
Committee Stage: Monday 17 May 2021

Police, Crime, Sentencing and Courts Bill (Amendment Paper)

This document lists all amendments tabled to the Police, Crime, Sentencing and Courts Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New amendments: NC37 to NC41

Victoria Atkins
Chris Philp

To move, That the Bill be considered in the following order, namely,
Clauses 1 to 10, Schedule 1, Clause 11, Schedule 2, Clauses 12 to 42, Schedule 3, Clause 43, Schedule 4, Clauses 44 to 47, Schedule 5, Clauses 48 to 51, Schedule 6, Clauses 52 to 66, Schedule 7, Clauses 67 to 73, Schedule 8, Clause 74, Schedule 9, Clauses 75 to 97, Schedule 10, Clauses 98 to 100, Schedule 11, Clauses 101 to 127, Schedule 12, Clause 128, Schedule 13, Clause 129, Schedule 14, Clauses 130 to 134, Schedule 15, Clause 135, Schedule 16, Clauses 136 to 156, Schedule 17, Clauses 157 to 161, Schedule 18, Clauses 162 to 168, Schedule 19, Clauses 169 to 171, Schedule 20, Clauses 172 to 176, new Clauses, new Schedules, remaining proceedings on the Bill.

Sarah Champion
Sarah Jones

2

Clause 1, page 2, line 2, after “workforce,”, insert “including the impact of working with traumatised survivors on officers’ wellbeing and morale,”

Member’s explanatory statement

This amendment aims to ensure the police covenant report, when addressing the health and well-being of members and former members of the police workforce, also addresses the specific

impact working with traumatised survivors, such as survivors of child sexual abuse, has on officers' wellbeing and morale.

Stella Creasy 50

Clause 7, page 8, line 4, at end insert—

“(3A)Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section.”

Stella Creasy 52

Clause 7, page 8, line 10, at end insert—

“(d) each registered provider of social housing in the area.”

Stella Creasy 53

Clause 7, page 8, line 15, at end insert—

“(d) each registered provider of social housing in the area.”

Stella Creasy 51

Clause 8, page 9, line 11, at end insert—

“(3A)Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section.”

Stella Creasy 54

Clause 8, page 9, line 18, at end insert—

“(e) each registered provider of social housing in the area.”

Stella Creasy 55

Clause 8, page 9, line 23, at end insert—

“(d) any registered provider of social housing in the area.”

Stella Creasy 56

Clause 9, page 10, line 45, at end insert—

“(f) a registered provider of social housing.”

Stella Creasy 57

Clause 15, page 15, line 5, at end insert—

“(f) a registered provider of social housing.”

Stella Creasy 58

Clause 16, page 15, line 37, at end insert—

“(e) a registered provider of social housing.”

Stella Creasy 59

Clause 17, page 16, line 19, at end insert “or registered provider of social housing”

Stella Creasy

60

Clause 17, page 16, line 22, after "authority", insert "or provider"

Stella Creasy

61

Clause 18, page 17, line 3, at end insert—

"(g) a registered provider of social housing."

Stella Creasy

62

Clause 19, page 17, line 10, at end insert—

"(1A) In section 5 (Authorities responsible for strategies)—

(a) after subsection (1F) insert—

"(1G) Responsible authorities which are housing authorities must have particular regard to their housing duties when exercising the functions conferred by or under section 6 or section 7."

(b) in subsection (2), after paragraph (d), insert—

"(e) every registered provider of social housing in the area.""

Victoria Atkins
Chris Philp

63

Clause 37, page 31, line 35, after "London" insert "in its capacity as a local authority"

Member's explanatory statement

This amendment clarifies that the reference in clause 37(11) to the Common Council of the City of London is to the Common Council in its capacity as a local authority.

Alex Cunningham
Sarah Champion

7

Clause 45, page 37, line 1, leave out subsections (2) and (3) and insert—

“(2) In section 21, after subsection (5), insert—

“(5A) This subsection applies if A is regularly involved in caring for, training, supervising or being in sole charge of B and none of subsections (2) to (13) of this section otherwise applies.”

(3) In section 16—

(a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;

(b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

(4) In section 17—

(a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;

(b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

(5) In section 18—

(a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;

(b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

(6) In section 19—

(a) in subsection (2)(a), leave out “or (5)” and insert “, (5) or (5A)”;

(b) in subsection (4)(a), leave out “or (5)” and insert “, (5) or (5A)”.

Member’s explanatory statement

This amendment aims to ensure that all adults who are in a position of trust are subject to the child sexual abuse offences provided for by section 16 to 19 of the Sexual Offences Act 2003, rather than simply extending the definition to those who coach, teach, train, supervise or instruct children in a sport or a religion.

Victoria Atkins
Chris Philp

64

Clause 53, page 44, line 33, leave out “and (4)” and insert “to (4A)”

Member’s explanatory statement

This amendment and Amendments 65 to 67 ensure that the references to live audio links and live video links in clause 53(3) are consistent with the provisions made about live links in clause 168 of, and Part 3 of Schedule 19 to, the Bill.

Victoria Atkins
Chris Philp

65

Clause 53, page 44, line 36, after first "a" insert "preliminary, sentencing or enforcement"

Member's explanatory statement

See the explanatory statement for Amendment 64.

Victoria Atkins
Chris Philp

66

Clause 53, page 44, line 37, leave out from "link" to end of line 38

Member's explanatory statement

See the explanatory statement for Amendment 64.

Victoria Atkins
Chris Philp

67

Clause 53, page 45, line 3, at end insert—

"(4A) In subsection (4), at the appropriate place insert—

""enforcement hearing", "live audio link", "live video link",
"preliminary hearing", and "sentencing hearing" each has the
meaning given in section 56(1) of the Criminal Justice Act 2003;"."

Member's explanatory statement

See the explanatory statement for Amendment 64.

Bob Stewart

71

☆ Clause 55, page 47, line 12, at end insert—

"(ac)the purpose of the persons organising it is to influence—

- (i) an elected representative within the meaning of paragraph 23 of Schedule 1 of the Data Protection Act 2018, or
- (ii) a public official,

in relation to how they carry out their public functions and the assembly is held at a location other than the place where the elected representative or public official normally carries out their public duties,"

Member's explanatory statement

This amendment would allow a senior police officer to give directions imposing conditions on an

assembly aimed at influencing an elected representative or public official which is held at a location other than the place where the elected representative or public official normally carries out their public duties.

Alex Cunningham 11
Sarah Champion

Clause 76, page 70, line 38, leave out "diversionary" and insert "conditional"

Alex Cunningham 12
Sarah Champion

Clause 76, page 71, line 2, leave out "diversionary" and insert "conditional"

Alex Cunningham 13
Sarah Champion

Clause 76, page 71, line 7, leave out "Diversiory" and insert "Conditional"

Alex Cunningham 46
Sarah Champion

Clause 76, page 71, line 7, leave out from "Diversiory" to end of line 8 and insert—
"cautions must have one or more conditions attached to them.

