

Policing and Crime Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 12th September 2016, as follows –

Clauses 1 to 6	Clauses 30 to 32
Schedule 1	Schedule 9
Clauses 7 to 9	Clauses 33 to 37
Schedule 2	Schedules 10 and 11
Clauses 10 and 11	Clauses 38 to 44
Schedule 3	Schedule 12
Clauses 12 and 13	Clause 45
Schedule 4	Schedule 13
Clauses 14 and 15	Clauses 46 to 50
Schedule 5	Schedule 14
Clauses 16 to 27	Clauses 51 to 107
Schedule 6	Schedule 15
Clause 28	Clauses 108 to 137
Schedule 7	Schedule 16
Clause 29	Clauses 138 to 151
Schedule 8	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 2

LORD PADDICK
BARONESS HAMWEE

- | | |
|----------|---|
| 1 | Page 2, line 24, after “the” insert “economy,” |
| 2 | Page 2, line 27, after “the” insert “economy,” |
| 3 | Page 2, line 32, at end insert “and consult those likely to be affected by the collaboration including—
(a) local authorities,
(b) local people,
(c) employees of the proposed parties.” |

Clause 2 - continued

BARONESS WILLIAMS OF TRAFFORD

4 Page 3, line 4, leave out “and” and insert “or”

LORD ROSSER

5 Page 3, line 14, at end insert –

“() For the purposes of this Act, when considering whether a collaboration agreement would improve the effectiveness and efficiency of one or more emergency services, a relevant service shall consider the effectiveness and efficiency with which the emergency service is able to meet its duties under the mental health crisis care concordat.”

Clause 3

LORD ROSSER

6 Page 3, line 18, at end insert “and it would not be in the interests of public safety”

LORD PADDICK
BARONESS HAMWEE

7 Page 4, line 15, leave out from “must” to “before” in line 16 and insert “be satisfied that the chief officer of police of the police force which the body is responsible for maintaining has no objection on operational grounds”

Clause 4LORD PADDICK
BARONESS HAMWEE

8 Page 4, line 38, leave out “a subsequent collaboration agreement” and insert “the agreement of the parties”

9 Page 4, line 39, at end insert “and the provisions relating to collaboration agreements shall apply”

Clause 6

LORD ROSSER

Lord Rosser gives notice of his intention to oppose the Question that Clause 6 stand part of the Bill.

Schedule 1LORD PADDICK
BARONESS HAMWEE10 Page 174, line 8, at end insert “, and
(b) if the duties and restrictions provided for by sections 2 and 3 of the Policing and Crime Act 2016 have been complied with.”

Schedule 1 - continued

- 11** Page 174, line 10, after “State” insert “based on his assessment of the views arrived at under section 2 of the Policing and Crime Act 2016”

LORD ROSSER
LORD PADDICK
BARONESS HAMWEE

- 12** Page 174, line 12, leave out “or” and insert “and”

LORD ROSSER

- 13** Page 174, line 16, at end insert –

- “(7) No order may be made under this section until the Secretary of State has conducted a review assessing the funding required by the fire and rescue service to ensure the minimum level of cover needed to secure public safety and maintain fire resilience.
- (8) The review carried out under subsection (7) must assess the impact of the level of cover on –
- (a) fire related fatalities,
 - (b) non-fatal fire related casualties,
 - (c) the number of fires affecting dwellings and other fires,
 - (d) the number of incidents responded to, and
 - (e) the strength and speed of response to incidents.”

LORD PADDICK
BARONESS HAMWEE

- 14** Page 174, line 36, after first “and” insert “(with the consent of the person to whom the liability is owed)”

- 15** Page 175, leave out lines 18 and 19

BARONESS WILLIAMS OF TRAFFORD

- 16** Page 176, line 13, after “authority” insert “created by an order under section 4A”

LORD PADDICK
BARONESS HAMWEE

- 17** Page 176, leave out lines 24 and 25

BARONESS WILLIAMS OF TRAFFORD

- 18** Page 176, line 25, after “authority” insert “or of the relevant police and crime commissioner”

LORD PADDICK
BARONESS HAMWEE

- 19** Page 176, leave out lines 26 and 27

Schedule 1 - continued

BARONESS WILLIAMS OF TRAFFORD

- 20 Page 176, line 27, after “authority” insert “or of the relevant police and crime commissioner”
- 21 Page 176, line 33, at end insert –
 ““the relevant police and crime commissioner” means the police and crime commissioner for that police area.”
- 22 Page 176, line 33, at end insert –
 “(11A) References in subsection (10) to a member of staff of a police and crime commissioner are to any of the following persons appointed under Schedule 1 to the Police Reform and Social Responsibility Act 2011 –
 (a) the commissioner’s chief executive;
 (b) the commissioner’s chief finance officer;
 (c) other staff.”

LORD PADDICK
BARONESS HAMWEE

- 23 Page 177, leave out lines 5 to 25
- 24 Page 179, leave out lines 16 to 18

BARONESS WILLIAMS OF TRAFFORD

- 25 Page 179, line 16, leave out from “the” to end of line 18 and insert “delegation by such a chief constable of the chief constable’s fire and rescue functions.”
- 26 Page 179, line 20, leave out “of the fire and rescue authority” and insert “mentioned in that subsection”
- 27 Page 179, line 22, leave out “of the authority” and insert “mentioned in that subsection”
- 28 Page 179, line 24, leave out “the functions of the authority” and insert “such of the functions mentioned in that subsection as are”

LORD PADDICK
BARONESS HAMWEE

- 29 Page 179, leave out lines 26 to 34

LORD ROSSER
LORD PADDICK
BARONESS HAMWEE

- 30 Page 179, line 41, leave out “or” and insert “and”

Schedule 1 - continued

BARONESS WILLIAMS OF TRAFFORD

- 31 Page 179, line 47, at end insert –
 “(6A) In this section “fire and rescue functions”, in relation to a chief constable means –
 (a) functions which are delegated to the chief constable under provision made under subsection (1)(a), and
 (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.”

LORD PADDICK

BARONESS HAMWEE

- 32 Page 180, line 5, at end insert “(with the consent of the person to whom the liability is owed)”

BARONESS WILLIAMS OF TRAFFORD

- 33 Page 180, line 14, leave out from second “of” to end of line 15 and insert “the chief constable’s fire and rescue functions.”

- 34 Page 180, line 37, leave out from “of” to end of line 38 and insert “the chief constable’s fire and rescue functions.”

- 35 Page 181, line 3, leave out from “of” to end of line 4 and insert “the chief constable’s fire and rescue functions;”

- 36 Page 181, line 36, after “section” insert “–
 “fire and rescue functions” has the same meaning as in section 4H;”

- 37 Page 182, line 18, after “delegated” insert “to the chief constable”

- 38 Page 183, line 7, at end insert –

“4KA Application of fire and rescue provisions

- (1) The Secretary of State may by order –
 (a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);
 (b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.
- (2) Those persons are –
 (a) a chief constable of a police force for a police area to whom an order under section 4H applies,
 (b) a member of staff transferred to such a chief constable under a scheme under section 4I(1),
 (c) a member of staff appointed by such a chief constable under section 4I(4),

Schedule 1 - continued

- (d) a member of such a chief constable's police force to whom functions have been delegated by virtue of section 4H(1)(b), and
 - (e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) to whom functions have been delegated by virtue of section 4H(1)(b).
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.
 - (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
 - (5) In this section "fire and rescue enactment" means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).
This includes an enactment contained in this Act.
 - (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made."

LORD PADDICK

BARONESS HAMWEE

As an amendment to Amendment 38

39★ In subsection (3), after "without" insert "necessary"

40 Page 183, line 13, after "without" insert "necessary"

BARONESS WILLIAMS OF TRAFFORD

41 Page 183, line 26, leave out "Act" and insert "enactment"

42 Page 183, line 27, at end insert –

“(6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.””

43 Page 184, line 2, at end insert –

“In section 21 (Fire and Rescue National Framework) after subsection (2) insert –

“(2A) The Framework may contain different provision for different descriptions of fire and rescue authority.””

LORD ROSSER

LORD PADDICK

BARONESS HAMWEE

44 Page 185, line 8, leave out "or" and insert "and"

Schedule 1 - continued

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS HAMWEE

- 45 Page 185, line 22, at end insert –
“(2A) The cost of obtaining the information referred to in sub-paragraph (2) shall be met by the police and crime commissioner.”

LORD ROSSER
LORD KENNEDY OF SOUTHWARK

- 46 Page 185, leave out lines 35 and 36 and insert –
“(a) consult each relevant fire and rescue authority,
(aa) consult any local authority all or part of whose area forms part of the fire and rescue authority area, and”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS HAMWEE

- 47 Page 185, line 37, leave out “make arrangements to seek the views of” and insert “consult fully with”

LORD ROSSER
LORD KENNEDY OF SOUTHWARK

- 48 Page 185, line 38, leave out “commissioner’s police” and insert “fire and rescue authority”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS HAMWEE

- 49 Page 185, line 38, at end insert “and publish the results of the consultation”

LORD ROSSER

- 50 Page 185, line 38, at end insert –
“3A A section 4A proposal, whether or not it is modified by the Secretary of State, may only be made with the consent of all of the relevant local authorities and relevant fire and rescue authorities, or by a majority vote in support of the proposal in a referendum of the local population.”

LORD ROSSER
LORD KENNEDY OF SOUTHWARK

- 51 Page 186, line 14, after “proposal,” insert “from an independent panel of experts chosen by the relevant police and crime commissioner and the relevant local authorities,”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS HAMWEE

- 52 Page 186, line 20, after “may” insert “only”

Schedule 1 - continued

- 53 Page 186, line 20, leave out from “may” to end of line 23 and insert “not make an order under section 4A unless it is agreed by all relevant local authorities.”
- 54 Page 186, line 22, leave out from “order” to end of line 23
- LORD PADDICK
BARONESS HAMWEE
- 55 Page 187, line 18, at end insert –
“(c) which might otherwise be affected”
- BARONESS WILLIAMS OF TRAFFORD
- 56 Page 190, leave out lines 4 to 6 and insert –
“(b) references to the chief officer’s functions were to the relevant chief constable’s fire and rescue functions.”
- 57 Page 191, line 7, leave out “to (4), (6), (7)”
- 58 Page 191, line 19, at end insert –
“(ca) the references in subsections (5) and (6) to Schedules 1 and 5 were to those Schedules as applied by this Schedule,”
- 59 Page 191, line 20, leave out “subsection (6) to Schedules 1 and” and insert “those subsections to Schedule”
- 60 Page 191, line 36, at end insert –
“Conduct of fire and rescue authority
9A Section 31 of the Police Reform and Social Responsibility Act 2011 (conduct of police and crime commissioner etc) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner.”
- 61 Page 192, line 36, at end insert –
“Regulations about complaints and conduct matters
12 (1) Schedule 7 to the Police Reform and Social Responsibility Act 2011 (regulations about complaints and conduct matters) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner, subject to sub-paragraph (2).
(2) As applied by sub-paragraph (1), that Schedule has effect as if references to police and crime panels were to relevant police and crime panels.””

