

Policing and Crime Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 28th November 2016, as follows –

Clauses 1 to 6	Clauses 33 to 37
Schedule 1	Schedules 10 and 11
Clauses 7 to 9	Clauses 38 to 44
Schedule 2	Schedule 12
Clauses 10 and 11	Clause 45
Schedule 3	Schedule 13
Clauses 12 and 13	Clauses 46 to 50
Schedule 4	Schedule 14
Clauses 14 and 15	Clauses 51 to 105
Schedule 5	Schedules 15 and 16
Clauses 16 to 27	Clauses 106 and 107
Schedule 6	Schedule 17
Clause 28	Clauses 108 to 127
Schedule 7	Schedule 18
Clause 29	Clauses 128 to 142
Schedule 8	Schedule 19
Clauses 30 to 32	Clauses 143 to 161
Schedule 9	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 84

BARONESS WILLIAMS OF TRAFFORD

- 120** Page 109, line 33, leave out “or in Northern Ireland waters”
- 121** Page 110, line 5, leave out “or Northern Ireland”

Clause 85

BARONESS WILLIAMS OF TRAFFORD

122 Page 110, line 10, leave out “or Northern Ireland”**After Clause 88**LORD PADDICK
BARONESS HAMWEE**122A★** Insert the following new Clause –**“Exercise of maritime enforcement powers**

- (1) The maritime enforcement powers may be exercised only in the event that there are reasonable grounds to suspect that an offence has been committed which is –
 - (a) an indictable offence under the law of England and Wales; and
 - (b) included in a list of offences specified by the Secretary of State in regulations made by statutory instrument.
- (2) A statutory instrument containing regulations under subsection (1) 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 93

BARONESS WILLIAMS OF TRAFFORD

123 Page 114, leave out lines 40 and 41**Clause 96**

BARONESS WILLIAMS OF TRAFFORD

124 Page 117, line 12, leave out “or in Northern Ireland waters”**125** Page 117, line 29, leave out “or Northern Ireland”**Clause 97**

BARONESS WILLIAMS OF TRAFFORD

126 Page 117, line 35, leave out “or Northern Ireland”**Clause 104**

BARONESS WILLIAMS OF TRAFFORD

127 Page 121, leave out lines 35 and 36

After Clause 104

BARONESS WILLIAMS OF TRAFFORD

128

Insert the following new Clause –

“CHAPTER 6A

POLICE POWERS: MARITIME ENFORCEMENT: NORTHERN IRISH OFFENCES

Application of maritime enforcement powers: general

- (1) A law enforcement officer may, for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland, exercise any of the maritime enforcement powers in relation to –
 - (a) a United Kingdom ship in Northern Ireland waters,
 - (b) a ship without nationality in Northern Ireland waters,
 - (c) a foreign ship in Northern Ireland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Northern Ireland waters.
- (2) In this Chapter, “the maritime enforcement powers” are the powers set out in –
 - (a) section (*Power to stop, board, divert and detain*) (power to stop, board, divert and detain);
 - (b) section (*Power to search and obtain information*) (power to search and obtain information);
 - (c) section (*Power of arrest and seizure*) (power of arrest and seizure).
- (3) The following persons are “law enforcement officers” for the purpose of this Chapter –
 - (a) a constable who is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,
 - (b) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847,
 - (c) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act),
 - (d) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or
 - (e) a person of a description specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(e) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (3)(e) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under subsection (3)(e) may not make devolved provision except with the consent of the Department of Justice in Northern Ireland.
- (7) For the purposes of subsection (6), regulations under subsection (3)(e) make devolved provision if and to the extent that –
 - (a) the effect of the regulations is to confer functions under this Chapter on a person of a description specified in the regulations,

After Clause 104 - continued

- (b) it would be within the legislative competence of the Northern Ireland Assembly to confer those functions on persons of that description in an Act of the Northern Ireland Assembly, and
 - (c) the consent of the Secretary of State would not be required under section 8 of the Northern Ireland Act 1998 in relation to a Bill conferring such functions.
- (8) This section is subject to section (*Restriction on exercise of maritime enforcement powers*) (which makes provision about when the authority of the Secretary of State is required before the maritime enforcement powers are exercised in reliance on this section).”

129 Insert the following new Clause—

“Restriction on exercise of maritime enforcement powers

- (1) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section (*Application of maritime enforcement powers: general*)(1), in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Northern Ireland.
- (2) The Secretary of State may give authority under subsection (1) in relation to a foreign ship only if—
 - (a) the home state has requested the assistance of the United Kingdom for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland,
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) otherwise permits the exercise of the powers in relation to the ship.”

130 Insert the following new Clause—

“Power to stop, board, divert and detain

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that—
 - (a) an offence under the law of Northern Ireland is being, or has been, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers: general*), or
 - (b) a ship in relation to which those powers are so exercisable is otherwise being used in connection with the commission of an offence under that law.
- (2) The law enforcement officer may—
 - (a) stop the ship;
 - (b) board the ship;
 - (c) require the ship to be taken to a port in Northern Ireland.

After Clause 104 - continued

- (3) The law enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of subsection (2)(c).
- (4) A law enforcement officer must give notice in writing to the master of any ship detained under this section.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a law enforcement officer.”

131 Insert the following new Clause –

“Power to search and obtain information

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that there is evidence relating to an offence under the law of Northern Ireland (other than items subject to legal privilege) on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers: general*).
- (2) The law enforcement officer may search –
 - (a) the ship;
 - (b) anyone found on the ship;
 - (c) anything found on the ship (including cargo).
- (3) The law enforcement officer may require a person found on the ship to give information about himself or herself.
- (4) The power to search conferred by subsection (2) is a power to search only to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in subsection (1).
- (5) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (6) In exercising a power conferred by subsection (2) or (3), a law enforcement officer may (amongst other things) –
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it, other than anything that the law enforcement officer has reasonable grounds to believe to be an item subject to legal privilege;
 - (c) make photographs or copies of anything the production of which the law enforcement officer has power to require.
- (7) The power in subsection (6)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (8) The power of a law enforcement officer under subsection (2)(b) or (c) or (3) may be exercised on the ship or elsewhere.”

After Clause 104 - continued

132 Insert the following new Clause –

“Power of arrest and seizure

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that an offence under the law of Northern Ireland has been, or is being, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section (*Application of maritime enforcement powers: general*).
- (2) The law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The law enforcement officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence, other than anything that the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (4) The power of a law enforcement officer under subsection (2) or (3) may be exercised on the ship or elsewhere.”

133 Insert the following new Clause –

“Maritime enforcement powers: supplementary: protective searches

- (1) This section applies where a power conferred by section (*Power to stop, board, divert and detain*) is exercised in relation to a ship.
- (2) A law enforcement officer may search any person found on the ship for anything which the officer has reasonable grounds to believe the person might use to –
 - (a) cause physical injury,
 - (b) cause damage to property, or
 - (c) endanger the safety of any ship.
- (3) The power under subsection (2) may be exercised on board the ship or elsewhere.
- (4) A law enforcement officer searching a person under subsection (2) may seize and retain anything found if the law enforcement officer has reasonable grounds to believe that the person might use it for a purpose mentioned in paragraphs (a) to (c) of that subsection.
- (5) Anything seized under subsection (4) may be retained only for so long as there are reasonable grounds to believe that it might be used as mentioned in that subsection.
- (6) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public, other than an outer coat, jacket or gloves.”

134 Insert the following new Clause –

“Maritime enforcement powers: other supplementary provision

- (1) A law enforcement officer may –

After Clause 104 - continued

- (a) be accompanied by other persons, and
 - (b) take equipment or materials,
- to assist the officer in the exercise of powers under this Chapter.
- (2) A law enforcement officer may use reasonable force, if necessary, in the performance of functions under this Chapter.
 - (3) A person accompanying a law enforcement officer under subsection (1) may perform any of the officer's functions under this Chapter, but only under the officer's supervision.
 - (4) A law enforcement officer must produce evidence of the officer's authority if asked to do so.
 - (5) The powers conferred by this Chapter do not affect any other powers that a law enforcement officer may have."

