

# Policing and Crime Bill

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FOURTH  
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 112**

BARONESS WILLIAMS OF TRAFFORD

- 203A** Page 128, line 40, leave out from beginning to end of line 2 on page 129 and insert –
- “(a) either the conditions in subsection (2AA) are met or the condition in subsection (2AB) is met, and
  - (b) if an additional condition is specified in regulations under subsection (2AC), that condition is also met.
- (2AA) The conditions in this subsection are that –
- (a) the firearm’s chamber or, if the firearm has more than one chamber, each of its chambers is either –

**Clause 112 - continued**

- (i) a chamber that the firearm had when it was manufactured, or
  - (ii) a replacement for such a chamber that is identical to it in all material respects;
  - (b) the firearm's chamber or (as the case may be) each of the firearm's chambers is designed for use with a cartridge of a description specified in regulations made by statutory instrument by the Secretary of State (whether or not it is also capable of being used with other cartridges).
- (2AB) The condition in this subsection is that the firearm's ignition system is of a description specified in regulations made by statutory instrument by the Secretary of State.
- (2AC) The Secretary of State may by regulations made by statutory instrument specify either of the following conditions for the purposes of subsection (2A)(b)–
- (a) a condition that a number of years specified in the regulations has elapsed since the date on which the firearm was manufactured;
  - (b) a condition that the firearm was manufactured before a date specified in the regulations."

- 203B** Page 129, line 3, leave out "(2A)" and insert "(2AA), (2AB) or (2AC)"
- 203C** Page 129, line 6, leave out "(2A)" and insert "(2AA), (2AB) or (2AC)"
- 203D** Page 129, line 9, leave out "(2A)" and insert "(2AA) or (2AB)"
- 203E** Page 129, line 20, leave out "58(2A)" and insert "58(2AA), (2AB) or (2AC)"

**Clause 114**

## EARL ATTLEE

- 203F** Page 130, line 43, at end insert –  
“(3A) Subsection (1)(b) does not apply if the weapon is transferred by means of inheritance.”
- 203G** Page 130, line 43, at end insert –  
“(3B) The Secretary of State may by regulations made by statutory instrument clarify how subsection (1)(b) applies if the person owning or claiming to own the weapon is a body corporate.”
- 203H** Page 131, line 2, leave out from beginning to “but” in line 4

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

**After Clause 114**

BARONESS WILLIAMS OF TRAFFORD

**203J** Insert the following new Clause –**“Controls on ammunition which expands on impact**

- (1) The Firearms Act 1968 is amended in accordance with subsections (2) and (3).
- (2) In section 5 (weapons subject to general prohibition), in subsection (1A), for paragraph (f) substitute –
  - “(f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;”.
- (3) In section 5A (exemptions from requirement of authority under section 5), in subsection (8)(a), after “which”, in the first place it occurs, insert “is designed to be used with a pistol and”.
- (4) In consequence of the amendment made by subsection (2), omit section 9 of the Firearms (Amendment) Act 1997.”

**203K** Insert the following new Clause –**“Limited extension of firearm certificates etc**

- (1) After section 28A of the Firearms Act 1968 (certificates: supplementary) insert –
  - “28B Certificates: limited extension**
  - (1) This section applies where –
    - (a) an application is made for the renewal of a certificate on or before the day which falls 8 weeks before the day at the end of which the certificate is due to expire, but
    - (b) the chief officer of police does not determine whether or not to grant the application before the certificate is due to expire.
  - (2) The certificate continues in force by virtue of this subsection until whichever of the following events occurs first –
    - (a) the chief officer determines whether or not to grant the application;
    - (b) the extension period ends.
  - (3) In subsection (2), “the extension period” means the period of 8 weeks beginning with the day after the day at the end of which the certificate was due to expire.
  - (4) If the event mentioned in subsection (2)(a) occurs first, and the chief officer grants the application, any period for which the certificate continued in force under subsection (2) is to be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force.
  - (5) This section does not apply in relation to the renewal of a certificate granted or last renewed in Northern Ireland.”
- (2) In consequence of the amendment made by subsection (1), in section 28A of that Act (certificates: supplementary), after subsection (1) insert –

**After Clause 114 - continued**

“(1A) Subsection (1) is subject to the provision made by section 28B for circumstances in which a certificate may continue in force after the period of five years from the date when it was granted or last renewed.””

**Clause 115**

LORD ROSSER  
LORD PADDICK  
BARONESS HAMWEE

- 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  
LORD PADDICK  
BARONESS HAMWEE

- 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**  
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.”

**Clause 117**LORD BROOKE OF ALVERTHORPE  
BARONESS FINLAY OF LLANDAFF

*The above-named Lords give notice of their intention to oppose the Question that Clause 117 stand part of the Bill.*

**Clause 119**

BARONESS WILLIAMS OF TRAFFORD

209A Page 134, line 34, at end insert –

“and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.”

**Clause 120**

BARONESS WILLIAMS OF TRAFFORD

209B Page 136, leave out lines 23 to 29

**After Clause 122**

BARONESS WILLIAMS OF TRAFFORD

209C Insert the following new Clause –

**“Cumulative impact assessments**

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 5 (statement of licensing policy), after subsection (6C) insert –
  - “(6D) In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A.
  - (6E) A licensing statement must –
    - (a) summarise any cumulative impact assessments published by the licensing authority under section 5A, and
    - (b) explain how the licensing authority has discharged its duty under subsection (6D).”
- (3) After section 5 of the Licensing Act 2003 (statement of licensing policy) insert –
  - “5A Cumulative impact assessments**
    - (1) A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
    - (2) A cumulative impact assessment must set out the evidence for the authority’s opinion as set out in the assessment in accordance with subsection (1).
    - (3) For the purposes of this section, “relevant authorisations” means –
      - (a) premises licences;
      - (b) club premises certificates.
    - (4) A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.
    - (5) Before publishing a cumulative impact assessment, the licensing authority must consult the persons mentioned in section 5(3).

