

Policing and Crime Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

[The page and line references are to HL Bill 55, the bill as first printed for the Lords]

*[Amendments marked * are new or have been altered]*

MOTION A

LORDS AMENDMENTS 24 AND 159

After Clause 26

24 Insert the following new Clause –

“Inquiry into complaints alleging corrupt relationships between police and newspaper organisations

- (1) Within one month of the condition in subsection (3) being satisfied, the Prime Minister must commission an independent inquiry under the Inquiries Act 2005 into the operation of the police complaints system in respect of allegations of corrupt relationships between the police and newspaper organisations.
- (2) The inquiry’s terms of reference must include, but are not limited to –
 - (a) how adequately police forces have investigated complaints about police officers in dealing with people working within, or connected to, newspaper organisations;
 - (b) the thoroughness of any reviews by police forces into complaints of the type specified in paragraph (a);
 - (c) in those cases where a complaint of the type referred to in paragraph (a) led to a criminal investigation, the conduct of prosecuting authorities in investigating the allegation;

- (d) whether and to what extent, if any, police officers took illegal payment to suppress investigations of complaints of relationships between police officers and people working within, or connected to, newspaper organisations;
 - (e) the implications of paragraphs (a) to (d) for the relationships between newspaper organisations and the police, prosecuting authorities, and relevant regulatory bodies, and recommend actions in that respect.
- (3) The condition in this subsection is that the Attorney-General determines that the inquiry, if conducted effectively and fairly, would not be likely to prejudice any ongoing relevant criminal investigations or court proceedings cases.
- (4) The Attorney-General must consider and reach a decision on the matter specified in subsection (3) within one month of this section coming into force, and if necessary must reconsider the matter each month until the Attorney-General is able to make a determination as set out in subsection (3).”

Clause 150

159 Page 171, line 16, at end insert –

“(a) section (*Inquiry into complaints alleging corrupt relationships between police and newspaper organisations*);”

COMMONS REASON

The Commons disagree to Lords Amendments 24 and 159 for the following Reason –

24A *Because Lords Amendment 24 would involve a charge on public funds and Lords Amendment 159 is consequential on that Amendment; and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

A **Baroness Williams of Trafford to move, That this House do not insist on its Amendments 24 and 159, to which the Commons have disagreed for their Reason 24A.**

A1★ **Baroness O’Neill of Bengarve to move, as an amendment to Motion A, at end insert “and do propose Amendments 24B and 24C in lieu –**

After Clause 26

24B★ Insert the following new Clause –

“Public inquiries into police conduct etc: requirement for approval for termination or changes

- (1) A Minister of the Crown may not terminate, or change the terms of reference of, a relevant inquiry unless –
 - (a) each House of Parliament approves a proposal laid by the Minister for the termination or change, and

- (b) the chair of the inquiry consents in writing.
- (2) In subsection (1), “relevant inquiry” means an inquiry under the Inquiries Act 2005 whose terms of reference include matters relating to police conduct connected with the press industry.”

Clause 150

- 24C Page 171, line 16, at end insert –
 “() section (*Public inquiries into police conduct etc: requirement for approval for termination or changes*),”

MOTION B

LORDS AMENDMENTS 96 AND 302

After Clause 110

- 96 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.
- (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 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 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.”

In the Title

- 302 Line 20, after “areas;” insert “to make provision about financial support for families at inquests in which a police force is an interested person;”

COMMONS REASON

The Commons disagree to Lords Amendments 96 and 302 for the following Reason –

- 96A** *Because Lords Amendment 96 would involve a charge on public funds and Lords Amendment 302 is consequential on that Amendment; and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

B **Baroness Williams of Trafford to move, That this House do not insist on its Amendments 96 and 302, to which the Commons have disagreed for their Reason 96A.**

MOTION C

LORDS AMENDMENTS 134 AND 305

After Clause 143

- 134** 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”.

COMMONS AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 134 but propose Amendment 134A in lieu –

- 134A** Page 164, line 9, at end insert –

“Sentences for offences of putting people in fear of violence etc

- (1) In the Protection from Harassment Act 1997 –
 - (a) in section 4 (putting people in fear of violence), in subsection (4)(a), for “five years” substitute “ten years”;
 - (b) in section 4A (stalking involving fear of violence or serious alarm or distress), in subsection (5)(a), for “five years” substitute “ten years”.
- (2) In the Crime and Disorder Act 1998, in section 32 (racially or religiously aggravated harassment etc), in subsection (4)(b) (which specifies the penalty on conviction on indictment for an offence under that section which consists of a racially or religiously aggravated offence under section

4 or 4A of the Protection from Harassment Act 1997), for “seven years” substitute “14 years”.