Schedule 1 - continued

- 62 Page 193, line 7, at end insert –
“*Landlord and Tenant Act 1954 (c. 56)*
In section 69(1) of the Landlord and Tenant Act 1954 (interpretation) in the definition of “local authority” for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.”
- 63 Page 194, line 2, at end insert –
“ In section 120 (acquisition of land by agreement) after subsection (3A) insert –
“(3B) A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 is to be treated as a principal council for the purposes of this section (apart from subsection (1)(b)).””
- 64 Page 194, line 15, at end insert –
“ In section 229 (photographic copies of documents) in subsection (8) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.
In section 231 (service of notices on local authorities, etc) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.
In section 232 (public notices) in subsection (1A) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.
In section 233 (service of notices by local authorities) in subsection (11) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.
In section 234 (authentication of documents) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.”
- 65 Page 198, line 24, after “(8)” insert “ –
(a) in the definition of “chief finance officer” after “Schedule 1 to the Police Reform and Social Responsibility Act 2011” insert “, section 4D(4) of the Fire and Rescue Services Act 2004”, and
(b) ”
- 66 Page 198, line 29, leave out “the following provisions of this Part” and insert “section 7”

Schedule 1 - continued

- 67 Page 198, leave out lines 32 to 35
- 68 Page 199, line 11, at end insert –
 “ The Town and Country Planning Act 1990 is amended as follows.”
- 69 Page 199, line 12, leave out “of the Town and Country Planning Act 1990”
- 70 Page 199, line 16, at end insert –
 “ In Schedule 14 (procedure for footpaths and bridleway orders) in paragraph 1(3) (meaning of “council”) for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.
- 71 Page 201, line 33, at end insert –
 “ (1) Section 1 (police and crime commissioners) is amended as follows.
 (2) In subsection (3) for “The” substitute “Unless subsection (3B) applies, the”.
 (3) After subsection (3) insert –
 “(3A) Subsection (3B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.
 (3B) In that case the name of the police and crime commissioner is “the Police, Fire and Crime Commissioner for” with the addition of the name of the police area.””
- 72 Page 202, line 5, at end insert –
 “ In section 28 (police and crime panels outside London) after subsection (1) insert –
 “(1A) Subsection (1B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.
 (1B) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.””
- 73 Page 204, line 9, at end insert –
 “ (1) The Localism Act 2011 is amended as follows.
 (2) In section 41(3) (power of fire and rescue authority to appoint officers and employees to be subject to pay policy statement) after “43(1)(i)” insert “or (j)”.
- 74 Page 204, line 10, leave out “of the Localism Act 2011”

Schedule 1 - continued

75 Page 204, line 14, at beginning insert “in relation only to sections 38, 40 and 41 and this section,”

76 Page 204, line 26, at end insert –
“Energy Act 2013 (c. 32)

In Part 3 of Schedule 9 to the Energy Act 2013 (protected information: permitted disclosures and restrictions on use) in paragraph 14(3) (local authorities and water authorities: interpretation) in the definition of “local authority” after paragraph (d) insert –

“(da) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

LORD ROSSER

Lord Rosser gives notice of his intention to oppose the Question that Schedule 1 be the First Schedule to the Bill.

Clause 7

LORD PADDICK
 BARONESS HAMWEE

77 Page 6, leave out lines 10 to 30

78 Page 6, line 31, leave out “, speak at and vote” and insert “and speak”

79 Page 6, line 33, leave out “only”

80 Page 7, line 9, leave out “, speak at and vote” and insert “and speak”

LORD ROSSER
 LORD KENNEDY OF SOUTHWARK

81 Page 7, line 15, after “authority” insert “, with the decision of the monitoring office in that authority being final in the event of a dispute about whether or not business is fire related”

LORD PADDICK
 BARONESS HAMWEE

82 Page 7, leave out lines 16 to 38

83 Page 8, line 1, leave out from beginning to end of line 7 on page 9

84 Page 9, line 11, leave out “, speak at and vote” and insert “and speak”

85 Page 9, leave out lines 20 to 29

Clause 7 - continued

86 Page 9, line 36, leave out from beginning to end of line 45 on page 10

BARONESS WILLIAMS OF TRAFFORD

87 Page 9, line 40, after “or” insert “, in the case of a combined authority for an area which is wholly within England,”

Clause 8

BARONESS WILLIAMS OF TRAFFORD

88 Page 11, line 19, leave out from “exercise” to end of line 20 and insert “the chief constable’s fire and rescue functions.”

89 Page 11, line 23, leave out from “any” to end of line 24 and insert “functions mentioned in that subsection;”

90 Page 11, line 25, leave out from “any” to “other” in line 26 and insert “functions mentioned in that subsection”

91 Page 11, line 28, leave out from “of” to “specified” in line 29 and insert “such of the functions mentioned in that subsection as are”

92 Page 11, line 45, at end insert –

“() In this section “fire and rescue functions”, in relation to a chief constable, means –

- (a) functions which are exercisable by the chief constable by virtue of provision made under subsection (2)(a), and
- (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.”

LORD PADDICK
BARONESS HAMWEE

93 Page 12, leave out lines 2 to 6 and insert –

“(1) An order under section 107EA may not be made in the absence of –”

94 Page 12, line 12, leave out “any public consultation which the mayor has” and insert “the public consultation which the mayor must have”

95★ Page 12, line 14, leave out “any such” and insert “that”

96 Page 12, leave out lines 18 to 24

97 Page 12, line 22, leave out “two thirds” and insert “51 per cent”

98★ Page 12, line 30, leave out “any” and insert “the”

Clause 8 - continued

- 99 Page 12, line 40, leave out “or” and insert “and”
- 100 Page 13, line 17, after “and” insert “(with the consent of the person to whom the liability is owed)”
- BARONESS WILLIAMS OF TRAFFORD
- 101 Page 13, line 22, leave out from second “of” to end of line 23 and insert “the chief constable’s fire and rescue functions.”
- 102 Page 13, line 45, leave out from first “of” to end and insert “the chief constable’s fire and rescue functions.”
- 103 Page 14, line 8, leave out from “of” to end of line 9 and insert “the chief constable’s fire and rescue functions;”
- 104 Page 14, line 40, after “section” insert “–
“fire and rescue functions” has the same meaning as in section 107EA;”
- 105 Page 16, line 10, at end insert –
“107EEA Section 107EA orders: application of fire and rescue provisions
- (1) The Secretary of State may by order –
 - (a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);
 - (b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.
 - (2) Those persons are –
 - (a) a chief constable of a police force for a police area to whom an order under section 107EA(2) applies,
 - (b) a member of staff transferred to such a chief constable under a scheme made by virtue of section 107EC(1),
 - (c) a member of staff appointed by such a chief constable under section 107EC(2),
 - (d) a member of such a chief constable’s police force by whom functions are exercisable by virtue of section 107EA(2)(b), and
 - (e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) by whom functions are exercisable by virtue of section 107EA(2)(b).
 - (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.

Clause 8 - continued

- (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “fire and rescue enactment” means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).
- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.”

LORD PADDICK

BARONESS HAMWEE

As an amendment to Amendment 105

106★ In subsection (1), after “without” insert “necessary”

107 Page 16, line 13, after “without” insert “necessary”

BARONESS WILLIAMS OF TRAFFORD

108 Page 16, line 30, leave out “Act” and insert “enactment”

109 Page 16, line 31, at end insert—

“() References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.””

LORD ROSSER

Lord Rosser gives notice of his intention to oppose the Question that Clause 8 stand part of the Bill.

Schedule 2

BARONESS WILLIAMS OF TRAFFORD

110 Page 205, line 15, leave out paragraph 4 and insert—

“4 (1) Section 45 (the Mayor’s periodic report to the Assembly) is amended as follows.

(2) In subsection (6) omit “except as provided by subsection (7) below.”

(3) Omit subsections (7) and (8).”

111 Page 205, line 36, leave out paragraph 6 and insert—

“6 (1) Section 61 (power to require attendance at Assembly meetings) is amended as follows.

(2) In subsection (11) omit “, except as provided by subsection (12) below,”.

(3) Omit subsections (12) and (13).”

Schedule 2 - continued

LORD HARRIS OF HARINGEY

- 112** Page 206, line 2, leave out from “not” to end of line 5 and insert “apply to a person appointed as the Deputy Mayor for Policing and Crime or to a person appointed as Deputy Mayor for Fire.”
- 113** Page 210, leave out lines 32 and 33

LORD PADDICK
BARONESS HAMWEE

- 114** Page 212, line 1, at beginning insert –
“(za) any actions and decisions of the Deputy Mayor for Fire,”
- 115** Page 212, line 7, at end insert –
“(e) any other matters which the Assembly considers to be of importance to fire and rescue services in Greater London.”

BARONESS WILLIAMS OF TRAFFORD

- 116** Page 215, line 2, at end insert “or more”
- 117** Page 221, line 10, leave out from “audit)” to end of line 12 and insert “in subsection (5) for paragraph (a) substitute –
“(a) the London Fire Commissioner;”.”
- 118** Page 223, leave out lines 34 to 38
- 119** Page 226, line 40, at beginning insert “in relation only to sections 38, 40 and 41 and this section,”

Clause 11

THE EARL OF LINDSAY

- 120★** Page 19, line 25, at end insert “, who may include appropriately qualified assessors from conformity assessment bodies which have been accredited by the National Accreditation Body as appointed by the Accreditation Regulations 2009 (SI 2009/3155).”

After Clause 11

LORD ROSSER

- 121** Insert the following new Clause –
“Statutory duty on flooding
 The Secretary of State shall make provision for the fire and rescue services in England to lead and co-ordinate the emergency service response to –
 (a) rescue people trapped, or likely to become trapped, by water; and
 (b) protect people from serious harm, in the event of serious flooding.”

Schedule 3

THE EARL OF LINDSAY

- 122★ Page 228, line 22, at end insert “or by a conformity assessment body which has been accredited by the National Accreditation Body as appointed under the Accreditation Regulations 2009 (SI 2009/3155).”

BARONESS WILLIAMS OF TRAFFORD

- 123 Page 230, line 19, after “occupied” insert “(wholly or partly)”

Clause 12

LORD PADDICK BARONESS HAMWEE

- 124★ Page 22, line 9, leave out from “force” to “exercise” in line 11 and insert “shall”

Schedule 5

LORD PADDICK BARONESS HAMWEE

- 125★ Page 235, line 9, at end insert –
 “(aa) the complainant (who must be questioned as to whether he wishes the complaint to be recorded) does not indicate a wish that it not be recorded, or”
- 126★ Page 237, line 42, after “Commissioner” insert “or an Assistant Commissioner”

Clause 22

LORD PADDICK BARONESS HAMWEE

- 127★ Page 36, line 41, leave out “delegate” and insert “arrange for another person to undertake”

Clause 25

LORD PADDICK BARONESS HAMWEE

- 128★ Page 39, line 13, after “subsection” insert “(1),”
- 129★ Page 39, line 15, after “means” insert –
 (a) the Law Society of England and Wales;
 (b) the National Council of Voluntary Organisations;
 (c) Citizens Advice; and
 (d) ”

Clause 26

LORD PADDICK
BARONESS HAMWEE

130★ Page 39, line 42, at end insert –

- “(3) After section 105(3)(b) of that Act (powers of Secretary of State to make orders and regulations) insert –
 “(c) the first regulations made under subsections (1), (3) and (4) of section 29B.””