135 Insert the following new Clause –

“Maritime enforcement powers: offences

- (1) A person commits an offence if the person –
 - (a) intentionally obstructs a law enforcement officer in the performance of functions under this Chapter, or
 - (b) fails without reasonable excuse to comply with a requirement imposed by a law enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement imposed by a law enforcement officer in the performance of functions under this Chapter commits an offence if –
 - (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

136 Insert the following new Clause –

“Interpretation

- (1) In this Chapter –
 - “designated NCA officer” means a National Crime Agency officer who is either or both of the following –
 - (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable who is entitled to exercise the powers and privileges of a Northern Ireland constable (see paragraph 11(6) of Schedule 5 to that Act);
 - (b) an officer designated under that section as having the powers of a general customs official;

After Clause 104 - continued

“foreign ship” means a ship which –

- (a) is registered in a State other than the United Kingdom, or
- (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;

“home state”, in relation to a foreign ship, means –

- (a) the State in which the ship is registered, or
- (b) the State whose flag the ship is otherwise entitled to fly;

“items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (see article 12 of that Order);

“law enforcement officer” has the meaning given by section 104A(3);

“maritime enforcement powers” has the meaning given by section 104A(2);

“Northern Ireland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Northern Ireland;

“relevant territory” means –

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) a British overseas territory;

“ship” includes every description of vessel (including a hovercraft) used in navigation;

“ship without nationality” means a ship which –

- (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant territory, or
- (b) sails under the flags of two or more States or relevant territories, or under the flags of a State and relevant territory, using them according to convenience;

“United Kingdom ship” means a ship which –

- (a) is registered under Part 2 of the Merchant Shipping Act 1995,
- (b) is a Government ship within the meaning of that Act,
- (c) is not registered in any State or relevant territory but is wholly owned by persons each of whom has a United Kingdom connection, or
- (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.

- (2) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (1), a person has a “United Kingdom connection” if the person is –

- (a) a British citizen, a British overseas territories citizen or a British Overseas citizen,
- (b) an individual who is habitually resident in the United Kingdom, or
- (c) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.

After Clause 104 - continued

- (3) References in this Chapter to the United Nations Convention on the Law of the Sea include references to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.”

Clause 105

BARONESS WILLIAMS OF TRAFFORD

- 137** Page 123, line 29, leave out from “Scotland” to end of line 30
- 138** Page 126, line 43, at end insert –
- “(9) In subsection (8), in the definition of “investigating force”, the reference to a police force includes a reference to –
- (a) the National Crime Agency;
 - (b) any of the following (to the extent that their functions relate to the investigation of offences) –
 - (i) officers of Revenue and Customs;
 - (ii) immigration officers;
 - (iii) designated customs officials within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act).
- (10) In the application of this section in a case where the investigating force is a police force mentioned in subsection (9)(a) or (b) –
- (a) the reference to a constable in subsections (4)(b) and (5)(b), and the reference to a constable in the investigating force in subsection (7)(a), is to be read as a reference to a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 (“a designated NCA officer”), an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be);
 - (b) any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.”
- 139** Page 128, line 4, at end insert –
- “(5A) Regulations under subsection (5) may include consequential provision, including provision amending any statutory provision; and, for that purpose, statutory provision has the same meaning as in section 137B (see subsection (10)(c) of that section).”

Clause 105 - continued

140 Page 128, line 10, at end insert –

“(8) In the application of Schedule 7B in a case where the investigating force is a police force mentioned in section 137C(9)(a) or (b), any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.””

Schedule 16

BARONESS WILLIAMS OF TRAFFORD

141 Page 344, line 30, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

142 Page 344, line 33, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

143 Page 344, line 42, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

144 Page 344, line 46, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

145 Page 345, line 9, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

146 Page 345, line 13, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

147 Page 345, line 37, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

148 Page 345, line 41, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

After Clause 106

BARONESS WILLIAMS OF TRAFFORD

149 Insert the following new Clause –

“Cross-border enforcement: officers of Revenue and Customs

In section 87 of the Finance Act 2007 (cross-border exercise of powers: officers of Revenue and Customs), in subsection (4) for “only in the exercise of a function relating to tax (including duties and tax credits)” substitute “in the exercise of any function of the Commissioners for Her Majesty’s Revenue and Customs or of officers of Revenue and Customs, within the meaning of the Commissioners for Revenue and Customs Act 2005 (see section 51(2) to (2B) of that Act).”

After Clause 107

BARONESS WILLIAMS OF TRAFFORD

150 Insert the following new Clause –

“Powers to require removal of disguises: oral authorisation

In section 60AA of the Criminal Justice and Public Order Act 1994 (powers to require removal of disguises), for subsection (6) substitute –

- “(6) Subject to subsection (6A), an authorisation under subsection (3) –
- (a) shall be in writing and signed by the officer giving it; and
 - (b) shall specify –
 - (i) the grounds on which it is given;
 - (ii) the locality in which the powers conferred by this section are exercisable; and
 - (iii) the period during which those powers are exercisable.
- (6A) An authorisation under subsection (3) need not be given in writing where it is not practicable to do so but any oral authorisation –
- (a) must state the matters which would otherwise have to be specified under subsection (6), and
 - (b) must be recorded in writing as soon as it is practicable to do so.
- (6B) A direction under subsection (4) shall be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.”

Schedule 17

BARONESS WILLIAMS OF TRAFFORD

151 Page 350, line 42, leave out sub-paragraph (4)

152 Page 351, line 24, leave out sub-paragraphs (2) and (3)

153 Page 351, line 27, at end insert –

“() After subsection (2) insert –

Schedule 17 - continued

- “(2A) In the application of section 137C where a person is arrested under section 137A by an officer of Revenue and Customs in respect of a specified offence that is being investigated by an officer of Revenue and Customs –
- (a) subsection (2)(b) is to be read as if (instead of requiring the detention to be authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force) it required the detention to be authorised by an officer of Revenue and Customs of at least the grade equivalent to the rank of inspector;
 - (b) subsection (2)(c) is to be read as if (instead of requiring the detention to be authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force) it required the detention to be authorised by an officer of Revenue and Customs of a grade above that equivalent to the rank of inspector;
 - (c) subsection (3) is omitted;
 - (d) in subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs;
 - (e) in subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate officer of Revenue and Customs (as defined by subsection (7));
 - (f) subsection (6)(a) is omitted;
 - (g) in subsection (7)(b), the reference to an officer of at least the rank of inspector is to be read as a reference to an officer of Revenue and Customs of at least the equivalent grade;
 - (h) in subsection (7)(c), the reference to an officer of a rank above that of inspector is to be read as a reference to an officer of Revenue and Customs of above the equivalent grade;
 - (i) subsections (8) to (10) are omitted.
- (2B) Where section 137C applies in accordance with subsection (2A), Schedule 7B applies with the following modifications –
- (a) any reference to a constable in the arresting force is to be read as a reference to an officer of Revenue and Customs;
 - (b) any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to an officer of Revenue and Customs of at least, or above, the equivalent grade;
 - (c) any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to officers of Revenue and Customs;
 - (d) instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to officers of Revenue and Customs;

Schedule 17 - continued

- (e) the Schedule is to be read as if it also provided for references in the provisions applied by section 137D(2)(d), (3)(d) and (4)(d) to a police station to include references to an office of Revenue and Customs.
- (2C) In the application of section 137C where a person is arrested under section 137A by an officer of Revenue and Customs in respect of a specified offence other than one that is being investigated by an officer of Revenue and Customs—
 - (a) any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an officer of Revenue and Customs of at least, or above, the equivalent grade;
 - (b) the reference in subsection (6)(a) to the arresting force is to be read as a reference to any officer of Revenue and Customs.
- (2D) Where section 137C applies in accordance with subsection (2C), Schedule 7B applies with the following modifications—
 - (a) any reference to a constable in the arresting force is to be read as a reference to an officer of Revenue and Customs;
 - (b) any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to officers of Revenue and Customs;
 - (c) instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to officers of Revenue and Customs;
 - (d) the Schedule is to be read as if it also provided for references in the provisions applied by section 137D(2)(d), (3)(d) and (4)(d) to a police station to include references to an office of Revenue and Customs.””