(4A)Community cautions may have one or more conditions attached to them."

Member's explanatory statement

This amendment would remove the requirement for community cautions to have conditions attached to them, and instead make such conditions discretionary.

Alex Cunningham 14
Sarah Champion

Clause 76, page 71, line 10, leave out "diversionary" and insert "conditional"

Alex Cunningham 15
Sarah Champion

Clause 76, page 71, line 16, leave out "diversionary" and insert "conditional"

Alex Cunningham
Sarah Champion

8

Clause 76, page 71, line 21, at end insert—

“(8) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, and every 12 months thereafter, lay before Parliament a report on the use of cautions in accordance with this Part.”

Alex Cunningham
Sarah Champion

18

Clause 77, page 71, line 24, leave out “diversionary” and insert “conditional”

Alex Cunningham
Sarah Champion

19

Clause 77, page 71, line 31, leave out “diversionary” and insert “conditional”

Alex Cunningham
Sarah Champion

20

Clause 77, page 72, line 3, leave out “diversionary” and insert “conditional”

Alex Cunningham
Sarah Champion

21

Clause 77, page 72, line 6, leave out “diversionary” and insert “conditional”

Alex Cunningham
Sarah Champion

22

Clause 77, page 72, line 8, leave out “diversionary” and insert “conditional”

Alex Cunningham
Sarah Champion

23

Clause 78, page 72, line 11, leave out “diversionary” and insert “conditional”

Alex Cunningham 24
Sarah Champion

Clause 78, page 72, line 15, leave out "diversionary" and insert "conditional"

Alex Cunningham 25
Sarah Champion

Clause 78, page 72, line 20, leave out "diversionary" and insert "conditional"

Alex Cunningham 26
Sarah Champion

Clause 78, page 72, line 34, leave out "diversionary" and insert "conditional"

Alex Cunningham 27
Sarah Champion

Clause 79, page 72, line 38, leave out "diversionary" and insert "conditional"

Alex Cunningham 28
Sarah Champion

Clause 79, page 72, line 42, leave out "diversionary" and insert "conditional"

Alex Cunningham 29
Sarah Champion

Clause 80, page 73, line 36, leave out "diversionary" and insert "conditional"

Alex Cunningham 30
Sarah Champion

Clause 81, page 74, line 7, leave out "diversionary" and insert "conditional"

Alex Cunningham 31
Sarah Champion

Clause 81, page 74, line 14, leave out "diversionary" and insert "conditional"

Alex Cunningham 32
Sarah Champion

Clause 82, page 74, line 25, leave out "diversionary" and insert "conditional"

Alex Cunningham 34
Sarah Champion

Clause 83, page 74, line 29, leave out "diversionary" and insert "conditional"

Alex Cunningham 35
Sarah Champion

Clause 83, page 74, line 34, leave out "diversionary" and insert "conditional"

Alex Cunningham 36
Sarah Champion

Clause 84, page 74, line 39, leave out "diversionary" and insert "conditional"

Alex Cunningham 37
Sarah Champion

Clause 84, page 75, line 36, leave out "diversionary" and insert "conditional"

Alex Cunningham 38
Sarah Champion

Clause 84, page 75, line 42, leave out "diversionary" and insert "conditional"

Alex Cunningham 39
Sarah Champion

Clause 85, page 76, line 23, leave out "diversionary" and insert "conditional"

Alex Cunningham 40
Sarah Champion

Clause 85, page 76, line 26, leave out "diversionary" and insert "conditional"

Alex Cunningham 41
Sarah Champion

Clause 85, page 76, line 31, leave out "diversionary" and insert "conditional"

Alex Cunningham 42
Sarah Champion

Clause 85, page 76, line 34, leave out "diversionary" and insert "conditional"

Alex Cunningham 43
Sarah Champion

Clause 85, page 76, line 39, leave out "diversionary" and insert "conditional"

Alex Cunningham 44
Sarah Champion

Clause 85, page 77, line 15, leave out "diversionary" and insert "conditional"

Alex Cunningham
Sarah Champion

45

Clause 85, page 77, line 18, leave out “diversionary” and insert “conditional”

Alex Cunningham
Sarah Champion

47

Clause 86, page 77, line 36, leave out “of the”

Member’s explanatory statement

This amendment is consequential on Amendment 13

Alex Cunningham
Sarah Champion

48

Clause 86, page 77, line 41, leave out first “the” and insert “any”

Member’s explanatory statement

This amendment is consequential on Amendment 13

Alex Cunningham
Sarah Champion

1

Clause 101, page 86, line 41, at end insert—

“(bb) the abduction, sexual assault and murder of a person not previously known to the offender,”

Alex Cunningham
Sarah Champion

49

Clause 109, page 98, line 41, at beginning insert—

“(1) In subsection (3) of section 239 of the Criminal Justice Act 2003 (the Parole Board), omit the words from “and if in any particular case” to end of subsection and substitute—

“(c) the views of the person to whom the case relates””

Member’s explanatory statement

This amendment would amend the Criminal Justice Act 2003 to ensure victims/survivors are consulted in parole decisions which will affect them.

Victoria Atkins
Chris Philp

68

Clause 115, page 104, line 21, at end insert—

“(2A) The amendments made by subsection (2)(a)(i) do not have effect in relation to an offender who—

- (a) is sentenced before the coming into force of section 107 (increase in requisite custodial period for certain offenders of particular concern), and
- (b) on being sentenced, will be a prisoner to whom section 244A of the Criminal Justice Act 2003 (release on licence of prisoners serving sentence under 278 of the Sentencing Code etc) applies.”

Member’s explanatory statement

This amendment ensures that the amendments made by clause 115(2)(a)(i) do not apply to a person who is sentenced between the passing of the Bill (when clause 115 comes into force) and the coming into force of clause 107 two months later and who will be a person to whom section 244A of the Criminal Justice Act 2003 applies.

Sarah Champion
Sarah Jones

3

Clause 145, page 143, line 16, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would place a requirement on the Secretary of State to prepare (or direct someone to prepare) a list of countries and territories considered to be at high risk of child sexual

exploitation or abuse by UK nationals and residents, rather than leaving at the Secretary of State's discretion to produce such a list.

Sarah Champion
Sarah Jones

4

Clause 145, page 143, line 20, after "residents", insert ", including those who commit those crimes online, remotely or via the internet"

Member's explanatory statement

This amendment would ensure the list prepared by the Secretary of State includes countries and territories where children are considered at high risk of child sexual exploitation by UK nationals and residents who commit those crimes online, remotely or via the internet, and is not limited to in-person offending.

Sarah Champion
Sarah Jones

5

Clause 145, page 143, line 24, after "residents", insert ", including those who commit those crimes online, remotely or via the internet"

Member's explanatory statement

This amendment would ensure the list prepared by a relevant person directed by the Secretary of State includes countries and territories where children are considered at high risk of child sexual exploitation by UK nationals and residents who commit those crimes online, remotely or via the internet, and is not limited to in-person offending.