After Clause 26

LORD ROSSER

131 Insert the following new Clause –

“Police complaints and the media

- (1) Subject to subsection (3), the Prime Minister must commission an independent inquiry into the operation of the police complaints system in respect of relationships between the police and media.
- (2) The matters that are the subject of the inquiry shall include, but shall not be limited to –
 - (a) how adequately police forces investigate complaints about police officers dealing with people working within, or connected to, media organisations;
 - (b) the thoroughness of any reviews by police forces into complaints of the type referred to in paragraph (a);
 - (c) in those cases where a complaint of the type referred to in paragraph (a) led to a criminal investigation, the conduct of prosecuting authorities in investigating the allegation;
 - (d) whether any police officers took illegal payment to suppress investigations into complaints about relationships between police officers and people working within, or connected to, media organisations;
 - (e) the implications of paragraphs (a) to (d) for the relationships between media organisations and the police, prosecuting authorities, and relevant regulatory bodies, and recommended actions.
- (3) The inquiry may only start once the Secretary of State is satisfied that it would not prejudice any relevant ongoing legal cases.”

Clause 27

LORD PADDICK
BARONESS HAMWEE

132★ Page 40, line 14, after “occurred” insert “or is currently under such direction and control”

Clause 27 - continued

LORD ROSSER

- 133 Page 40, line 19, at end insert “, or
(iii) a matter that is the subject of an existing ongoing investigation.”

- 134 Page 40, line 19, at end insert –
“() The Commission may, if it so chooses, apply the whistle-blower protections provided for under this Part to police witnesses.”

LORD PADDICK
BARONESS HAMWEE

- 135★ Page 40, line 24, at end insert –
“() The Commission must inform the whistle-blower that his identity may be disclosed in the institution or conduct of criminal proceedings and give the whistle-blower the opportunity to withdraw the concern.”

- 136★ Page 41, line 12, at end insert “, but may not specify an exclusive list of recommendations;”

- 137★ Page 44, line 40, at end insert –
“() organisations representing police officers and staff, and”

Clause 28

BARONESS WILLIAMS OF TRAFFORD

- 138 Page 45, line 42, leave out from beginning to end of line 10 on page 46 and insert –
“(c) condition A, B or C is satisfied in relation to the person.
(3AA) Condition A is that the person ceases to be a member of a police force after the allegation first comes to the attention of a person mentioned in subsection (3A)(a).
(3AB) Condition B is that the person had ceased to be a member of a police force before the allegation first came to the attention of a person mentioned in subsection (3A)(a) but the period between the person having ceased to be a member of a police force and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) does not exceed the period specified in regulations under this section.
(3AC) Condition C is that –
(a) the person had ceased to be a member of a police force before the allegation first came to the attention of a person mentioned in subsection (3A)(a),
(b) the period between the person having ceased to be a member of a police force and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) exceeds the period specified for the purposes of condition B, and

Clause 28 - *continued*

- (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a member of a police force.
- (3AD) Regulations made by virtue of subsection (3A) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Independent Police Complaints Commission determines that taking such proceedings would be reasonable and proportionate having regard to—
 - (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
 - (b) the impact of the allegation on public confidence in the police, and
 - (c) the public interest.
- (3AE) Regulations made by virtue of subsection (3A) may make provision about matters to be taken into account by the Independent Police Complaints Commission for the purposes of subsection (3AD)(a) to (c)."

139 Page 46, leave out line 15 and insert “result from a re-investigation of the allegation (whether carried out under regulations under this section or under the Police Reform Act 2002) that begins within the period specified in the regulations.

The period specified”

140 Page 46, leave out lines 30 to 40 and insert—

- “(c) condition A, B or C is satisfied in relation to the person.
- (2BA) Condition A is that the person ceases to be a special constable after the allegation first comes to the attention of a person mentioned in subsection (2B)(a).
- (2BB) Condition B is that the person had ceased to be a special constable before the allegation first came to the attention of a person mentioned in subsection (2B)(a) but the period between the person having ceased to be a special constable and the allegation first coming to the attention of a person mentioned in subsection (2B)(a) does not exceed the period specified in regulations under this section.
- (2BC) Condition C is that—
 - (a) the person had ceased to be a special constable before the allegation first came to the attention of a person mentioned in subsection (2B)(a),
 - (b) the period between the person having ceased to be a special constable and the allegation first coming to the attention of a person mentioned in subsection (2B)(a) exceeds the period specified for the purposes of condition B, and
 - (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a special constable.

Clause 28 - continued

- (2BD) Regulations made by virtue of subsection (2B) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Independent Police Complaints Commission determines that taking such proceedings would be reasonable and proportionate having regard to—
- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
 - (b) the impact of the allegation on public confidence in the police, and
 - (c) the public interest.
- (2BE) Regulations made by virtue of subsection (2B) may make provision about matters to be taken into account by the Independent Police Complaints Commission for the purposes of subsection (2BD)(a) to (c)."

- 141** Page 46, leave out line 45 and insert “result from a re-investigation of the allegation (whether carried out under regulations under this section or under the Police Reform Act 2002) that begins within the period specified in the regulations.
The period specified”

LORD ROSSER

- 142** Page 48, line 5, at end insert—
- “() must specify that there is no time limitation for the investigation of an historic allegation of misconduct in respect of cases which—
- (i) involve allegations of gross misconduct; and
 - (ii) are certified by the Secretary of State to be liable to lead to serious loss of confidence in the police service and the Secretary of State determines that investigating and, if appropriate, hearing the case is necessary and proportionate.”

- 143** Page 48, line 5, at end insert—
- “() must provide that the period to be specified for the purposes of subsections (2) and (3) shall not apply in exceptional circumstances as defined in the regulations.”

Schedule 7**BARONESS WILLIAMS OF TRAFFORD**

- 144** Page 262, line 23, leave out from beginning to end of line 34 and insert—
- “(c) condition A, B or C is satisfied in relation to the person.
- (1BA) Condition A is that the person ceases to be a member of the Ministry of Defence Police after the allegation first comes to the attention of a person mentioned in subsection (1B)(a).

Schedule 7 - continued

- (1BB) Condition B is that the person had ceased to be a member of the Ministry of Defence Police before the allegation first came to the attention of a person mentioned in subsection (1B)(a) but the period between the person having ceased to be a member of the Ministry of Defence Police and the allegation first coming to the attention of a person mentioned in subsection (1B)(a) does not exceed the period specified in regulations under this section.
- (1BC) Condition C is that—
- (a) the person had ceased to be a member of the Ministry of Defence Police before the allegation first came to the attention of a person mentioned in subsection (1B)(a),
 - (b) the period between the person having ceased to be a member of the Ministry of Defence Police and the allegation first coming to the attention of a person mentioned in subsection (1B)(a) exceeds the period specified for the purposes of condition B, and
 - (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a member of the Ministry of Defence Police.
- (1BD) Regulations made by virtue of subsection (1B) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Independent Police Complaints Commission determines that taking such proceedings would be reasonable and proportionate having regard to—
- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
 - (b) the impact of the allegation on public confidence in the police, and
 - (c) the public interest.
- (1BE) Regulations made by virtue of subsection (1B) may make provision about matters to be taken into account by the Independent Police Complaints Commission for the purposes of subsection (1BD)(a) to (c).”

- 145** Page 262, leave out line 39 and insert “result from a re-investigation of the allegation (whether carried out under regulations under this section or by virtue of section 26 of the Police Reform Act 2002) that begins within the period specified in the regulations. The period specified”

Clause 29

LORD PADDICK
BARONESS HAMWEE

- 146** Page 48, line 38, leave out “or is similar”

Clause 29 - continued

BARONESS WILLIAMS OF TRAFFORD

147 Page 48, line 38, after “by” insert “or under”

Schedule 8

LORD PADDICK

BARONESS HAMWEE

BARONESS WILLIAMS OF TRAFFORD

148 Page 267, line 31, leave out from “(5)(e)” to end of line 32 and insert “may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS WILLIAMS OF TRAFFORD

149 Page 270, line 37, at end insert –

“() But the duty in subsection (1)(a) does not apply if, before the person resigns or retires, it is determined that no disciplinary proceedings will be brought against the person in respect of the allegation.”

150 Page 270, leave out lines 38 to 41

151 Page 271, leave out lines 32 to 40

Clause 30

LORD PADDICK

BARONESS HAMWEE

152 Page 49, leave out lines 8 to 10

153 Page 49, line 16, leave out paragraph (b)

BARONESS WILLIAMS OF TRAFFORD

Leave out Clause 30 and insert the following new Clause –

“Appeals to Police Appeals Tribunals

- (1) Schedule 6 to the Police Act 1996 (appeals to Police Appeals Tribunals) is amended as follows.
- (2) In paragraph 1 (appeal by a senior officer), in sub-paragraph (1), in the words before paragraph (a), for “Secretary of State” substitute “relevant person”.
- (3) In paragraph 2 (appeal by a member of a police force other than a senior officer or by a special constable), in sub-paragraph (1) –
 - (a) in the words before paragraph (a), for “relevant local policing body” substitute “relevant person”;
 - (b) omit paragraph (d);
 - (c) at the end insert –
 - “(e) one shall be a lay person.”

Clause 30 - *continued*

- (4) After paragraph 2 insert –
- “2A(1) For the purposes of paragraphs 1 and 2, “the relevant person” means the person determined in accordance with rules made by the Secretary of State.
- (2) Rules under sub-paragraph (1) may make –
- (a) different provision for different cases and circumstances;
 - (b) provision for the relevant person to be able to delegate the power to appoint the members of a tribunal.
- (3) A statutory instrument containing rules under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In paragraph 10 (interpretation) –
- (a) after paragraph (a) insert –
- “(aa) “lay person” means a person who is not, and has never been –
- (i) a member of a police force or a special constable,
 - (ii) a member of the civilian staff of a police force, including the metropolitan police force, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(4) and (6) of that Act),
 - (iii) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London,
 - (iv) a police and crime commissioner,
 - (v) a member of staff of a police and crime commissioner, or of the Mayor’s Office for Policing and Crime, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(3) and (5) of that Act),
 - (vi) a constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8) (see section 99 of that Act),
 - (vii) a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,
 - (viii) a member of the British Transport Police Force or a special constable appointed under section 25 of the Railways and Transport Safety Act 2003,
 - (ix) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
 - (x) a member of the Ministry of Defence Police,
 - (xi) a person (other than a member of the Ministry of Defence Police) who is under the direction and control of the chief constable for the Ministry of Defence Police,
 - (xii) a member of the Civil Nuclear Constabulary, or
 - (xiii) an employee of the Civil Nuclear Police Authority appointed under paragraph 6 of Schedule 10 to the Energy Act 2004,”;

Clause 30 - continued

(b) omit sub-paragraph (c).

(6) In consequence of the other provision made by this section –

- (a) in the Criminal Justice and Immigration Act 2008, in Part 1 of Schedule 22, omit paragraph 11(6)(b);
- (b) in the Police Reform and Social Responsibility Act 2011, in Part 1 of Schedule 16, omit paragraph 47(2)(b)."

Clause 32

LORD ROSSER

154 Page 51, line 32, after “the” insert “Independent”

155 Page 51, line 36, after second “The” insert “Independent”

156 Page 51, line 41, after “the” insert “Independent”

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

157 Page 52, line 4, at end insert “, who must include at least four Regional Directors and one National Director for Wales, to be appointed by the Director General”

158 Page 52, line 14, after “General” insert “as a Regional Director, or as the National Director for Wales”

Schedule 9

BARONESS WILLIAMS OF TRAFFORD

159 Page 292, line 3, leave out from “follows” to end of line 5 and insert “(but an amendment made by sub-paragraph (2), (3), (4) or (5) applies only if this Schedule comes into force before the coming into force of paragraph 21, 23, 24 or 26 (as the case may be) of Schedule 5 to this Act).”