154 Page 351, line 29, leave out paragraph 10

155 Page 351, line 34, at end insert—

- “(1) In Schedule 21 to the Crime and Courts Act 2013 (powers of immigration officers), Part 2 (modification of applied enactments) is amended as follows.
- (2) In paragraph 41, for “Paragraphs 42 and 43” substitute “Paragraphs 42 to 43”.
- (3) After paragraph 42 insert—
 - “42A(1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence that is being investigated by an immigration officer.
 - (2) Subsection (2)(b) is to be read as if (instead of requiring the detention to be authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force) it required the detention to be authorised by an immigration officer of at least the grade equivalent to the rank of inspector.

Schedule 17 - continued

- (3) Subsection (2)(c) is to be read as if (instead of requiring the detention to be authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force) it required the detention to be authorised by an immigration officer of a grade above that equivalent to the rank of inspector.
 - (4) Subsection (3) is omitted.
 - (5) In subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs.
 - (6) In subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate immigration officer (as defined by subsection (7)).
 - (7) Subsection (6)(a) is omitted.
 - (8) In subsection (7) –
 - (a) in paragraph (b), the reference to an officer of at least the rank of inspector is a reference to an immigration officer of at least the equivalent grade;
 - (b) in paragraph (c), the reference to an officer of a rank above that of inspector is to be read as a reference to an immigration officer of above the equivalent grade.
 - (9) Subsections (8) to (10) are omitted.
- 42B(1) Where section 137C applies in accordance with paragraph 42A, Schedule 7B applies with the following modifications.
- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
 - (3) Any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to an immigration officer who is at least, or above, the equivalent grade.
 - (4) Any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
 - (5) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.
- 42C(1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence other than one that is being investigated by an immigration officer.
- (2) Any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an immigration officer of at least, or above, the equivalent grade.
 - (3) The reference in subsection (6)(a) to the arresting force is to be read as a reference to any immigration officer.
- 42D(1) Where section 137C applies in accordance with paragraph 42C, Schedule 7B applies with the following modifications.

Schedule 17 - continued

- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
- (3) Any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
- (4) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.””

After Clause 109

BARONESS WILLIAMS OF TRAFFORD

156 Insert the following new Clause –

“Deputy Mayor for Policing and Crime as member of local authority

- (1) Section 1 of the Local Government and Housing Act 1989 (disqualification and political restriction of certain local authority officers and staff) is amended as follows.
- (2) In subsection (9) (references to a person holding a politically restricted post under a local authority include every member of the staff of an elected local policing body) omit “, except for a deputy police and crime commissioner”.
- (3) After that subsection insert –
 - “(10) The reference in subsection (9) to every member of the staff of an elected local policing body does not include a deputy police and crime commissioner.
 - (11) For the purposes of subsection (1) only, the reference in subsection (9) to every member of the staff of an elected local policing body does not include the Deputy Mayor for Policing and Crime appointed under section 19(1)(a) of the Police Reform and Social Responsibility Act 2011.””

After Clause 110

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

157 Insert the following new Clause –

“Police and crime commissioners: parity of funding at inquests

- (1) Where the police force for which a police and crime commissioner is responsible is an interested person for the purposes of an inquest into –
 - (a) the death of a member of an individual family, or
 - (b) the deaths of members of a group of families,
 under the Coroners and Justice Act 2009, the commissioner has the duties set out in this section.

After Clause 110 - continued

- (2) The police and crime commissioner must make recommendations to the Secretary of State as to whether the individual family or the group of families at the inquest require financial support to ensure parity of legal representation between parties to the inquest.
- (3) If a police and crime commissioner makes a recommendation for financial support under subsection (2), then the Secretary of State must provide financial assistance to the individual family or the group of families to ensure parity of funding between the individual family or the group of families and the other party to the inquest.
- (4) The individual family or the group of families may use funding authorised under this section solely for the purpose of funding legal representation at the inquest.
- (5) In this section, “interested person” has the same meaning as in section 47 of the Coroners and Justice Act 2009.”

EARL ATTLEE

158 Insert the following new Clause –

“Statutory notification by e-mail

- (1) Where the police receive a statutory notification under any legislation or regulation, such notification must be accepted when transmitted or sent by or as an e-mail, provided that –
 - (a) the relevant legislation or regulation does not specifically preclude it, and
 - (b) subject to subsection (2), it is reasonable to expect that the e-mail address used is appropriate.
- (2) In subsection (1)(b), an e-mail address may be appropriate if –
 - (a) the person making the notification has recently been using the e-mail address to correspond with a relevant police officer or official without being requested to use a different e-mail address, or
 - (b) the person making the notification uses an e-mail address that a relevant police officer or official has requested him or her to use within the last 12 months for the purpose in question.”

Clause 111

BARONESS WILLIAMS OF TRAFFORD

159 Page 132, line 22, leave out from “description” to end of line 24 and insert “which –

- (a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and
- (b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level.”

160 Page 132, line 26, at end insert –
“(aa) is spherical, and”

Clause 111 - continued

- 161** Page 132, line 27, leave out “6” and insert “8”
- 162** Page 132, line 29, leave out from “which” to “successively” in line 30 and insert “is capable of discharging two or more missiles”

Clause 112

BARONESS WILLIAMS OF TRAFFORD

- 163** Page 133, line 25, leave out “ignition” and insert “propulsion”
- 164** Page 133, line 35, at end insert –
“(2DA) In its application to Scotland, subsection (2C) does not apply in relation to a firearm that is an air weapon.”
- 165** Page 133, line 45, leave out “ignition” and insert “propulsion”

Clause 114

BARONESS WILLIAMS OF TRAFFORD

- 166** Page 135, leave out line 35 and insert “technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.
(4A) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).
(4B) The technical specifications document may set out different technical specifications for different kinds of weapon.
(4C) The Secretary of State –
(a) may from time to time revise the technical specifications document, and
(b) where it is revised –
(i) must publish the document as revised, and
(ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.”
- 167** Page 135, leave out lines 36 to 40
- 168** Page 135, line 40, at end insert –
“(5A) In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.”

Clause 114 - continued

169 Page 135, line 42, at end insert –

“(6A) In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.”

After Clause 115

BARONESS WILLIAMS OF TRAFFORD

169A Insert the following new Clause –

“Authorised lending and possession of firearms for hunting etc

(1) After section 11 of the Firearms Act 1968 insert –

“11A Authorised lending and possession of firearms for hunting etc

- (1) A person (“the borrower”) may, without holding a certificate under this Act, borrow a rifle or shot gun from another person on private premises (“the lender”) and have the rifle or shot gun in his or her possession on those premises if –
 - (a) the four conditions set out in subsections (2) to (5) are met, and
 - (b) in the case of a rifle, the borrower is aged 17 or over.
- (2) The first condition is that the borrowing and possession of the rifle or shot gun are for either or both of the following purposes –
 - (a) hunting animals or shooting game or vermin;
 - (b) shooting at artificial targets.
- (3) The second condition is that the lender –
 - (a) is aged 18 or over,
 - (b) holds a certificate under this Act in respect of the rifle or shot gun, and
 - (c) is either –
 - (i) a person who has a right to allow others to enter the premises for the purposes of hunting animals or shooting game or vermin, or
 - (ii) a person who is authorised in writing by a person mentioned in sub-paragraph (i) to lend the rifle or shot gun on the premises (whether generally or to persons specified in the authorisation who include the borrower).
- (4) The third condition is that the borrower’s possession and use of the rifle or shot gun complies with any conditions as to those matters specified in the lender’s certificate under this Act.
- (5) The fourth condition is that, during the period for which the rifle or shot gun is borrowed, the borrower is in the presence of the lender or –
 - (a) where a rifle is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that rifle and is a person described in subsection (3)(c)(i) or (ii);
 - (b) where a shot gun is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that shot gun or another shot gun and is a person described in subsection (3)(c)(i) or (ii).

