

Policing and Crime Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Clause 32

THE EARL OF LYTTON

The Earl of Lytton gives notice of his intention to oppose the Question that Clause 32 stand part of the Bill.

Clause 33

THE EARL OF LYTTON

The Earl of Lytton gives notice of his intention to oppose the Question that Clause 33 stand part of the Bill.

After Clause 81

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause—

“Deaths under registered deprivation of liberty safeguards

- (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In section 1(2)(c), at end insert “, other than while deprived of their liberty under Schedule A1 to the Mental Capacity Act 2005.”

After Clause 142

LORD SHARKEY
BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause—

“Posthumous pardons for convictions etc of certain abolished offences

- (1) A person who has been convicted of, or cautioned for, an offence specified in subsection (3) and who has died before this section comes into force is pardoned for the offence if two conditions are met.
- (2) Those conditions are that—

After Clause 142 - continued

- (a) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and
 - (b) any such conduct at the time this section comes into force would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory).
- (3) The offences to which subsection (1) applies are –
- (a) an offence under section 12 of the Sexual Offences Act 1956 (buggery) or under section 13 of that Act (gross indecency between men);
 - (b) an offence under any of the following provisions (which made provision similar to section 12 of the Sexual Offences Act 1956) –
 - (i) 25 Hen. 8 c. 6 (1533) (an Act for the punishment of the vice of buggery);
 - (ii) 2 & 3 Edw. 6 c. 29 (1548) (an Act against sodomy);
 - (iii) 5 Eliz. 1 c. 17 (1562) (an Act for the punishment of the vice of buggery);
 - (iv) section 15 of 9 Geo. 4 c. 31 (1828) (an Act for consolidating and amending the law relating to offences against the person);
 - (v) section 61 of the Offences against the Person Act 1861;
 - (c) an offence under section 11 of the Criminal Law Amendment Act 1885 (which made provision similar to section 13 of the Sexual Offences Act 1956).
- (4) The references in subsection (3) to offences under particular provisions are to be read as including offences under –
- (a) section 45 of the Naval Discipline Act 1866,
 - (b) section 41 of the Army Act 1881,
 - (c) section 41 of the Air Force Act 1917,
 - (d) section 70 of the Army Act 1955,
 - (e) section 70 of the Air Force Act 1955, or
 - (f) section 42 of the Naval Discipline Act 1957,
- which are such offences by virtue of the provisions mentioned in subsection (3).
- (5) The reference in subsection (2)(b) to an offence under section 71 of the Sexual Offences Act 2003 is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 which is such an offence by virtue of section 71 of that Act of 2003.
- (6) The following provisions of section 101 of the Protection of Freedoms Act 2012 apply for the purposes of this section and section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) (so far as relating to this section) as they apply for the purposes of Chapter 4 of Part 5 of that Act –
- (a) in subsection (1), the definitions of “caution”, “conviction”, and “sentence” (and the related definition of “service disciplinary proceedings”);
 - (b) subsections (2) and (5) to (7).”

After Clause 142 - continued

Insert the following new Clause—

“Other pardons for convictions etc of certain abolished offences

- (1) This section applies to a person who has been convicted of, or cautioned for, an offence mentioned in section 92(1) of the Protection of Freedoms Act 2012 and who is living at the time this section comes into force.
- (2) If, at the time this section comes into force, the person’s conviction or caution has become a disregarded conviction or caution under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, the person is pardoned for the offence.
- (3) If, at any time after this section comes into force, the person’s conviction or caution becomes a disregarded conviction or caution under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, the person is also pardoned for the offence at that time.
- (4) Expressions used in this section or section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) (so far as relating to this section) and in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in this section or (as the case may be) section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) as in that Chapter (see section 101 of that Act).”

Insert the following new Clause—

“Sections (*Posthumous pardons for convictions etc of certain abolished offences*) and (*Other pardons for convictions etc of certain abolished offences*): supplementary

- (1) A pardon under section (*Posthumous pardons for convictions etc of certain abolished offences*) or (*Other pardons for convictions etc of certain abolished offences*) does not—
 - (a) affect any conviction, caution or sentence, or
 - (b) give rise to any right, entitlement or liability.
- (2) Nothing in this section or in section (*Posthumous pardons for convictions etc of certain abolished offences*) or (*Other pardons for convictions etc of certain abolished offences*) affects the prerogative of mercy.”

Clause 150

LORD SHARKEY
BARONESS WILLIAMS OF TRAFFORD

Page 171, line 16, at end insert—

“() sections (*Posthumous pardons for convictions etc of certain abolished offences*), (*Other pardons for convictions etc of certain abolished offences*) and (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*);”

In the Title

LORD SHARKEY
BARONESS WILLIAMS OF TRAFFORD

Line 28, after “documents;” insert “to make provision for pardons for convictions etc for certain abolished offences;”

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19 October 2016