160 Page 294, line 3, leave out “subsection (1B)(a)” and insert “subsections (1B)(a), (1BD) and (1BE)”

161 Page 294, line 19, after “section 50(3A)(a)” insert “, (3AD) and (3AE)”

162 Page 294, line 21, after “section 51(2B)(a)” insert “, (2BD) and (2BE)”

163 Page 296, line 40, at end insert –

“Investigatory Powers Act 2016

72A(1) The Investigatory Powers Act 2016 is amended as follows.

- (2) In section 55 (section 54: meaning of “excepted disclosure”), in subsection (3)(c) –

Schedule 9 - continued

- (a) for “the Independent Police Complaints Commission” substitute “the Director General of the Office for Police Conduct”;
 - (b) for “its functions” substitute “the Director General’s functions”.
- (3) In section 100 (power to issue warrants to law enforcement officers), in subsection (10) –
- (a) for “the chairman, or a deputy chairman, of the Independent Police Complaints Commission” substitute “the Director General of the Office for Police Conduct”;
 - (b) omit “by the Commission”.
- (4) In section 101 (restriction on issue of warrants to certain law enforcement officers), in subsection (2), for paragraph (h) substitute –
- “(h) the Director General of the Office for Police Conduct;”.
- (5) In section 124 (section 123: meaning of “excepted disclosure”), in subsection (3)(b) –
- (a) for “the Independent Police Complaints Commission” substitute “the Director General of the Office for Police Conduct”;
 - (b) for “its functions” substitute “the Director General’s functions”.
- (6) In Schedule 4 (relevant public authorities and designated senior officers), in Part 1 –
- (a) omit the entry relating to the Independent Police Complaints Commission, and
 - (b) after the entry relating to the Office of Communications insert –

“Office for Police Conduct	Director or an equivalent grade	All	(b) and (i)”
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- (7) In Schedule 6 (issue of warrants under section 100 etc. table), in the entry relating to the chairman, or a deputy chairman, of the Independent Police Complaints Commission, for the first two columns substitute –

“The Director General of the Office for Police Conduct.	A person falling within paragraph 6A(2) of Schedule 2 to the Police Reform Act 2002 who is designated by the Director General for the purpose.”
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Clause 35

BARONESS WILLIAMS OF TRAFFORD

Clause 35 - continued

- 165 Page 58, line 4, at end insert—
 “() any other person who is, by virtue of any enactment, carrying out any of the activities of a police force.”

Clause 36

BARONESS WILLIAMS OF TRAFFORD

- 166 Page 60, line 25, at end insert—
 “() any other persons if, or to the extent that, they are engaged by virtue of any enactment in carrying out the activities of the police force.”

Clause 37

LORD ROSSER

- 167 Page 63, leave out lines 8 to 25

Lord Rosser gives notice of his intention to oppose the Question that Clause 37 stand part of the Bill.

Schedule 10

BARONESS WILLIAMS OF TRAFFORD

- 168 Page 297, line 25, leave out from “under” to end of line 27 and insert “section 19 or 21 of the Investigatory Powers Act 2016 (applications for warrants under Chapter 1 of Part 2 of that Act)”

Schedule 11

BARONESS WILLIAMS OF TRAFFORD

- 169 Page 300, leave out lines 22 to 24

- 170 Page 302, line 5, at end insert—
 “() In the case of a relevant offence that is an offence under a listed byelaw (see sub-paragraphs (4)(e) and (6)), the power to impose a requirement under sub-paragraph (1) is exercisable only in a place to which the byelaw relates.”

- 171 Page 302, line 20, leave out “section 12(2) of the Criminal Justice and Police Act 2001” and insert “section 63(2) of the Anti-social Behaviour, Crime and Policing Act 2014”

Clause 38

LORD ROSSER

Lord Rosser gives notice of his intention to oppose the Question that Clause 38 stand part of the Bill.

Clause 40

BARONESS WILLIAMS OF TRAFFORD

172 Page 65, line 26, at end insert –

“() In Schedule 6 to the Police Act 1996 (appeals to Police Appeals Tribunals), in paragraph 10(aa) (as inserted by section (*Appeals to Police Appeals Tribunals*)), after paragraph (iii) insert –

“(iiiia) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002.”

Schedule 12

BARONESS WILLIAMS OF TRAFFORD

173 Page 310, line 32, at end insert –

“() in that subsection, in the definition of “relevant section 38 designation” –

(i) for “designated civilian employee” substitute “designated person”;

(ii) for “employee” substitute “person”.

Clause 46

BARONESS HARRIS OF RICHMOND

BARONESS HENIG

174 Page 68, line 7, leave out “rank of constable” and insert “ranks of constable and superintendent”

LORD PADDICK

BARONESS HAMWEE

175 Page 69, leave out line 6

After Clause 47

EARL ATTLEE

176 Insert the following new Clause –

“Power to make regulations to ensure that senior appointees have international policing experience

(1) The Police Act 1996 is amended as follows.

(2) After section 50B (inserted by section 46) insert –

“50C Regulations for police forces: requirement for senior appointees to have international policing experience

(1) The Secretary of State may make regulations by statutory instrument to provide that in each police force only one of the top five most senior officers are promoted or appointed without international policing experience.

(2) For the purpose of subsection (1), an officer would be regarded as having “international policing experience” if he or she –

After Clause 47 - continued

- (a) had served in a policing operation for more than five months with a UK police rank lower than inspector in a country outside North America, Europe or Australasia;
 - (b) had served in a policing operation under United Nations auspices for more than five months with a UK police rank lower than inspector; or
 - (c) had served in a policing operation under United Nations, NATO or African Union auspices for more than eleven months.
- (3) Before making any regulations under subsection (1), the Secretary of State must consult the College of Policing.
 - (4) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on, or incidental or supplemental to, regulations under subsection (1).
 - (5) The power conferred by subsection (4) includes power to—
 - (a) repeal, revoke or otherwise amend legislation that (in relation to members of police forces in England and Wales) makes provision with respect to ranks that are not specified in regulations under subsection (1);
 - (b) make other amendments of legislation that are consequential on regulations under subsection (1).
 - (6) Regulations under this section may include transitional, transitory or saving provision.
 - (7) Regulations under this section may make different provision for different cases or circumstances.
 - (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

177

Insert the following new Clause—

“Power to make regulations about senior appointments from within the force

- (1) The Police Act 1996 is amended as follows.
- (2) After section 50C (regulations for police forces: requirement for senior appointees to have international policing experience) insert—

“50D “50D Regulations for police forces: senior appointments from within a force

- (1) The Secretary of State may make regulations by statutory instrument that have the effect of ensuring that in each police force only one of the top five most senior officers has been promoted or appointed from within the force.
- (2) For the purpose of subsection (1), an officer would be regarded as being “promoted or appointed from within the force” if he or she—
 - (a) had served in the force concerned for more than 23 out of the 36 months preceding the relevant appointment or promotion; or
 - (b) had spent more than 80% of his or her time in the police service in the force concerned.
- (3) Before making any regulations under subsection (1), the Secretary of State must consult the College of Policing.

After Clause 47 - continued

- (4) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on, or incidental or supplemental to, regulations under subsection (1).
- (5) The power conferred by subsection (4) includes power to—
 - (a) repeal, revoke or otherwise amend legislation that (in relation to members of police forces in England and Wales) makes provision with respect to ranks that are not specified in regulations under subsection (1);
 - (b) make other amendments to legislation that are consequential on regulations under subsection (1).
- (6) Regulations under this section may include transitional, transitory or saving provision.
- (7) Regulations under this section may make different provision for different cases or circumstances.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

178 Insert the following new Clause—

“Power to make regulations about selection for promotion to certain police ranks

- (1) The Police Act 1996 is amended as follows.
- (2) After section 50D insert—

“50E Regulations for police forces: selection for promotion to certain police ranks

- (1) The Secretary of State may by regulations made by statutory instrument specify how the leadership qualities of police officers are to be objectively measured for selection for promotion beyond the rank of Chief Inspector.
- (2) The Secretary of State must consult the College of Policing before making any regulations under subsection (1).
- (3) The Secretary of State may by regulations make provision that is consequential on, or incidental or supplemental to, regulations under subsection (1).
- (4) The power conferred by subsection (3) includes power to—
 - (a) repeal, revoke or otherwise amend legislation that (in relation to members of police forces in England and Wales) makes provision with respect to ranks that are not specified in regulations under subsection (1);
 - (b) make other amendments to legislation that are consequential on regulations under subsection (1).
- (5) Regulations under this section may include transitional, transitory or saving provision.
- (6) Regulations under this section may make different provision for different cases or circumstances.

After Clause 47 - continued

- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Clause 48

BARONESS HENIG
BARONESS HARRIS OF RICHMOND

179 Page 69, leave out line 32

Clause 51

BARONESS HARRIS OF RICHMOND
BARONESS HENIG

180 Page 70, line 28, leave out “inspector” and insert “sergeant”

After Clause 53

LORD MARLESFORD

181 Insert the following new Clause—

“Lack of evidence to charge

In section 37 of the Police and Criminal Evidence Act 1984 (duties of custody officer before charge), after subsection (6) insert—

“(6A) If a person is—

- (a) released without being charged under subsection (2), or
- (b) informed, after being questioned under caution, that no further action will be taken against the person,

the custody officer shall, as soon as is reasonably practicable, write to the person to inform him that he has been released, or that no further action has been taken against him, on the grounds that there is a lack of evidence to charge him.

- (6B) In the letter referred to in subsection (6A), and any other written record of the decision to release the person without charge under subsection (2) or to take no further action against the person, the custody officer must use the words “lack of evidence” to describe the grounds on which the decision to release the person, or to take no further action against the person, was taken.””

Clause 57

BARONESS HARRIS OF RICHMOND
BARONESS HENIG

182 Page 73, line 28, leave out “inspector” and insert “sergeant”

Clause 61

BARONESS HARRIS OF RICHMOND

183 Page 75, line 9, leave out “28” and insert “56”

Clause 62

BARONESS HARRIS OF RICHMOND

184 Page 76, line 26, leave out “superintendent” and insert “inspector”

185 Page 78, line 26, leave out “commander or assistant chief constable” and insert “superintendent”

186 Page 83, line 13, leave out “28” and insert “56”

187 Page 83, line 14, leave out “28” and insert “56”

After Clause 69

BARONESS WILLIAMS OF TRAFFORD

188 Insert the following new Clause—

“Retention of fingerprints and DNA profiles: PACE (NI) Order 1989

- (1) Part 6 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) is amended in accordance with subsections (2) to (11).
- (2) In Article 63D (retention of Article 63B material: persons arrested for or charged with a qualifying offence), after paragraph (2) insert—
 - “(2A) In paragraph (2), references to a recordable offence include an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland (and, in the application of paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”
- (3) In that Article, after paragraph (14) insert—
 - “(15) For the purposes of the definition of “excluded offence” in paragraph (14)—
 - (a) references to a recordable offence or a qualifying offence include an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted), and
 - (b) in the application of paragraph (b) of that definition in relation to an offence under the law of a country or territory outside Northern Ireland, the reference to a custodial sentence of 5 years or more is to be read as a reference to a sentence of imprisonment or other form of detention of 5 years or more.”