After Clause 115 - continued

- (6) Where a rifle is borrowed on any premises in reliance on subsection (1), the borrower may, without holding a firearm certificate, purchase or acquire ammunition on the premises, and have the ammunition in his or her possession on those premises for the period for which the firearm is borrowed, if—
- (a) the ammunition is for use with the firearm,
 - (b) the lender's firearm certificate authorises the lender to have in his or her possession during that period ammunition of a quantity not less than that purchased or acquired by, and in the possession of, the borrower, and
 - (c) the borrower's possession and use of the ammunition complies with any conditions as to those matters specified in the certificate."
- (2) In consequence of the amendment made by subsection (1), omit the following—
- (a) section 11(5) of the Firearms Act 1968;
 - (b) section 16 of the Firearms (Amendment) Act 1988."

After Clause 117

LORD ROSSER
LORD KENNEDY OF SOUTHWARK

169B 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.””

Clause 119

BARONESS WILLIAMS OF TRAFFORD

170 Page 139, line 16, leave out “in England”

171 Page 139, line 17, leave out “in England”

Clause 120

LORD BROOKE OF ALVERTHORPE
BARONESS FINLAY OF LLANDAFF

171A Page 140, line 6, at end insert—

- “() In that Act, after section 191(1)(i) insert—
“(j) powdered or vaping alcohol.”

Clause 120 - continued

- () In the Misuse of Drugs Act 1971, in Schedule 2 (controlled drugs), Part III (class C drugs), after paragraph 1(e) insert—
 “(f) powdered or vaping alcohol.””

After Clause 126

LORD CLEMENT-JONES
 THE EARL OF CLANCARTY

172 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 provision of social or cultural activities.””

172A [Re-tabled as Amendment 173C]

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

173 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) securing accessibility for disabled persons.””

173A [Re-tabled as Amendment 173B]

LORD BEECHAM
 THE LORD BISHOP OF BRISTOL
 BARONESS HOWE OF IDLICOTE

173B★ Insert the following new Clause—

“Premises licence under Gambling Act 2005: gaming machines

After section 172 of the Gambling Act 2005 insert—

“172A Gaming machines: staffing 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.””

After Clause 126 - continued

THE LORD BISHOP OF BRISTOL
LORD BEECHAM
BARONESS HOWE OF IDLICOTE

173C★ Insert the following new Clause –

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

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

“172B Gaming machines: additional 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 the person establishes their 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,
 - (c) the extent of social or economic deprivation in that locality, and

After Clause 126 - continued

- (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 (12) insert—
 - “(13) Subsections (8) and (10)(a) are subject to section 172B.””

After Clause 127

BARONESS BERRIDGE
BARONESS JONES OF MOULSECOOMB
LORD BROOKE OF ALVERTHORPE

174 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,”.”

175 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—
 - “(2ZZA) For the purposes of this section, a specified person is a person who at the time of the alleged offence—
 - (a) is the holder of a provisional licence,
 - (b) has been a qualified driver for not more than 2 years,

After Clause 127 - continued

- (c) is the holder of a licence authorising the holder to drive a motor vehicle in a category set out in regulations under subsection (2ZZB) 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 or her to drive a motor vehicle of the category or class which he or she is driving or attempting to drive.
- (2ZZB) The Secretary of State may by regulations set out categories of motor vehicle for the purpose of subsection (2ZZA)(c).”

LORD MOYNIHAN

176

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 –
 - (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

After Clause 127 - continued

- (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
 - (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 –

After Clause 127 - continued

- (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 (10) 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 subsection (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.”

Clause 132

BARONESS WILLIAMS OF TRAFFORD

177

Page 152, line 8, at end insert –

- “(5A) If on a review under subsection (4) the Minister decides to uphold the Treasury’s decision to impose the penalty and its amount, or to uphold the Treasury’s decision to impose the penalty but to substitute a different amount, the person may appeal (on any ground) to the Upper Tribunal.
- (5B) On an appeal under subsection (5A), the Upper Tribunal may quash the Minister’s decision and if it does so may –
- (a) quash the Treasury’s decision to impose the penalty;
 - (b) uphold that decision but substitute a different amount for the amount determined by the Treasury (or, in a case where the Minister substituted a different amount, by the Minister).”

Clause 141

BARONESS WILLIAMS OF TRAFFORD

- 178 Page 158, line 29, leave out “any of the Channel Islands” and insert “the Bailiwick of Guernsey”
- 179 Page 158, line 35, leave out “any of the Channel Islands” and insert “the Bailiwick of Guernsey”

Clause 144LORD PADDICK
BARONESS HAMWEE

- 179A Page 161, line 22, after “constable” insert “reasonably”

Clause 145LORD PADDICK
BARONESS HAMWEE

- 179B Page 162, line 27, after “it” insert “reasonably”

BARONESS WILLIAMS OF TRAFFORD

- 180 Page 162, line 41, leave out from second “individual” to end of line 42 and insert “, one or more documents that enable the individual’s nationality or citizenship to be established;”

LORD PADDICK
BARONESS HAMWEE*As an amendment to Amendment 180*

- 180A After “enable” insert “(or which would normally be sufficient to enable)”

After Clause 145

BARONESS WILLIAMS OF TRAFFORD

- 181 Insert the following new Clause—

“Pilot schemes

- (1) The Secretary of State may by regulations made by statutory instrument provide for any provision of sections 144 and 145 to come into force for a period of time to be specified in or under the regulations for the purpose of assessing the effectiveness of the provision.
- (2) Regulations under subsection (1) may make different provision for different purposes or different areas.
- (3) More than one set of regulations may be made under subsection (1).
- (4) Provision included in regulations under subsection (1) does not affect the provision that may be included in relation to sections 144 and 145 in regulations under section 160 (commencement).”

After Clause 145 - continued

LORD PADDICK
BARONESS HAMWEE

As an amendment to Amendment 181

181A In subsection (1), at end insert “and whether persons of particular nationalities or from particular ethnic groups have been disproportionately affected.”

As an amendment to Amendment 181

181B In subsection (1), at end insert “and reporting on that assessment.”

181BA★ Insert the following new Clause—

“Review of requirements to demonstrate nationality

- (1) Within twelve months after the commencement of the provisions listed in subsection (2), or within twelve months of commencement of the last of them in the event of commencement at different times, the Secretary of State shall commission an independent review of their application and effect.
- (2) The provisions are—
 - (a) paragraphs 25CA, 25CB and 25CC of Schedule 2 to the Immigration Act 1971 (introduced by section 43 of the Immigration Act 2016);
 - (b) sections 43A and 46A of the UK Borders Act 2007 (introduced by sections 144 and 145).
- (3) The report shall in particular include details of the ethnicity and nationality of the persons suspected of not being lawfully resident or of not being British citizens.
- (4) The report shall be laid before Parliament.”

Clause 148

LORD LEXDEN
LORD CASHMAN
BARONESS WILLIAMS OF TRAFFORD

181C Page 168, line 9, at end insert—

- “() Except in relation to service disciplinary proceedings, this section applies only in relation to persons convicted or cautioned in England and Wales.”