Sarah Champion
Sarah Jones

6

Clause 145, page 144, line 16, leave out subsection (9)

Member's explanatory statement

This amendment would remove the ability of the Secretary of State to withdraw the list of countries and territories considered to be at high risk of child sexual exploitation or abuse by UK nationals and residents.

Alex Cunningham
Sarah Champion

9

Clause 163, page 180, line 30, leave out from “for” to “or” in line 32 and insert “a serious violent, sexual or terrorism offence specified in regulations made by the Secretary of State by statutory instrument”

Member’s explanatory statement

This amendment would make the list of offences subject to lifelong disclosure specified in regulations rather than set in primary legislation.

Sir Edward Leigh

69

Clause 175, page 192, line 25, leave out “and (5)” and insert “, (5) and (5A)”.

Sir Edward Leigh

70

Clause 175, page 193, line 39, at end insert—

“(5A) Section (Retention by the police of personal data relating to non-criminal conduct perceived to be motivated by hostility) comes into force at the end of the period of six months beginning with the day on which this Act is passed.”

Ms Harriet Harman

NC1

Caroline Nokes

Sir Peter Bottomley

Wera Hobhouse

Janet Daby

Caroline Lucas

Liz Saville Roberts

Taiwo Owatemi

Dame Diana Johnson

Rushanara Ali

Yvonne Fovargue

Anne Marie Morris

Lilian Greenwood

Debbie Abrahams

Kevin Brennan

Mr Virendra Sharma

Claire Hanna

Stella Creasy

Maria Eagle

Emma Hardy

Tonia Antoniazzi

Bell Ribeiro-Addy

Mohammad Yasin

Karin Smyth

Dame Margaret Hodge

Mr Andrew Mitchell

Clive Lewis

Florence Eshalomi

Julie Elliott

Helen Hayes

Rosie Cooper

Rosie Duffield

Barbara Keeley

Andrew Gwynne

Paul Blomfield

Sir Mark Hendrick

Clive Efford

Sarah Champion

Simon Hoare

Navendu Mishra
Catherine McKinnell
Paula Barker
Jamie Stone
Derek Twigg
Apsana Begum

Chris Bryant
Geraint Davies
Darren Jones
Ed Davey
Yvette Cooper

Kim Johnson
Claudia Webbe
Mr David Davis
Jackie Doyle-Price
Christina Rees

To move the following Clause—

“Harassment in a public place

- (1) A person must not engage in any conduct in a public place—
 - (a) which amounts to harassment of another, and
 - (b) which he knows or ought to know amounts to harassment of the other.
- (2) For the purposes of this section, the person whose conduct is in question ought to know that it amounts to harassment of another if a reasonable person would think the conduct amounted to harassment of the other.
- (3) For the purposes of this section—

“conduct” includes speech;

“harassment” of a person includes causing the person alarm or distress.

- (4) Subsection (1) does not apply to conduct if the person can show—
 - (a) that it was for the purpose of preventing or detecting crime,
 - (b) that it was under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
 - (c) that in the particular circumstances it was reasonable.
- (5) A person who engages in any conduct in breach of subsection (1) is guilty of an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.”

Ms Harriet Harman
Caroline Nokes
Sir Peter Bottomley
Wera Hobhouse
Janet Daby
Caroline Lucas
Liz Saville Roberts
Taiwo Owatemi
Dame Diana Johnson
Rushanara Ali
Yvonne Fovargue
Anne Marie Morris
Lilian Greenwood
Debbie Abrahams
Kevin Brennan
Mr Virendra Sharma
Claire Hanna
Navendu Mishra

Stella Creasy
Maria Eagle
Emma Hardy
Tonia Antoniazzi
Bell Ribeiro-Addy
Mohammad Yasin
Karin Smyth
Dame Margaret Hodge
Mr Andrew Mitchell
Clive Lewis
Florence Eshalomi
Chris Bryant

Julie Elliott
Helen Hayes
Rosie Cooper
Rosie Duffield
Barbara Keeley
Andrew Gwynne
Paul Blomfield
Sir Mark Hendrick
Clive Efford
Sarah Champion
Simon Hoare
Kim Johnson

NC2

Catherine McKinnell
Paula Barker
Jamie Stone
Derek Twigg
Apsana Begum

Geraint Davies
Darren Jones
Ed Davey
Yvette Cooper

Claudia Webbe
Mr David Davis
Jackie Doyle-Price
Christina Rees

To move the following Clause—

“Kerb-crawling

- (1) It is an offence for a person, from a motor vehicle while it is in a street or public place, or in a street or public place while in the immediate vicinity of a motor vehicle that they have just got out of, to engage in conduct which amounts to harassment in such manner or in such circumstances as to be likely to cause annoyance, alarm, distress, or nuisance to any other person.
- (2) A person guilty of an offence under this section is liable on summary conviction to revocation of their driving licence, or a fine not exceeding level 3 on the standard scale, or both.
- (3) In this section “motor vehicle ” has the same meaning as in the Road Traffic Act 1972.
- (4) In this section “street” has the meaning given by section 1(4) of the Street Offences Act 1959.”

Debbie Abrahams
Jackie Doyle-Price
Dawn Butler
Barbara Keeley
Mick Whitley
Paula Barker
Sarah Champion
Tony Lloyd
Rebecca Long Bailey

NC3

Alex Cunningham
Mr Virendra Sharma

Mr Andrew Mitchell
Ian Byrne

To move the following Clause—

“Custody for own protection or own welfare

- (1) The Bail Act 1976 is amended as follows.
- (2) In Part 1 of Schedule 1 (Defendants accused or convicted of imprisonable offences) omit paragraph 3.
- (3) In Part 1A of Schedule 1 (Defendants accused or convicted of imprisonable offences to which Part 1 does not apply) omit paragraph 5.
- (4) In Part 2 of Schedule 1 (Defendants accused or convicted of non-imprisonable offences) omit paragraph 3.”

Member’s explanatory statement

This new clause would repeal the power of the criminal courts to remand a defendant into custody for their own protection (or in the case of a child, for their own welfare) pending trial or sentence.

Alex Cunningham
Peter Kyle
Sarah Champion

NC4

To move the following Clause—

“Video recorded cross-examination or re-examination of complainants in respect of sexual offences and modern slavery offences

- (1) Section 28 of the Youth Justice and Criminal Evidence Act 1999 comes into force in relation to proceedings to which subsection (2) applies on the day on which this Act is passed.
- (2) This subsection applies where a witness is eligible for assistance by virtue of section 17(4) of the Youth Justice and Criminal Evidence Act 1999 (complainants in respect of a sexual offence or modern slavery offence who are witnesses in proceedings relating to that offence, or that offence and any other offences).
- (3) This section has effect notwithstanding section 68(3) of the Youth Justice and Criminal Evidence Act 1999.”

