharing misleading content

- (1) A person (“P”) commits an offence if they—
- (a) create, using any computer or other digital technology, program, platform or application, including those which utilise artificial intelligence or machine learning; or
 - (b) share, distribute, or otherwise provide access to, visual or audio content which shows or represents, or appears to show or represent, another person (“R”), where conditions A, B and C are met.

- (2) Condition A is that the words, actions, beliefs or behaviours shown or represented in the content have been artificially created or manipulated.
- (3) Condition B is that the content has been created or shared for the purposes of—
 - (a) misleading a person viewing or hearing the content as to R's real words, actions, beliefs or behaviours;
 - (b) causing offence, alarm, distress or humiliation to—
 - (i) R; or
 - (ii) any other person; or
 - (c) influencing the voting intention or activity of another person.
- (4) Condition C is that R has not consented to the creation or sharing of the content.
- (5) 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."

Jess Phillips

NC44

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

An amendment to the Sexual Offences Act 2003, specifically in sections 52 and 53, replace "prostitution for gain" with "sexual exploitation of an adult".

Jess Phillips

NC45

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

An amendment that repeals soliciting and loitering as an offence.

Jess Phillips

NC46

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

NC47

To move the following Clause—

“Grooming as an aggravating factor

- (1) 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

Grooming to be seen as an aggravating factor in certain cases where the victim is an adult.

Jess Phillips

NC48

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

An amendment to instate strangulation as an aggravating factor in murder cases.

Jess Phillips

NC49

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

NC50

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

NC51

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

Amendment to ensure all allegations of Police Perpetrated Domestic abuse are treated either as a recordable police complaint or as a recordable conduct matter.

Jess Phillips

NC52

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

To ensure police staff have the same right to make a complaint of domestic abuse against a member of their force as public.

Jess Phillips

NC53

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.”

Jess Phillips

NC54

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.

Sir Paul Beresford

NC55

To move the following Clause—

“Offence of child criminal exploitation

- (1) A person (“P”) commits an offence if they—
 - (a) recruit or attempt to recruit, or
 - (b) ask or compel another person to recruit or attempt to recruit, a child (“C”) for the purpose of C’s involvement in criminal activity.
- (2) An offence is committed under subsection (1) regardless of whether C—
 - (a) engages in criminal activity, or
 - (b) is prosecuted for or found guilty of a criminal offence.
- (3) It is not a defence to a charge under subsection (1) to prove that P did not know that C was a child.
- (4) A person guilty of an offence under this section is liable—
 - (a) if the offence for which C was, or was attempted to be, recruited was murder, to imprisonment for life,
 - (b) if C was, or was attempted to be, recruited for any other offence, to the penalty to which a person guilty of that offence would be liable.
- (5) For the purposes of this section—

“child” means a person under the age of 18;

“criminal activity” means any activity or conduct which constitutes a criminal offence;

to “recruit” includes by direction, inducement, incitement, coercion or compulsion.”

Stella Creasy

NC56

To move the following Clause—

“Abortion: Conscientious Objection

For the purposes of section 4(1) of the Abortion Act 1967, “any treatment authorised by this Act” is to be read as including any treatment permitted by virtue of subsection 1(a) of section [*Abortion Punitive Measures*] of the Criminal Justice Act 2024.”

Member’s explanatory statement

This new clause is consequential on NC40.

Sir Iain Duncan Smith

NC57

Danny Kruger
 Anne Marie Morris
 Mr Mark Francois
 Sir Philip Davies
 Brendan Clarke-Smith

Henry Smith
 Iain Stewart
 Shailesh Vara
 Bob Blackman
 Marco Longhi
 Vicky Ford
 Dame Caroline Dinenage
 Wendy Morton
 Sally-Ann Hart

Sir Bill Wiggin
 Sir David Evennett
 Selaine Saxby
 Karl McCartney
 Royston Smith
 Tim Loughton
 Sir Jacob Rees-Mogg
 Dame Jackie Doyle-Price

Greg Smith
 James Grundy
 Sir John Whittingdale
 Virginia Crosbie
 Nick Fletcher
 Damien Moore
 Dame Harriett Baldwin
 Sir John Hayes

☆ To move the following Clause—

“Offence of causing death or serious injury by dangerous, careless or inconsiderate cycling

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) Before section 28 (dangerous cycling) insert—

“27A Causing death by dangerous cycling

A person who causes the death of another person by riding a cycle dangerously (as defined in section 28) on a road or other public place is guilty of an offence.

27B Causing serious injury by dangerous cycling

- (1) A person who causes serious injury to another person by riding a cycle dangerously (as defined in section 28) on a road or other public place is guilty of an offence.
- (2) In this section “serious injury means—
 - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
 - (b) in Scotland, severe physical injury.

27C Causing death by careless or inconsiderate cycling

A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.”

- (3) In section 28 (dangerous cycling), after subsection (3) insert—
 - “(4) For the purposes of subsection (2), what would be expected of a competent and careful cyclist includes that their cycle is equipped and

maintained in accordance with regulations made under section 81 of this Act.”

- (4) After section 32 (electrically assisted pedal cycles), insert—

“32A Interpretation of sections 27A to 32

- (1) For the purposes of sections 27A to 32 of this Act, “a cycle” includes but is not limited to—

- (a) a pedal cycle,
- (b) an electrically assisted pedal cycle, and
- (c) a mechanically propelled personal transporter, including—
 - (i) an electric scooter,
 - (ii) a self-balancing personal transporter (including a self-balancing scooter, self-balancing board or electric unicycle), and
 - (iii) any other mechanically propelled personal transporter provided for by the Secretary of State in regulations made under this section.

- (2) For the purposes of subsection (1)(c), mechanically propelled personal transporters are to be defined in regulations made by the Secretary of State under this section.”

- (5) The Road Traffic Offenders Act 1988 is amended as follows.

- (6) In the table in Part 1 of Schedule 2, after the row beginning “RTA section 27” insert in columns 1 to 4—

“RTA Section 27A	Causing death by dangerous cycling.	On indictment.	14 years.
RTA Section 27B	Causing serious injury by dangerous cycling.	(a) Summarily. (b) On indictment.	(a) 12 months or the statutory maximum or both. (b) 5 years of a fine or both.
RTA Section 27C	Causing death by careless of inconsiderate cycling.	(a) Summarily. (b) On indictment.	(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both. (b) 5 years or a fine or both.””

Alicia Kearns

Lloyd Russell-Moyle

NC58

- ☆ To move the following Clause—

“Conversion practices: prohibition

- (1) A person (“P”) commits an offence if they—
- (a) offer, administer, or take payment for conversion practices,

- (b) offer, provide, or take payment for materials to be used in the conducting of conversion practices,
 - (c) advertise, or take payment for advertising, conversion practices, or
 - (d) assist or encourage another person to undertake any of the actions listed in this subsection.
- (2) For the purposes of this section—
 - “conversion practices” means any conduct or activities carried out with the premeditated intent to change, replace, or negate an individual’s actual or perceived sexual orientation or transgender identity (or lack thereof),
 - “sexual orientation” has the same meaning as in the Sentencing Act 2020,
 - “transgender identity” has the same meaning as in the Sentencing Act 2020.
- (3) An offence is committed under subsection (1) only where the activity referred to in subsection (1) is—
 - (a) carried out in England and Wales; or
 - (b) done in relation to a person located in England and Wales.
- (4) A person who commits an offence under this section is liable on an either way conviction to a fine not exceeding level 5 on the standard scale.
- (5) No proceeding may be brought for an offence under this section except by or with the consent of the Director of Public Prosecutions.
- (6) No offence is committed—
 - (a) where a person expresses—
 - (i) a religious or other belief, provided that it is not directed to an individual as part of a conversion practice,
 - (ii) to another person their disapproval of, or acceptance of, that person’s sexual orientation or transgender identity or lack thereof;
 - (b) by a person exercising parental responsibility for a child in England and Wales in accordance with the Children Act 1989,
 - (c) by a health practitioner taking an action in the course of providing a health service, provided that—
 - (i) the health practitioner is a member of a body overseen or accredited by Professional Standards Authority for Health and Social Care and complies with their regulatory and professional standards, and
 - (ii) the health practitioner did not commence the health service with the intention of changing, replacing, or negating an individual’s actual or perceived sexual orientation or transgender identity (or lack thereof);
 - (d) by a person providing assistance to another individual who is undergoing a regulated course of medical treatment or therapy; or
 - (e) by a person who, other than as part of a conversion practice, facilitates or offers support to a person who is—

- (i) exploring or questioning their sexual orientation or transgender identity or lack thereof, or
- (ii) seeking to develop coping skills in relation to their sexual orientation or transgender identity or lack thereof.”

Alex Norris

NC59

☆ To move the following Clause—

“Ban on “ninja swords”

- (1) The Secretary of State must exercise their powers under section 141(2) of the Criminal Justice Act 1988 to amend the Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 as follows.
- (2) In paragraph 1, after sub-paragraph (t) insert—
 - “(u) the weapon sometimes known as a “ninja sword”, “katana” or “ninjato”, being a single-edged straight blade of up to 60cm in length with a long hilt or guard”.
- (3) Regulations laid under subsection (1) must—
 - (a) be laid within six months of the date of Royal Assent to this Act,
 - (b) be laid following consultation on the definitions of possession for sporting use and possession of antiques, and
 - (c) include, subject to the results of the consultation under subsection (3)(b), exemptions for sporting use and for possession of antiques.”

Alex Norris

NC60

☆ To move the following Clause—

“Senior manager liability for illegal sale of bladed articles

- (1) A person “P” commits an offence where—
 - (a) P is a senior manager of an internet service “C”,
 - (b) C commits an offence under—
 - (i) sections 141A or 141B of the Criminal Justice Act 1988; or
 - (ii) sections 38 to 42 of the Offensive Weapons Act 2019, and
 - (c) P has failed to take all reasonable steps to prevent that offence being committed by C.
- (2) For the purposes of this section—
 - (a) “internet service” has the meaning given in section 228 of the Online Safety Act 2023;
 - (b) “senior manager” means an individual who plays a significant role in—
 - (i) the making of decisions about how C’s relevant activities are to be managed or organised, or
 - (ii) the actual managing or organising of C’s relevant activities.