After Clause 69 - continued

- (4) In Article 63E (retention of Article 63B material: persons arrested for or charged with a minor offence), after paragraph (2) insert –
- “(2A) In paragraph (2), the reference to a recordable offence includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted).”
- (5) In that Article, in paragraph (3), after “Article 63D(14)” insert “(read with Article 63D(15))”.
- (6) After Article 63F insert –
- “63FA Retention of material: persons convicted of an offence outside Northern Ireland after taking of Article 63B material**
- (1) This Article applies where –
- (a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence,
- (b) at any time before the material is required to be destroyed by virtue of this Part, the person is convicted of an offence under the law of a country or territory outside Northern Ireland, and
- (c) the act constituting the offence mentioned in sub-paragraph (b) would constitute a recordable offence if done in Northern Ireland.
- (2) The material may be retained indefinitely.
- (3) This Article does not apply where Article 63HA applies.”
- (7) In the heading of Article 63G, at the end insert “: other cases”.
- (8) In Article 63H (retention of Article 63B material: exception for persons under 18 convicted of minor offence), after paragraph (1) insert –
- “(1A) In paragraph (1)(a)(ii), the reference to a recordable offence includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted).”
- (9) In that Article, after paragraph (5) insert –
- “(5A) In paragraph (5), the reference to a recordable offence includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland.”
- (10) After Article 63H insert –
- “63HA Retention of Article 63B material under Article 63FA: exception for persons under 18 convicted of first minor offence outside Northern Ireland**
- (1) This Article applies where –
- (a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence,

After Clause 69 - continued

- (b) at any time before the material is required to be destroyed by virtue of this Part, the person is convicted of an offence under the law of a country or territory outside Northern Ireland,
 - (c) the act constituting the offence mentioned in sub-paragraph (b) would constitute a recordable offence if done in Northern Ireland but would not constitute a qualifying offence,
 - (d) the person is aged under 18 at the time of the offence mentioned in sub-paragraph (b), and
 - (e) the person has not previously been convicted of a recordable offence.
- (2) In paragraph (1)(e), the reference to a recordable offence includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted).
 - (3) Where the person is sentenced to imprisonment or another form of detention for less than 5 years in respect of the offence mentioned in paragraph (1)(b), the Article 63B material may be retained until the end of the period consisting of the term of the sentence plus 5 years.
 - (4) Where the person is sentenced to imprisonment or another form of detention for 5 years or more in respect of the offence mentioned in paragraph (1)(b), the material may be retained indefinitely.
 - (5) Where the person is given a sentence other than a sentence of imprisonment or other form of detention in respect of the offence mentioned in paragraph (1)(b), the material may be retained until the end of the period of 5 years beginning with the date on which the person was arrested for the offence (or, if the person was not arrested for the offence, the date on which the person was charged with it).
 - (6) But if, before the end of the period within which material may be retained by virtue of this Article, the person is again convicted of a recordable offence, the material may be retained indefinitely.
 - (7) In paragraph (6), the reference to a recordable offence includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland.”
- (11) In Article 63L (retention of Article 63B material given voluntarily), after paragraph (4) insert—
- “(5) The reference to a recordable offence in paragraph (3)(a) includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland.
 - (6) The reference to a recordable offence in paragraphs (3)(b) and (4), and the reference to a qualifying offence in paragraph (4), includes an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted).”

After Clause 69 - continued

- (12) In consequence of the amendments made by this section, omit the following—
- (a) Article 63GA of the Police and Criminal Evidence (Northern Ireland) Order 1989;
 - (b) section 84 of the Justice Act (Northern Ireland) 2015 (c.9 (N.I.)).”

Clause 79

BARONESS WALMSLEY

- 189 Page 101, line 19, leave out from “patients),” to end of line 21 and insert “for subsection (6) substitute—

“(6) Subject to section 136A, in this section “place of safety” means residential accommodation provided by a local social services authority under Part III of the National Assistance Act 1948, a hospital as defined by this Act, an independent hospital or care home for mentally disordered persons or any other suitable place.””

- 190 Page 102, leave out lines 9 to 38 and insert—

““136A Prohibition on using police stations as places of safety

- (1) A person may not, in the exercise of a power to which this section applies, be removed to, kept at or taken to a police station as a place of safety.
- (2) The powers to which this section applies are—
 - (a) the power to remove a person to a place of safety under a warrant issued under section 135(1);
 - (b) the power to take a person to a place of safety under section 135(3A);
 - (c) the power to remove a person to, or to keep a person at, a place of safety under section 136(1);
 - (d) the power to take a person to a place of safety under section 136(3).
- (3) In this section “person” means a person of any age.””

After Clause 79

BARONESS WALMSLEY

- 191 Insert the following new Clause—

“Prohibition on using a person’s home as a place of safety

- (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 136 (mentally disordered persons found in public places) for subsection (1) substitute—

“(1) If a person appears to a constable to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he or she thinks it necessary to do so in the interests of that person or for the protection of other persons—

 - (a) remove the person to a place of safety within the meaning of section 135, or

After Clause 79 - continued

- (b) if the person is already in a place of safety within the meaning of that section, keep the person in that place or remove the person to another place of safety.
- (1A) For the purposes of subsection (1), a suitable place as defined by section 135(6) shall not include a house, flat or room where a person is living.”

Clause 80

BARONESS WALMSLEY

- 192 Page 103, line 5, leave out “person arrives at” and insert “constable takes that person into custody (within the meaning of section 137 of the Mental Health Act 1983) in order to remove them to”

After Clause 81

BARONESS WALMSLEY

- 193 Insert the following new Clause –

“Detention under the Mental Health Act 1983: access to an appropriate adult

- (1) A person detained in a place of safety under section 135 or 136 of the Mental Health Act 1983 shall have the right to have access to an appropriate adult.
- (2) For the purposes of subsection (1), “appropriate adult” means –
 - (a) a relative, guardian or other person responsible for the detained person’s care;
 - (b) someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police; or
 - (c) some other responsible adult aged 18 or over who is not a police officer or employed by the police.”

- 194 Insert the following new Clause –

“Disallowing use of Tasers by police officers on psychiatric wards

A police officer may not use a Taser or electroshock weapon during a deployment on a psychiatric ward.”

- 195 Insert the following new Clause –

“Child sexual exploitation: duty to refer

- (1) Where the police have a reasonable belief that a child has been sexually exploited or subject to other forms of child abuse, the police must refer the child to a named mental health service.
- (2) The Secretary of State must by regulations define “named mental health service” for the purpose of this section.”

Clause 82

BARONESS WILLIAMS OF TRAFFORD

- 196 Page 106, line 4, leave out paragraph (f) and insert—
 “() a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or”

Clause 92LORD PADDICK
BARONESS HAMWEE

- 197 Page 111, line 20, after “code” insert “, or a revision of the code,”
- 198 Page 111, line 22, leave out subsection (9)

Clause 93

BARONESS WILLIAMS OF TRAFFORD

- 199 Page 111, line 29, at end insert—
 ““designated NCA officer” means a National Crime Agency officer who is either or both of the following—
 (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable;
 (b) an officer designated under that section as having the powers of a general customs official;”

Clause 94

BARONESS WILLIAMS OF TRAFFORD

- 200 Page 113, line 26, leave out paragraph (d) and insert—
 “() a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or”

Clause 104

BARONESS WILLIAMS OF TRAFFORD

- 201 Page 118, line 23, at end insert—
 ““designated NCA officer” means a National Crime Agency officer who is either or both of the following—
 (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable who is entitled to exercise the powers and privileges of a Scottish constable (see paragraph 11(3) to (5) of Schedule 5 to that Act);
 (b) an officer designated under that section as having the powers of a general customs official;”

After Clause 110LORD ROSSER
LORD PADDICK

202 Insert the following new Clause—

“Police and crime commissioners: parity of funding at inquests

- (1) When the police force for which a police and crime commissioner is responsible is an interested person for the purposes of an inquest into—
 - (a) the death of a member of an individual family, or
 - (b) the deaths of members of a group of families,under the Coroners and Justice Act 2009, the Commissioner has the duties set out in this section.
- (2) The police and crime commissioner must make recommendations to the Secretary of State as to whether the individual family or the group of families at the inquest require financial support to ensure parity of legal representation between parties to the inquest.
- (3) If a police and crime commissioner makes a recommendation under subsection (2) then the Secretary of State must provide financial assistance to the individual family or the group of families to ensure parity of funding between the individual family or the group of families and the other party to the inquest.
- (4) The individual family or the group of families may use funding authorised under this section solely for the purpose of funding legal representation at the inquest.
- (5) In this section, “interested person” has the same meaning as in section 47 of the Coroners and Justice Act 2009.”

LORD HARRIS OF HARINGEY

203★ Insert the following new Clause—

“Police and crime commissioners: parity of funding at inquests (No. 2)

- (1) Where the police force for which a police and crime commissioner is responsible is an interested person for the purposes of an inquest into—
 - (a) the death of a member of an individual family, or
 - (b) the deaths of members of a group of families,under the Coroners and Justice Act 2009, the commissioner has the duties set out in this section.
- (2) The police and crime commissioner must consider any representations made to him by the individual family or the group of families at the inquest about the provision of financial support to ensure parity of legal representation between parties to the inquest.
- (3) If a police and crime commissioner has received representations under subsection (2) then the commissioner shall provide financial assistance to the individual family or group of families to ensure parity of funding between the individual family or the group of families and the other party to the inquest.

After Clause 110 - continued

- (4) The individual family or the group of families must use funding authorised under this section solely for the purpose of funding legal representation at the inquest.
- (5) In this section, “interested person” has the same meaning as in section 47 of the Coroners and Justice Act 2009.”

Clause 114

EARL ATTLEE

Earl Attlee gives notice of his intention to oppose the Question that Clause 114 stand part of the Bill.

Clause 115

LORD ROSSER

- 204 Page 131, line 33, leave out from “specify” to end of line 34 and insert “that the fee charged must be equal to the full cost to the public purse of issuing the certificate.”
- 205 Page 132, line 8, leave out from “specify” to end of line 9 and insert “that the fee charged must be equal to the full cost to the public purse of issuing the certificate.”
- 206 Page 132, line 28, leave out from “specify” to end of line 29 and insert “that the fee charged must be equal to the full cost to the public purse of issuing the certificate.”

After Clause 115

LORD ROSSER

- 207 Insert the following new Clause—
- “Firearms: full recovery of costs**
- (1) The Firearms Act 1968 is amended as follows.
 - (2) After section 43 (power of Secretary of State to alter fees) insert—
- “43A Full recovery of costs**
- The Secretary of State must ensure that a fee payable under this Act recovers the full cost to the public purse of issuing (or renewing, varying or replacing, as the case may be) a certificate under this Act.””

LORD HARRIS OF HARINGEY

- 208 Insert the following new Clause—
- “Firearms: revocation of firearms certificate**
- (1) The Firearms Act 1968 is amended as follows.
 - (2) After section 4 (conversion of weapons) insert—
- “4A Revocation of firearms certificate**

After Clause 115 - continued

Any person who has through negligence lost a firearm or through negligence enabled a firearm to be stolen shall have all firearms certificates in their name revoked and shall be banned from holding a firearms certificate for the rest of their life.”