Member’s explanatory statement

This new clause would bring section 28 of the Youth Justice and Criminal Evidence Act 1999, which provides for the cross-examination of vulnerable witnesses to be recorded rather than undertaken in court, fully into force for victims of sexual offences and modern slavery offences.

Tracey Crouch

NC5

To move the following Clause—

“Reimbursement of a local authority’s expenses in relation to an unauthorised encampment

- (1) Where P has been found guilty of an offence under Section 61 and a local authority has incurred expenditure as a direct result of P’s offence, P will be liable to reimburse the local authority to the full extent of that expenditure.
- (2) For the purposes of this section, “local authority” has the meaning given in section 1 of the Local Authorities Act 2000.”

Member’s explanatory statement

This new clause would enable a local authority to recover costs from those who set up illegal encampments.

Alex Cunningham
Sarah Champion

NC6

To move the following Clause—

“Offence of pet theft

- (1) The Animal Welfare Act 2006 is amended as follows.
- (2) After section 2 (“protected animal”) insert—

“2A Definition of pet

A protected animal is a “pet” for the purposes of this Act if it provides companionship or assistance to any human being.”

- (3) After section 8 (fighting etc.) insert—

“8A Pet theft

A person commits an offence if they dishonestly appropriate a pet belonging to another person with the intention of permanently depriving that other person of it.”

- (4) In section 32 (imprisonment or fine) before subsection (1) insert—

“(A1) A person guilty of an offence under section 8A (pet theft) shall be liable—

- (a) on summary conviction to imprisonment for a term for a term not exceeding 51 weeks, or a fine, or to both;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

- (A2) When the court is considering for the purposes of sentencing the seriousness of an offence under section 8A it must consider the following as aggravating factors (that is to say, a factor that increases the seriousness of the offence)—

- (a) the theft caused fear, alarm or distress to the pet, the owner or the pet or another person associated with the pet;
- (b) the theft was for the purposes of commercial gain.”

- (5) In section 34(10) (disqualification) after “8,” insert “8A,”.

Alex Cunningham
Sarah Champion

NC7

To move the following Clause—

“Offence of pet theft (Scotland)

- (1) The Animal Health and Welfare (Scotland) Act 2006 is amended as follows.
- (2) After section 17 (protected animals) insert—

“17A Definition of pet

A protected animal is a “pet” for the purposes of this Act if it provides companionship or assistance to any human being.”

(3) After section 23 (animal fights) insert—

“23A Pet theft

A person commits an offence if they dishonestly appropriate a pet belonging to another person with the intention of permanently depriving that other person of it.”

(4) In section 40 (disqualification orders) after subsection (13)(b) insert—

“(ba) an offence under section 23A,”.

(5) In section 46 (penalties for offences) after subsection (1) insert—

“(1A) A person guilty of an offence under section 23A (pet theft) shall be liable—

- (a) on summary conviction to imprisonment for a term for a term not exceeding 51 weeks, or a fine, or to both;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(1B) When the court is considering for the purposes of sentencing the seriousness of an offence under section 23A it must consider the following as aggravating factors (that is to say, a factor that increases the seriousness of the offence)—

- (a) that theft caused fear, alarm or distress to the pet, the owner or the pet or another person associated with the pet;
- (b) the theft was for the purposes of commercial gain.”

(6) In Schedule 1 (powers of inspectors and constables for Part 2) after paragraph 4(5)(a) insert—

“(aa) an offence under section 23A,”.

Alex Cunningham
Sarah Champion

NC8

To move the following Clause—

“Offence of pet theft: consequential amendments

(1) The Police and Criminal Evidence Act is amended as follows.

(2) In section 17(1)(c)(v) (entry for purposes of arrest, etc in connection with offences relating to the prevention of harm to animals), for “and 8(1) and (2)” substitute “8(1) and (2) and 8A”.

Holly Lynch
Peter Kyle

NC9

To move the following Clause—

“Rental of high performance vehicles

(1) It is an offence to offer for rental a motor car of more than 300 brake horsepower, unless the motor car is fitted with a black box.

(2) For the purposes of this section, a black box is a telematic device which records information about the way a motor car is driven.

- (3) The Secretary of State must by regulations determine the information which a black box must record for the purposes of this section.
- (4) Regulations under subsection (3) must provide, at a minimum, for the following information relating to the motor car to which it is fitted to be collected throughout the period of rental—
 - (a) its location;
 - (b) its speed; and
 - (c) its rate of acceleration or deceleration.
- (5) The information recorded by the black box must be disclosed to a constable on request, and the failure to disclose such information is an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (7) The Secretary of State must by regulations determine how the brake horsepower of a motor car is to be calculated for the purposes of this section.
- (8) For the purposes of this section, “motor car” has the meaning given by section 185 of the Road Traffic Act 1988.”

Ms Harriet Harman
 Caroline Nokes
 Sir Peter Bottomley
 Wera Hobhouse
 Janet Daby
 Caroline Lucas
 Liz Saville Roberts
 Taiwo Owatemi
 Dame Diana Johnson
 Rushanara Ali
 Yvonne Fovargue
 Dame Margaret Hodge
 Debbie Abrahams
 Mr Andrew Mitchell
 Catherine McKinnell

Stella Creasy
 Maria Eagle
 Emma Hardy
 Tonia Antoniazzi
 Bell Ribeiro-Addy
 Lilian Greenwood
 Andrew Gwynne
 Florence Eshalomi
 Barbara Keeley

Julie Elliott
 Helen Hayes
 Rosie Cooper
 Rosie Duffield
 Hywel Williams
 Paul Blomfield
 Paula Barker
 Sarah Champion

NC10

To move the following Clause—

“Restriction on evidence or questions about complainant’s sexual history

- (1) Section 41 of the Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In subsection (1)—
 - (a) starting in paragraph (b) omit “in cross examination, by or on behalf of any accused at the trial,”;
 - (b) at end insert “with anyone other than the defendant”.
- (3) In subsection (2)—
 - (a) for “an accused” substitute “a party to the trial”;
 - (b) in paragraph (a) omit “or (5)”.
- (4) For subsection (3) substitute—

“(3) This subsection applies if the evidence or question relates to a relevant issue in the case and that issue is not an issue of consent.”

(5) For subsection (5) substitute—

- “(a) For the purposes of subsection (3) no evidence may be adduced or question asked unless the judge determines in accordance with the procedures in this subsection that the question or evidence has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice.
- (b) In determining that question the judge shall take into account—
 - (i) the interests of justice, including the right of the accused to make a full answer and defence;
 - (ii) the need to preserve the integrity of the trial process by removing from the fact-finding process any discriminatory belief or bias;
 - (iii) the risk that the evidence may unduly arouse sentiments of prejudice, sympathy or hostility in the jury;
 - (iv) the potential threat to the complainant’s personal dignity and right to privacy;
 - (v) the complainant’s right to personal security and to the full protection and benefit of the law;
 - (vi) the provisions of the Victims Code;
 and any other factor that the judge considers relevant.”