- (3) Where P is charged with an offence under this section, it is a defence for P to show that P was a senior manager of C for such a short time during the relevant period that P could not reasonably have been expected to take steps to prevent that offence being committed by C.
- (4) Where P is guilty of an offence under this section, P 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 five years or a fine (or both)."

Alicia Kearns

NC61

★ To move the following Clause—

"Classification of Fenethylline as a Class A drug

In Schedule 2 (Controlled Drugs) to the Misuse of Drugs Act 1971, after "Etryptamine" insert "Fenethylline"."

Member's explanatory statement

This new clause would add Fenethylline – also known by the brand names Captagon, Biocapton, and Fitton – to the list of Class A drugs under the Misuse of Drugs Act 1971.

Greg Clark

NC62

Dame Tracey Crouch

★ To move the following Clause—

"Sexual activity with a corpse

- (1) In the Sexual Offences Act 2003 for section 70 substitute—

"70 Sexual activity with a corpse

- (1) A person commits an offence if—
- (a) the person intentionally performs an act of touching (with a part of their body or anything else),
 - (b) what is touched is a part of the body of a dead person,
 - (c) the person knows that, or is reckless as to whether, that is what is touched, and
 - (d) the touching is sexual.
- (2) 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—

- (i) if the touching involved penetration of a part of the body mentioned in subsection (1)(b), 7 years;
 - (ii) otherwise, 5 years.”
- (2) In consequence of the amendment made by subsection (1), in the following provisions for “sexual penetration of” substitute “sexual activity with”—
- paragraph 152 of Schedule 15 to the Criminal Justice Act 2003;
 - paragraph 35 of Schedule 3 to the Sexual Offences Act 2003;
 - paragraph 33 of Schedule 4 to the Modern Slavery Act 2015;
 - paragraph 38(ba) of Schedule 18 to the Sentencing Code.”

Member's explanatory statement

This new clause replaces the offence under section 70 of the Sexual Offences Act 2003 with an offence that covers any intentional touching of a corpse that is sexual, and increases the maximum sentence of imprisonment for an offence involving penetration to 7 years and in other cases to 5 years. It is proposed to add the new clause after clause 15.

Alex Norris

NC63

★ To move the following Clause—

“Low-value shoplifting

In the Anti-Social Behaviour, Crime and Policing Act 2014, leave out section 176 (low-value shoplifting).”

Alex Norris

69

☆ Clause 9, page 7, line 36, at end insert—

- “(3) The Secretary of State must, within two years of the date of Royal Assent to this Act, publish a report on convictions for the offence introduced by this section.
- (4) In preparing the report under subsection (3) the Secretary of State must consult with whichever individuals or bodies the Secretary of State sees fit.
- (5) The report under subsection (3) must include—
 - (a) the number of convictions for offences under section 139AB of the Criminal Justice Act 1988 in each year for which this section has been in force;
 - (b) the types of relevant weapon involved in such offences;
 - (c) details of how the individual came into the possession of the relevant weapon, including details of whether any laws relating to the sale or delivery of bladed or other offensive articles were breached; and
 - (d) recommendations on whether, in light of the findings of the report, further review is needed on existing laws and processes relating to the sale or delivery of bladed or other offensive articles.”

Richard Graham

32

Julie Marson
 Lloyd Russell-Moyle
 Elliot Colburn
 Caroline Nokes
 Mr Jonathan Lord

Wera Hobhouse
 Selaine Saxby
 Vicky Ford
 Daisy Cooper
 Judith Cummins

Sarah Champion
 Simon Jupp
 Dame Diana Johnson
 Wendy Chamberlain
 David Mundell

Kevin Foster
 Caroline Lucas
 Siobhan Baillie
 Alicia Kearns

Clause 13, page 10, line 15, after “Administering” insert “or attempting to administer”

Richard Graham

33

Julie Marson
 Lloyd Russell-Moyle
 Elliot Colburn
 Caroline Nokes
 Mr Jonathan Lord

Wera Hobhouse
 Selaine Saxby
 Vicky Ford
 Daisy Cooper
 Judith Cummins

Sarah Champion
 Simon Jupp
 Dame Diana Johnson
 Wendy Chamberlain
 David Mundell

Kevin Foster
 Caroline Lucas
 Siobhan Baillie
 Alicia Kearns
 Mr Rob Roberts

Clause 13, page 10, line 19, after “administers” insert “or attempts to administer”

Richard Graham

34

Julie Marson
 Lloyd Russell-Moyle
 Elliot Colburn
 Caroline Nokes
 Mr Jonathan Lord

Wera Hobhouse
 Selaine Saxby
 Vicky Ford
 Daisy Cooper
 Judith Cummins

Sarah Champion
 Simon Jupp
 Dame Diana Johnson
 Wendy Chamberlain
 David Mundell

Kevin Foster
 Caroline Lucas
 Siobhan Baillie
 Alicia Kearns
 Mr Rob Roberts

Clause 13, page 10, line 20, after “administration” insert “or attempted administration”

Richard Graham

35

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns
Mr Rob Roberts

Clause 13, page 10, line 23, after “causes” insert “or attempts to cause”

Richard Graham

36

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns
Mr Rob Roberts

Clause 13, page 10, line 25, after “administration” insert “attempted administration”

Richard Graham

37

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns

Clause 13, page 10, line 26, leave out from “life” to end of line 27 and insert “, inflicts grievous bodily harm on them, or causes them annoyance or humiliation, and”

Secretary James Cleverly

Gov 142

Secretary Alex Chalk

★ Clause 13, page 10, line 37, after “conviction” insert “in England and Wales”

Member's explanatory statement

This amendment and amendments 143 to 147 extend the clause to Northern Ireland and make changes to the clause to cater for this extension.

Secretary James Cleverly

Gov 143

Secretary Alex Chalk

★ Clause 13, page 10, line 39, 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 for amendment 142.

Richard Graham

38

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns

Clause 13, page 11, line 3, leave out from “Administering” to end of line 4 and insert “or attempting to administer etc harmful substance with intent to injure, aggrieve, annoy or humiliate”

Richard Graham

39

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns
Mr Rob Roberts

Clause 13, page 11, line 6, after “administers” insert “or attempts to administer”

Richard Graham

40

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns
Mr Rob Roberts

Clause 13, page 11, line 7, after “causes” insert “or attempts to cause”

Richard Graham

41

Julie Marson
Lloyd Russell-Moyle
Elliot Colburn
Caroline Nokes
Mr Jonathan Lord

Wera Hobhouse
Selaine Saxby
Vicky Ford
Daisy Cooper
Judith Cummins

Sarah Champion
Simon Jupp
Dame Diana Johnson
Wendy Chamberlain
David Mundell

Kevin Foster
Caroline Lucas
Siobhan Baillie
Alicia Kearns

Clause 13, page 11, line 9, leave out from “aggrieve” to end of line 10 and insert “, annoy or humiliate the other person, or for the purposes of the entertainment of the person or any other person.”

Secretary James Cleverly

Gov 144

Secretary Alex Chalk

★ Clause 13, page 11, line 14, after “conviction” insert “in England and Wales”

Member's explanatory statement

See the statement for amendment 142.

Secretary James Cleverly

Gov 145

Secretary Alex Chalk

★ Clause 13, page 11, line 16, 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 for amendment 142.

Secretary James Cleverly

Gov 146

Secretary Alex Chalk

- ★ Clause 13, page 11, line 32, leave out “paragraph 11” and insert “paragraphs 11 and 124”

Member's explanatory statement

See the statement for amendment 142.

Secretary James Cleverly

Gov 147

Secretary Alex Chalk

- ★ Clause 13, page 11, line 35, at end insert—

“(ea) in the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), paragraph 7 of Schedule 1 and paragraph 6 of Schedule 2;”

Member's explanatory statement

See the statement for amendment 142.

Sir David Davis

64

Philip Davies
Richard Fuller
Greg Smith
Julian Sturdy
Kevin Foster

Henry Smith
Chloe Smith
Caroline Lucas
Chris Green
Sammy Wilson
Priti Patel

Sir Jacob Rees-Mogg
Sir Desmond Swayne
Gordon Henderson
Wera Hobhouse
Danny Kruger
Damian Green

Stephen McPartland
Ian Paisley
Andrew Rosindell
Sally-Ann Hart
Sir Liam Fox

Page 26, line 1, leave out Clause 24

Secretary James Cleverly

Gov 71

Secretary Alex Chalk

- ★ Clause 24, page 26, line 6, leave out “police officer of at least the rank of inspector” and insert “constable whose rank is at least that of inspector (a “senior officer”)”

Member's explanatory statement

This is a drafting change.

Sir David Davis

65

Philip Davies
Richard Fuller
Greg Smith
Julian Sturdy
Kevin Foster

Henry Smith
Chloe Smith
Caroline Lucas
Chris Green
Sammy Wilson
Priti Patel

Sir Jacob Rees-Mogg
Sir Desmond Swayne
Gordon Henderson
Wera Hobhouse
Danny Kruger
Damian Green

Stephen McPartland
Ian Paisley
Andrew Rosindell
Sally-Ann Hart
Sir Liam Fox

Page 28, line 11, leave out Clause 25

Alex Norris

31

Clause 27, page 33, line 22, 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.

Secretary James Cleverly

Gov 148

Secretary Alex Chalk

★ Clause 28, page 33, line 30, leave out “an offence in respect of which a life sentence must, or may, be passed,” and insert “a serious offence,”

Member's explanatory statement

This amendment and amendments 149 and 150 lower the threshold for the availability of the new power to order an offender to attend a sentencing hearing so that it applies in relation to offences that are punishable with imprisonment for 14 years or more.

Secretary James Cleverly

Gov 149

Secretary Alex Chalk

★ Clause 28, page 34, leave out line 11

Member's explanatory statement

See the statement for amendment 148.

Secretary James Cleverly

Gov 150

Secretary Alex Chalk

★ Clause 28, page 34, line 18, at end insert—

““serious offence” means an offence which, in the case of a person aged 21 or over, is punishable with—

- (a) imprisonment for 14 years or more, or
- (b) a life sentence (within the meaning of section 324).”

Member's explanatory statement

See the statement for amendment 148.