After Clause 116

BARONESS WILLIAMS OF TRAFFORD

209

Insert the following new Clause –

“Possession of pyrotechnic articles at musical events

- (1) It is an offence for a person to have a pyrotechnic article in his or her possession at any time when the person is –
 - (a) at a place in England where a qualifying musical event is being held, or
 - (b) at any other place in England that is being used by a person responsible for the organisation of a qualifying musical event for the purpose of –
 - (i) regulating entry to, or departure from, the event, or
 - (ii) providing sleeping or other facilities for those attending the event.
- (2) Subsection (1) does not apply –
 - (a) to a person who is responsible for the organisation of the event, or
 - (b) to a person who has the article in his or her possession with the consent of a person responsible for the organisation of the event.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks (or, in relation to offences committed before section 281(5) of the Criminal Justice Act 2003 comes into force, 3 months), or to a fine not exceeding level 3 on the standard scale, or to both.
- (4) In this section, “pyrotechnic article” means an article that contains explosive substances, or an explosive mixture of substances, designed to produce heat, light, sound, gas or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions, other than –
 - (a) a match, or
 - (b) an article specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (5) In this section, “qualifying musical event” means an event at which one or more live musical performances take place and which is specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

After Clause 122

BARONESS DEECH
BARONESS PITKEATHLEY
BARONESS CAMPBELL OF SURBITON
BARONESS THOMAS OF WINCHESTER

210 Insert the following new Clause—

“General duties of licensing authorities

- (1) Section 4 of the Licensing Act 2003 (general duties of licensing authorities) is amended as follows.
- (2) After subsection (2)(d) insert—
 - “(e) compliance with the provisions of the Equality Act 2010.””

LORD BROOKE OF ALVERTHORPE

211 Insert the following new Clause—

“General duties of licensing authorities (No. 2)

- (1) Section 4 of the Licensing Act 2003 (general duties of licensing authorities) is amended as follows.
- (2) After subsection (2)(d) insert—
 - “(e) to promote the health and wellbeing of the locality and local area.””

212 Insert the following new Clause—

“Child protection as a statutory consultee for statements of licensing policy

- (1) Section 5 of the Licensing Act 2003 (statement of licensing policy) is amended as follows.
- (2) After subsection (3)(f) insert—
 - “(g) such persons as the licensing authority considers to be responsible for matters relating to the protection of children from harm for that area.””

LORD MOYNIHAN

213 Insert the following new Clause—

“National anti-doping provisions

- (1) Subsections (2) and (3) apply to—
 - (a) all persons participating in sport in the United Kingdom who are members of a governing body of sport or an affiliate organisation or licensee of a governing body of sport, including national governing bodies of sport, regional governing bodies, sports associations, clubs, teams, associations or leagues (a “relevant body”);
 - (b) all persons participating in such capacity in sporting events, competitions or other activities in the United Kingdom which are organised, convened, authorised or recognised by a relevant body;

After Clause 122 - continued

- (c) any other person participating in sport in the United Kingdom who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of a relevant body for the purposes of preventing doping; and
 - (d) any other person in the United Kingdom whether or not such a person is a citizen of, or resident in, the United Kingdom.
- (2) An athlete is guilty of an offence if he or she knowingly takes a prohibited substance with the intention of enhancing his or her performance in any sports competition with other persons in the United Kingdom where there is a reward on offer, whether monetary or in terms of prestige, promotion or protection from relegation; or where that is one of his or her intentions.
- (3) A person in the United Kingdom is guilty of an offence if he or she, with the intention of enhancing the performance of an athlete, encourages, assists or hides awareness of an athlete taking a prohibited substance with the intention of enhancing the athlete's performance, or with that being one of the athlete's intentions.
- (4) A medical professional commits an offence if, in the United Kingdom, he or she prescribes a prohibited substance to an athlete and believes, or ought reasonably to believe, that the substance will be used by the athlete with the intention of enhancing his or her performance, or if the professional fails to report any approach for a prohibited substance by such an athlete to the General Medical Council.
- (5) For the purposes of this section a "prohibited substance" is as defined by the World Anti-Doping Agency or such other agency as shall be designated by the Secretary of State for this purpose.
- (6) Any person guilty of an offence under subsection (2), (3) or (4) shall be liable –
- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or both; or
 - (b) on conviction on indictment, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding two years, or both.
- (7) In order to assist with the prevention of offences under subsection (2), (3) or (4), UK Anti-Doping shall discuss the following issues with the World Anti-Doping Agency annually –
- (a) the effectiveness of Annex I of the International Standard for Testing and Investigations (athlete whereabouts requirements) and its harmonisation with the European Convention on Human Rights;
 - (b) the effectiveness of the international work of the World Anti-Doping Agency; and
 - (c) progress on the development of a United Kingdom roll-out of athlete biological passports.
- (8) UK Anti-Doping shall submit the results of the annual discussions under subsection (7) to the Secretary of State, who shall –
- (a) lay before both Houses of Parliament an annual report documenting –
 - (i) whether the athlete whereabouts requirements are effective in combating doping in the United Kingdom and are in compliance with the European Convention on Human Rights, and

After Clause 122 - continued

- (ii) the performance of the World Anti-Doping Agency in general in relation to its effectiveness in preventing offences under subsections (2), (3) and (4); and
- (b) determine whether the Government should remain a member of and continue to support the World Anti-Doping Agency, in the light of that effectiveness.”

THE LORD BISHOP OF ST ALBANS

214 Insert the following new Clause –

“Premises licence under Gambling Act 2005: gaming machines

- (1) After section 172 of the Gambling Act 2005 insert –

“172A Gaming machines: conditions on availability and use

- (1) The conditions which a licensing authority may attach to a premises licence under section 169 include a condition –
 - (a) that no gaming machines for which the maximum charge for use is more than £10 may be made available for use on the premises, or
 - (b) that the number of gaming machines of that description which may be made available on the premises must not exceed the number specified in the licence.
- (2) The conditions which a licensing authority may attach to a premises licence under section 169 also include conditions relating to the use of gaming machines; in particular, the conditions may include –
 - (a) a condition that a person may not use a gaming machine unless he establishes his identity by the means and in the manner specified in the licence;
 - (b) a condition that each payment for the use of a gaming machine must be made by the means specified in the licence and must be processed or approved by a person who, when the payment is made, is on the premises where the machine is situated and is acting in the course of the business carried on there.
- (3) The number of machines which may be specified for the purposes of subsection (1)(b) must be lower than the number of machines which is at that time authorised under section 172(8); but where the number of machines so authorised is subsequently varied –
 - (a) the number of machines specified (or treated as specified) for the purposes of subsection (1)(b) is to be treated as varied by the same amount, and
 - (b) the licence is to have effect accordingly.
- (4) A condition of the kind set out in subsection (2) may apply to gaming machines generally or only to gaming machines of a description specified in the condition.
- (5) In deciding whether to attach a condition of the kind set out in subsection (1) or (2), or whether to exercise the power under section 187 or 202 to add, remove or amend a condition of that kind, a licensing authority may give particular weight to the impact of the following on the promotion of the licensing objectives –

After Clause 122 - continued

- (a) the number of other premises in the locality where the premises concerned are situated in which gaming machines are available for use,
 - (b) the levels of crime and disorder in that locality,
 - (c) the extent of social or economic deprivation in that locality, and
 - (d) the proximity of the premises concerned to places habitually attended by children or other vulnerable persons.
- (6) In the case of a betting premises licence in respect of premises in Scotland other than a track, the licensing authority may add, remove or amend a condition of the kind set out in subsection (1) only if the licence was issued before 23 May 2016 (the day on which section 52 of the Scotland Act 2016 came into force).”
- (2) In section 172 of the Gambling Act 2005 (gaming machines), after subsection (11) insert—
- “(12) Subsections (8) and (10)(a) are subject to section 172A.”.”

After Clause 143

BARONESS WILLIAMS OF TRAFFORD

215 Insert the following new Clause—

“Anonymity of victims of forced marriage: Northern Ireland

- (1) After Part 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c.2 (N.I.)) insert—

“Part 4A**PROTECTION OF VICTIMS OF FORCED MARRIAGE****24A Anonymity of victims of forced marriage**

Schedule 3A (anonymity of victims of forced marriage) has effect.”

- (2) Insert, as Schedule 3A to that Act, the following Schedule—

“SCHEDULE 3A**ANONYMITY OF VICTIMS OF FORCED MARRIAGE***Prohibition on the identification of victims in publications*

- 1 (1) This paragraph applies where an allegation has been made that an offence of forced marriage has been committed against a person.
- (2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person’s lifetime.
- (3) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met.
- (4) The first condition is that the conduct of a person’s defence at a trial of an offence of forced marriage would be substantially prejudiced if the direction were not given.
- (5) The second condition is that—

After Clause 143 - continued

- (a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
 - (b) it is in the public interest to remove or relax the restriction.
- (6) A direction under sub-paragraph (3) does not affect the operation of sub-paragraph (2) at any time before the direction is given.
- (7) In this paragraph, “the court” means a magistrates’ court, a county court or the Crown Court.

Penalty for breaching prohibition imposed by paragraph 1(2)

- 2 (1) If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (3) The persons responsible for a publication are as follows—

Type of publication	Persons responsible
Newspaper or other periodical	Any person who is a proprietor, editor or publisher of the newspaper or periodical.
Relevant programme	Any person who— (a) is a body corporate engaged in providing the programme service in which the programme is included, or (b) has functions in relation to the programme corresponding to those of an editor of a newspaper.
Any other kind of publication	Any person who publishes the publication.

- (4) Proceedings for an offence under this paragraph may not be instituted except by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.

Offence under paragraph 2: defences

- 3 (1) This paragraph applies where a person (“the defendant”) is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication.

After Clause 143 - continued

- (2) It is a defence for the defendant to prove that, at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that—
 - (a) the publication included the matter in question, or
 - (b) the allegation in question had been made.
- (3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description.
- (4) The defence in sub-paragraph (3) is not available if—
 - (a) the victim was under the age of 16 at the time when his or her consent was given, or
 - (b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining his or her consent.
- (5) In this paragraph, “the victim” means the person against whom the offence of forced marriage in question is alleged to have been committed.

Special rules for providers of information society services

- 4 (1) Paragraph 2 applies to a domestic service provider who, in the course of providing information society services, publishes prohibited matter in an EEA state other than the United Kingdom (as well as to a person, of any description, who publishes prohibited matter in Northern Ireland).
- (2) Proceedings for an offence under paragraph 2, as it applies to a domestic service provider by virtue of sub-paragraph (1), may be taken at any place in Northern Ireland.
- (3) Nothing in this paragraph affects the operation of any of paragraphs 6 to 8.
- 5 (1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.
- (2) The derogation condition is that taking proceedings—
 - (a) is necessary for the purposes of the public interest objective,
 - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
 - (c) is proportionate to that objective.
- (3) “The public interest objective” means the pursuit of public policy.
- 6 (1) A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—
 - (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (2) For the purposes of sub-paragraph (1)—
 - (a) providing access to a communication network, and
 - (b) transmitting information in a communication network,

After Clause 143 - continued

- include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.
- 7 (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.
- (2) The first condition is that the storage of the information –
- (a) is automatic, intermediate and temporary, and
 - (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.
- (3) The second condition is that the service provider –
- (a) does not modify the information,
 - (b) complies with any conditions attached to having access to the information, and
 - (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that –
- (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- 8 (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if –
- (a) the service provider has no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or
 - (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it.
- (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

- 9 (1) In this Schedule –
- “domestic service provider” means a service provider established in England and Wales, Scotland or Northern Ireland;
- “the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);
- “information society services” –

After Clause 143 - continued

- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“non-UK service provider” means a service provider established in an EEA state other than the United Kingdom;

“offence of forced marriage” means an offence under section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c.2 (N.I.));

“programme service” has the same meaning as in the Broadcasting Act 1990 (see section 201(1) of that Act);

“prohibited material” means any material the publication of which contravenes paragraph 1(2);

“publication” includes any speech, writing, relevant programme or other communication (in whatever form) which is addressed to, or is accessible by, the public at large or any section of the public;

“recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“relevant programme” means a programme included in a programme service;

“service provider” means a person providing an information society service.