(6) In subsection (6), for “subsections (3) and (5)” substitute “subsection (3).”

Member’s explanatory statement

This new clause excludes the admission in evidence of any sexual behaviour of the complainant with a third party, whether by the prosecution or the defence, to show consent, whilst leaving it admissible if it is relevant to any other issue in the case. It sets out the additional requirement that to be admitted the material must be more probative than prejudicial and sets out the considerations the judge must have in regard to considering that extra requirement.

Ms Harriet Harman
 Caroline Nokes
 Sir Peter Bottomley
 Wera Hobhouse
 Janet Daby
 Caroline Lucas
 Liz Saville Roberts
 Taiwo Owatemi
 Dame Diana Johnson
 Rushanara Ali
 Yvonne Fovargue
 Dame Margaret Hodge
 Debbie Abrahams
 Mr Andrew Mitchell
 Catherine McKinnell

Stella Creasy
 Maria Eagle
 Emma Hardy
 Tonia Antoniazzi
 Bell Ribeiro-Addy
 Lilian Greenwood
 Andrew Gwynne
 Florence Eshalomi
 Barbara Keeley

Julie Elliott
 Helen Hayes
 Rosie Cooper
 Rosie Duffield
 Hywel Williams
 Paul Blomfield
 Paula Barker
 Sarah Champion

NC11

To move the following Clause—

“Definition of “issue of consent”

(1) Section 42 of the Youth Justice and Criminal Evidence Act 1999 is amended as follows.

(2) For paragraph (b) substitute—

“(b) “issue of consent” means any issue where the complainant in fact consented to the conduct constituting the offence with which the defendant is charged and any issue where the accused reasonably believed that the complainant so consented;””

Member’s explanatory statement

This new clause re-defines “issue of consent” for the purposes of section 41, including in the definition the defendant’s reasonable belief in consent, and thus removing it as a reason for the inclusion of a complainant’s sexual history or behaviour.

Ms Harriet Harman
Caroline Nokes
Sir Peter Bottomley
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Lilian Greenwood
Andrew Gwynne
Florence Eshalomi
Barbara Keeley

Julie Elliott
Helen Hayes
Rosie Cooper
Rosie Duffield
Hywel Williams
Paul Blomfield
Paula Barker
Sarah Champion

NC12

To move the following Clause—

“Admission of evidence or questions about complainant’s sexual history

(1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

(2) After section 43 insert—

“43A In any trial or contested hearing to which section 41 of the Youth Justice and Criminal Evidence Act 1999 applies, if no pre-trial application in accordance with Part 36 of the Criminal Procedure Rules has been made, or if such application has been made and refused in whole or in part, no further application may be made during the course of the trial or before its commencement to call such evidence or ask such question, and no judge may allow such application or admit any such questions or evidence.””

Member’s explanatory statement

This new clause would have the effect that no section 41 evidence or questions could be admitted by a judge at trial unless there had been an application before trial in accordance with the practice directions; and the amendment would ban applications from being made immediately before or during the trial.

Ms Harriet Harman
 Caroline Nokes
 Sir Peter Bottomley
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 Andrew Gwynne
 Florence Eshalomi
 Barbara Keeley

Julie Elliott
 Helen Hayes
 Rosie Cooper
 Rosie Duffield
 Hywel Williams
 Paul Blomfield
 Paula Barker
 Sarah Champion

NC13

To move the following Clause—

“Complainant’s right of representation and appeal on an application to adduce evidence or questions on sexual conduct

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) After section 43 insert—

“43A In any trial to which section 41 applies, where notice is given that there will be an application under Part 36 of the Criminal Procedure Rules for leave to ask questions or to adduce evidence as to any sexual behaviour of the complainant—

- (1) The complainant may not be compelled to give evidence at any hearing on the application.
- (2) The complainant will be entitled to be served with the application and to be legally represented (with the assistance of legal aid if financially eligible) as “a party” within the meaning of the Criminal Procedure Rules in responding in writing to the application and in presenting their case at any hearing on the application.
- (3) If the application succeeds in whole or in part, the complainant will have a right to appeal for a rehearing of the application to the Court of Appeal on notice within 7 days of the judgement being delivered.
- (4) On any such appeal, the Court of Appeal will rehear the application in full and may grant or refuse it in whole or in part.
- (5) The Secretary of State may, by regulation, set out rules of procedure relating to any hearing or appeal under this section.”

Member’s explanatory statement

This new clause would give the complainant a right of representation, with legal aid if they are financially eligible, to oppose any application to admit section 41 material about them. This new clause would also give complainants a right of appeal to the Court of Appeal if the application is allowed in whole or in part. The new clause also provides that the complainant is not compellable as witness at the application.

Ms Harriet Harman

NC14

Caroline Nokes

Sir Peter Bottomley

Wera Hobhouse

Janet Daby

Caroline Lucas

Liz Saville Roberts

Taiwo Owatemi

Dame Diana Johnson

Rushanara Ali

Yvonne Fovargue

Dame Margaret Hodge

Debbie Abrahams

Mr Andrew Mitchell

Catherine McKinnell

Stella Creasy

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Lilian Greenwood

Andrew Gwynne

Florence Eshalomi

Barbara Keeley

Julie Elliott

Helen Hayes

Rosie Cooper

Rosie Duffield

Hywel Williams

Paul Blomfield

Paula Barker

Sarah Champion

To move the following Clause—

“Collection of and reporting to Parliament on data and information relating to proceedings involving rape and sexual assault

- (1) The Secretary of State shall collect and report to Parliament annually the following data and information—
 - (a) The time taken in every case of rape or sexual assault for the case to progress from complaint to charge, from charge to pre-trial plea and management hearing; and from then until trial.
 - (b) The number of applications to ask questions or adduce evidence of any sexual behaviour of the complainant under section 41 of the Youth Justice and Criminal Evidence Act 1999 (“the 1999 Act”) made in the Magistrates and Crown Courts of England and Wales, irrespective of whether a trial was subsequently held.
 - (c) The number of cases which involved questions on or evidence of any sexual behaviour of the complainant in all rape, sexual abuse and other trials or contested hearings in the Magistrates and Crown courts in England and Wales, irrespective of whether an application was made to admit such questions or evidence in advance of the trial or hearing.
 - (d) In cases to which section 41 of the 1999 Act applies—
 - (i) whether Part 36 of the Criminal Procedure Rules was followed in each application and if it was not, how it was not;
 - (ii) the questions proposed to be asked;
 - (iii) the evidence proposed to be called;
 - (iv) whether the prosecution opposed the application and if so the content of their representations;
 - (v) whether evidence was called to support or oppose the application;
 - (vi) whether the application was allowed in whole or in part and a copy of the judgement made on the application; and
 - (vii) any other material which might assist in an assessment of the frequency, basis and nature of applications for the use of such questions or evidence and the likely impact on any parties to any trial and the trial outcome.