**After Clause 122 - continued**

- (6) For the purposes of the consultation, the licensing authority must provide the persons mentioned in section 5(3) with the following information—
  - (a) the reasons why it is considering publishing a cumulative impact assessment;
  - (b) a general indication of the part or parts of its area which it is considering describing in the assessment;
  - (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- (7) Where a licensing authority publishes a cumulative impact assessment, it must, before the end of each relevant period, consider whether it remains of the opinion stated in the assessment.
- (8) Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- (9) If the licensing authority is no longer of that opinion—
  - (a) it must publish a statement to that effect, and
  - (b) the duties in section 5(6D) and (6E) and subsection (7) of this section cease to apply in relation to the assessment.
- (10) If the licensing authority remains of that opinion, it must revise the cumulative impact assessment so that it—
  - (a) includes a statement to that effect, and
  - (b) sets out the evidence as to why the authority remains of that opinion.
- (11) A licensing authority must publish any revision of a cumulative impact assessment.
- (12) In subsection (7), “relevant period” means the period of three years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment.”

**209D** Insert the following new Clause—

**“Late night levy requirements**

- (1) Section 125 of the Police Reform and Social Responsibility Act 2011 (late night levy requirement) is amended as follows.
- (2) For subsections (1) and (2) substitute—
  - “(1) In this Chapter, “a late night levy requirement” means a requirement to pay a late night levy in accordance with this Chapter.
  - (2) A licensing authority may decide that a late night levy requirement is to apply in its area or in a part of its area in respect of—
    - (a) relevant late night alcohol authorisations relating to premises in the area or the part, or
    - (b) relevant late night alcohol authorisations and relevant late night refreshment authorisations relating to premises in the area or the part.

**After Clause 122 - continued**

- (2A) Accordingly, references in this Chapter to a late night authorisation to which a late night levy requirement relates are references to any relevant late night alcohol authorisation or relevant late night refreshment authorisation in respect of which the late night levy requirement applies.
- (2B) A licensing authority may decide under subsection (2) that different late night levy requirements are to apply in different parts of its area.”
- (3) In subsection (3)(a), after “supply of alcohol” insert “or late night refreshment”.
- (4) Omit subsection (4).
- (5) Schedule (*Late night levy requirements*) makes further amendments of Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy).”

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

**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.””

**213** [*Withdrawn*]



*After Clause 122 - continued*

THE LORD BISHOP OF ST ALBANS  
LORD BEECHAM  
LORD CLEMENT-JONES  
LORD JAMES OF BLACKHEATH

**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—
  - (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,

**After Clause 122 - continued**

- (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.”.”

LORD CLEMENT-JONES  
LORD PADDICK  
THE EARL OF CLANCARTY

**214A** 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) the promotion of cultural activity and inclusion.””

LORD MOYNIHAN  
*[In substitution for Amendment 213]*

**214B** 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;
  - (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 —

**After Clause 122 - continued**

- (a) knowingly takes anywhere in the world a prohibited substance with the intention of enhancing his or her performance in any sports competition 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; or
  - (b) has been banned or suspended from participation in any sporting activity, or has been or is a member of any organisation which has been banned or suspended from participation in any sporting activity anywhere in the world, at any time either before or after the day on which this Act is passed; and
    - (i) participates in any sports competition in the United Kingdom where there is a reward on offer, whether monetary or in terms of prestige, promotion or protection from relegation; and
    - (ii) does not have a prohibited substance certificate dated not more than 14 days earlier than the date of the sports competition at the commencement of the sports competition.
- (3) In subsection (2) “prohibited substance certificate” means a certificate from a medical practitioner in the United Kingdom appointed by the General Medical Council for the purpose of testing athletes for prohibited substances, confirming that in the practitioner's opinion –
- (a) the athlete does not have any prohibited substance in his or her body, and
  - (b) the athlete's body does not retain any advantage in sporting performance by reason of the athlete having taken a prohibited substance at any time either before or after the day on which this Act is passed.
- (4) 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.
- (5) 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.
- (6) A member of an organising committee is guilty of an offence if he or she has not taken all reasonable steps to ensure that all athletes permitted to compete in a World or European Championship which he or she is involved in organising, convening, or authorising –
- (a) have not taken a prohibited substance with the intention of enhancing their performance; and

**After Clause 122 - continued**

- (b) have not been banned or suspended from participation in any sporting activity, or been a member of any organisation which has been banned or suspended from participation in any sporting activity anywhere in the world, during the two years prior to the World or European Championship.
- (7) In subsection (6), “organising committee” means a Committee established in the United Kingdom on behalf of any international federation of sport, which is recognised by the International Olympic Committee.
- (8) 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.
- (9) Any person guilty of an offence under subsection (2), (4) (5) or (6) or 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.
- (10) In order to assist with the prevention of offences under subsections (2), (4) (5) or (6), 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.
- (11) 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
    - (ii) the performance of the World Anti-Doping Agency in general in relation to its effectiveness in preventing offences under subsections (2), (4) (5) or (6); 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.”

*After Clause 122 - continued*

BARONESS BERRIDGE  
 BARONESS JONES OF MOULSECOOMB  
 LORD BROOKE OF ALVERTHORPE

**214C** Insert the following new Clause –

**“Prescribed limit of alcohol**

- (1) In section 11(2) of the Road Traffic Act 1988 (interpretation of sections 4 to 10), the definition of “the prescribed limit” is amended as follows.
- (2) For paragraph (a) substitute –
  - “(a) 22 microgrammes of alcohol in 100 millilitres of breath,”.
- (3) For paragraph (b) substitute –
  - “(b) 50 milligrammes of alcohol in 100 millilitres of blood, or”.
- (4) For paragraph (c) substitute –
  - “(c) “67 milligrammes of alcohol in 100 millilitres of urine,”.”

LORD BEECHAM  
 THE LORD BISHOP OF ST ALBANS

**214CA** Insert the following new Clause –

**“Premises licence under Gambling Act 2005: gaming machines (additional condition)**

After section 172 of the Gambling Act 2005 insert –

**“172B Gaming machines: additional condition on availability and use**

A licensing authority, when exercising its power under section 169 to attach conditions to a premises licence, must include a condition, in respect of a licence for premises in which gaming machines are being used, that there must be at least two members of staff present on the premises while the premises are open.”