After Clause 149

LORD CASHMAN
BARONESS WILLIAMS OF TRAFFORD

181D Insert the following new Clause—

“Power to provide for disregards and pardons for additional abolished offences: England and Wales

- (1) The Secretary of State may by regulations made by statutory instrument amend section 92 of the Protection of Freedoms Act 2012 (power of Secretary of State to disregard convictions or cautions) so as to add further offences to the list of offences specified in subsection (1) of that section.
- (2) An offence may be added to that list only if—
 - (a) it was an offence under the law of England and Wales,
 - (b) it has been repealed or, in the case of an offence at common law, abolished, and
 - (c) either—
 - (i) the offence expressly regulated homosexual activity, or
 - (ii) although the offence did not expressly regulate homosexual activity, it appears to the Secretary of State that those responsible for investigating occurrences of the offence targeted occurrences involving, or connected with, homosexual activity.
- (3) Regulations under subsection (1) adding an offence may also amend section 92 so as to provide that, in relation to the offence, condition A is that it appears to the Secretary of State that matters specified in the amendment apply (in substitution for the matters specified in subsection (3)(a) and (b) of that section).
- (4) Regulations under subsection (1) may make consequential amendments of Chapter 4 of Part 5 of the 2012 Act.
- (5) Regulations under subsection (1) adding an offence must also provide for any person who has been convicted of, or cautioned for, the offence to be pardoned where—
 - (a) the person has died before the regulations come into force or the person dies during the period of 6 months beginning with the day on which they come into force, and
 - (b) the conditions specified in the regulations are met.
- (6) Those conditions must correspond to the matters that are specified in condition A in section 92 of the 2012 Act as it applies in relation to the offence (that is, the matters which must appear to the Secretary of State to apply in order for condition A to be met).
- (7) Subsection (5)(a) does not apply in relation to a person who dies during the period of 6 months if, before the person’s death, the person’s conviction of, or caution for, the offence becomes a disregarded conviction or caution under Chapter 4 of Part 5 of the 2012 Act (and, accordingly, the person is pardoned for the offence before death under section 149(3) of this Act).

After Clause 149 - continued

- (8) The regulations must make provision which has a comparable effect in relation to the pardons provided for by the regulations and the offences to which those pardons relate as section 148(4) to (6) of this Act has in relation to the pardons provided for by section 148(1) to (3) and the offences to which they relate.
- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section, “caution”, “conviction”, “disregarded caution” and “disregarded conviction” have the same meaning as in Chapter 4 of Part 5 of the 2012 Act (see section 101 of that Act).”

Clause 150

LORD CASHMAN
BARONESS WILLIAMS OF TRAFFORD

- 181E** Page 168, line 26, after “149” insert “, or under regulations under section (*Power to provide for disregards and pardons for additional abolished offences: England and Wales*),”
- 181F** Page 168, line 29, leave out “section 148 or 149” and insert “sections 148 to (*Power to provide for disregards and pardons for additional abolished offences: England and Wales*) or regulations under section (*Power to provide for disregards and pardons for additional abolished offences: England and Wales*)”

After Clause 150

LORD LEXDEN
LORD CASHMAN
BARONESS WILLIAMS OF TRAFFORD

- 181G** Insert the following new Clause—
- “Disregarding certain convictions etc for abolished offences: Northern Ireland**
- (1) After Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 (disregarding certain convictions for buggery etc) insert—

“CHAPTER 5

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC: NORTHERN IRELAND

*General***101A Power of Department of Justice to disregard certain convictions or cautions**

- (1) A person who has in Northern Ireland been convicted of, or cautioned for, an offence under—
 - (a) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery),
 - (b) Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (procuring others to commit homosexual acts),
 - (c) section 61 of the Offences against the Person Act 1861 (buggery),
 or

After Clause 150 - continued

- (d) section 11 of the Criminal Law Amendment Act 1885 (indecent acts between men),
may apply to the Department of Justice in Northern Ireland for the conviction or caution to become a disregarded conviction or caution.
- (2) A conviction or caution becomes a disregarded conviction or caution when conditions A and B are met.
- (3) In relation to an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982, Condition A is that the Department of Justice in Northern Ireland decides that it appears that –
- (a) the conduct procured was conduct involving persons who consented to it and were aged 17 or over (whether or not that conduct occurred), and
 - (b) the conduct procured would not now be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (sexual activity in a public lavatory).
- (4) In relation to any other offence mentioned in subsection (1), Condition A is that the Department of Justice in Northern Ireland decides that it appears that –
- (a) the other person involved in the conduct constituting the offence consented to it and was aged 17 or over, and
 - (b) any such conduct now would not be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)).
- (5) Condition B is that –
- (a) the Department of Justice in Northern Ireland has given notice of the decision to the applicant under section 101C(4)(b), and
 - (b) the period of 14 days beginning with the day on which the notice was given has ended.
- (6) Sections 101D to 101G explain the effect of a conviction or caution becoming a disregarded conviction or caution.

101B Applications to the Department of Justice

- (1) An application under section 101A must be in writing.
- (2) It must state –
- (a) the name, address and date of birth of the applicant,
 - (b) the name and address of the applicant at the time of the conviction or caution,
 - (c) so far as known to the applicant, the time when and the place where the conviction was made or the caution given and, for a conviction, the case number, and
 - (d) such other information as the Department of Justice in Northern Ireland may require.
- (3) It may include representations by the applicant or written evidence about the matters mentioned in condition A in section 101A.

101C Procedure for decisions by the Department of Justice

- (1) In considering whether to make a decision of the kind mentioned in condition A in section 101A, the Department of Justice in Northern Ireland must, in particular, consider –

After Clause 150 - continued

- (a) any representations or evidence included in the application, and
 - (b) any available record of the investigation of the offence and of any proceedings relating to it that the Department of Justice in Northern Ireland considers to be relevant.
- (2) The Department of Justice in Northern Ireland may not hold an oral hearing for the purpose of deciding whether to make a decision of the kind mentioned in condition A in section 101A.
- (3) Subsection (4) applies if the Department of Justice in Northern Ireland—
- (a) decides that it appears as mentioned in condition A in section 101A, or
 - (b) makes a different decision in relation to the matters mentioned in that condition.
- (4) The Department of Justice in Northern Ireland must—
- (a) record the decision in writing, and
 - (b) give notice of it to the applicant.

*Effect of disregard***101D Effect of disregard on police and other records**

- (1) The Department of Justice in Northern Ireland must by notice direct the relevant data controller to delete details, contained in relevant official records, of a disregarded conviction or caution.
- (2) A notice under subsection (1) may be given at any time after condition A in section 101A is met but no deletion may have effect before condition B in that section is met.
- (3) Subject to that, the relevant data controller must delete the details as soon as reasonably practicable.
- (4) Having done so, the relevant data controller must give notice to the person who has the disregarded conviction or caution that the details of it have been deleted.
- (5) In this section—
- “delete”, in relation to such relevant official records as may be prescribed, means record with the details of the conviction or caution concerned—
- (a) the fact that it is a disregarded conviction or caution, and
 - (b) the effect of it being such a conviction or caution,
- “the general names database” means the names database held by the Secretary of State for the use of constables,
- “the Northern Ireland names database” means the names database maintained by the Department of Justice in Northern Ireland for the purpose of recording convictions and cautions,
- “official records” means records containing information about persons convicted of, or cautioned for, offences and kept by any court, police force, government department or local or other public authority in Northern Ireland for the purposes of its functions,
- “prescribed” means prescribed by order of the Department of Justice in Northern Ireland,
- “relevant data controller” means—

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- (a) in relation to the general names database or the Northern Ireland names database, the Chief Constable of the Police Service of Northern Ireland,
 - (b) in relation to other relevant official records, such persons as may be prescribed,
- “relevant official records” means –
- (a) the general names database,
 - (b) the Northern Ireland names database, and
 - (c) such other official records as may be prescribed.
- (6) An order under this section may make different provision for different purposes.
 - (7) Any power to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
 - (8) A statutory rule containing an order under this section is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I))).

101E Effect of disregard for disclosure and other purposes

- (1) A person who has a disregarded conviction or caution is to be treated for all purposes in law as if the person has not –
 - (a) committed the offence,
 - (b) been charged with, or prosecuted for, the offence,
 - (c) been convicted of the offence,
 - (d) been sentenced for the offence, or
 - (e) been cautioned for the offence.
- (2) In particular –
 - (a) no evidence is to be admissible in any proceedings before a judicial authority exercising its jurisdiction or functions in Northern Ireland to prove that the person has done, or undergone, anything within subsection (1)(a) to (e), and
 - (b) the person is not, in any such proceedings, to be asked (and, if asked, is not to be required to answer) any question relating to the person’s past which cannot be answered without acknowledging or referring to the conviction or caution or any circumstances ancillary to it.
- (3) Where a question is put to a person, other than in such proceedings, seeking information with respect to the previous convictions, cautions, offences, conduct or circumstances of any person –
 - (a) the question is to be treated as not relating to any disregarded conviction or caution, or any circumstances ancillary to it (and the answer to the question may be framed accordingly), and
 - (b) the person questioned is not to be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose that conviction or caution or any circumstances ancillary to it in answering the question.