Alex Cunningham

57

Shabana Mahmood

Clause 28, page 34, leave out lines 34 and 35 and insert—

“(4) The court may, as part of an order under subsection (2), add conditions about the use of reasonable force, if necessary and proportionate, to give effect to an order under subsection (2).

(4A) Conditions referred to in subsection (4) may only be added if the court is satisfied that there are sufficient, properly trained and equipped staff available to give effect to the order, and the conditions added to it, safely.”

Member's explanatory statement

This amendment would ensure the courts satisfies itself that staff would not be put at risk when ordering a defendant to attend sentencing.

Secretary James Cleverly

Gov 151

Secretary Alex Chalk

★ Clause 29, page 35, line 17, leave out “a service offence in respect of which a life sentence must, or may, be passed,” and insert “a serious service offence,”**Member's explanatory statement**

This amendment and amendment 152 make equivalent provision to 148 to 150 in relation to the equivalent new power for armed forces sentencing hearings.

Secretary James Cleverly

Gov 152

Secretary Alex Chalk

★ Clause 29, page 35, line 40, at end insert—

““serious service offence” means a service offence which, in the case of a person aged 21 or over, is punishable with—

- (a) imprisonment for 14 years or more, or
- (b) a life sentence.”

Member's explanatory statement

See the statement for amendment 151.

Secretary James Cleverly

Gov 153

Secretary Alex Chalk

★ Clause 30, page 38, line 17, after “is to be read as” insert “including”

Member's explanatory statement

This amendment clarifies that, by virtue of section 238 of the Armed Forces Act 2006 (as amended), the reference in section 70A(1) of the Sentencing Code to a specified child sex offence is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales is a specified child sex offence.

Alex Cunningham

58

Shabana Mahmood

Clause 33, page 39, line 14, 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

The amendment would introduce exclusions on the type of prisoner that could be issued with a warrant to serve their sentence in a foreign country. It excludes people with less than 6 months to

serve, those serving indeterminate sentences for public protection and those who need to be detained in the UK for education/training purposes or for legal proceedings (e.g. parole).

Alex Cunningham 59
Shabana Mahmood

Clause 35, page 40, line 41, 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 60
Shabana Mahmood

Clause 35, page 41, line 3, 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 61
Shabana Mahmood

Clause 35, page 41, line 4, 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 62
Shabana Mahmood

Clause 35, page 41, line 8, 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 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.

Secretary James Cleverly

Gov 113

Secretary Alex Chalk

★ Clause 40, page 43, line 33, at end insert—

“(1A) In Schedule 4 to the Proceeds of Crime Act 2002 (criminal lifestyle offences: Scotland), after paragraph 9F insert—

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

9G (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 4 to the Proceeds of Crime Act 2002 (criminal lifestyle offences: Scotland).

Secretary James Cleverly

Gov 72

Secretary Alex Chalk

★ Clause 44, page 51, line 31, at end insert—

“15ZA Court to specify authority to whom notifications are to be given

(1) A serious crime prevention order must specify a person listed in subsection (2) to whom any notifications under sections 15A to 15E are to be given.

(2) Those persons are—

(a) in the case of an order made in England and Wales, a person listed in section 8(1)(a);

(b) in the case of an order made in Northern Ireland, a person listed in section 8(1C)(a).

- (3) In this Part, references to a “specified authority” are to a person specified under subsection (1).”

Member's explanatory statement

This amendment inserts a requirement that a serious crime prevention order specify an authority to whom notifications under new sections 15A to 15E are to be given.

Secretary James Cleverly

Gov 73

Secretary Alex Chalk

- ★ Clause 44, page 51, line 32, leave out “notifying police” and insert “notification”

Member's explanatory statement

This amendment omits the reference to notifying the police from the heading of new section 15A. It is consequential on the amendments to section 15A which provide that notifications are to be made to a specified authority.

Secretary James Cleverly

Gov 74

Secretary Alex Chalk

- ★ Clause 44, page 51, line 39, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment recognises that authorities other than the police may be responsible for monitoring compliance with a serious crime prevention order.

Secretary James Cleverly

Gov 75

Secretary Alex Chalk

- ★ Clause 44, page 51, line 39, after “body” insert “in relation to the body’s compliance with the order”

Member's explanatory statement

This amendment clarifies that the individual is to be authorised to communicate with the specified authority about the body’s compliance with the order.

Secretary James Cleverly

Gov 76

Secretary Alex Chalk

- ★ Clause 44, page 51, line 40, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment provides for notifications under new section 15A(1) to be provided to the specified authority.

Secretary James Cleverly

Gov 77

Secretary Alex Chalk

- ★ Clause 44, page 52, line 15, leave out “notifying police” and insert “notification”

Member's explanatory statement

This amendment omits the reference to notifying the police from the heading of new section 15B. It is consequential on the amendments to new section 15A which provide that notifications are to be made to a specified authority.

Secretary James Cleverly

Gov 78

Secretary Alex Chalk

- ★ Clause 44, page 52, line 16, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment is consequential on the amendments to new sections 15A and 15B which provide that notifications are to be made to a specified authority.

Secretary James Cleverly

Gov 79

Secretary Alex Chalk

- ★ Clause 44, page 52, line 17, leave out “police” and insert “authority”

Member's explanatory statement

This amendment and amendment 80 provide that, where a relevant body has notified a specified authority of the name of a point of contact, the body may notify that authority of the name of a replacement point of contact.

Secretary James Cleverly

Gov 80

Secretary Alex Chalk

- ★ Clause 44, page 52, line 19, leave out “police” and insert “authority”

Member's explanatory statement

See the explanatory statement to amendment 79.

Secretary James Cleverly

Gov 81

Secretary Alex Chalk

- ★ Clause 44, page 52, line 22, leave out “police” and insert “authority”

Member's explanatory statement

This amendment is consequential on the amendments to new sections 15A and 15B which provide for notifications to be made to a specified authority.

Secretary James Cleverly

Gov 82

Secretary Alex Chalk

- ★ Clause 44, page 52, line 26, leave out “police” and insert “authority”

Member's explanatory statement

This amendment and amendment 83 provide for a relevant body to notify the specified authority of a replacement point of contact in circumstances where the initial point of contact is no longer able to act in that capacity.

Secretary James Cleverly

Gov 83

Secretary Alex Chalk

- ★ Clause 44, page 52, line 27, leave out “police” and insert “authority”

Member's explanatory statement

See the explanatory statement to amendment 82.

Secretary James Cleverly

Gov 84

Secretary Alex Chalk

- ★ Clause 44, page 53, leave out lines 1 to 10

Member's explanatory statement

This amendment omits new section 15C, which provided an exception to the notification requirements in sections 15A and 15B in cases where a relevant body is subject to an earlier serious crime prevention order.

Secretary James Cleverly

Gov 85

Secretary Alex Chalk

- ★ Clause 44, page 53, line 16, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment provides for notifications under new section 15D to be made to the specified authority.

Secretary James Cleverly

Gov 86

Secretary Alex Chalk

- ★ Clause 44, page 54, line 29, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment is consequential on the amendment to new section 15D(1).

Secretary James Cleverly

Gov 87

Secretary Alex Chalk

- ★ Clause 44, page 54, line 43, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment is consequential on the amendment to new section 15D(1).

Secretary James Cleverly

Gov 88

Secretary Alex Chalk

- ★ Clause 44, page 55, line 9, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment provides for notifications under new section 15E(1) to be made to the specified authority.

Secretary James Cleverly

Gov 89

Secretary Alex Chalk

- ★ Clause 44, page 55, line 16, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment is consequential on the amendment to new section 15E(1).

Secretary James Cleverly

Gov 90

Secretary Alex Chalk

- ★ Clause 44, page 55, line 30, leave out “police” and insert “specified authority”

Member's explanatory statement

This amendment is consequential on the amendment to new section 15E(1).

Secretary James Cleverly

Gov 91

Secretary Alex Chalk

- ★ Clause 44, page 56, leave out lines 2 to 5 and insert—

“(1) A requirement to notify information under section 15D or 15E to a specified authority does not apply to a person by virtue of a serious crime prevention order whilst the person is required to notify that information to that authority by virtue of an earlier serious crime prevention order.”

Member's explanatory statement

This amendment restricts the breadth of the exemption in section 15F to cases where an individual is subject to multiple serious crime prevention orders and where the specified authority in relation to each order is the same authority.

Secretary James Cleverly

Gov 92

Secretary Alex Chalk

- ★ Clause 44, page 56, leave out lines 10 to 17 and insert—

“(1) Where a person gives a notification to a specified authority under section 15D or 15E the person must, if requested to do so by a constable, allow the constable to do any of the following things for the purpose of verifying the person’s identity—

- (a) take the person’s fingerprints;
- (b) photograph, or otherwise produce an image of, the person or any part of the person.

(2) A constable may not exercise the power under subsection (1) unless—

- (a) the specified authority is a chief officer of police, or
- (b) the constable is requested to so by the specified authority.”

Member's explanatory statement

This amendment provides that the power in new section 15G to take fingerprints or photographs may only be exercised by a constable, and may not be exercised by a constable unless the specified authority is a chief officer of police (as defined in new subsection (7)) or the constable is requested to do so by the specified authority.

Secretary James Cleverly

Gov 93

Secretary Alex Chalk

★ Clause 44, page 56, line 37, at end insert—

“(7) In this section “chief officer of police”—

(a) in relation to England and Wales, means—

- (i) the chief officer of police of a police force in England and Wales,
- (ii) the Chief Constable of the British Transport Police Force, or
- (iii) the Chief Constable of the Ministry of Defence Police;

(b) in relation to Northern Ireland, means—

- (i) the Chief Constable of the Police Service of Northern Ireland, or
- (ii) the Chief Constable of the Ministry of Defence Police.”

Member's explanatory statement

This amendment defines “chief officer of police” for the purposes of new subsection (2).

Secretary James Cleverly

Gov 94

Secretary Alex Chalk

★ Clause 44, page 57, line 15, at end insert—

“(4A) In section 43 (index of defined expressions), in the appropriate place insert—

“specified authority

section 15ZA(3)”

Member's explanatory statement

This amendment adds “specified authority” to the index of defined expressions in section 43.