- (2) The data and information to be collected under subsection (1) shall include—
- (a) all the material from any pre-trial application;
 - (b) the questions in fact asked and the evidence in fact called about any sexual behaviour of the complainant in the trial;
 - (c) any application at the start or during the course of the trial to vary or alter any judgement given in any earlier application or any further application to admit such questions or evidence;
 - (d) whether any material not previously authorised was used in the trial;
 - (e) whether the prosecution objected; and
 - (f) any ruling made or action taken by the judge on the further conduct of the trial as a consequence of the admission of questions or evidence under section 41 of the 1999 Act.
- (3) The data and information to be collected under this section shall be collected from the date of Royal Assent to this Bill.”

Member’s explanatory statement

This new clause requires the Secretary of State to collect and report to Parliament data and information on trial delay and section 41 matters.

Ms Harriet Harman
 Caroline Nokes
 Sir Peter Bottomley
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 Liz Saville Roberts
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 Dame Diana Johnson
 Rushanara Ali
 Yvonne Fovargue
 Dame Margaret Hodge
 Debbie Abrahams
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Stella Creasy
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 Florence Eshalomi
 Barbara Keeley

Julie Elliott
 Helen Hayes
 Rosie Cooper
 Rosie Duffield
 Hywel Williams
 Paul Blomfield
 Paula Barker
 Sarah Champion

NC15

To move the following Clause—

“Training for relevant public officials in relation to the conduct of cases of serious sexual offences

- (1) The Secretary of State shall, on this Act coming into force, publish and implement a strategy to provide training on the investigation of rape and alleged rape complainants, and the admissibility and cross-examination of complainants on their sexual history to—
- (a) the Crown Prosecution Service;
 - (b) Police Forces;
 - (c) the Judiciary; and
 - (d) such other public bodies as the Secretary of State considers appropriate.
- (2) The Secretary of State shall ensure that any judge who is asked to hear a trial where the accused is charged with rape or any other serious sexual offence

has attended and completed a training programme for such trials which has been accredited by the Judicial College.”

Member’s explanatory statement

This new clause ensures that all criminal justice agencies shall be trained and that no judge can hear a sexual offence trial of any kind unless they have attended the Judicial College serious sexual offence course.

Alex Cunningham
Sarah Champion

NC16

To move the following Clause—

“Threshold for imposing discretionary custodial sentence

Section 230 of the Sentencing Act 2020 is amended as follows—

After subsection (2), insert—

“(2A)If the court finds that the offence is so serious that neither a fine alone or a community sentence can be justified for the offence, it must state its reasons for being satisfied that the offence is so serious (having regard to the principles in subsection (2B), and, in particular, why a community order with appropriate requirements could not be justified).

(2B)When forming an opinion under subsection (2), the court should take account of the following principles—

- (a) Passing the custody threshold does not mean that a custodial sentence should be deemed inevitable. Custody should not be imposed where a community order could provide sufficient restriction on an offender’s liberty (by way of punishment) while addressing the rehabilitation of the offender to prevent future crime.
- (b) Sentences should not necessarily escalate from one community order range to the next at each sentencing occasion. The decision as to the appropriate range of community order should be based upon the seriousness of the new offence, or offences.
- (c) Section 65 of the Sentencing Code (a relevant previous conviction to be treated as an aggravating factor) should not be interpreted so as to push over the custody threshold the sentence for one or more offences that would not themselves justify custody.
- (d) Where the offender being sentenced is a primary carer, imprisonment should not be imposed except for reason of public safety.””

Sarah Champion
 Sarah Jones
 Peter Kyle
 Debbie Abrahams
 Tonia Antoniazzi
 Caroline Lucas
 Carolyn Harris

Dr Rupa Huq

Stella Creasy

NC17

To move the following Clause—

“Child criminal exploitation

At end of section 3 of the Modern Slavery Act 2015 (meaning of exploitation), insert—

“Child criminal exploitation

- (7) Another person manipulates, deceives, coerces or controls the person to undertake activity which constitutes a criminal offence and the person is under the age of 18.”

Member’s explanatory statement

This new clause introduces a statutory definition of child criminal exploitation.

Alex Cunningham
 Sarah Champion

NC18

To move the following Clause—

“Release of prisoners on Fridays or the day before Bank Holiday periods

Section 23 of the Criminal Justice Act 1961 is amended by the insertion of the following subsection after subsection (3)—

- “(3A) Where a prisoner is to be discharged on a Friday or the day before a bank holiday, at the discretion of the governor of the prison they may be discharged on a day within the previous five working days that is earlier than the day on which the prisoner would otherwise fall to be discharged.””

Stella Creasy
 Alex Cunningham
 Sarah Champion
 Caroline Lucas

NC19

To move the following Clause—

“Implementation of the Law Commission review of hate crime

- (1) The Secretary of State may by regulations implement any recommendations of the Law Commission following the conclusion of its review of hate crime.
- (2) The power conferred by subsection (1) includes—
- (a) power to amend primary legislation; and
 - (b) power to amend or revoke subordinate legislation.

- (3) A document containing a draft of regulations under subsection (1) must be laid before Parliament not later than three months after the publication of the Law Commission's recommendations, and that draft must be in a form which would implement all those recommendations.
- (4) Draft regulations under subsection (1) must be laid before Parliament not earlier than 60 days, but not later than 120 days, after the document referred to in subsection (3) was laid before Parliament.
- (5) The draft regulations laid before Parliament under subsection (4) must be in the form in which they appeared in the document laid before Parliament under sub-section (3), except that they may contain any changes which have been recommended by any committee of either House of Parliament which has reported on that document.
- (6) A Minister must make a motion in each House of Parliament approving the draft regulations laid before Parliament under subsection (4) within 14 days of the date on which they were laid.
- (7) Subject to subsection (8), if the draft regulations are approved by both Houses of Parliament, the Secretary of State must make them in the form of the draft which has been approved.
- (8) If any amendments to the draft regulations are agreed to by both Houses of Parliament, the Secretary of State must make the regulations in the form of the draft as so amended."

Member's explanatory statement

This new clause would require the Secretary of State to implement any and all recommendations made by the Law Commission's review of hate crime. Draft regulations implementing the Commission's recommendations would be subject to the super-affirmative scrutiny process (by subsections (3) to (5)), and would be amendable (under subsection (8)).

Sarah Champion
Alex Cunningham

NC20

To move the following Clause—

"Special measures access for eligible witnesses

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 19(2), omit paragraphs (a) and (b) and insert—
 - "(a) inform the witness of the special measures which are available to them by virtue of this Act; and
 - (b) give a direction under this section providing for whichever measure or measures as the witness may decide they wish to be applied to apply to evidence given by the witness.

Provided that a direction under paragraph (b) shall so far as possible ensure that the measure or measures provided for do not inhibit the evidence of the witness being effectively tested by a party to the proceedings."

- (3) Omit section 19(3)."

Member's explanatory statement

This new clause would mean that once witnesses are determined as eligible for special measures

they will be informed of all provisions and able to decide which option best suits them, rather than relying on the court to decide which measures would best improve the quality of evidence.