After Clause 150 - continued

- (4) Any obligation imposed on any person by any enactment or rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person is not to extend to requiring the disclosure of a disregarded conviction or caution or any circumstances ancillary to it.
- (5) A disregarded conviction or caution, or any circumstances ancillary to it, is not a proper ground for—
 - (a) dismissing or excluding a person from any office, profession, occupation or employment, or
 - (b) prejudicing the person in any way in any office, profession, occupation or employment.
- (6) This section is subject to section 101F but otherwise applies despite any enactment or rule of law to the contrary.
- (7) See also section 101G (meaning of “proceedings before a judicial authority” and “circumstances ancillary to a conviction or caution”).

101F Saving for Royal pardons etc

Nothing in section 101E affects any right of Her Majesty, by virtue of Her Royal prerogative or otherwise, to grant a free pardon, to quash any conviction or sentence, or to commute any sentence.

101G Section 101E: supplementary

- (1) In section 101E, “proceedings before a judicial authority” includes (in addition to proceedings before any of the ordinary courts of law) proceedings before any tribunal, body or person having power—
 - (a) by virtue of any enactment, law, custom or practice,
 - (b) under the rules governing any association, institution, profession, occupation or employment, or
 - (c) under any provision of an agreement providing for arbitration with respect to questions arising under that agreement,to determine any question affecting the rights, privileges, obligations or liabilities of any person, or to receive evidence affecting the determination of any such question.
- (2) For the purposes of section 101E, circumstances ancillary to a conviction are any circumstances of—
 - (a) the offence which was the subject of the conviction;
 - (b) the conduct constituting the offence;
 - (c) any process or proceedings preliminary to the conviction;
 - (d) any sentence imposed in respect of the conviction;
 - (e) any proceedings (whether by appeal or otherwise) for reviewing the conviction or any such sentence;
 - (f) anything done in pursuance of, or undergone in compliance with, any such sentence.
- (3) For the purposes of section 101E, circumstances ancillary to a caution are any circumstances of—
 - (a) the offence which was the subject of the caution;
 - (b) the conduct constituting the offence;

After Clause 150 - continued

- (c) any process preliminary to the caution (including consideration by any person of how to deal with the offence and the procedure for giving the caution);
- (d) any proceedings for the offence which take place before the caution is given;
- (e) anything which happens after the caution is given for the purposes of bringing any such proceedings to an end;
- (f) any judicial review proceedings relating to the caution.

*Appeals and other supplementary provision***101H Appeal against refusal to disregard convictions or caution**

- (1) The applicant may appeal to the High Court in Northern Ireland if—
 - (a) the Department of Justice in Northern Ireland makes a decision of the kind mentioned in section 101C(3)(b), and
 - (b) the High Court gives permission for an appeal against the decision.
- (2) On such an appeal, the High Court must make its decision only on the basis of the evidence that was available to the Department of Justice in Northern Ireland.
- (3) If the High Court decides that it appears as mentioned in condition A in section 101A, it must make an order to that effect.
- (4) Otherwise, it must dismiss the appeal.
- (5) A conviction or caution to which an order under subsection (3) relates becomes a disregarded conviction or caution when the period of 14 days beginning with the day on which the order was made has ended.
- (6) There is no appeal from a decision of the High Court under this section.

101I Advisers

- (1) The Department of Justice in Northern Ireland may appoint persons to advise whether, in any case referred to them by the Department of Justice in Northern Ireland, the Department of Justice in Northern Ireland should decide as mentioned in condition A in section 101A.
- (2) The Department of Justice in Northern Ireland may disclose to a person so appointed such information (including anything within section 101C(1)(a) or (b)) as the Department of Justice considers relevant to the provision of such advice.
- (3) The Department of Justice in Northern Ireland may pay expenses and allowances to a person so appointed.

101J Interpretation: Chapter 5

- (1) In this Chapter—
 - “caution” means a caution or a warning given to a person in Northern Ireland in respect of an offence which, at the time the caution or warning is given, that person has admitted,
 - “conviction” includes—
 - (a) a conviction in respect of which an order has been made discharging the person concerned absolutely or conditionally, and

After Clause 150 - continued

- (b) a finding in any criminal proceedings (including a finding linked with a finding of insanity) that a person has committed an offence or done the act or made the omission charged,
 “disregarded caution” is a caution which has become a disregarded caution by virtue of this Chapter,
 “disregarded conviction” is a conviction which has become a disregarded conviction by virtue of this Chapter,
 “document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its provision or production include providing or producing a copy of the information in legible form,
 “information” includes documents,
 “notice” means notice in writing,
 “official records” has the meaning given by section 101D(5).
- (2) Paragraph (a) of the definition of “conviction” applies despite Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (which deems a conviction of a person discharged not to be a conviction).
- (3) In this Chapter, a reference to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
 - (b) a reference to aiding, abetting, counselling or procuring the commission of that offence.
- (4) In the case of an attempt, conspiracy or incitement, the references in this Chapter to the conduct constituting the offence are references to the conduct to which the attempt, conspiracy or incitement related (whether or not that conduct occurred).
- (5) For the purposes of subsections (3) and (4) an attempt to commit an offence includes conduct which—
- (a) consisted of frequenting with intent to commit the offence any river, canal, street, highway, place of public resort or other location mentioned in section 4 of the Vagrancy Act 1824 (as it then had effect) in connection with frequenting by suspected persons or reputed thieves, and
 - (b) was itself an offence under that section.”
- (2) In Article 2 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27) (interpretation), after paragraph (3) insert—
- “(3A) This Order does not apply to any disregarded conviction or caution within the meaning of Chapter 5 of Part 5 of the Protection of Freedoms Act 2012.
- (3B) Accordingly, references in this Order to a conviction or caution do not include references to any such disregarded conviction or caution.”
- (3) In the heading of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, at the end insert “: England and Wales”.
- (4) In section 92 of that Act, after subsection (5) insert—

After Clause 150 - continued

“(6) Except in relation to service disciplinary proceedings, this section applies only in relation to persons convicted or cautioned in England and Wales.””

181H Insert the following new Clause—

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

- (1) A person who has in Northern Ireland been convicted of, or cautioned for, an offence specified in subsection (2) and who has died before this section comes into force is pardoned for the offence if the conditions that apply under this section in relation to the offence are met.
- (2) The offences to which subsection (1) applies are—
 - (a) an offence under Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery);
 - (b) an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (procuring others to commit homosexual acts);
 - (c) an offence under any of the following earlier provisions—
 - (i) 10 Chas. 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)(buggery);
 - (iii) section 61 of the Offences against the Person Act 1861 (buggery);
 - (iv) section 11 of the Criminal Law Amendment Act 1885 (gross indecency between men).
- (3) In relation to an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982, the conditions that apply are that—
 - (a) the conduct procured was conduct involving persons who consented to it and were aged 17 or over (whether or not that conduct occurred), and
 - (b) the conduct procured would not now be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/ 1769 (N.I. 2)) (sexual activity in a public lavatory).
- (4) In relation to any other offence mentioned in subsection (2), the conditions that apply are that—
 - (a) the other person involved in the conduct constituting the offence consented to it and was aged 17 or over, and
 - (b) any such conduct at the time this section comes into force would not be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (sexual activity in a public lavatory).
- (5) The following provisions of section 101J 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) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*)(1) (so far as relating to this section) as they apply for the purposes of Chapter 5 of Part 5 of that Act—

After Clause 150 - continued

- (a) in subsection (1), the definitions of “caution” and “conviction”;
- (b) subsections (2) to (5).”

181J 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 in Northern Ireland been convicted of, or cautioned for, an offence mentioned in section 101A(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 5 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) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*)(1) (so far as relating to this section) and in Chapter 5 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) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*)(1) as in that Chapter (see section 101J of that Act).”