Bob Blackman

2

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinéage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 59, line 3, leave out Clause 46

Carolyn Harris 42

Clause 46, page 59, line 21, leave out from “writing” to the end of line 22

Carolyn Harris 43

Clause 46, page 59, line 29, leave out subsections (8) and (9)

Bob Blackman 3

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
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Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 59, line 34, leave out Clause 47

Carolyn Harris 44

Clause 47, page 60, line 16, leave out paragraph (b)

Carolyn Harris 45

Clause 47, page 60, line 22, leave out subsections (7) and (8)

Bob Blackman

4

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
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Stephen Hammond
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Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 60, line 28, leave out Clause 48

Bob Blackman

5

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
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Stephen Hammond
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Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 61, line 2, leave out Clause 49

Bob Blackman

6

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
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Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 61, line 27, leave out Clause 50

Carolyn Harris

46

Clause 50, page 62, line 12, leave out paragraph (b)

Bob Blackman

7

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
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Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 62, line 15, leave out Clause 51

Carolyn Harris

47

Clause 51, page 62, line 36, leave out subsection (4)

Bob Blackman

8

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
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Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 63, line 1, leave out Clause 52

Bob Blackman

9

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
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Hywel Williams
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Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 64, line 5, leave out Clause 53

Carolyn Harris

48

Clause 53, page 64, line 23, leave out "5 years" and insert "6 months"

Bob Blackman

10

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
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Stephen Hammond
Kim Johnson
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Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 65, line 1, leave out Clause 54

Bob Blackman

11

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
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Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 65, line 32, leave out Clause 55

Bob Blackman

12

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
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Ian Byrne
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Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 66, line 17, leave out Clause 56

Bob Blackman

13

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
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Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 66, line 23, leave out Clause 57

Bob Blackman

14

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
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Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 67, line 26, leave out Clause 58

Bob Blackman

15

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Charlotte Nichols
Lloyd Russell-Moyle
Sir Iain Duncan Smith
Liz Saville Roberts
Sir Robert Neill

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Ian Byrne
Carolyn Harris
Hywel Williams
Dame Caroline Dinenege

Stephen Hammond
Nadia Whittome
Alex Sobel
Caroline Lucas
Derek Thomas
Ben Lake
Will Quince

Page 67, line 37, leave out Clause 59

Carolyn Harris

49

Clause 59, page 68, line 24, leave out paragraph (d)

Carolyn Harris

50

Clause 59, page 68, line 31, leave out subsections (8) and (9)

Bob Blackman

16

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenege

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 68, line 36, leave out Clause 60

Carolyn Harris

51

Clause 60, page 69, line 29, leave out paragraph (b)

Carolyn Harris

52

Clause 60, page 69, line 39, leave out subsections (8) and (9)

Bob Blackman

17

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenege

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 70, line 4, leave out Clause 61

Bob Blackman

18

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

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Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 70, line 20, leave out Clause 62

Bob Blackman

19

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

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Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 71, line 15, leave out Clause 63

Carolyn Harris

53

Clause 63, page 71, line 38, leave out paragraph (b)

Bob Blackman

20

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
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Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 72, line 1, leave out Clause 64

Carolyn Harris

54

Clause 64, page 72, line 23, leave out subsection (4)

Bob Blackman

21

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
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Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 72, line 27, leave out Clause 65

Bob Blackman

22

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
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Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 73, line 30, leave out Clause 66

Carolyn Harris

55

Clause 66, page 74, line 9, leave out "5 years" and insert "6 months"

Bob Blackman

23

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
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Nadia Whittome
Debbie Abrahams
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Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 74, line 16, leave out Clause 67

Bob Blackman

24

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 75, line 9, leave out Clause 68

Bob Blackman

25

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
Nadia Whittome
Debbie Abrahams
Charlotte Nichols
Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenage

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 75, line 32, leave out Clause 69

Bob Blackman

26

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
Caroline Nokes
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Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenege

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 77, line 2, leave out Clause 71

Bob Blackman

27

Nickie Aiken
Tracey Crouch
Layla Moran
Paula Barker
Selaine Saxby

John Penrose
Damian Green
Mick Whitley
Mary Kelly Foy
Kate Hollern
Alex Sobel
Ian Byrne
Carolyn Harris
Hywel Williams
Sir Robert Neill

Jo Gideon
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Debbie Abrahams
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Lloyd Russell-Moyle
Caroline Lucas
Derek Thomas
Ben Lake
Dame Caroline Dinenege

Stephen Hammond
Kim Johnson
Sarah Champion
Rachel Hopkins
Grahame Morris
Richard Burgon
Sir Iain Duncan Smith
Liz Saville Roberts
Bell Ribeiro-Addy
Will Quince

Page 77, line 30, leave out Clause 72

Alex Norris

29

Clause 83, page 87, line 15, 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.

Alex Norris

30

Clause 83, page 87, line 15, 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

66

Clause 83, page 87, line 24, 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

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

Jess Phillips

67

Clause 83, page 87, line 36, 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.

Jess Phillips

68

Clause 84, page 88, line 22, 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.

Secretary James Cleverly

Gov 95

Secretary Alex Chalk

★ Clause 86, page 91, line 4, after “8” insert “, (*Duty to report child sex offences: power to amend*),”

Member's explanatory statement

This amendment results in the power to make regulations under new clause 72 being subject to the affirmative procedure.

Secretary James Cleverly

Gov 107

Secretary Alex Chalk

★ Clause 87, page 91, line 25, at end insert—

“(fa) section (*Sex offenders: restriction on applying for replacement identity documents in new name*)(1);”

Member's explanatory statement

This amendment provides that new Clause NC83(1) has UK extent.

Secretary James Cleverly

Gov 108

Secretary Alex Chalk

★ Clause 87, page 91, line 33, leave out “Section 10(3) extends” and insert “Sections 10(3) and section (*Sex offenders: restriction on applying for replacement identity documents in new name*)(2) extend”

Member's explanatory statement

This amendment provides that NC83(2) extends to England and Wales and Scotland.

Secretary James Cleverly

Gov 154

Secretary Alex Chalk

- ★ Clause 87, page 91, line 34, leave out “and 12” and insert “, 12 and 13(1)”

Member's explanatory statement

See the statement for amendment 142.

Secretary James Cleverly

Gov 155

Secretary Alex Chalk

- ★ Clause 87, page 91, line 34, after “12” insert “and (*Reviews of sentencing: time limits*)”

Member's explanatory statement

This amendment provides that NC89 extends to (ie forms part of the law of) England and Wales and Northern Ireland. The substantive change made by the new clause applies only in England and Wales.

Secretary James Cleverly

Gov 156

Secretary Alex Chalk

- ★ Clause 87, page 91, line 34, at end insert—

“(4A) Section (Length of terrorism sentence with fixed licence period: Northern Ireland) extends to Northern Ireland only.”

Member's explanatory statement

This amendment provides that NC88 extends to Northern Ireland only.

Secretary James Cleverly

Gov 109

Secretary Alex Chalk

- ★ Clause 87, page 91, line 35, leave out first “or” and insert “, (*Sex offenders: powers of entry and search*),”

Member's explanatory statement

This amends the list of provisions which have the same extent as the provisions they are amending, to add the new Clause inserted by amendment NC84.

Secretary James Cleverly

Gov 114

Secretary Alex Chalk

- ★ Clause 87, page 91, line 35, leave out “40(2)” and insert “40(1A) or (2)”

Member's explanatory statement

This amendment to the extent clause is consequential on amendment 113.

Secretary James Cleverly

Gov 110

Secretary Alex Chalk

- ★ Clause 87, page 91, line 35, after “Schedule” insert “(*Sex offenders notification requirements: minor and consequential amendments*) or”

Member's explanatory statement

This amends the list of provisions which have the same extent as the provisions they are amending, to add the new Schedule inserted by amendment NS3.

Secretary James Cleverly

Gov 111

Secretary Alex Chalk

- ★ Clause 87, page 91, line 36, at end insert “(subject to subsection (5A))”

Member's explanatory statement

This amendment is consequential on amendment 112.

Secretary James Cleverly

Gov 112

Secretary Alex Chalk

- ★ Clause 87, page 91, line 36, at end insert—

“(5A) In Schedule (*Sex offenders notification requirements: minor and consequential amendments*)—

- (a) paragraph 2(2)(b) extends to Scotland and Northern Ireland;
- (b) paragraphs 2(2)(c) and (3), 5, 6, 8, 14, 15 and 16(a) extend to England and Wales;
- (c) paragraph 16(b) extends to England and Wales, Scotland and Northern Ireland;
- (d) paragraph 16(c) extends to England and Wales and Scotland.”

Member's explanatory statement

This amendment deals with the extent of certain amendments made by the new Schedule inserted by NS3.

Secretary James Cleverly

Gov 96

Secretary Alex Chalk

- ★ Clause 88, page 92, line 11, after “(3)” insert “and (3B)”

Member's explanatory statement

This amendment is consequential on amendment 98.

Secretary James Cleverly

Gov 157

Secretary Alex Chalk

★ Clause 88, page 92, line 11, after “(3)” insert “and (7)”

Member's explanatory statement

This amendment is consequential on amendment 159.

Secretary James Cleverly

Gov 97

Secretary Alex Chalk

★ Clause 88, page 92, line 17, at end insert—

“(ba) in section (*Complaints about police and crime commissioners etc*), subsections (3)(b) and (5);”

Member's explanatory statement

This amendment provides for certain provisions of the new clause inserted by amendment NC77, which correct out of date references to the Local Government Act 2000, to come into force on Royal Assent.

Dame Diana Johnson

1

Stephen Farry
Caroline Lucas
Wendy Chamberlain
Caroline Nokes
Sarah Champion

Christine Jardine
Paula Barker
Kim Johnson
Mrs Sharon Hodgson
Valerie Vaz
Richard Burgon
Nadia Whittome

Dehenna Davison
Jess Phillips
Charlotte Nichols
Tracey Crouch
Dr Dan Poulter
Rachel Hopkins
John McDonnell

Ms Harriet Harman
Daisy Cooper
Mick Whitley
Bell Ribeiro-Addy
Dame Margaret Beckett
Dame Caroline Dinéage
Carolyn Harris

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.