BARONESS BERRIDGE  
 LORD BROOKE OF ALVERTHORPE

**214CB★** Insert the following new Clause –

**“Lower prescribed limit of alcohol for novice and professional drivers**

- (1) Section 11(2) of the Road Traffic Act 1998 (interpretation of sections 4 to 10) is amended as follows.
- (2) After “the prescribed limit” insert “subject to the definition below, which relates to specified persons”.
- (3) After the definition of “the prescribed limit” insert –
  - “the prescribed limit”, in the case of a specified person, means (as the case may require) –
    - (a) 9 microgrammes of alcohol in 100 millilitres of breath,
    - (b) 20 milligrammes of alcohol in 100 millilitres of blood, or
    - (c) 27 milligrammes of alcohol in 100 millilitres of urine,”
- (4) After subsection (2) insert –
  - “(2ZA) For the purposes of this section, a specified person is a person who at the time of the alleged offence –

**After Clause 122 - continued**

- (a) is the holder of a provisional licence,
  - (b) has been a qualified driver for not more than 2 years,
  - (c) is the holder of a licence authorising the holder to drive a motor vehicle in a category set out in regulations under subsection (2ZB) and is driving, attempting to drive or in charge of such a vehicle,
  - (d) is the holder of a taxi driver's licence and is driving, attempting to drive or in charge of a taxi when it is being used in standing or plying for hire or reward or to carry passengers for hire or reward,
  - (e) is purporting to be the holder of a licence mentioned in subparagraph (c) or (d) and is driving, attempting to drive or in charge of a motor vehicle in a specified category or taxi, or
  - (f) does not hold a licence authorising him to drive a motor vehicle of the category or class which he is driving or attempting to drive.
- (2ZB) The Secretary of State may by regulations set out categories of motor vehicle for the purpose of subsection (2ZA)(c).”

**Before Schedule 16**

## BARONESS WILLIAMS OF TRAFFORD

**214D** Insert the following new Schedule—

## “SCHEDULE 15A

## LATE NIGHT LEVY REQUIREMENTS

- 1 Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy) is amended as follows.
- 2 (1) Section 126 (“relevant late night authorisation” and related definitions) is amended as follows.
  - (2) In subsection (2)—
    - (a) for ““Relevant late night authorisation”” substitute ““Relevant late night alcohol authorisation””;
    - (b) after “licensing authority” insert “, a late night levy requirement”;
    - (c) at the end of paragraph (b) insert “(whether or not it also authorises the provision of late night refreshment at a time or times during such a period)”.
  - (3) After subsection (2) insert—
 

“(2A) “Relevant late night refreshment authorisation”, in relation to a licensing authority, a late night levy requirement and a levy year, means a premises licence which—

    - (a) is granted by the authority,
    - (b) authorises the provision of late night refreshment at a time or times during the late night supply period on one or more days in the related payment year, and
    - (c) does not also authorise the supply of alcohol at a time or times during any such period.”

**Before Schedule 16 - continued**

- (4) After subsection (3) insert—
    - “(3A) Where a licensing authority decides under section 125(2) to apply a late night levy requirement in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the licensing authority may determine under section 132(1)—
      - (a) a single late night levy period that is to apply in respect of both kinds of authorisations, or
      - (b) two late night levy periods, one of which is to apply in respect of relevant late night alcohol authorisations and the other of which is to apply in respect of relevant late night refreshment authorisations.”
  - (5) In subsection (5), for “The late night supply period” substitute “A late night supply period”.
  - (6) In subsection (8)—
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) omit “in its area”.
- 3 (1) Section 127 (liability to pay late night levy) is amended as follows.
- (2) In subsection (1)—
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) after “the area” insert “or part of the area”;
    - (c) for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
  - (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
  - (4) After subsection (2) insert—
    - “(2A) In addition, if the requirement relates to a late night authorisation that is a relevant late night refreshment authorisation, the holder of the authorisation is not liable to pay the late night levy for a levy year if only hot drinks are supplied (or held out for supply) in reliance on the authorisation during the levy year.”
  - (5) In subsection (3), for “in its area” substitute “in relation to the late night levy requirement”.
- 4 (1) Section 128 (amount of late night levy) is amended as follows.
- (2) In subsection (1) after “For” insert “any levy requirement and”.
  - (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.
  - (4) In subsection (3)—
    - (a) after “in relation to” insert “a late night levy requirement and”;
    - (b) for “in its area” substitute “in relation to the late night levy requirement”.
  - (5) In subsection (4)—

**Before Schedule 16 - continued**

- (a) for “the late night levy” substitute “a late night levy”;
  - (b) after “the same” insert “, in respect of all late night levy requirements”;
  - (c) for “the levy” substitute “a levy”;
  - (d) omit “for the levy year”.
- 5 (1) Section 129 (payment and administration of the levy) is amended as follows.
- (2) In subsection (1), in the closing words, for “the late night levy” substitute “a late night levy”.
  - (3) In subsection (2)–
    - (a) for “the levy” substitute “a levy”;
    - (b) for “relevant late night authorisations” substitute “a late night authorisation to which a late night levy requirement relates”.
  - (4) In subsection (4)–
    - (a) in paragraph (a), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
    - (b) in paragraph (b), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
    - (c) in paragraph (c), for “the relevant late night authorisation” substitute “a relevant late night alcohol authorisation to which a late night levy requirement relates”;
    - (d) in the closing words, for “the levy year” substitute “the levy year in question”.
  - (5) In subsection (5), for “the late night levy” substitute “a late night levy”.
  - (6) In subsection (6), in the closing words, for “the late night levy” (in both places where it occurs) substitute “a late night levy”.
- 6 (1) Section 130 (net amount of levy payments) is amended as follows.
- (2) In subsection (1), after “In this Chapter” insert “, in relation to a late night levy requirement,”.
  - (3) In subsection (3), for “the late night levy requirement” substitute “a late night levy requirement”.
  - (4) In subsection (5), in the opening words, at the beginning insert “In relation to a late night levy requirement,”.
- 7 (1) Section 131 (application of net amount of levy payments) is amended as follows.
- (2) In subsection (1), at the beginning insert “In relation to a late night levy requirement,”.
  - (3) After subsection (4) insert –
    - “(4A) The licensing authority must publish information as to how it applies the remainder of the net amount mentioned in subsection (2)(b).
    - (4B) The information must be published at least once in each calendar year during which any part of the remainder is applied.
    - (4C) It is for the licensing authority to determine the manner in which the information is published.”