181K Insert the following new Clause—

“Power to provide for disregards and pardons for additional abolished offences: Northern Ireland

- (1) The Department of Justice in Northern Ireland may by regulations amend section 101A of the Protection of Freedoms Act 2012 (power of Department of Justice to disregard convictions or cautions) so as to add further offences to the list of offences specified in subsection (1) of that section.
- (2) An offence may be added to that list only if—
 - (a) it was an offence under the law of Northern Ireland (or, in the case of an offence that applied before Northern Ireland became a separate legal jurisdiction, an offence under the law of Ireland),
 - (b) it has been repealed or, in the case of an offence at common law, abolished, and
 - (c) either—
 - (i) the offence expressly regulated homosexual activity, or
 - (ii) although the offence did not expressly regulate homosexual activity, it appears to the Department of Justice that those responsible for investigating occurrences of the offence targeted occurrences involving, or connected with, homosexual activity.
- (3) Regulations under subsection (1) adding an offence may also amend section 101A so as to provide that, in relation to the offence, condition A is that it appears to the Department of Justice that matters specified in the amendment apply (in substitution for the matters specified in subsection (4)(a) and (b) of that section).

After Clause 150 - continued

- (4) Regulations under subsection (1) may make consequential amendments of Chapter 5 of Part 5 of the 2012 Act.
- (5) Regulations under subsection (1) adding an offence must also provide for any person who has been convicted of, or cautioned for, the offence to be pardoned where –
 - (a) the person has died before the regulations come into force or the person dies during the period of 6 months beginning with the day on which they come into force, and
 - (b) the conditions specified in the regulations are met.
- (6) Those conditions must correspond to the matters that are specified in condition A in section 101A of the 2012 Act as it applies in relation to the offence (that is, the matters which must appear to the Department of Justice to apply in order for condition A to be met).
- (7) Subsection (5)(a) does not apply in relation to a person who dies during the period of 6 months if, before the person’s death, the person’s conviction of, or caution for, the offence becomes a disregarded conviction or caution under Chapter 5 of Part 5 of the 2012 Act (and, accordingly, the person is pardoned for the offence before death under section (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*)(2) of this Act).
- (8) The regulations must make provision which has a comparable effect in relation to the pardons provided for by the regulations and the offences to which those pardons relate as section (*Pardons for convictions etc of certain abolished offences: Northern Ireland*)(5) of this Act has in relation to the pardons provided for by section (*Pardons for convictions etc of certain abolished offences: Northern Ireland*)(1) to (4) and the offences to which they relate.
- (9) The power to make regulations under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573)(N.I. 12)).
- (10) Regulations under this section may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (11) In this section, “caution”, “conviction”, “disregarded caution” and “disregarded conviction” have the same meaning as in Chapter 5 of Part 5 of the 2012 Act (see section 101J of that Act).”

181L Insert the following new Clause –

“Sections (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*) to (*Power to provide for disregards and pardons for additional 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*), or under regulations under section (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*), does not –
 - (a) affect any conviction, caution or sentence, or

After Clause 150 - continued

- (b) give rise to any right, entitlement or liability.
- (2) Nothing in this section or in sections (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*) to (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) or regulations under section (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) affects the prerogative of mercy.”

LORD PADDICK
BARONESS HAMWEE

181M 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 –

- “(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.””

After Clause 152

LORD MARLESFORD
LORD CAMPBELL-SAVOURS

182 Insert the following new Clause –

“Anonymity before charge

- (1) Section 37 of the Police and Criminal Evidence Act 1984 (duties of custody officer before charge) is amended as follows.
- (2) After subsection (10) insert –
- “(11) Where a person is accused of an offence but has not yet been charged, or has been released without charge (with or without bail), no matter likely to lead members of the public to identify them as the person who has been arrested for an offence shall be published or otherwise disclosed in England and Wales, except where subsection (12) applies.
- (12) This subsection applies where a magistrates’ court is satisfied that it is in the public interest to publish or disclose information of the kind described in subsection (11), and the court makes an order to that effect.””

LORD PADDICK
LORD MARKS OF HENLEY-ON-THAMES

183 Insert the following new Clause –

“Disclosure of private sexual photographs and films without consent

- (1) The Criminal Justice and Courts Act 2015 is amended as follows.

After Clause 152 - continued

- (2) In section 33 (disclosing private sexual photographs and films with intent to cause distress) –
- (a) in subsection (1), after “disclose” insert “or threaten to disclose”;
 - (b) in paragraph (b) of subsection (1), after “distress” insert “or recklessness as to such distress being caused”;
 - (c) after subsection (1) insert –
 - “(1A) It is also an offence to promote, solicit or profit from a private and sexual photograph or film that has been disclosed without the consent of an individual who appears in the photograph or film, knowing or believing that the same has been disclosed without such consent and with the intent to cause that individual distress, or recklessness as to such distress being caused.”;
 - (d) omit subsection (8).
- (3) In section 35, omit subsections (4) and (5).”

184 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 WIGLEY
BARONESS HOWE OF IDLICOTE
BARONESS BRINTON
BARONESS COHEN OF PIMLICO

185 Insert the following new Clause –

“Victims and witnesses: disclosure

- (1) A police force, police officer or Crown Prosecutor may not disclose the name of a victim or witness of a serious sexual assault or violent offence to the person accused of the offence if –
 - (a) the parties are strangers to one another,
 - (b) non-disclosure would not impact on the completion of a fair trial, and
 - (c) it is reasonable to assume that such a disclosure would put the victim or witness at risk of further harm.
- (2) This section applies whether or not the person accused of the offence has been charged with the offence.”

After Clause 152 - *continued*

BARONESS BERRIDGE

186 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 151 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 section 120, 121 or 122 of the Anti-social Behaviour, Crime and Policing Act 2014 has been committed against a person.””

LORD PADDICK

BARONESS HAMWEE

LORD CAMPBELL-SAVOURS

187 Insert the following new Clause –

“Pre-charge anonymity

- (1) The Sexual Offences (Amendment) Act 1992 is amended as follows.
- (2) After section 1 insert –

“1A Anonymity of suspects prior to charge

- (1) Where an allegation has been made that an offence to which this Act applies has been committed by a person but the person has not been charged with that offence, neither the name nor address, and no still or moving picture of that person, nor any other matter shall (without that person's consent) during that person's lifetime –
 - (a) be published in England and Wales in a written publication available to the public; or
 - (b) be included in a relevant programme for reception in England and Wales,

After Clause 152 - continued

if it is likely to lead members of the public to identify that person as the person by whom the offence is alleged to have been committed.

- (2) Subsection (1) is subject to any direction given under section 3.”
- (3) In section 3—
- (a) in subsection (1) for “to which this Act applies” substitute “to which section 1 of this Act applies”;
- (b) after subsection (4) insert—
- “(4A) A police officer of the rank of inspector or above may apply to a judge of the Crown Court for a direction under this subsection and if the judge is satisfied that it is in the interests of justice to remove or vary a restriction provided for in section 1A, the judge shall direct that the restriction shall be lifted or shall be limited to such extent and on such terms as the judge considers the interests of justice require.
- (4B) In considering an application under subsection (1), the judge shall have particular regard to the possibility that further witnesses might volunteer evidence relating to sexual offences allegedly committed by the person.”
- (4) In section 5—
- (a) in subsection (1) after “section 1” insert “or section 1A”;
- (b) in subsection (2) after “committed” insert “or the person by whom an offence is alleged to have been committed and to whom section 1A applies”.”

BARONESS ROYALL OF BLAISDON

187A Insert the following new Clause—

“Sentencing for stalking offences

- (1) In section 4A(5)(a) of the Protection from Harassment Act 1997 (stalking involving fear of violence or serious alarm or distress), for the words “five years” substitute “ten years”.
- (2) At the end of section 32(4)(b) of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment etc) insert “save in the case of an offence under section 4A of the Protection from Harassment Act 1997, in which case the person shall be liable to imprisonment for a term not exceeding 14 years.””

LORD PADDICK
BARONESS HAMWEE

187B 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—

After Clause 152 - continued

- (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 may include proposals for the amendment or repeal of section 41 of the Act."