Greg Clark

70

Dame Tracey Crouch

- ★ Clause 88, page 92, line 22, leave out paragraphs (a) and (b) and insert—
“(a) sections (*Sexual activity with a corpse*) to 17;”

Member's explanatory statement

This amendment provides that the NC62 comes into force two months after Royal Assent.

Secretary James Cleverly

Gov 158

Secretary Alex Chalk

- ★ Clause 88, page 92, line 24, after “31” insert “and (*Length of terrorism sentence with fixed licence period: Northern Ireland*)”

Member's explanatory statement

This amendment provides that NC88 comes into force two months after Royal Assent.

Caroline Ansell

28

Sally-Ann Hart
Rachael Maskell
Ms Marie Rimmer
Robin Millar
Bob Blackman

Mary Robinson
Miriam Cates
Eddie Hughes
Mrs Flick Drummond
Maggie Throup
Derek Thomas
Mr Philip Hollobone

Sir Desmond Swayne
Chris Green
Fiona Bruce
Sir Edward Leigh
Sir Jacob Rees-Mogg
Sir Gary Streeter
James Gray

Nick Fletcher
Andrew Lewer
Marco Longhi
Martin Vickers
Steve Double
Philip Davies

Clause 88, page 92, line 27, at end insert—

“(g) section [*Abortion: gestation limits*].”

Member's explanatory statement

This amendment is linked to NC15.

Stella Creasy

63

Dr Dan Poulter
Sarah Owen
Caroline Lucas
Charlotte Nichols
Bell Ribeiro-Addy

Lloyd Russell-Moyle

Wendy Chamberlain

Clause 88, page 92, line 27, at end insert—

“(g) section [*Abortion: Punitive Measures*]”

Member's explanatory statement

This amendment is consequential on NC40.

Secretary James Cleverly

Gov 98

Secretary Alex Chalk

★ Clause 88, page 92, line 27, at end insert—

“(3B) Section (*Cautions given to persons having limited leave to enter or remain in UK*)(2) comes into force on the coming into force of section 103 of the Police, Crime, Sentencing and Courts Act 2022.”

Member's explanatory statement

This amendment provides that the amendment made by subsection (2) of new clause 64 comes into force when the provision it amends comes into force.

Secretary James Cleverly

Gov 159

Secretary Alex Chalk

★ Clause 88, page 92, line 32, at end insert—

- “(7) So far as extending to Northern Ireland—
- (a) sections 11 and 12 come into force on such day as the Department of Health in Northern Ireland may by order appoint;
 - (b) section 13 comes into force on such day as the Department of Justice in Northern Ireland may by order appoint.
- (8) An order under subsection (7) may make—
- (a) transitional or saving provision;
 - (b) different provision for different purposes.
- (9) The power to make an order under subsection (7) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

Member's explanatory statement

This amendment provides for clauses 11 and 12 to be commenced by the Department of Health in Northern Ireland and clause 13 to be commenced by the Department of Justice in Northern Ireland, so far as those clauses extend to Northern Ireland, and for those Departments to be able to make transitional or saving provision.

Secretary James Cleverly

Gov NS2

Secretary Alex Chalk

★ To move the following Schedule—

“SCHEDULE

Section (Duty to report child sex offences)

DUTY TO REPORT CHILD SEX OFFENCES: CHILD SEX OFFENCES AND FURTHER RELEVANT ACTIVITIES

PART 1

CHILD SEX OFFENCES

- 1 An offence under any of—
 - (a) section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child);
 - (b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child);
 - (c) the following provisions of the Sexual Offences Act 2003—
 - (i) sections 5 to 8 (rape and other offences against children under 13);
 - (ii) sections 9 to 15A (other child sex offences);
 - (iii) sections 16 to 19 (abuse of position of trust);
 - (iv) sections 25 and 26 (familial child sex offences);
 - (v) sections 47 to 50 (sexual exploitation of children);
 - (d) section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child).
- 2 An offence under any of the following provisions of the Sexual Offences Act 2003 where the victim, or intended victim, was aged under 18—
 - (a) sections 1 to 4 (rape, assault and causing sexual activity without consent);
 - (b) sections 30 to 41 (sexual offences relating to persons with mental disorder);
 - (c) sections 57 to 59A (trafficking);
 - (d) sections 61 to 63 (preparatory offences);
 - (e) sections 66 to 67A (exposure and voyeurism).
- 3 An inchoate offence (within the meaning given by section 398 of the Sentencing Code) in relation to an offence referred to in paragraph 1 or 2.
- 4 An offence under the law of Scotland, Northern Ireland or any country or territory outside the United Kingdom which would be an offence referred to in a preceding provision of this Part of this Schedule if the conduct constituting the offence occurred in England and Wales.

PART 2

FURTHER RELEVANT ACTIVITIES

- 5 Engaging in the provision of a service to a child under, or pursuant to anything done under—
 - (a) any of sections 8 to 10 of the Employment and Training Act 1973, or

- (b) section 68, 70(1)(b) or 74 of the Education and Skills Act 2008, if that involves looking after the child on an individual basis.
- 6 Activities of a person in the exercise of functions of a local authority under section 20 or 21 of the Children Act 1989, if the person has regular unsupervised contact with the child concerned in the course of those activities.
- 7 Activities of a person relating to them reporting to the court under section 7 of the Children Act 1989 on matters relating to the welfare of a child, if the person has regular unsupervised contact with the child in the course of those activities.
- 8 Activities of a person in connection with a placement under section 22C(5) of the Children Act 1989, if the person looks after the child concerned on an individual basis in the course of those activities.
- 9 Activities of a person in connection with providing a child with, or maintaining a child in, suitable accommodation under section 23B(8)(b) of the Children Act 1989, if the person looks after the child on an individual basis in the course of those activities.
- 10 Acting as a personal advisor for a child under section 23B(2) of, or paragraph 19C of Schedule 2 to, the Children Act 1989, if that involves looking after the child on an individual basis when so acting.
- 11 Activities of a person in connection with the provision of accommodation for a child by a voluntary organisation under section 59 of the Children Act 1989, if the person looks after the child concerned on an individual basis in the course of those activities.
- 12 Activities of a person in the exercise of functions conferred by virtue of a care order, supervision order or education supervision order, if the person looks after the child concerned on an individual basis in the course of those activities.
- 13 Activities of a person so far as acting as—
- (a) an officer appointed for a child under section 41(1) of the Children Act 1989,
 - (b) a guardian of a child appointed under rule 6 or rule 18 of the Adoption Rules 1984 (S.I. 1984/265),
 - (c) a guardian ad litem of a child appointed under rule 9.5 of the Family Proceedings Rules 1991 (S. I. 1991/1247), or
 - (d) a guardian of a child appointed under rule 59 of the Family Procedure (Adoption) Rules 2005 (S.I. 2005/2795) or rule 16.3(1)(ii) or rule 16.4 of the Family Procedure Rules 2010 (S.I. 2010/2955),
- if the person has regular unsupervised contact with the child in the course of those activities.
- 14 Activities of a person pursuant to requirements imposed on a child—
- (a) by or under an enactment on the child's release from detention for a criminal offence, or
 - (b) by a court order made in criminal proceedings,

- if the person looks after the child on an individual basis in the course of those activities.
- 15 Activities of a constable of a relevant police force carried out in connection with their holding of that office.
- 16 For the purposes of this Part of this Schedule, a person (A) looks after another person (B) on an individual basis if—
- (a) A is regularly involved in caring for, training or supervising B, and
 - (b) in the course of A's involvement, A has regular unsupervised contact with B.
- 17 In this Part of this Schedule—
- “care order” has the same meaning as in the Children Act 1989;
 - “child” has the same meaning as in section (*Duty to report child sex offences*);
 - “education supervision order” has the meaning given by section 36 of the Children Act 1989;
 - “regular unsupervised contact” means regular unsupervised contact that is face to face or by any other means;
 - “relevant police force” means—
 - (a) a police force maintained for a police area in England;
 - (b) the British Transport Police Force;
 - (c) the Ministry of Defence police.
 - “supervision order” has the meaning given by section 31(11) of the Children Act 1989.”

Member's explanatory statement

This new Schedule specifies child sex offences and further relevant activities for the purposes of Gov NC65.

Secretary James Cleverly

Gov NS3

Secretary Alex Chalk

★ To move the following Schedule—

“SCHEDULE

SEX OFFENDERS NOTIFICATION REQUIREMENTS: MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 The Sexual Offences Act 2003 is amended as follows.
- 2 (1) Section 84 (notification requirements: changes) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a);

- (b) before paragraph (b) insert—
 - “(aa) their using a name which has not been notified to the police under section 83(1), section 83A, this subsection, or section 2 of the Sex Offenders Act 1997;”;
 - (c) in the words after paragraph (d) omit “that name,”.
- (3) In subsection (2), omit “the name is used,”.
- 3 In section 85 (periodic notification)—
 - (a) in subsection (1), after “under section” insert “83A or”;
 - (b) in subsection (2)(b), after “83(1)” insert “, 83A”;
 - (c) in subsection (6), as inserted by section 142(9) of the Criminal Justice and Immigration Act 2008, after “83(1)” insert “, 83A”.
- 4 In the heading to section 85A (notification requirements: absence from notified address), at the end insert “(Northern Ireland)”.
- 5 (1) Section 87 (method of notification and related matters) is amended as follows—
 - (2) In subsection (1)—
 - (a) for “84(1) or 85(1)” substitute “83A, 84, 85(1), 85ZA or 86B”;
 - (b) after paragraph (b) insert “(subject to section 87A)”.
 - (3) In subsection (2A), for “84(1) or 85(1)” substitute “83A, 84, 85(1), 85ZA or 86B”.
 - (4) In subsection (4), for “84(1) or 85(1)” substitute “83A, 84, 85(1), 85ZA or 86B in accordance with this section”.
- 6 In section 88 (interpretation of section 87)—
 - (a) in the heading, for “Section 87” substitute “Sections 87 and 87A”;
 - (b) in subsection (1) for “section 87” substitute “sections 87 and 87A”.
- 7 In section 88(2) (discharge from indefinite notification requirements in England and Wales or Northern Ireland has effect in Scotland) for the words from “legislation which” to the end substitute—
 - “(a) sections 91A to 91F (discharge from indefinite notification requirements in England and Wales);
 - (b) Schedule 3A (discharge from indefinite notification requirements in Northern Ireland).”
- 8 (1) Section 91 (offences relating to notification) is amended as follows—
 - (2) In subsection (1)—
 - (a) in paragraph (a)—
 - (i) after “83(1)” insert “83A(1), (2), (5) or (7)(b),”;
 - (ii) after “85(1),” insert “85ZA(2) or (6), 86B(1), (2) or (7)(b),”;
 - (iii) after “87(4)” insert “, 87A(11)”;
 - (b) in paragraph (b)—
 - (i) after “83(1),” insert “83A(1), (2) or (5),”;
 - (ii) for “or 85(1),” substitute “, 85(1), 85ZA(2) or (6) or 86B(1) or (2)”.