- (2) For the purposes of the definition of “publication” in sub-paragraph (1)–
 - (a) an indictment or other document prepared for use in particular legal proceedings is not to be taken as coming within the definition;
 - (b) every relevant programme is to be taken as addressed to the public at large or to a section of the public.
- (3) For the purposes of the definitions of “domestic service provider” and “non-UK service provider” in sub-paragraph (1)–
 - (a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider–
 - (i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and

After Clause 143 - continued

- (ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;
- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service.”

LORD PADDICK

216 Insert the following new Clause –

“Meaning of “private” and “sexual”

- (1) Section 35 of the Criminal Justice and Courts Act 2015 (meaning of “private” and “sexual”) is amended as follows.
- (2) In subsection (3)(a) after “exposed genitals” insert “, breasts, buttocks”.
- (3) Omit subsection (4).
- (4) Omit subsection (5).”

217 Insert the following new Clause –

“Disclosure of private sexual photographs and films without consent and with the intent to cause distress, fear or alarm, or recklessness as to distress, fear or alarm being caused

- (1) Section 33 of the Criminal Justice and Courts Act 2015 (disclosing private sexual photographs and films with intent to cause distress) is amended as follows.
- (2) In subsection (1) after “disclose” insert “or threaten to disclose”.
- (3) In subsection (1)(b) after “distress” insert “, fear or alarm or recklessness as to distress, fear or alarm being caused”.
- (4) After subsection (1) insert –
 - “(1A) It is also an offence to knowingly promote, solicit or profit from private photographs and films that are reasonably believed to have been disclosed without consent and with the intent to cause distress, fear or alarm, or recklessness as to distress, fear or alarm being caused.”
- (5) Omit subsection (8).”

218 Insert the following new Clause –

“Compensation for victims who have private sexual photographs and films disclosed without their consent with intent to cause distress

- (1) Section 33 of the Criminal Justice and Courts Act 2015 (disclosing private sexual photographs and films with intent to cause distress) is amended as follows.

After Clause 143 - continued

- (2) After subsection (9) insert—
- “(9A) The court may order a person guilty of an offence under this section to pay compensation to the victim of the offence, under sections 130 to 132 of the Powers of Criminal Courts (Sentencing) Act 2000.
- (9B) Compensation under subsection (9A) may be awarded for (among other things) any anxiety caused by the offence and any financial loss resulting from the offence.”

219 Insert the following new Clause—

“Anonymity for victims who have private sexual photographs and films disclosed without their consent with intent to cause distress

- (1) Section 2 of the Sexual Offences (Amendment) Act 1992 (offences to which this Act applies) is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
- “(c) an offence under section 33 of the Criminal Courts and Justice Act 2015.”

After Clause 145

LORD ROSSER

220 Insert the following new Clause—

“Offence of abduction of a vulnerable child aged 16 or 17

- (1) A person shall be guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he or she—
- (a) takes a child to whom this section applies away from the responsible person;
- (b) keeps such a child away from the responsible person; or
- (c) induces, assists or incites such a child to run away or stay away from the responsible person or from a child’s place of residence.
- (2) This section applies in relation to a child aged 16 or 17 who is—
- (a) a child in need within the meaning of section 17 of the Children Act 1989 (provision of services for children in need, their families and others);
- (b) a child looked after under section 20 of the Children Act 1989 (provision of accommodation for children: general);
- (c) a child housed alone under Part 7 of the Housing Act 1996 (homelessness: England); or
- (d) a child who is suffering or is likely to suffer significant harm subject to section 47(1)(b) of the Children Act 1989 (local authority’s duty to investigate).
- (3) In this section “the responsible person” is—
- (a) a person with a parental responsibility as defined in the Children Act 1989;

After Clause 145 - continued

- (b) a person who for the time being has care of a vulnerable child aged 16 or 17 by virtue of a care order, an emergency protection order, or protection under section 46 of the Children Act 1989 (removal and accommodation of children by police in cases of emergency); or
 - (c) any other person as defined in regulations for the purposes of this section.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years.
- (5) No prosecution for an offence under this section shall be instituted except by or with the consent of the Director of Public Prosecutions.”

221 Insert the following new Clause—

“Child sexual exploitation: duty to share information

The local policing body that maintains a police force shall have a duty to disclose information about children who are victims of sexual exploitation or other forms of abuse to relevant child mental health service commissioners in England and Wales.”

222 Insert the following new Clause—

“Duty to report on Child Abduction Warning Notices

- (1) Each police force in England and Wales must report to the Secretary of State each year on—
- (a) the number of Child Abduction Warning Notices issued;
 - (b) the number of Child Abduction Warning Notices breached; and
 - (c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice.
- (2) The Secretary of State must prepare and publish a report each year on—
- (a) the number of Child Abduction Warning Notices issued in each police force in England and Wales;
 - (b) the number of Child Abduction Warning Notices breached in each police force in England and Wales; and
 - (c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice in each police force in England and Wales;

and must lay a copy of the report before each House of Parliament.”

BARONESS BRINTON
LORD ROSSER

223 Insert the following new Clause—

“Police observance of the Victims’ Code: enforcement

- (1) The Parliamentary Commissioner Act 1967 is amended as follows.

After Clause 145 - continued

- (2) In section 5(1B) omit from “by” to “sections 35”.
- (3) After section 5(1B) insert—
 - “(1BA) Subsection (1C) applies if a written complaint is made to the Commissioner by a member of the public who claims that—
 - (a) a police officer;
 - (b) a police service employee other than a police officer; or
 - (c) another person determined under section (1BC);has failed to perform a Code duty owed by him to the member of the public.
 - (1BB) For the purposes of subsection (1BA) a Code duty is a duty imposed by a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims).
 - (1BC) The Secretary of State may by regulations made by statutory instrument amend the categories of person identified in subsection (1BA) as the Secretary of State thinks fit.”
- (4) In section 5(4A), after “(1A)” insert “or (1BA)”.
- (5) In section 6(3), at beginning insert “Except as provided in subsection (3A)”.
- (6) After section 6(3) insert—
 - “(3A) Subsection (3) shall apply in relation to a complaint under section 5(1BA) as if for “a member of the House of Commons” there were substituted “the Commissioner”.”
- (7) In section 7(1A), after “5(1A)” insert “or 5(1BA)”.
- (8) In section 8(1A), after “5(1A)” insert “or 5(1BA)”.
- (9) After section 10(2A) insert—
 - “(2B) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 5(1BA) of this Act, he shall send a report of the results of the investigation to—
 - (a) the person to whom the complaint relates,
 - (b) the principal officer of the department or authority concerned and to any other person who is alleged in the relevant complaint to have taken or authorised the action complained of, and
 - (c) the Commissioner for Victims and Witnesses appointed under section 48 of the Domestic Violence, Crime and Victims Act 2004 (commissioner for victims and witnesses).”
- (10) After section 10(3B) insert—
 - “(3C) If, after conducting an investigation pursuant to a complaint under section 5(1BA) of this Act, it appears to the Commissioner that—
 - (a) the person to whom the complaint relates has failed to perform a Code duty owed by him to the person aggrieved, and
 - (b) the failure has not been, or will not be, remedied, the Commissioner shall lay before each House of Parliament a special report upon the case.

After Clause 145 - continued

- (3D) If the Commissioner lays a special report before each House of Parliament pursuant to subsection (3C) the Commissioner may also send a copy of the report to any person as the Commissioner thinks appropriate.
- (3E) For the purposes of subsection (3C) “Code duty” has the meaning given by section 5(1BB) of this Act.”
- (11) In section 10(5)(d), for “or (2A)” substitute “, (2A) or (2B)”.
- (12) In section 12(1), after paragraph (b) of the definition of “person aggrieved”, insert—
- “(c) in relation to a complaint under section 5(1BA) of this Act, means the person to whom the duty referred to in section 5 (1BA) of this Act is or is alleged to be owed;”.

224

Insert the following new Clause—

“Police etc. provision for victims’ entitlement: framework

- (1) The Victims’ Code provided for under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims) shall include, but not be limited to, the entitlement of victims of crime to receive accurate and timely information from—
- (a) the police; and
 - (b) such other agencies of the criminal justice system concerned with the detection and prosecution of the relevant crime and with the support of victims of crime as the Secretary of State deems fit.
- (2) The police must ensure provision to victims of—
- (a) adequate notice of all relevant court and other legal proceedings,
 - (b) information about decisions by and discussions between the police and other agencies of the criminal justice system relating to the person convicted of the crime concerned (“the perpetrator”),
 - (c) information about any prison sentence previously served by the perpetrator,
 - (d) information about relevant changes to the perpetrator’s circumstances whilst on parole or in custody,
 - (e) information about any crimes committed by the perpetrator outside the United Kingdom where the victim of the crime concerned is a British national,
 - (f) access, where required, to adequate interpretation and translation services, and
 - (g) information about the direct contact details of the criminal justice agencies and individuals involved in the court or other legal proceedings concerned.
- (3) During criminal justice proceedings, the police and other relevant agencies and authorities of the criminal justice system must ensure that victims of crime—
- (a) are not subjected to unnecessary delay by any other party to the proceedings;
 - (b) are treated with dignity and respect by all parties involved; and

After Clause 145 - continued

- (c) do not experience discriminatory behaviour from any other party to the proceedings.
- (4) Children and vulnerable adults must be able to give evidence to a court from a secure location away from that court or from behind a protective screen.
- (5) The investigating police force concerned must ensure the safety and protection of victims of crime during proceedings, including but not restricted to—
 - (a) a presumption that victims of crime may remain domiciled at their home with adequate police protection if required; and
 - (b) ensuring that the victim and those accompanying them are provided with access to a discrete waiting area during the relevant court proceedings.
- (6) All victims of crime shall have access to an appropriate person to liaise with relevant agencies on their behalf and to inform them about and explain the progress, outcomes and impact of their case.
- (7) Witnesses under the age of 18 shall have access to a trained communications expert, to be known as a Registered Intermediary, to help them understand as necessary what is happening in the criminal proceedings.
- (8) Victims of crime shall have access to transcripts of any relevant legal proceedings at no cost to themselves.
- (9) Victims of crime shall have the right to attend and make representations to a pre-court hearing to determine the nature of the court proceedings.
- (10) The Secretary of State must take steps to ensure that victims of crime—
 - (a) have access to financial compensation from public funds for any detriment arising from the criminal case concerned;
 - (b) are given the right to approve or refuse the payment of any compensation order made by a court against a person convicted of a crime against them;
 - (c) have reimbursed to them, from public funds, any expenses incurred by them in attending in court and in any related legal process, whether in the United Kingdom or overseas;
 - (d) have available to them legal advice where considered necessary by a judge in court proceedings; and
 - (e) are not required to disclose personal data in legal proceedings which puts their safety at risk unless specifically ordered to do so by a judge.”

