

Policing and Crime Bill

FIFTH
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.**

After Clause 143

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).”

After Clause 143 - continued

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.

(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—

After Clause 143 - continued

“(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;
 - (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.”

After Clause 143 - continued

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—
 - (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 –
 - (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

After Clause 145 - continued

- (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.
- (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

After Clause 145 - continued

- (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 –
 - (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

After Clause 145 - continued

- (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,
- (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,

After Clause 145 - continued

- (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;
 - (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.”

After Clause 145 - continued

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.”

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 –

After Clause 145 - continued

- “(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.
- (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 –

After Clause 145 - continued

- (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.”

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.

After Clause 145 - continued

- (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]

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;
 - (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.

After Clause 146 - continued

- (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—
 - (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

After Clause 146 - continued

- (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)
- 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*).”

Clause 149 - continued

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*);”

Clause 150 - continued

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*]**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

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

14 November 2016