- (3) For subsection (2) substitute—
- “(2) 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).”.
- (4) In subsection (3), for “84(1) or 85(1)” substitute “83A(1), (2) or (5), 84(1), 85(1), 85ZA(2) or (6) or 86B(1) or (2)”.
- 9 (1) Section 91A (review of indefinite notification requirements: qualifying relevant offender) is amended as follows.
- (2) In subsection (2) after “review” insert “or the relevant chief officer of police begins an own motion review”.
- (3) In subsections (4) and (5), after “under section” insert “83A,”.
- (4) In subsection (7) after “review” insert “or the relevant chief officer of police begins an own motion review”.
- 10 (1) Section 91B (review of indefinite notification requirements: application for review and qualifying dates) is amended as follows.
- (2) In subsection (3)—
- (i) for “makes” substitute “last made”;
- (ii) after “91C” insert “or 91EB”.
- (3) In subsection (4), after “91C” insert “or 91EB”.
- (4) In subsection (6)—
- (i) for “applies” substitute “applied when the relevant chief officer of police last made a determination under section 91C or 91EB”;
- (ii) after “period” insert “then”.
- (5) In subsection (10), after “83,” insert “83A,”.
- 11 In section 91E, in the heading, at the end insert “against determinations under section 91C”.
- 12 In section 91F (guidance), at the end of subsection (1) insert “or own motion reviews”.
- 13 In section 94 (Part 2: supply of information to Secretary of State etc. for verification), in subsection (1)—
- (a) in the words before paragraph (a), omit “notified to the police under”;
- (b) for paragraph (a) substitute—
- “(a) notified to the police under section 83, 83A, 84, 85, 85ZA or 86B,”;
- (c) after paragraph (a) insert—
- “(aa) notified to the police in accordance with a requirement imposed by regulations under section 86,”;

- (d) in paragraph (b) before “section” insert “notified to the police under”;
 - (e) after paragraph (b) insert “, or
 - (c) provided in, or in a document accompanying, an application to the police under section 93C(1).”
- 14 In section 122F (sexual risk orders and interim sexual risk orders: notification requirements), after subsection (4) insert—
- “(5) Section 87A (alternative method of notification) applies for the purposes of a notification under subsection (3) as it applies for the purposes of the notifications mentioned in section 87A(1) and (2).”
- 15 In section 133(1) (interpretation of Part 2) after the definition of “order for conditional discharge” insert—
- ““own motion review” has the meaning given by section 91A(1A);”.
- 16 In section 138 of the Sexual Offences Act 2003 (orders and regulations), in subsection (2)—
- (a) after “86,” insert “section 86B(5) or (9),”;
 - (b) after “section 86B(5) or (9),” (inserted by paragraph (a)) insert “section 93B(7), section 93C(5)(a),”;
 - (c) after “section 93C(5)(a),” (inserted by paragraph (b)) insert “section 93H,”.
- 17 In paragraph 8(2) of Schedule 3A (discharge from indefinite notification requirements in England and Wales or Scotland has effect in Northern Ireland) for the words from “legislation which” to the end substitute—
- “(a) sections 91A to 91F (discharge from indefinite notification requirements in England and Wales);
 - (b) sections 88A to 88H (discharge from indefinite notification requirements in Scotland).”

Member's explanatory statement

This new Schedule makes provision consequential on new Clauses NC78 to NC84.

Jess Phillips

NS1

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.”

Alex Norris

56

Schedule 2, page 105, 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.

Secretary James Cleverly

Gov 99

Secretary Alex Chalk

- ★ Schedule 3, page 115, line 11, leave out “executive”

Member's explanatory statement

This amendment changes the definition of “senior officer”, in relation to the Gambling Commission, from an executive director to a director.

Secretary James Cleverly

Gov 115

Secretary Alex Chalk

★ Schedule 5, page 125, line 28, at end insert—

“Cases in which defendant has a criminal lifestyle

3A (1) Section 75 of the Proceeds of Crime Act 2002 (criminal lifestyle) is amended as follows.

(2) In subsection (3)—

(a) after “benefited”, in the first place it occurs, insert “, or intended to benefit,”;

(b) in paragraph (a)—

(i) for “three”, in both places it occurs, substitute “two”;

(ii) after “benefited” insert “or intended to benefit”;

(c) in paragraph (b), after “benefited” insert “or intended to benefit”.

(3) The amendments made by sub-paragraph (2)(a), (b)(ii) and (c) do not apply in relation to conduct that took place wholly or partly before the date on which those provisions come into force.”

Member's explanatory statement

This amendment changes the test for when an offence constitutes conduct forming part of a course of criminal activity, by reducing the number of other offences of which the defendant must be convicted and including offences from which the defendant intended to benefit.

Secretary James Cleverly

Gov 116

Secretary Alex Chalk

★ Schedule 5, page 130, line 14, at end insert—

“(1A) In subsection (2), at the beginning insert “Except where subsection (3A) or (3B) applies,.”

Member's explanatory statement

This amendment is consequential on amendment 117.

Secretary James Cleverly

Gov 117

Secretary Alex Chalk

★ Schedule 5, page 130, leave out lines 16 to 25 and insert—

“(3A) Where the person no longer holds the property obtained because it has been sold, the value of the property at the material time is the greater of the following—

(a) the proceeds of the sale, adjusted to take account of later changes in the value of money;

(b) the value (immediately before the sale) of the property, adjusted to take account of later changes in the value of money.

- (3B) Where the person no longer holds the property obtained because it has been destroyed by virtue of a court order under section 51(2)(e) or section 67AA (orders for destruction of cryptoassets), the value of the property at the material time is the market value of the property as set out in the court order, adjusted to take account of later changes in the value of money.
- (3C) For the purposes of subsection (3A)(a), if the proceeds of the sale are in a currency other than sterling, they must be taken to be the sterling equivalent calculated in accordance with the rate of exchange prevailing at the end of the day of the sale.”

Member's explanatory statement

This amendment sets out how property obtained from criminal conduct is to be valued for the purposes of calculating the defendant's benefit where the property has been sold or, in the case of cryptoassets, destroyed by virtue of a court order.

Secretary James Cleverly
Secretary Alex Chalk

Gov 118

- ★ Schedule 5, page 130, line 26, leave out second “(a) and”

Member's explanatory statement

This amendment is consequential on amendment 117.

Secretary James Cleverly
Secretary Alex Chalk

Gov 119

- ★ Schedule 5, page 134, line 23, leave out sub-paragraph (2) and insert—

“(2) After section 21 insert—

“21A Order made: reconsideration of benefit on decrease in value and sale etc

- (1) This section applies if—
- (a) a court has made a confiscation order,
 - (b) there is relevant property,
 - (c) an application to proceed under this section is made to the Crown Court by—
 - (i) the prosecutor,
 - (ii) a receiver appointed under section 50, or
 - (iii) the designated officer for a magistrates' court, and
 - (d) the applicant believes that if the court were to make a new calculation of the defendant's benefit and in doing so applied section 21(3) to (6), the amount found would not exceed the amount that would be found if the court were to make a new calculation of the defendant's benefit under subsection (4).

- (2) For the purposes of this section, property is “relevant property” if the property was obtained by the defendant as a result of or in connection with the conduct concerned and—
 - (a) it was held by the defendant when the relevant amount was calculated, but
 - (b) it is no longer held by the defendant because it has been—
 - (i) sold, or
 - (ii) destroyed by virtue of a court order under section 51(2)(e) or section 67AA (orders for the destruction of cryptoassets).
- (3) In a case where this section applies, the court must determine whether A is less than B, where—

“A” is the total of the values of all relevant property as decided in accordance with section 80(3A) or (3B) (as appropriate), and

“B” is the total of the values at which that property was taken into account when the relevant amount was calculated, adjusted to take account of changes in the value of money since it was calculated.
- (4) If A is less than B, the court must make a new calculation of the defendant’s benefit by—
 - (a) adjusting the relevant amount to take account of changes in the value of money since it was calculated, and
 - (b) deducting from that adjusted amount the amount by which A is less than B.
- (5) Subsection (6) applies where—
 - (a) the court makes a new calculation of the defendant’s benefit under subsection (4), and
 - (b) the court determines that C is less than D, where—

“C” is the amount that, if it was adjusted to take account of changes in the value of money since the amount required to be paid was last determined, would give the amount found under the new calculation of the defendant’s benefit, and

“D” is the amount required to be paid under the order.
- (6) The court must vary the order by substituting C for the amount required to be paid.
- (7) The variation of the order under subsection (6) does not—
 - (a) affect the defendant’s liability to pay any interest which was payable under section 12 for a period before the variation of the order but which had not been paid at the time of the variation, or
 - (b) give rise to any obligation to refund any amount already paid by the defendant under the order.
- (8) The relevant amount is—

- (a) the amount found as the defendant's benefit for the purposes of the confiscation order, or
- (b) if one or more new calculations of the defendant's benefit have been made under section 21 or this section, the amount found on the occasion of the last such calculation." "

Member's explanatory statement

This new section allows for reconsideration of the defendant's benefit where criminally obtained property is sold or, if cryptoassets, destroyed under court order and the total value ascribed to such property following its sale or destruction is lower than the value at which it was previously taken into account.

Secretary James Cleverly

Gov 120

Secretary Alex Chalk

- ★ Schedule 5, page 136, line 17, after "made" insert "(reading references to the making of the order as references to the varying of the order and references to the day on which the order is made as references to the day on which the order is varied)"

Member's explanatory statement

This amendment clarifies how the application of section 11 of the Proceeds of Crime Act 2002 (time for payment) works in a case where the order is varied under section 21 of that Act (reconsideration of benefit).