Alex Cunningham
Sarah Champion

NC21

To move the following Clause—

“Minimum sentence for an offence under section 1 of the Sexual Offences Act 2003

- (1) This section applies where—
- (a) an individual is convicted of an offence under section 1 of the Sexual Offences Act 2003, and
 - (b) the offence was committed after the commencement of this section and at a time when the individual was aged 18 or over.
- (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) In this section “appropriate custodial sentence (or order for detention)” means—
- (a) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and
 - (b) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000.
- (4) In this section “the required minimum term” means seven years.”

Member’s explanatory statement

This new clause creates a statutory minimum sentence for rape of 7 years. A court must impose at least the statutory minimum unless it is of the opinion there are exceptional circumstances relating to the offence or to the offender which justify not doing so.

Alex Cunningham
Sarah Champion

NC22

To move the following Clause—

“Minimum sentence for an offence under section 4A of the Protection from Harassment Act 1997

- (1) This section applies where—
- (a) an individual is convicted of an offence under section 4A of the Protection from Harassment Act 1997, and
 - (b) the offence was committed after the commencement of this section and at a time when the individual was aged 18 or over.

- (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) In this section “appropriate custodial sentence (or order for detention)” means—
 - (a) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and
 - (b) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000.
- (4) In this section “the required minimum term” means five months.”

Member’s explanatory statement

This new clause creates a new statutory minimum sentence for adults convicted of “stalking involving fear of violence or serious alarm or distress” of 5 months. A court must impose at least the statutory minimum unless it is of the opinion there are exceptional circumstances relating to the offence or to the offender which justify not doing so.

Alex Cunningham
Sarah Champion

NC23

To move the following Clause—

“Street sexual harassment

- (1) A person must not engage in any conduct in a public place—
 - (a) which amounts to sexual harassment of another, and
 - (b) which they know or ought to know amounts to sexual harassment of the other.
- (2) For the purposes of this section, the person whose conduct is in question ought to know that it amounts to sexual harassment of another if a reasonable person would think the conduct amounted to sexual harassment of the other.
- (3) The conduct referred to in subsection (1) is known as street sexual harassment.
- (4) A person (A) engages in conduct which amounts to street sexual harassment, or which they know or ought to know amounts to street sexual harassment, of another (B) if—
 - (a) A engages in unwanted conduct of a sexual nature, and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B’s dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (5) In deciding whether conduct has the effect referred to in subsection (4)(b), each of the following must be taken into account—
 - (a) the perception of B;

- (b) the other circumstances of the case; and
 - (c) whether it is reasonable for the conduct to have that effect.
- (6) For the purposes of this section, “conduct” includes speech, non-verbal attitudes such as gestures imitating or suggesting a sexual act, and obscene sound effects.
- (7) A person who engages in any conduct in breach of subsection (1) is guilty of an offence.
- (8) Where on any occasion an authorised officer finds a person who he has reason to believe has on that occasion committed an offence under section 1 above, he must give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty, unless subsection (9) applies.
- (9) This subsection applies (and subsection (8) does not apply) if a person has previously—
 - (a) been found guilty of an offence under subsection (1), or
 - (b) made payment of a fixed penalty issued under subsection (8).
- (10) Where a person is given a notice under this section in respect of an offence—
 - (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
 - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (11) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
 - (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
 - (b) the amount of the fixed penalty; and
 - (c) the person to whom and the address at which the fixed penalty may be paid; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (12) Where a letter is sent in accordance with subsection (11)(c) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (13) The form of notices under this section shall be such as the Secretary of State may by order prescribe.
- (14) The amount of a fixed penalty payable in pursuance of a notice under this section is £500.
- (15) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Member’s explanatory statement

This new clause creates an offence of engaging in unwanted conduct of a sexual nature in public. Those found to have committed an offence would be given an on the spot fine of £500. Those who commit the offence on further occasions would liable to receive a fine of up to £1000.

Alex Cunningham
Sarah Champion

NC24

To move the following Clause—

“Review of domestic homicide

- (1) Within 18 months of the commencement of this Act, the Secretary of State must commission a review and publish a report on the effectiveness of current legislation and sentencing policy surrounding domestic abuse, with a particular view to making policy recommendations to increase sentences for domestic homicide, and reduce the gap in sentence length between domestic homicide and other homicides.
- (2) A review under subsection (1) must be conducted by a person who meets the criteria for qualification for appointment to the Supreme Court, as set out in section 25 of the Constitutional Reform Act 2005.
- (3) A review under subsection (1) must consider—
 - (a) trends in the incidences and types of domestic abuse, with a focus on domestic homicide,
 - (b) sentencing policy as it applies to domestic abuse, with a focus on domestic homicide,
 - (c) current sentencing guidelines as they relate to domestic abuse, with a focus on domestic homicide, and
 - (d) the creation of new defences and/or mitigating circumstances to protect victims of domestic abuse who commit offences as a consequence of that abuse.
- (4) For the purposes of subsection (1) domestic homicide is to be defined as circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves.
- (5) The Secretary of State must lay a copy of the report before Parliament.
- (6) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Member’s explanatory statement

This new clause compels the Government to commission a review and publish a report on the effectiveness of current legislation and sentencing policy surrounding domestic abuse, with a particular focus on increasing sentences for domestic homicide. The review would also consider the creation of new protections to assist victims of domestic abuse who commit domestic homicide.

Alex Cunningham
Sarah Champion

NC25

To move the following Clause—

“Strategy to tackle misogynist attitudes in society

- (1) Within 12 months of the passing of this Act, the Secretary of State must lay before Parliament a comprehensive national strategy to tackle misogynistic attitudes in society for the purpose of reducing the number of violent and non-violent offences perpetrated against women and girls.
- (2) For the purposes of subsection (1) misogyny is defined as the dislike of, contempt for, or ingrained prejudice against, women or girls.”

Member’s explanatory statement

This new clause compels the Government to commit to the creation of a comprehensive national strategy to tackle the misogynistic attitudes which underpin the abuse faced by women and girls in society for the purpose of reducing the number of violent and non-violent offences perpetrated against women and girls.

Alex Cunningham
Sarah Champion

NC26

To move the following Clause—

“Duty to collect and publish data relating to number of offenders who receive a custodial sentence and are parents of children, or pregnant, at the time of their sentencing

- (1) The Secretary of State must take reasonable steps to ensure the following data is centrally collected and published annually—
 - (a) the number of offenders who receive a custodial sentence and, at the time of their sentencing—
 - (i) have parental responsibility for a child or children aged under 18; or
 - (ii) are pregnant; and
 - (b) the number of such children and unborn children.
- (2) For the purposes of subsection (1), “parental responsibility” has the meaning given by Section 3 of the Children Act 1989.
- (3) The data collected under subsection (1) must include whether the offenders are the primary carer of any such children.
- (4) For the purposes of subsection (3), “primary carer” means someone who has substantial care of a person under the age of 18. Where care is equally shared, all carers of that child are to be considered a “primary carer”.
- (5) The data collected under subsections (1) and (3) must—
 - (a) only be gathered with the offender’s consent; and
 - (b) be disaggregated according to the following criteria—
 - (i) the gender of the offender to which they relate;
 - (ii) the ethnicity of the offender;

- (iii) the length of the sentence received by the offender;
 - (iv) the offence for which the offender is sentenced.
- (6) The data and information to be collected under this section shall be collected from the date on which this Act is passed."