After Clause 155

BARONESS BRINTON
LORD ROSSER

188

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 –

After Clause 155 - continued

- “(2B) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 5(1BA) of this Act, he shall send a report of the results of the investigation to—
- (a) the person to whom the complaint relates,
 - (b) the principal officer of the department or authority concerned and to any other person who is alleged in the relevant complaint to have taken or authorised the action complained of, and
 - (c) the Commissioner for Victims and Witnesses appointed under section 48 of the Domestic Violence, Crime and Victims Act 2004 (commissioner for victims and witnesses).”
- (10) After section 10(3B) insert—
- “(3C) If, after conducting an investigation pursuant to a complaint under section 5(1BA) of this Act, it appears to the Commissioner that—
- (a) the person to whom the complaint relates has failed to perform a Code duty owed by him to the person aggrieved, and
 - (b) the failure has not been, or will not be, remedied, the Commissioner shall lay before each House of Parliament a special report upon the case.
- (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;”.

189 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”),

After Clause 155 - continued

- (c) information about any prison sentence previously served by the perpetrator,
 - (d) information about relevant changes to the perpetrator's circumstances whilst on parole or in custody,
 - (e) information about any crimes committed by the perpetrator outside the United Kingdom where the victim of the crime concerned is a British national,
 - (f) access, where required, to adequate interpretation and translation services, and
 - (g) information about the direct contact details of the criminal justice agencies and individuals involved in the court or other legal proceedings concerned.
- (3) During criminal justice proceedings, the police and other relevant agencies and authorities of the criminal justice system must ensure that victims of crime—
- (a) are not subjected to unnecessary delay by any other party to the proceedings;
 - (b) are treated with dignity and respect by all parties involved; and
 - (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;

After Clause 155 - continued

- (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.”

190★ 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 shall also by regulations made by statutory instrument make provision for judges, barristers and solicitors involved in criminal cases involving stalking, coercive control or 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.”

BARONESS BRINTON

190A★ Insert the following new Clause –

“Training on treatment of victims: duty to report

- (1) The Secretary of State shall have a duty to collect, codify and publish data in respect of –
 - (a) the training of the police and Crown Prosecutors on the subjects of stalking, coercive control and the victims’ code, and
 - (b) instances of non-compliance with the victims’ code by all statutory agencies, and the effectiveness of all complaints procedures involving allegations of a failure to comply with the victims’ code.
- (2) The Secretary of State shall publish the data in an annual report which shall be laid before both Houses of Parliament.
- (3) The first report under subsection (2) shall be laid before both Houses of Parliament within a year of the day on which this section comes into force.”

BARONESS BRINTON
LORD ROSSER

191 Insert the following new Clause –

“Statutory duty on elected local policing bodies

- (1) An elected local policing body must assess –

After Clause 155 - continued

- (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.”

192

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.”

After Clause 155 - continued

193 Insert the following new Clause –

“Establishment and conduct of homicide reviews

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

After Clause 155 - continued

- (b) in relation to Wales, the council of a county or county borough.”

After Clause 156

LORD WIGLEY
LORD PONSONBY OF SHULBREDE

193A Insert the following new Clause –

“Digital crime consultation

- (1) The Secretary of State has a duty to consult relevant bodies on legislation which contains powers to prosecute individuals who may have been involved in the commission of digital crime, in order to determine whether consolidation of such powers in a single statute is necessary.
- (2) In conducting the review under subsection (1), the Secretary of State shall 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;

After Clause 156 - continued

- (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 consultation under subsection (1), any other statute under which persons have been prosecuted for a crime falling under subsection (1).
 - (4) In conducting the consultation under subsection (1), the Secretary of State shall consult 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.”

193B Insert the following new Clause—

“Digital crime training and education

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

Clause 159

BARONESS WILLIAMS OF TRAFFORD

194 Page 185, line 29, leave out paragraphs (p) and (q)

195 Page 186, line 10, at end insert—

“() section (*Deputy Mayor for Policing and Crime as member of local authority*);”

196 Page 186, line 10, at end insert—

“() sections 82(2) to (5), 84 to 90 and 93;
() sections 94(2) to (7), 96 to 102 and 104;”

THE LORD BISHOP OF BRISTOL

196A★ Page 186, line 11, at end insert—

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

BARONESS WILLIAMS OF TRAFFORD

197 Page 186, line 22, at beginning insert “Chapter 6A of Part 4 and”

Clause 159 - continued

LORD LEXDEN
LORD CASHMAN
BARONESS WILLIAMS OF TRAFFORD

- 197A** Page 186, line 22, at beginning insert “Sections (*Disregarding convictions etc of certain abolished offences: Northern Ireland*)(1) and (2), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*), (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*) and”

Clause 160

BARONESS WILLIAMS OF TRAFFORD

- 198** Page 186, line 28, leave out “(2)” and insert “(1A)”
- 199** Page 186, line 30, at end insert –
“(1A) Chapter 6A of Part 4 comes into force on such day as the Department of Justice in Northern Ireland appoints by order, and the power conferred by this subsection is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (N.I.12).”

LORD LEXDEN
LORD CASHMAN
BARONESS WILLIAMS OF TRAFFORD

- 199A** Page 186, line 32, at end insert –
“(2A) Sections (*Disregarding convictions etc of certain abolished offences: Northern Ireland*), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*) come into force on such day as the Department of Justice in Northern Ireland appoints by order, and the power conferred by this subsection is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573)(N.I. 12).”

BARONESS O'NEILL OF BENGARVE
LORD FALCONER OF THOROTON
LORD PADDICK

- 200** Page 186, line 34, at end insert –
“() section (*Inquiry into complaints alleging corrupt relationships between police and newspaper organisations*);

Clause 160 - continued

THE LORD BISHOP OF BRISTOL

- 200A★** Page 186, line 45, at end insert –
 “() section (*Premises licence under Gambling Act 2005: gaming machines (additional conditions)*);”

LORD LEXDEN
 LORD CASHMAN
 BARONESS WILLIAMS OF TRAFFORD

- 200B** Page 187, line 5, after “(2)” insert “, or an order under subsection (2A),”

BARONESS WILLIAMS OF TRAFFORD

- 201** Page 187, line 13, after “than” insert “Chapter 6A of Part 4 or”

LORD LEXDEN
 LORD CASHMAN
 BARONESS WILLIAMS OF TRAFFORD

- 201A** Page 187, line 13, after “8” insert “or sections (*Disregarding convictions etc of certain abolished offences: Northern Ireland*), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Power to provide for disregards and pardons for additional abolished offences: Northern Ireland*) and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*).”

BARONESS WILLIAMS OF TRAFFORD

- 202** Page 187, line 13, at end insert –
 “(7A) The Department of Justice in Northern Ireland may by order make such transitional, transitory or saving provision as it considers appropriate in connection with the coming into force of any provision of Chapter 6A of Part 4, and the power conferred by this subsection is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (N.I.12).”

LORD LEXDEN
 LORD CASHMAN
 BARONESS WILLIAMS OF TRAFFORD

- 202A** Page 187, line 16, at end insert –
 “(8A) The Department of Justice in Northern Ireland may by order make such transitional, transitory or saving provision as the Department of Justice in Northern Ireland considers appropriate in connection with the coming into force of sections (*Disregarding convictions etc of certain abolished offences: Northern Ireland*), (*Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland*), (*Other pardons for convictions etc of certain abolished offences: Northern Ireland*), and (*Sections (Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland) to (Power to provide for disregards and pardons for additional abolished offences: Northern Ireland): supplementary*).”

Clause 160 - continued

BARONESS WILLIAMS OF TRAFFORD

203 Page 187, line 17, after “(7)” insert “, (7A)”

LORD LEXDEN

LORD CASHMAN

BARONESS WILLIAMS OF TRAFFORD

203A Page 187, line 17, after “(8)” insert “, or an order under subsection (8A),”

In the Title

BARONESS WILLIAMS OF TRAFFORD

204 Line 15, after “enforcement;” insert “to make provision about the powers of the police to require removal of disguises;”

205 Line 16, after “commissioners” insert “and the Deputy Mayor for Policing and Crime”

Policing and Crime Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

6 December 2016