225

Insert the following new Clause—

“Police etc. training on treatment of victims: strategy

- (1) The Secretary of State shall publish and implement a strategy for providing training on the impact of crime on victims and victims’ rights for staff of the following organisations—
 - (a) the police,
 - (b) the Crown Prosecution Service, and
 - (c) any other public agency or authority that the Secretary of State deems appropriate.

After Clause 145 - continued

- (2) The Secretary of State may also by regulations made by statutory instrument make provision for judges, barristers and solicitors involved in criminal cases involving sexual and domestic violence to undertake specialist training.
- (3) The Secretary of State shall publish an agreed timetable for the delivery and completion of the training required by this section.”

226

Insert the following new Clause –

“Statutory duty on elected local policing bodies

- (1) An elected local policing body must assess –
 - (a) the needs of victims in each elected local policing body’s police area, and
 - (b) the adequacy and effectiveness of the available victims’ services in that area.
- (2) An elected local policing body must –
 - (a) prepare and consult upon an Area Victims’ Plan for its police area,
 - (b) having taken account of any responses to its consultation and any Quality Standard, publish the plan in such a manner as sets out clearly how the identified victim needs will be met by the available victims’ services, and
 - (c) submit its Area Victims’ Plan to the Commissioner for Victims and Witnesses on an annual basis.
- (3) In this section –

“elected local policing body” and “police area” have the same meaning as in Part 1 of the Police Reform and Social Responsibility Act 2011,

“Quality Standard” means the standard published under section 49(1)(f) of the Domestic Violence, Crime and Victims Act 2004.”

227

Insert the following new Clause –

“Duties of the Commissioner for Victims and Witnesses

- (1) Section 49 of the Domestic Violence, Crime and Victims Act 2004 (general functions of Commissioner) is amended as follows.
- (2) In subsection (1), after paragraph (c) insert –
 - “(d) assess the adequacy of each elected local policing body’s Area Victims’ Plans submitted to the Commissioner under section (Statutory duty on elected local policing bodies) of the Policing and Crime Act 2016;
 - (e) make to elected local policing bodies such recommendations about submitted Area Victims’ Plans as the Commissioner considers necessary and appropriate;
 - (f) prepare a statement of standards (the “Quality Standard”) in relation to the provision of victims’ services;
 - (g) publish the Quality Standard in such manner as the Commissioner considers appropriate;
 - (h) review the Quality Standard at intervals of not more than five years;

After Clause 145 - continued

- (i) in preparing or reviewing the Quality Standard, consult the public, and for that purpose, publish drafts of the standard if he deems it necessary to do so;
- (j) assess the steps taken to support victims and witnesses in giving evidence;
- (k) make such recommendations in relation to that assessment as he considers necessary and appropriate;
- (l) issue guidance and standards for the establishment and conduct of homicide reviews under section (establishment and conduct of homicide reviews) of the Policing and Crime Act 2016.””

228

Insert the following new Clause—

“Establishment and conduct of homicide reviews

- (1) In this section “homicide review” means a review of the circumstances in which a person aged 16 or over has, or appears to have, died as the result of a homicide where—
 - (a) no one has been charged with the homicide, or
 - (b) the person or persons charged have been acquitted.
- (2) The Secretary of State may in a particular case direct a police force or other specified person or body or a person or body within subsection (5) to establish, or to participate in, a homicide review.
- (3) It is the duty of any person or body within subsection (5) establishing or participating in a homicide review (whether or not held pursuant to a direction under subsection (2)) to have regard to any guidance and standards issued by the Commissioner for Victims and Witnesses as to the establishment and conduct of such reviews.
- (4) Any reference in subsection (2) to the Secretary of State shall, in relation to persons and bodies within subsection (5)(b), be construed as a reference to the Police Service of Northern Ireland or Department of Justice in Northern Ireland as may be appropriate.
- (5) The persons and bodies within this subsection are—
 - (a) in relation to England and Wales—
 - (i) chief officers of police for police areas in England and Wales;
 - (ii) local authorities;
 - (iii) the National Health Service Commissioning Board;
 - (iv) clinical commissioning groups established under section 14D of the National Health Service Act 2006;
 - (v) providers of probation services;
 - (vi) Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006;
 - (vii) NHS trusts established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
 - (b) in relation to Northern Ireland—
 - (i) the Chief Constable of the Police Service of Northern Ireland;
 - (ii) the Probation Board for Northern Ireland;

After Clause 145 - continued

- (iii) Health and Social Services Boards established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (SI 1972/1265 (NI 14));
 - (iv) Health and Social Services trusts established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (SI 1991/194 (NI 1)).
- (6) In subsection (5)(a) “local authority” means –
- (a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;
 - (b) in relation to Wales, the council of a county or county borough.”

After Clause 146

LORD SHARKEY
LORD LEXDEN
LORD BLACK OF BRENTWOOD

229 Insert the following new Clause –

“Disregard for certain convictions or cautions: application to deceased persons

- (1) The Protection of Freedoms Act 2012 is amended as follows.
- (2) In section 92 (power of Secretary of State to disregard convictions or cautions) after subsection (1) insert –
 - “(1A) In the case of a person who is deceased, but who would, had they still been alive, have been eligible to apply to have a conviction or caution disregarded under subsection (1), any relative of the person may make an application under subsection (1) on behalf of the deceased person.”
- (3) In section 94 (procedure for decisions by the Secretary of State) after subsection (1) insert –
 - “(1A) If an application is being made on behalf of a deceased person, the Secretary of State may only make a decision of the kind mentioned in condition A in section 92 if the available records of the investigation of the offence, and any proceedings related to it, provide the Secretary of State with sufficient information to make such a decision.””

LORD WIGLEY

230 Insert the following new Clause –

“Digital crime review

- (1) The Secretary of State has a duty to provide for a review of legislation which contains powers to prosecute individuals who may have been involved in the commission of digital crime, in order to consolidate such powers in a single statute.
- (2) In conducting the review under subsection (1), the Secretary of State must have regard to the statutes and measures that the Secretary of State deems appropriate, including but not limited to –
 - (a) section 1 of the Malicious Communications Act 1988;

After Clause 146 - continued

- (b) sections 2, 2A, 4 and 4A of the Protection from Harassment Act 1997;
 - (c) sections 16, 20, 39 and 47 of the Offences Against the Person Act 1861;
 - (d) sections 10, 13 and 55 of the Data Protection Act 1998;
 - (e) section 160 of the Criminal Justice Act 1998;
 - (f) sections 30(1),(3),(5),(6) and 78(5) of the Regulation of Investigatory Powers Act 2000;
 - (g) the Computer Misuse Act 1990;
 - (h) the Contempt of Court Act 1981;
 - (i) the Human Rights Act 1998;
 - (j) sections 4, 4A, 5, 16(b) and 18 of the Public Order Act 1986;
 - (k) sections 46 and 145 of the Serious Organised Crime Act 2005;
 - (l) section 48 of the Wireless Telegraphy Act 2006;
 - (m) sections 32 to 37 of the Criminal Justice and Courts Act 2014;
 - (n) the Protection of Children Act 1978;
 - (o) the Obscene Publications Act 1959;
 - (p) sections 28 to 32 of the Crime and Disorder Act 1998;
 - (q) sections 145 and 146 of the Criminal Justice Act 2003;
 - (r) sections 127 to 131 of the Communications Act 2003;
 - (s) section 4 of the Data Retention and Investigatory Powers Act 2014;
 - (t) section 5 of the Sexual Offences (Amendment) Act 1992;
 - (u) the Counter-Terrorism and Security Act 2015;
 - (v) sections 33(5) and 29(6) of the Protection of Freedoms Act 2012;
 - (w) section 2 of the Criminal Damage Act 1971;
 - (x) sections 4, 8, 10 and 62 of the Sexual Offences Act 2003;
 - (y) section 43 of the Criminal Justice and Police Act 2001;
 - (z) section 127 of the Magistrates' Court Act 1980;
 - (za) section 2(1) of the Suicide Act 1961;
 - (zb) section 63 of the Criminal Justice and Immigration Act 2008;
 - (zc) section 21 of the Theft Act 1968;
 - (zd) section 51(2) of the Criminal Law Act 1977.
- (3) The Secretary of State has a duty to determine for the review any other statute under which persons have been prosecuted for a crime falling under subsection (1).
- (4) In conducting the review under subsection (1), the Secretary of State must consult with any person or body the Secretary of State deems appropriate, including but not limited to—
- (a) the police;
 - (b) the Crown Prosecution Service;
 - (c) the judiciary; and
 - (d) relevant community organisations.”

After Clause 146 - continued

231 Insert the following new Clause –

“Digital crime training and education

- (1) The Secretary of State must ensure that each police service invests in training on prioritisation, investigation and evidence gathering in respect of digital crime and abuse.
- (2) The Secretary of State must ensure that all police services record complaints related to digital crime and abuse and the outcomes of those complaints.
- (3) The Secretary of State must publish annual statistics on complaints related to digital crime and abuse and the outcomes of those complaints.”

Clause 149

BARONESS WILLIAMS OF TRAFFORD

232 Page 170, line 3, leave out paragraph (g)

233 Page 170, line 5, after “68” insert “and 72A”

234 Page 170, line 46, leave out “Part 6” and insert “sections 111 to 116”

THE LORD BISHOP OF ST ALBANS

235 Page 170, line 46, at end insert –

“() section (*Premises licence under Gambling Act 2005: gaming machines*).”

BARONESS WILLIAMS OF TRAFFORD

236 Page 171, line 8, at end insert –

“() Section (*Retention of fingerprints and DNA profiles: PACE (NI) Order 1989*) extends to Northern Ireland only.”

237 Page 171, line 8, at end insert –

“() Section (*Anonymity of victims of forced marriage: Northern Ireland*) extends to Northern Ireland only.”

238 Page 171, line 8, at end insert –

“() The power under section 60(4) of the UK Borders Act 2007 may be exercised so as to extend to any of the Channel Islands or the Isle of Man any amendment made by or under this Act of any part of that Act (with or without modification).”

Clause 150

BARONESS WILLIAMS OF TRAFFORD

239 Page 171, line 12, at end insert –

“(1A) Section (*Retention of fingerprints and DNA profiles: PACE (NI) Order 1989*) comes into force on such day as the Department of Justice in Northern Ireland appoints by order, and the power conferred by this subsection is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (N.I. 12).”

THE LORD BISHOP OF ST ALBANS

240 Page 171, line 26, at end insert –

“() section (*Premises licence under Gambling Act 2005: gaming machines*);”

BARONESS WILLIAMS OF TRAFFORD

241 Page 171, line 29, at end insert –

“() section (*Anonymity of victims of forced marriage: Northern Ireland*);”

242 Page 171, line 31, after “(2)” insert “, or an order under subsection (1A),”**243** Page 171, line 39, “than” insert “section (*Retention of fingerprints and DNA profiles: PACE (NI) Order 1989*) or”**244** Page 171, line 39, at end insert –

“() If provision is made for section (*Retention of fingerprints and DNA profiles: PACE (NI) Order 1989*) to come into force on the same day as section 9 of the Criminal Justice Act (Northern Ireland) 2013 (c.7 (N.I.)) comes into force, subsection (3) of that section of the 2013 Act has effect as if the reference to the coming into force of that section included a reference to the coming into force of section (*Retention of fingerprints and DNA profiles: PACE (NI) Order 1989*).”

In the Title

BARONESS WILLIAMS OF TRAFFORD

245 Line 21, after “firearms” insert “and pyrotechnic articles”

Policing and Crime Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

12 September 2016