**Before Schedule 16 - continued**

- (4) In subsection (6)(b), for “in respect of the levy” substitute “in respect of a levy”.
- 8 (1) Section 132 (introduction of late night levy requirement) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, for “the late night levy requirement” substitute “a late night levy requirement”;
- (b) in those words, omit “in its area”;
- (c) in paragraph (b) –
- (i) in sub-paragraph (i), after “period” insert “or periods (as to which see section 126(3A))”;
- (ii) in sub-paragraph (ii), omit “in its area”;
- (iii) in sub-paragraph (iii), omit “in its area”.
- 9 (1) Section 133 (amendment of late night levy requirement) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, for the words from the beginning to “section 125,” substitute “Where, in consequence of a decision by a licensing authority under section 125, a late night levy requirement applies,”
- (b) in paragraph (a), omit “in the area”;
- (c) in paragraph (c), for “in the area” substitute “in relation to the late night levy requirement”.
- (3) After subsection (1) insert –
- “(1A) Where the late night levy requirement is in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the power conferred by subsection (1)(b) includes –
- (a) where a single late night levy period applies, power to decide that two late night levy periods are to apply instead;
- (b) where two late night levy periods apply, power to decide that a single late night levy period is to apply instead.”
- (4) In subsection (4) –
- (a) in paragraph (b), omit “in the area of a licensing authority”;
- (b) in that paragraph, after “relevant decision” insert “by a licensing authority”;
- (c) in the closing words, omit “in its area”.
- 10 (1) Section 134 (introduction or variation of late night levy requirement: procedure) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (a), for “the late night levy requirement” substitute “a late night levy requirement”;
- (b) in that paragraph, omit “in the area of the licensing authority”;
- (c) in paragraph (b), for “the late night levy requirement” substitute “a late night levy requirement”;
- (d) in that paragraph omit “in the area of the licensing authority”.
- (3) In subsection (2) –

**Before Schedule 16 - continued**

- (a) in paragraph (a)(iii), for “relevant late night authorisations” substitute “late night authorisations to which the levy requirement in question relates or would relate”;
  - (b) in paragraph (c)(i), for “so as to cease to be a relevant late night authorisation before the beginning of the first levy year” substitute “so that it is not a late night authorisation to which the levy requirement relates at the beginning of the first levy year”.
- (4) In subsection (3) –
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
  - (b) omit “to the area of a licensing authority”.
- (5) In subsection (4) –
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
  - (b) omit “in its area”.
- (6) Omit subsection (5).
- 11 (1) Section 135 (permitted exemption and reduction categories) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (a), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
  - (b) in that paragraph, for “the requirement to pay the late night levy is not to apply” substitute “no requirement to pay a late night levy is to apply”;
  - (c) in paragraph (b), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
  - (d) in that paragraph, for “the levy” substitute “a levy”.
- (3) In subsection (2), omit “in its area”.
- (4) In subsection (4) –
- (a) in paragraph (a), for “the levy” substitute “a levy”;
  - (b) in paragraph (b), for “the levy” substitute “a levy”;
  - (c) in the closing words –
    - (i) for “the late night levy” substitute “a late night levy”;
    - (ii) after “the same” insert “, in respect of all late night levy requirements,”;
    - (iii) for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
    - (iv) omit “for a levy year”.
- 12 After section 136 insert –
- “136A Late night levy: requests by relevant local policing bodies**

**Before Schedule 16 - continued**

- (1) The relevant local policing body in relation to a licensing authority may request the licensing authority to make a proposal for a decision under section 125(2) that a late night levy requirement of a kind described in the request is to apply.
  - (2) In deciding whether to make a request, the relevant local policing body must consider the matters mentioned in section 125(3).
  - (3) A request must be accompanied by any evidence the relevant local policing body has in support of its request.
  - (4) In deciding how to respond to the request, the licensing authority must consider the matters mentioned in section 125(3).
  - (5) The licensing authority must publish –
    - (a) the request, including the evidence accompanying it, and
    - (b) its response to the request.
  - (6) The response must include reasons, including an explanation of the outcome of the authority’s consideration of the matters mentioned in section 125(3).
  - (7) It is for the licensing authority to determine the manner in which it publishes the request and its response under subsection (4).”
- 13 (1) Section 137 (interpretation) is amended as follows.
- (2) For ““the late night levy requirement” substitute ““a late night levy requirement””.
  - (3) At the appropriate place insert –
 

““late night refreshment” has the same meaning as in the Licensing Act 2003 (see Schedule 2 to that Act);”.
  - (4) In the definition of ““levy year” –
    - (a) for ““the late night levy requirement” substitute “a late night levy requirement”;
    - (b) omit “in the area of the authority”.
  - (5) In the definition of ““payment year”, for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.”

**Clause 140**

BARONESS HAMWEE

LORD PADDICK

**214DA**

Page 154, line 17, after “citizenship” insert “, or where a person is not in possession of such a document, alternative documents which are sufficient to provide that such a document would normally be issued by the relevant authorities”