- (3) The amendments made by this section apply only in relation to an offence committed on or after the day on which this section comes into force.
- (4) Where the course of conduct constituting an offence is found to have occurred over a period of 2 or more days, or at some time during a period of 2 or more days, the offence must be taken for the purposes of subsection (3) to have been committed on the last of those days.”

In the Title

- 305** Line 29, after “marriage;” insert “to increase the maximum sentences for stalking offences;”

COMMONS AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 305 but propose Amendment 305A in lieu –

- 305A** Line 29, after “marriage;” insert “to increase the maximum sentences of imprisonment for certain offences of putting people in fear of violence etc;”

- C** **Baroness Williams of Trafford to move, That this House do not insist on its Amendments 134 and 305, and do agree with the Commons in their Amendments 134A and 305A in lieu.**

MOTION D

LORDS AMENDMENTS 136 TO 142 AND 307

After Clause 145

- 136** Insert the following new Clause –

“Police observance of the Victims’ Code: enforcement

- (1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) In section 5(1B) omit from “by” to “sections 35”.
- (3) After section 5(1B) insert –

“(1BA) Subsection (1C) applies if a written complaint is made to the Commissioner by a member of the public who claims that –

- (a) a police officer;
- (b) a police service employee other than a police officer; or
- (c) another person determined under section (1BC);

has failed to perform a Code duty owed by him to the member of the public.

- (1BB) For the purposes of subsection (1BA) a Code duty is a duty imposed by a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims).
- (1BC) The Secretary of State may by regulations made by statutory instrument amend the categories of person identified in subsection (1BA) as the Secretary of State thinks fit.”
- (4) In section 5(4A), after “(1A)” insert “or (1BA)”.
- (5) In section 6(3), at beginning insert “Except as provided in subsection (3A)”.
- (6) After section 6(3) insert –
- “(3A) Subsection (3) shall apply in relation to a complaint under section 5(1BA) as if for “a member of the House of Commons” there were substituted “the Commissioner”.”
- (7) In section 7(1A), after “5(1A)” insert “or 5(1BA)”.
- (8) In section 8(1A), after “5(1A)” insert “or 5(1BA)”.
- (9) After section 10(2A) insert –
- “(2B) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 5(1BA) of this Act, he shall send a report of the results of the investigation to –
- (a) the person to whom the complaint relates,
 - (b) the principal officer of the department or authority concerned and to any other person who is alleged in the relevant complaint to have taken or authorised the action complained of, and
 - (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;”.

137 Insert the following new Clause—

“Police etc. provision for victims’ entitlement: framework

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

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

138 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.”

139 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.”

140 Insert the following new Clause –

“Statutory duty on elected local policing bodies

- (1) An elected local policing body must assess –
 - (a) the needs of victims in each elected local policing body’s police area, and
 - (b) the adequacy and effectiveness of the available victims’ services in that area.
- (2) An elected local policing body must –
 - (a) prepare and consult upon an Area Victims’ Plan for its police area,
 - (b) having taken account of any responses to its consultation and any Quality Standard, publish the plan in such a manner as sets out clearly how the identified victim needs will be met by the available victims’ services, and
 - (c) submit its Area Victims’ Plan to the Commissioner for Victims and Witnesses on an annual basis.
- (3) In this section –
 - “elected local policing body” and “police area” have the same meaning as in Part 1 of the Police Reform and Social Responsibility Act 2011,
 - “Quality Standard” means the standard published under section 49(1)(f) of the Domestic Violence, Crime and Victims Act 2004.”

141 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 2017;
- (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 (*Homicide reviews*) of the Policing and Crime Act 2017."

142 Insert the following new Clause –

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

In the Title

307 Line 31, after “harm;” insert “to make provision about victims’ rights;”

COMMONS REASON

The Commons disagree to Lords Amendments 136 to 142 and 307 for the following Reason –

136A *Because legislation already makes provision for victims of crime and it would not be appropriate to alter that provision without further analysis of the benefits and costs involved.*

D **Baroness Williams of Trafford to move, That this House do not insist on its Amendments 136 to 142 and 307, to which the Commons have disagreed for their Reason 136A.**

D1 **Baroness Brinton to move, as an amendment to Motion D, leave out from “136” to end and insert “and 139 to 142, and do insist on its Amendments 137, 138 and 307.”**

Policing and Crime Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS TO BE MOVED
ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

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