Secretary James Cleverly

Gov 121

Secretary Alex Chalk

- ★ Schedule 5, page 136, line 17, at end insert—

"(11B) Where section 12 applies in relation to a confiscation order that has been varied under this section, the reference in section 12(3)(c) to the day on which the order was made is to be read as a reference to the day on which the order was varied."

Member's explanatory statement

This amendment clarifies how section 12 of the Proceeds of Crime Act 2002 (interest on unpaid sums) works in a case where the order is varied under section 21 of that Act (reconsideration of benefit) and the court allows time for payment.

Secretary James Cleverly

Gov 122

Secretary Alex Chalk

- ★ Schedule 5, page 136, line 19, leave out from "for" to end of line 20 and insert "'if this section has not applied previously;" substitute "or"'

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 123

Secretary Alex Chalk

★ Schedule 5, page 136, line 21, leave out sub-paragraph (ii) and insert—

“(ii) for paragraph (b) substitute—

“(b) if one or more new calculations of the defendant’s benefit have been made under this section or section 21A, the amount found on the occasion of the last such calculation.””

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 124

Secretary Alex Chalk

★ Schedule 5, page 136, line 24, leave out paragraphs (a) to (c)

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 125

Secretary Alex Chalk

★ Schedule 5, page 136, line 42, after “made” insert “(reading references to the making of the order as references to the varying of the order and references to the day on which the order is made as references to the day on which the order is varied)”

Member's explanatory statement

This amendment clarifies how the application of section 11 of the Proceeds of Crime Act 2002 (time for payment) works in a case where the order is varied under section 22 of that Act (reconsideration of available amount).

Secretary James Cleverly

Gov 126

Secretary Alex Chalk

- ★ Schedule 5, page 136, line 42, at end insert—

“(7B) Where section 12 applies in relation to a confiscation order that has been varied under this section, the reference in section 12(3)(c) to the day on which the order was made is to be read as a reference to the day on which the order was varied.”

Member's explanatory statement

This amendment clarifies how section 12 of the Proceeds of Crime Act 2002 (interest on unpaid sums) works in a case where the order is varied under section 22 of that Act (reconsideration of available amount) and the court allows time for payment.

Secretary James Cleverly

Gov 127

Secretary Alex Chalk

- ★ Schedule 5, page 136, line 43, leave out paragraph (e)

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 128

Secretary Alex Chalk

- ★ Schedule 5, page 137, line 2, leave out “22A(4)” and insert “21A,”

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 129

Secretary Alex Chalk

- ★ Schedule 5, page 138, line 16, leave out “22, 22A” and insert “21A, 22”

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 130

Secretary Alex Chalk

- ★ Schedule 5, page 138, line 29, at end insert—

“(7A) Where the court revokes the provisional discharge of a confiscation order under this section—

- (a) the order is, from the time of the revocation, no longer to be treated as satisfied, and
 - (b) accordingly—
 - (i) from that time the proceedings against the defendant are to be treated as not having been concluded (see section 85(5)(a)), and
 - (ii) any interest which was payable under section 12 for a period before the provisional discharge of the order but which had not been paid at the time of the provisional discharge becomes payable.
- (7B) Where the court revokes the provisional discharge of an order under subsection (5), section 11 applies in relation to any part of the amount ordered to be paid under the order that had not been paid when the order was provisionally discharged as it applies in relation to the full amount ordered to be paid under a confiscation order when it is made (reading references to the making of the order as references to the revocation of the provisional discharge of the order and references to the day on which the order is made as references to the day on which the provisional discharge of the order is revoked).
- (7C) Where section 12 applies in relation to a confiscation order following the revocation of a provisional discharge of the order under subsection (5), the reference in section 12(3)(c) to the day on which the order was made is to be read as a reference to the day on which the provisional discharge of the order was revoked."

Member's explanatory statement

This amendment clarifies the effect of the revocation of the provisional discharge of a confiscation order, in particular that, from the time of the revocation, the order is no longer treated as satisfied and proceedings are treated as not having been concluded.

Secretary James Cleverly

Gov 131

Secretary Alex Chalk

- ★ Schedule 5, page 139, line 3, leave out "22, 22A" and insert "21A, 22"

Member's explanatory statement

This amendment is consequential on amendment 119.

Secretary James Cleverly

Gov 132

Secretary Alex Chalk

- ★ Schedule 5, page 143, line 41, leave out from beginning to end of line 12 on page 144 and insert—

"(1) The Secretary of State may by regulations make provision for or in connection with the collection, in cases where the Crown Court is the enforcing court in

relation to a confiscation order, of any unpaid amount and enforcement of the order.

- (2) The provision that may be made under subsection (1) includes the conferral of functions on the Crown Court which correspond to functions that are, by virtue of section 35C, exercisable by a magistrates' court for the purposes of the collection of any unpaid amount and enforcement of the order.
- (3) Regulations under this section may—
 - (a) apply an enactment (with or without modifications);
 - (b) modify an enactment in its application;
 - (c) amend or repeal an enactment (including an enactment within this Act)."

Member's explanatory statement

This amendment confers a power to make regulations about the enforcement of confiscation orders in cases where the Crown Court is the enforcing court in relation to the order.

Secretary James Cleverly

Gov 133

Secretary Alex Chalk

- ★ Schedule 5, page 144, line 16, leave out "35D(3)," and insert "35D,"

Member's explanatory statement

This amendment is consequential on amendment 132.

Secretary James Cleverly

Gov 134

Secretary Alex Chalk

- ★ Schedule 5, page 144, line 18, leave out "35D(3)," and insert "35D,"

Member's explanatory statement

This amendment is consequential on amendment 132.

Secretary James Cleverly

Gov 135

Secretary Alex Chalk

- ★ Schedule 5, page 145, line 18, at end insert—

"(3A) On the failure of the defendant to appear before a magistrates' court in answer to a summons issued by virtue of Schedule 5 to the Courts Act 2003 in a case where the enforcing court is the Crown Court, the magistrates' court may issue a warrant to arrest the defendant and bring them before the magistrates' court. (See section 83(2) of the Magistrates' Courts Act 1980 for equivalent provision in a case where a magistrates' court is the enforcing court.)"

Member's explanatory statement

This amendment ensures that if a fines officer issues a summons requiring the defendant to appear before a magistrates' court, the magistrates' court may (even if not the enforcing court) issue a warrant to arrest the defendant should they fail to appear before the court as required by the summons.

Secretary James Cleverly

Gov 136

Secretary Alex Chalk

★ Schedule 5, page 146, line 22, leave out "into court" and insert "to the designated officer for—

- (i) the magistrates' court specified in the order under subsection (5), or
- (ii) if there is no such specification, the magistrates' court by which the person mentioned in subsection (5)(a) was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998"

Member's explanatory statement

This amendment specifies the designated officer to whom payments must be made under section 67(5) of the Proceeds of Crime Act 2002 (order that money held in a financial institution be paid on account of amount payable under confiscation order) where the Crown Court enforces a confiscation order.

Secretary James Cleverly

Gov 137

Secretary Alex Chalk

★ Schedule 5, page 147, line 2, leave out "into court" and insert "to the designated officer for—

- (i) the magistrates' court specified in the order under subsection (3), or
- (ii) if there is no such specification, the magistrates' court by which the person mentioned in subsection (2)(a) was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998"

Member's explanatory statement

This amendment specifies the designated officer to whom payments must be made under section 67ZA(3) of the Proceeds of Crime Act 2002 (order that cryptoasset service provider pay proceeds of realisation of cryptoassets on account of amount payable under confiscation order) where the Crown Court enforces a confiscation order.

Secretary James Cleverly

Gov 138

Secretary Alex Chalk

★ Schedule 5, page 147, line 11, at end insert—

“(b) at the end insert “(and see also the definition of “appropriate designated officer” in section 67D(6))”.”

Member's explanatory statement

The amendment is consequential on amendment 139.

Secretary James Cleverly

Gov 139

Secretary Alex Chalk

★ Schedule 5, page 147, line 16, leave out from “67D” to end of line 27 and insert “(6) (proceeds of realisation), in the definition of “appropriate designated officer”, for the words from “the designated officer” to the end substitute “—

- (a) in a case where the enforcing court is a magistrates’ court, the designated officer for the court;
- (b) in a case where the enforcing court is the Crown Court, the designated officer for—
 - (i) the magistrates’ court specified in the order under section 67A(3), or
 - (ii) if there is no such specification, the magistrates’ court by which the person mentioned in section 67A(3)(a) was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998.””

Member's explanatory statement

This amendment specifies the designated officer to whom the proceeds of the realisation of property must be paid under section 67D(2)(c) of the Proceeds of Crime Act 2002 (proceeds of realisation of seized personal property).

Secretary James Cleverly

Gov 140

Secretary Alex Chalk

★ Schedule 5, page 148, line 26, leave out sub-paragraph (4)

Member's explanatory statement

This amendment removes some unnecessary modifications of the provisions about collection orders in their application to confiscation orders.