**After Clause 142**

LORD SHARKEY  
BARONESS WILLIAMS OF TRAFFORD  
LORD LEXDEN  
LORD BLACK OF BRENTWOOD

**214E** Insert the following new Clause—

**“Posthumous pardons for convictions etc of certain abolished offences**

- (1) A person who has been convicted of, or cautioned for, an offence specified in subsection (3) and who has died before this section comes into force is pardoned for the offence if two conditions are met.
- (2) Those conditions are that—
  - (a) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and
  - (b) any such conduct at the time this section comes into force would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory).
- (3) The offences to which subsection (1) applies are—
  - (a) an offence under section 12 of the Sexual Offences Act 1956 (buggery) or under section 13 of that Act (gross indecency between men);
  - (b) an offence under any of the following provisions (which made provision similar to section 12 of the Sexual Offences Act 1956)—
    - (i) 25 Hen. 8 c. 6 (1533) (an Act for the punishment of the vice of buggery);
    - (ii) 2 & 3 Edw. 6 c. 29 (1548) (an Act against sodomy);
    - (iii) 5 Eliz. 1 c. 17 (1562) (an Act for the punishment of the vice of buggery);
    - (iv) section 15 of 9 Geo. 4 c. 31 (1828) (an Act for consolidating and amending the law relating to offences against the person);
    - (v) section 61 of the Offences against the Person Act 1861;
  - (c) an offence under section 11 of the Criminal Law Amendment Act 1885 (which made provision similar to section 13 of the Sexual Offences Act 1956).
- (4) The references in subsection (3) to offences under particular provisions are to be read as including offences under—
  - (a) section 45 of the Naval Discipline Act 1866,
  - (b) section 41 of the Army Act 1881,
  - (c) section 41 of the Air Force Act 1917,
  - (d) section 70 of the Army Act 1955,
  - (e) section 70 of the Air Force Act 1955, or
  - (f) section 42 of the Naval Discipline Act 1957,
 which are such offences by virtue of the provisions mentioned in subsection (3).
- (5) The reference in subsection (2)(b) to an offence under section 71 of the Sexual Offences Act 2003 is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 which is such an offence by virtue of section 71 of that Act of 2003.

**After Clause 142 - continued**

- (6) The following provisions of section 101 of the Protection of Freedoms Act 2012 apply for the purposes of this section and section (*Sections (Posthumous pardons for convictions etc of certain abolished offences) and (Other pardons for convictions etc of certain abolished offences): supplementary*))(1) (so far as relating to this section) as they apply for the purposes of Chapter 4 of Part 5 of that Act—
- (a) in subsection (1), the definitions of “caution”, “conviction”, and “sentence” (and the related definition of “service disciplinary proceedings”);
  - (b) subsections (2) and (5) to (7).”

**214F** Insert the following new Clause—

**“Other pardons for convictions etc of certain abolished offences**

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

**214G** Insert the following new Clause—

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

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

**After Clause 142 - continued**

LORD LEXDEN

**214H** Insert the following new Clause—

**“Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland**

- (1) A person who has been convicted of, or cautioned for, an offence specified in subsection (3) and who has died before this section comes into force is pardoned for the offence if two conditions are met.
- (2) Those conditions are that—
  - (a) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and
  - (b) any such conduct at the time this section comes into force would not be an offence under section 75 of the Sexual Offences (Northern Ireland) Order 2008 (sexual activity in a public lavatory).
- (3) The offences to which subsection (1) applies are—
  - (a) an offence under section 11 of the Criminal Law Amendment Act 1885 (gross indecency between men),
  - (b) an offence under section 61 of the Offences against the Person Act 1861 (buggery),
  - (c) an offence under either of the following provisions (which made provision similar to section 61 of the Offences against the Person Act 1861—
    - (i) 10 Cha.1 Sess.2 c.20 (1634) (An Act for the punishment of the vice of Buggery);
    - (ii) section 18 of 10 Geo. 4 c.34 (1829) (An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person), or
  - (d) an offence under Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery).
- (4) The references in subsection (3) to offences under particular provisions are to be read as including offences under—
  - (a) section 45 of the Naval Discipline Act 1866,
  - (b) section 41 of the Army Act 1881,
  - (c) section 41 of the Air Force Act 1917,
  - (d) section 70 of the Army Act 1955,
  - (e) section 70 of the Air Force Act 1955, or
  - (f) section 42 of the Naval Discipline Act 1957,
 which are such offences by virtue of the provisions mentioned in subsection (3).
- (5) The reference in subsection (2)(b) to an offence under section 75 of the Sexual Offences (Northern Ireland) Order 2008 is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 which is such an offence by virtue of section 71 of the Sexual Offences Act 2003 (corresponding offence of “sexual activity in a public lavatory” in England and Wales).

**After Clause 142 - continued**

- (6) The following provisions of section 101 of the Protection of Freedoms Act 2012 apply for the purposes of this section and section (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) and (Other pardons for convictions etc of certain abolished offences: Northern Ireland): supplementary*)(1) (so far as relating to this section) as they apply for the purposes of Chapter 4 of Part 5 of that Act—
- (a) in subsection (1), the definitions of “caution”, “conviction”, and “sentence” (and the related definition of “service disciplinary proceedings”);
  - (b) subsections (2) and (5) to (7).”

**214J** Insert the following new Clause—

**“Other pardons for convictions etc of certain abolished offences: Northern Ireland**

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

**214K** Insert the following new Clause—

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

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

**After Clause 142 - continued**

**214L** Insert the following new Clause—

**“Amendment of the Protection of Freedoms Act 2012**

- (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) –
  - (a) in subsection (1)(b) omit “or”,
  - (b) in subsection 1(c) after the words “corresponding earlier offences” insert “in England and Wales, and offences in Northern Ireland” and at the end of that subsection insert “or”,
  - (c) after subsection 1(c) insert –
    - “(d) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery),”,
  - (d) in subsection (3)(b) after the words “Sexual Offences Act 2003” insert “or section 75 of the Sexual Offences (Northern Ireland) Order 2008”.
- (3) In section 95 (effect of disregard on police and other records) in subsection (5) after the two places where there appear the words “England and Wales” insert “and Northern Ireland”.
- (4) In section 96 (effect of disregard for disclosure and other purposes) in subsection (2)(a) after the words “England and Wales” insert “and Northern Ireland”.
- (5) In section 101 (interpretation: chapter 4) in the meaning given to “caution” in subsection (1) after the words “England and Wales” insert “and Northern Ireland”.
- (6) In section 119 (extent) –
  - (a) omit subsection (1)(g),
  - (b) at the end of subsection (3)(d) omit “.” and insert “,”,
  - (c) after subsection (3)(d) insert –
    - “(e) Chapter 4 of Part 5.”.

**214M** [*Withdrawn*]

**214N** [*Withdrawn*]

**214P** [*Withdrawn*]

LORD PADDICK  
BARONESS HAMWEE

**214Q** Insert the following new Clause—

**“Vagrancy Act 1824**

In section 8 of the Criminal Attempts Act 1981 (abolition of offence of loitering etc with intent) at end insert—



**After Clause 142 - continued**

- “(2) A person who has been convicted of, or cautioned for, an offence under those provisions is pardoned for the offence.
- (3) For the purposes of subsection (2) it is irrelevant whether the person has died before subsection (2) comes into force.
- (4) A pardon under this section does not give rise to any right, entitlement or liability.”

LORD CASHMAN

*[In substitution for Amendment 214N]***214R★** Insert the following new Clause –**“Amendment of the Protection of Freedoms Act 2012**

- (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) –
  - (a) in subsection (1)(b), omit “or”,
  - (b) after subsection (1)(b), insert –
    - “(ba) section 32 of that Act (solicitation by men) or section 1(1)(b) of the Vagrancy Act 1898 (persons trading in prostitution), or”,
  - (c) in subsection (3)(a) –
    - (i) before the words “the other person” insert “in respect of an offence mentioned in subsections (1)(a), (1)(b) or (1)(c)”,
    - (ii) for “, and” substitute “, or”,
  - (d) after subsection (3)(a), insert –
    - “(aa) in respect of an offence mentioned in subsection (1)(ba) the conduct constituting the offence involved no other person under the age of 16 and now would not be an offence under section 51A of the Sexual Offences Act 2003 (soliciting), and”.

*[In substitution for Amendment 214M]***214S★** Insert the following new Clause –**“Pardons for convictions etc of certain abolished offences**

- (1) A person, whether living or dead, who has been convicted of, or cautioned for, an offence specified in subsection (2) is pardoned for the offence if the conditions specified in subsection (3) are met.
- (2) The offences to which subsection (1) applies are –
  - (a) an offence under section 12 of the Sexual Offences Act 1956 (buggery) or an offence under any of the following provisions (which made provision similar to section 12 of the Sexual Offences Act 1956) –
    - (i) 25 Hen. 8 c. 6 (1533) (an Act for the punishment of the vice of buggery),
    - (ii) 2 & 3 Edw. 6 c. 29 (1548) (an Act against sodomy),
    - (iii) 5 Eliz. 1 c. 17 (1562) (an Act for the punishment of the vice of buggery),
    - (iv) section 15 of 9 Geo. 4 c. 31 (1828) (an Act for consolidating and amending the law relating to offences against the person),
    - (v) section 61 of the Offences against the Person Act 1861,

**After Clause 142 - continued**

- (b) an offence under section 13 of the Sexual Offences Act 1956 (indecenty between men) or an offence under section 11 of the Criminal Law Amendment Act 1885 (which made provision similar to section 13 of the Sexual Offences Act 1956),
  - (c) an offence under section 32 of the Sexual Offences Act 1956 (solicitation by men) or an offence under section 1(1)(b) of the Vagrancy Act 1898 (which made provision similar to section 32 of the Sexual Offences Act 1956).
- (3) The conditions mentioned in subsection (1) are that –
- (a) in respect of an offence mentioned in subsection (2)(a) and (b) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, or
  - (b) in respect of an offence mentioned in subsection (2)(c) the conduct constituting the offence involved no other person under the age of 16 and at the time this section comes into force would not be an offence under section 51A of the Sexual Offences Act 2003 (soliciting), and
  - (c) any such conduct at the time this section comes into force would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory).
- (4) The references in subsection (2) to offences under particular provisions are to be read as including offences under –
- (a) section 45 of the Naval Discipline Act 1866,
  - (b) section 41 of the Army Act 1881,
  - (c) section 41 of the Air Force Act 1917,
  - (d) section 70 of the Army Act 1955,
  - (e) section 70 of the Air Force Act 1955, or
  - (f) section 42 of the Naval Discipline Act 1957,
- which are such offences by virtue of the provisions mentioned in subsection (2).
- (5) The reference in subsection (3)(c) to an offence under section 71 of the Sexual Offences Act 2003 is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 which is such an offence by virtue of section 71 of the Sexual Offences Act 2003.
- (6) The following provisions of section 101 of the Protection of Freedoms Act 2012 apply for the purposes of this section (so far as relating to this section) as they apply for the purposes of Chapter 4 of Part 5 of that Act –
- (a) in subsection (1), the definitions of “caution”, “conviction”, and “sentence” (and the related definition of “service disciplinary proceedings”),
  - (b) subsections (2) and (5) to (7).
- (7) This section does not affect, replace or reduce the right of any person to make an application to the Secretary of State under section 92 of the Protection of Freedoms Act 2012 in respect of a conviction or caution for a relevant offence.
- (8) A pardon under this section does not –
- (a) affect any conviction, caution or sentence, or

**After Clause 142 - continued**

- (b) give rise to any right, entitlement or liability.
- (9) Nothing in this section affects the prerogative of mercy.”

**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—
  - (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.

**After Clause 143 - continued**

- (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.
- (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

**After Clause 143 - continued**

- (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,
 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

**After Clause 143 - continued**

- (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” –
    - (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”;

**After Clause 143 - continued**

“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
    - (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.””

*After Clause 143 - continued*

LORD PADDICK  
BARONESS HAMWEE

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).”

LORD PADDICK  
BARONESS HAMWEE  
BARONESS GRENDER

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).”

LORD PADDICK  
BARONESS GRENDER

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.
- (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.



*After Clause 143 - continued*

- (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.””

LORD PADDICK

**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.””

LORD PADDICK

LORD CAMPBELL-SAVOURS

**219A** Insert the following new Clause –

**“Pre-charge anonymity**

- (1) After a person is accused of a sexual offence, no matter likely to lead members of the public to identify them as the person against whom the accusation is made shall either be published in England and Wales in a written publication available to the public, or be broadcast in England and Wales, up until that person is charged with the offence, except where a judge is satisfied that it is in the public interest to remove the restriction in respect of that person.
- (2) In subsection (1), “matter” includes but is not limited to –
  - (a) a still or moving picture or image of that person; or
  - (b) the name and address of that person.
- (3) In subsection (2)(a), “picture” includes a likeness however produced.”