Secretary James Cleverly

Gov 141

Secretary Alex Chalk

★ Schedule 5, page 162, line 40, at end insert—

"PART 11

CONSEQUENTIAL AND RELATED AMENDMENTS

Proceeds of Crime Act 2002 (c. 29)

- 33 The Proceeds of Crime Act 2002 is amended as follows.
- 34 In section 21 (order made: reconsideration of benefit), in subsection (8)(b), for "section 9" substitute "sections 9 and 9A".
- 35 In section 22 (order made: reconsideration of available amount), in subsection (3), for "section 9" substitute "sections 9 and 9A".
- 36 In section 23 (inadequacy of available amount: variation of order), in subsection (2), for "section 9" substitute "sections 9 and 9A".
- 37 In section 25A (recovery from estate of deceased defendant impractical: discharge of order)—
- (a) in subsection (1)(c), at the beginning insert "in a case where the enforcing court is a magistrates' court,";
 - (b) in subsection (2), for "court", the first time it appears, substitute "Crown Court".
- 38 (1) Section 39 (reconsideration etc: variation of prison term) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after "21," insert "21A,";
 - (b) in paragraph (b), for "35(2A)" substitute "35A(3)";
 - (c) in paragraph (c), for "129(3) of the Sentencing Code" substitute "35A(2)".
- (3) In subsections (2) and (4), for "129(3) of the Sentencing Code" substitute "35A(2)".
- (4) In subsection (5)—
- (a) for "35(2A)" substitute "35A(3)";
 - (b) for "129(3) of that Code" substitute "35A(2)".
- 39 In section 44A (detention of property pending appeal), in subsections (1)(b) and (2)(b), for "43(3)(b)" substitute "67J(3)(b)".
- 40 In section 46 (hearsay evidence), in subsection (3)(c), for "43 or 44" substitute "67J".
- 41 In section 54 (enforcement receivers), in subsection (7), for the words from "the one" to the end substitute "—
- (a) in a case where the enforcing court is a magistrates' court, the designated officer for the court;
 - (b) in a case where the enforcing court is the Crown Court, the designated officer for—

- (i) the magistrates' court specified in the order made under section 50(2), or
 - (ii) if there is no such specification, the magistrates' court by which the defendant was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998."
- 42 In section 63 (discharge and variation), in subsection (3)(a), after "section 40" insert "or 47B".
- 43 In section 68 (applications and appeals), in subsection (1)(b), for "43, 44, 65 or 66" substitute "67J or 67K".
- 44 In section 69 (powers of court and receiver etc), in subsection (1)(a), for "and sections 62 to 67D" substitute ", sections 62 to 67D and sections 67J to 67L".
- 45 In section 85 (proceedings), in subsection (6)—
- (a) in paragraph (a), for "31(2)" substitute "67E(2)";
 - (b) in paragraph (b), for "31(2)" substitute "67E(2)";
 - (c) in paragraph (c)—
 - (i) for "31(2)" substitute "67E(2)";
 - (ii) for "33" substitute "67E(6)";
 - (d) in paragraph (d)—
 - (i) for "31(2)" substitute "67E(2)";
 - (ii) for "33" substitute "67E(6)";
 - (e) in paragraph (e)—
 - (i) for "31(2)" substitute "67E(2)";
 - (ii) for "33" substitute "67E(6)";
 - (f) in paragraph (f), for "31(2)" substitute "67E(2)";
 - (g) in paragraph (g), for "33" substitute "67E(6)".
- 46 In section 89 (procedure on appeal to the Court of Appeal), in subsection (4)—
- (a) in the opening words, after "subject to" insert "section 46A (costs of proceedings in relation to restraint orders) and";
 - (b) in paragraph (za), for "31(4)" substitute "67G(1)";
 - (c) in paragraph (a), for "43(1) or (2)" substitute "67J(1) or (2)";
 - (d) in paragraph (b), for "65" substitute "67K(1) to (3)".

Courts Act 2003 (c. 39)

- 47 In the Courts Act 2003, in Schedule 8 (minor and consequential amendments), omit paragraph 406.

Constitutional Reform Act 2005 (c. 4)

- 48 In the Constitutional Reform Act 2005, in Schedule 9 (amendments relating to jurisdiction of the Supreme Court), omit paragraph 77(2) and (3).

Serious Crime Act 2007 (c. 27)

- 49 In the Serious Crime Act 2007, in Schedule 8 (abolition of Assets Recovery Agency and its Director)—
- (a) omit paragraph 4;
 - (b) omit paragraphs 16 and 17;
 - (c) omit paragraph 19;
 - (d) omit paragraph 32.

Prevention of Social Housing Fraud Act 2013 (c. 3)

- 50 In the Prevention of Social Housing Fraud Act 2013, in the Schedule (consequential amendments)—
- (a) omit paragraphs 15 and 16;
 - (b) omit paragraph 17(3);
 - (c) omit paragraph 18(3);
 - (d) omit paragraphs 19 to 21.

Crime and Courts Act 2013 (c. 22)

- 51 Omit sections 46 and 47 of the Crime and Courts Act 2013 (restraint orders and legal aid).

Serious Crime Act 2015 (c. 9)

- 52 The Serious Crime Act 2015 is amended as follows.
- 53 Omit section 3 (appeals in relation to confiscation orders).
- 54 In section 6 (confiscation and victim surcharge orders), omit subsections (4) and (5).
- 55 In section 10 (default sentences), omit subsection (1).
- 56 In Schedule 4 (minor and consequential amendments)—
- (a) omit paragraphs 21 and 22;
 - (b) omit paragraph 23(3);
 - (c) omit paragraph 24(3);
 - (d) omit paragraphs 25 to 30.

Modern Slavery Act 2015 (c. 30)

- 57 In the Modern Slavery Act 2015, in Schedule 5 (minor and consequential amendments), omit paragraphs 16 to 19.

Criminal Finances Act 2017 (c. 22)

- 58 In section 32 of the Criminal Finances Act 2017 (reconsideration of discharged orders), omit subsections (2) and (3).

Sentencing Act 2020 (c. 17)

- 59 The Sentencing Act 2020 is amended as follows.
- 60 In section 42 (court's duty to order payment of surcharge), in subsection (2)(b), for the words from "15" to the end substitute "15A of the Proceeds of Crime Act 2002 (effect on duty in subsection (1) where court sentences before confiscation proceedings)".
- 61 In section 46 (criminal courts charge duty), in subsection (1), omit the words from "But" to the end.
- 62 In section 125 (exercise of court's powers to impose fine and fix amount), in subsection (6)(b), for the words from "15" to the end substitute "15A (where court sentences before confiscation proceedings)".
- 63 In section 135 (making a compensation order), in subsection (6)(b), for the words from "15" to the end substitute "15A (where court sentences before confiscation proceedings)".
- 64 In section 155 (exercise of power to make a deprivation order), in subsection (3)(b), for the words from "15" to the end substitute "15A (where court sentences before confiscation proceedings)".
- 65 (1) Schedule 22 (prospective amendments of the Sentencing Code and related legislation) is amended as follows.
- (2) After Part 7 insert—

"PART 7A

AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROSPECTIVE ABOLITION OF
DETENTION IN DEFAULT OF PAYMENT OF FINES ETC

Proceeds of Crime Act 2002 (c. 29)

- 100A(1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 35A (default term of imprisonment or detention)—
- (a) in subsection (2), for paragraphs (a) and (b) substitute "of imprisonment";
 - (b) in subsection (4), in the opening words, omit ", or detained,";
 - (c) in subsection (5)(a), omit "or detention";
 - (d) in the heading, omit "or detention".
- (3) In section 35C (enforcement by magistrates' court), in subsection (4), omit the words from ", or detention" to "Act 2000, "."
- (3) In Part 8 (amendments of other Acts consequential on prospective change to age limit for imprisonment) at the end insert—

"Proceeds of Crime Act 2002 (c. 29)

- 103 In section 35A of the Proceeds of Crime Act 2002 (default term of imprisonment or detention), in subsection (4)(c), omit ", custody for life or detention in a young offender institution".

- 66 In Schedule 24 (consequential amendments)—
- (a) omit paragraphs 183 and 184;
 - (b) omit paragraph 185(3);
 - (c) omit paragraph 186(3);
 - (d) omit paragraphs 187 and 188;
 - (e) omit paragraphs 190 to 192."

Member's explanatory statement

This amendment inserts a new Part into Schedule 5 (confiscation orders) which makes amendments of the Proceeds of Crime Act 2002 and other Acts that are consequential on, or otherwise related to, the amendments of the Proceeds of Crime Act 2002 made by Parts 1 to 10 of Schedule 5.

Secretary James Cleverly

Gov 100

Secretary Alex Chalk

- ★ Schedule 6, page 163, line 8, leave out "which represent" and insert "of an amount determined by reference to"

Member's explanatory statement

This amendment and amendment 101 adjust the wording used to describe amounts transferred under the suspended accounts scheme.

Secretary James Cleverly

Gov 101

Secretary Alex Chalk

- ★ Schedule 6, page 164, line 16, leave out "representing" and insert "of an amount determined by reference to"

Member's explanatory statement

See amendment 100.

Secretary James Cleverly

Gov 102

Secretary Alex Chalk

- ★ Schedule 6, page 164, line 24, leave out paragraph (c)

Member's explanatory statement

This amendment, together with amendment 103, converts a duty to make regulations providing for the scheme administrator to compensate financial institutions for claims in respect of transferred funds, to a power.

Secretary James Cleverly

Gov 103

Secretary Alex Chalk

★ Schedule 6, page 164, line 29, after “provision” insert—

- “(a) for the scheme administrator to compensate the transferring financial institution, to such extent as may be provided by the regulations, for payments made by the institution pursuant to the rights of customers and third parties in respect of the suspended account after the transfer;
(b)”

Member's explanatory statement

This amendment, together with amendment 102, converts a duty to make regulations providing for the scheme administrator to compensate financial institutions for claims in respect of transferred funds, to a power.

Secretary James Cleverly

Gov 104

Secretary Alex Chalk

★ Schedule 6, page 164, line 36, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on amendments 102 and 103.

Secretary James Cleverly

Gov 105

Secretary Alex Chalk

★ Schedule 6, page 164, line 40, at end insert—

- “(1A) If the regulations make provision under paragraph 5(2), they must make provision for the scheme administrator to manage the transferred funds in such a way as to enable it to meet whatever claims for compensation it is prudent to anticipate.”

Member's explanatory statement

This amendment is consequential on amendments 102 and 103.

Secretary James Cleverly

Gov 106

Secretary Alex Chalk

★ Schedule 6, page 165, line 2, after “(1)” insert “and, if the regulations make provision under sub-paragraph (1A), that provision”

Member's explanatory statement

This amendment is consequential on amendment 105.

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.
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Withdrawn Amendments

The following amendments were withdrawn on 14 March 2024:

NC14

The following amendments were withdrawn on 18 March 2024:

NC13

The following amendments were withdrawn on 20 March 2024:

NC31

The following amendments were withdrawn on 26 March 2024:

NC30

The following amendments were withdrawn on 22 April 2024:

NC34

The following amendments were withdrawn on 23 April 2024:

NC37

The following amendments were withdrawn on 7 May 2024:

NC42