LORD PADDICK

BARONESS LUDFORD

LORD MARKS OF HENLEY-ON-THAMES

**219B** Insert the following new Clause –

**“Evidence about complainant’s sexual history**

- (1) The Secretary of State shall within six months of the day on which this section comes into force, publish a report on the operation of section 41 of the Youth Justice and Criminal Evidence Act 1999 (restriction on evidence or questions about complainant's sexual history).
- (2) The report shall, in particular, include information regarding –
  - (a) the number of applications made for leave in accordance with subsection 41(2) of the Act;
  - (b) the number of such applications granted;
  - (c) the number of such applications refused;

**After Clause 143 - continued**

- (d) the number of prosecutions not proceeded with because of the victim's concerns as to an application for leave;  
and to the extent numerical information is not available, as full information as possible regarding such matters.
- (3) The report shall include any proposals for the amendment or repeal of section 41 of the Act."

BARONESS COX  
BARONESS MASSEY OF DARWEN  
BARONESS BUSCOMBE  
LORD CARLILE OF BERRIEW

**219C** Insert the following new Clause –

**“Registration of religious marriages**

- (1) The celebrant of a religious marriage ceremony must –
- (a) take all reasonable steps to ensure that the marriage accords with the law relating to marriages in England and Wales; and
  - (b) register the marriage as a legal marriage in accordance with the requirements of the Marriage Act 1949.
- (2) A person who fails to fulfil the requirements of subsection (1) commits an offence.
- (3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 3 years."

BARONESS BERRIDGE

**219CA★** Insert the following new Clause –

**“Forced marriage: financial protection for victims**

In Part 10 of the Anti-Social Behaviour, Crime and Policing Act 2014 (forced marriage), after section 122A (inserted by section 143 of this Act) insert –

**“122B Forced marriage: financial protection for victims**

- “(1) Where subsection (4) applies to a person, that person shall be treated as if he or she has been married, or is married, for the purposes of any provision or enactment, whether in statute or common law, relating to –
- (a) immigration;
  - (b) pensions; or
  - (c) financial provision or remedies, including for the purposes of Part II of the Matrimonial Causes Act 1973 (financial relief for parties to marriage and children of family).
- (2) In circumstances where a person who has been married and a person who is married would be treated differently, the person to whom subsection (4) applies may decide which marital status applies to them.
- (3) For the purposes of subsection (2), the person to whom subsection (4) applies may decide that a different marital status applies to them in different circumstances.
- (4) This subsection applies where –

**After Clause 143 - continued**

- (a) the court has granted a forced marriage protection order under Part IVA of the Family Law Act 1996 in respect of a person, or
- (b) an offence under sections 120, 121 or 122 of the Anti-social Behaviour, Crime and Policing Act 2014 has been committed against a person.””

**After Clause 144**

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK

**219D** Insert the following new Clause –

**“Information relating to the online abuse of children**

- (1) Section 11 of the Police Reform and Social Responsibility Act 2011 (information for public etc) is amended as follows.
- (2) In subsection (2), at end insert “subject to subsection (2A).”
- (3) After subsection (2) insert –
  - “(2A) “specified information” shall include but not be limited to information that relates to the online abuse of or offences against children –
    - (a) that take place through social media, online channels including messaging services and electronic communications;
    - (b) that are repeated by sharing through social media, online communications including messaging services and electronic communications;
    - (c) that are orchestrated, planned or organised through social media, online channels including messaging services and electronic communications;
    - (d) that are recorded and uploaded online (for personal use or for distribution or sharing with others) howsoever; or
    - (e) for the purpose of which the internet is used as a means of exploitation or contact.””

**After Clause 145**

LORD ROSSER  
THE LORD BISHOP OF BRISTOL

**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 –

**After Clause 145 - continued**

- (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;
  - (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.”

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

**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.”

LORD ROSSER

**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.

**After Clause 145 - continued**

- (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  
LORD WIGLEY

**223** Insert the following new Clause—

**“Police observance of the Victims’ Code: enforcement**

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

**After Clause 145 - continued**

- (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.
- (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,

**After Clause 145 - continued**

- (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
  - (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;

**After Clause 145 - continued**

- (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.
- (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.”



*After Clause 145 - continued*

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;
  - (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.”

BARONESS BRINTON  
LORD ROSSER

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.

**After Clause 145 - continued**

- (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;
  - (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.”

**228A** Insert the following new Clause –

**“Ethnicity monitoring in the youth criminal justice system**

All youth criminal justice agencies using the 16+1 ethnicity code must replace the code with the 18+1 ethnicity code based on the 2011 Census.”

**228B** Insert the following new Clause –

**“Ethnicity monitoring in custodial institutions for young people**

All custodial institutions for young people must adopt the 18+1 ethnicity code based on the 2011 Census.”

*After Clause 145 - continued*

LORD WIGLEY  
LORD PONSONBY OF SHULBREDE  
BARONESS HOWE OF IDLICOTE

228C Insert the following new Clause—

**“Victims and witnesses of serious crime: disclosure**

- (1) A police force or police officer may not disclose the identity of a victim or witness of a serious sexual or violent offence to the person accused of the offence, if it is reasonable to assume that such a disclosure would put the victim or witness at risk of further harm.
- (2) In determining whether disclosure is reasonable for the purposes of subsection (1), a police force or police officer must take into account the—
  - (a) previous convictions,
  - (b) mental health, and
  - (c) access to new technology or social media,of the person accused of the offence.
- (3) This section applies whether or not the person accused of the offence has been charged with the offence.”

LORD WIGLEY  
LORD PONSONBY OF SHULBREDE

228D Insert the following new Clause—

**“Reviews of sentencing**

The Secretary of State must by order under section 35 of the Criminal Justice Act 1988 (scope of Part IV) specify that the following additional offences may be reviewed under Part IV (reviews of sentencing) of that Act—

- (a) offences under section 4A (stalking involving fear of violence or serious alarm or distress) or 5 (restraining orders on conviction) of the Protection from Harassment Act 1997,
- (b) offences under section 76 (controlling or coercive behaviour in an intimate or family relationship) of the Serious Crime Act 2015,
- (c) offences under section 12 (support for a proscribed organisation) of the Terrorism Act 2000, and
- (d) offences under section 160 (possession of indecent photograph of child) of the Criminal Justice Act 1988.”

228E [*Withdrawn*]

**After Clause 145 - continued**

BARONESS FINLAY OF LLANDAFF  
 BARONESS WILLIAMS OF TRAFFORD  
*[In substitution for Amendment 228E]*

228F★ Insert the following new Clause –

**“Coroners’ investigations into deaths: meaning of “state detention”**

- (1) Section 48 of the Coroners and Justice Act 2009 (interpretation of Part 1: general) is amended as follows.
- (2) In subsection (1), in the definition of “state detention”, after “subsection (2)” insert “(read with subsection (2A))”.
- (3) In subsection (2), at the beginning insert “Subject to subsection (2A),”.
- (4) After subsection (2) insert –  
 “(2A) But a person is not in state detention at any time when he or she is deprived of liberty under section 4A(3) or (5) or 4B of the Mental Capacity Act 2005.””

229 *[Withdrawn]*

**After Clause 146**

LORD WIGLEY  
 LORD PONSONBY OF SHULBREDE  
 BARONESS HOWE OF IDLICOTE

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;
  - (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;

**After Clause 146 - continued**

- (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.”

**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.”

**231A** Insert the following new Clause—

**“Surveillance and monitoring: offences**

- (1) A person commits an offence if the person—

**After Clause 146 - continued**

- (a) uses a digital device to repeatedly locate, listen to or watch a person without legitimate purpose;
  - (b) installs spyware, a webcam or any other device or software on another person's property or digital device without the user's agreement or without legitimate reason;
  - (c) takes multiple images of an individual unless it is in the public interest to do so without that individual's permission and where the intent was not legitimate nor lawful;
  - (d) repeatedly orders goods or services for another person if the purpose of such actions is to cause distress, anxiety or to disrupt that person's daily life;
  - (e) erases data remotely whilst a digital device is being examined by the police or in the course of any other lawful investigation;
  - (f) monitors a digital device registered to a person aged 17 or less if the purpose of that monitoring is to obtain information about a third person;
  - (g) monitors any other person's digital device if the intent of the monitoring is to damage or steal data from that person; or
  - (h) creates a false persona online without lawful reason if the purpose of such a creation is to attempt to defraud, groom, impersonate or seriously damage the reputation of any other person.
- (2) For the purpose of subsection (1) "repeatedly" shall be deemed as on two occasions or more.
- (3) A person guilty of an offence under subsection (1)(a), (b) or (c) is liable on conviction to a term of imprisonment not exceeding 12 months or a fine not exceeding the statutory limit.
- (4) A person guilty of an offence under subsection (1)(d) is liable on conviction to a fine not exceeding the statutory limit.
- (5) A person guilty of an offence under subsection (1)(e), (f), (g) or (h) is liable on conviction to a term of imprisonment not exceeding 12 months.
- (6) The Secretary of State shall by regulations made by statutory instrument prevent the sale of spyware to persons under the age of 16, and require any person aged 16 or over purchasing such equipment to state their intended use of such equipment.
- (7) A statutory instrument containing regulations under subsection (6) 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 149**

## BARONESS WILLIAMS OF TRAFFORD

- 231B** Page 169, line 38, leave out "and 83" and insert ", 83 and (*Energy Act 2013 (c. 32)*)"
- 232** Page 170, line 3, leave out paragraph (g)

## Clause 149 - continued

- 233** Page 170, line 5, after “68” insert “and 72A”
- 233A** Page 170, line 19, after “107” insert “(Schedule to be inserted as Schedule 7A to the Criminal Justice and Public Order Act 1994), (Schedule to be inserted as Schedule 7B to the Criminal Justice and Public Order Act 1994)”
- 234** Page 170, line 46, leave out “Part 6” and insert “sections 111 to 116”
- 234A** Page 170, line 46, at end insert “and section (Controls on ammunition which expands on impact)”
- 234B** Page 170, line 46, at end insert “and section (Limited extension of firearm certificates etc)”

THE LORD BISHOP OF ST ALBANS  
LORD BEECHAM

- 235** Page 170, line 46, at end insert –  
“( ) section (Premises licence under Gambling Act 2005: gaming machines).”

## LORD LEXDEN

- 235A** Page 171, line 4, at end insert –  
( ) The following provisions extend to Northern Ireland only –  
(a) section (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland),  
(b) section (Other pardons for convictions etc of certain abolished offences: Northern Ireland),  
(c) section (Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) and (Other pardons for convictions etc of certain abolished offences: Northern Ireland): supplementary), and  
(d) section (Amendment of the Protection of Freedoms Act 2012).”

- 236** [Withdrawn]

## BARONESS WILLIAMS OF TRAFFORD

- 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).”

- 239** [Withdrawn]

**Clause 150**

LORD SHARKEY  
BARONESS WILLIAMS OF TRAFFORD  
LORD LEXDEN  
LORD BLACK OF BRENTWOOD

**239A** Page 171, line 16, at end insert –

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

LORD PADDICK  
BARONESS LUDFORD  
LORD MARKS OF HENLEY-ON-THAMES

**239B** Page 171, line 17, at end insert –

“( ) section (*Evidence about complainant’s sexual history*);”

LORD CASHMAN

**239BA★** Page 171, line 17, insert –

“( ) section (*Amendment of the Protection of Freedoms Act 2012*);  
( ) section (*Pardons for convictions etc of certain abolished offences*);”

LORD LEXDEN

**239C** Page 171, line 17, at end insert –

“( ) section (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*),  
( ) section (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*),  
( ) section (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*) and (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*): *supplementary*),  
( ) section (*Amendment of the Protection of Freedoms Act 2012*);”

THE LORD BISHOP OF ST ALBANS  
LORD BEECHAM

**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** [*Withdrawn*]

**243** [*Withdrawn*]



**Clause 150 - continued**

**244** [Withdrawn]

**In the Title**

BARONESS WILLIAMS OF TRAFFORD

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

LORD SHARKEY

BARONESS WILLIAMS OF TRAFFORD

LORD LEXDEN

LORD BLACK OF BRENTWOOD

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

BARONESS FINLAY OF LLANDAFF

BARONESS WILLIAMS OF TRAFFORD

**247★** Line 31, after “harm;” insert “to make provision about coroners’ duties in respect of deaths in state detention;”

# Policing and Crime Bill

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

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*7 November 2016*

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