Member's explanatory statement

This new clause will place a duty on the Secretary of State to collect and publish data relating to number of offenders who receive a custodial sentence and are parents of children, or pregnant, at the time of their sentencing.

Stella Creasy
Jeff Smith

NC27

To move the following Clause—

"Voyeurism: breastfeeding

- (1) Section 67A of the Sexual Offences Act 2003 (Voyeurism: additional offences) is amended as set out in subsection (2).
- (2) After subsection (2), insert—
- "(2A) A person (A) commits an offence if—
- (a) A records an image of another person (B) while B is breastfeeding;
 - (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
 - (c) A does so—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents."

Stella Creasy

NC28

To move the following Clause—

"Provision of accommodation to reduce or prevent risk of serious violence

In the Housing Act 1996, section 189, after subsection (d), insert—

- "(e) a person at risk of serious violence, if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence."

Member's explanatory statement

This new clause amends the Housing Act 1996 to add those at risk of serious violence to the list of those who have a priority need for accommodation, if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence.

Stella Creasy

NC29

To move the following Clause—

“Code of practice on application of section 177 of the Housing Act 1996: prevention and reduction of serious violence

The Secretary of State must, before the end of the period of 3 months beginning with the day on which this Act is passed, issue a code of practice under Section 214A of the Housing Act 1996 on preventing serious violence to provide—

- (a) that the application of section 177 of the Housing Act 1996 is to be applied to those at risk of serious violence so as to ensure that it is not deemed reasonable for a person to continue to occupy accommodation if the provision of alternative accommodation would prevent or reduce the risk of serious violence against that person;
- (b) for the Homelessness Code of Guidance for Local Authorities to be updated to include a new chapter on the duties of local authorities under subsections 7(3A) and 8(3A) of this Act, with particular reference to preventing and reducing serious violence and safeguarding young people at risk of serious violence;
- (c) that the police shall be responsible for timely collaboration with housing providers on the reduction of the risk of serious violence to individuals where the exercise of housing duties may reduce or prevent the risk of serious violence; and
- (d) guidance on the disclosure of information in accordance with regulations under section (9)(2) of this Act by and to specified authorities which are housing authorities to prevent and reduce serious violence in a prescribed area, with particular reference to assisting the housing authority with the prevention and reduction of serious violence in the exercise of its duties under part 7 of the Housing Act 1996.”

Sir Edward Leigh

NC30

To move the following Clause—

“Retention by the police of personal data relating to non-criminal conduct perceived to be motivated by hostility

- (1) The processing of relevant data by a police authority in accordance with Article 6(1) of the GDPR and section 35 of the Data Protection Act 2018 is not lawful unless it is undertaken in accordance with regulations made by statutory instrument under this section.
- (2) In this section, “relevant data” means personal data relating to a data subject which is based in whole or in part on the perception by another person that the conduct of the data subject was motivated wholly or partially by hostility or prejudice towards any group of people sharing a characteristic and where the conduct in question is unlikely to constitute a criminal offence.
- (3) In this section, “a police authority” means—
 - (a) a person specified or described in paragraphs 5 to 20 of Schedule 7 of the Data Protection Act 2018,

- (b) a person acting under the authority of such a person.
- (4) Subsection (1) does not apply in respect of the processing of information—
 - (a) pursuant to an ongoing criminal investigation,
 - (b) for the purposes of the internal administrative functions of the police authority.
- (5) Regulations under this section must—
 - (a) identify different categories of personal data and processing of the personal data in question;
 - (b) include provisions by reference to each of the various categories of processing and personal data as to—
 - (i) the person or persons whose authority is required for the processing of the personal data,
 - (ii) the notifying of the data subject of the processing of the personal data,
 - (iii) the period for which the personal data can be retained (including provision for the granting of authority for extending that period),
 - (iv) the disclosure of the personal data to third parties,
 - (c) have particular regard to the importance of the right to freedom of expression and the extent to which that right is adversely affected by the processing of relevant data by any police authority.
- (6) Regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (7) The Police Act 1997 is amended by the insertion, after subsection 113B(3), of the following subsection—

“(3A) An enhanced criminal record certificate must not give the details of a relevant matter to the extent that doing so would result in the disclosure of relevant data as defined at subsection (2) of section (Retention by the police of personal data relating to non-criminal conduct perceived to be motivated by hostility) of the Police, Crime, Sentencing and Courts Act 2021.”
- (8) In this section—
 - (a) the terms “personal data”, “data subject”, “processing” and “the GDPR” have the same meanings as under section 3 of the Data Protection Act 2018.”
 - (b) the term “characteristic” includes but is not limited to any protected characteristics under section 3 of the Equality Act 2010.

Alex Cunningham

NC31

☆ To move the following Clause—

“Maximum sentence for publishing the identity of a sexual offences complainant

- (1) Section 5 of the Sexual Offences (Amendment) Act 1992 is amended as follows.
- (2) In subsection (1), leave out “and liable on summary conviction to a fine not exceeding level 5 on the standard scale”.
- (3) After subsection (1), insert the following subsection—
“(1A) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding level 5 on the standard scale, or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or a fine not exceeding level 5 on the standard scale, or both.””

Ms Harriet Harman
Joanna Cherry

NC32

☆ To move the following Clause—

“Requirement for a pre-sentence report when sentencing a primary carer

- (1) Section 30 of the Sentencing Act 2020 is amended as follows.
- (2) After subsection (3) insert—
“(3A) A court must make inquiries to establish whether the offender is a primary carer for a child.
- (3B) If the court establishes that the offender is a primary carer for a child, unless there are exceptional circumstances before sentencing the offender the court must obtain a pre-sentence report containing information to enable the court to make an assessment of the impact of a custodial sentence on the child.”
- (3) After subsection (4) insert—
“(5) In this section—
 - (a) “child” means a person under the age of 18; and
 - (b) “primary carer” means a person who has primary or substantial care responsibilities for a child.””

Member’s explanatory statement

This new clause amends section 30 of the Sentencing Act 2020 to make clear the requirement for a sentencing judge to have a copy of a pre-sentence report, considering the impact of a custodial sentence on the dependent child, when sentencing a primary carer of a child.

Ms Harriet Harman
Joanna Cherry

NC33

☆ To move the following Clause—

“Duty of the court to state how it has considered the consequences for the child when sentencing

(1) Section 52 of the Sentencing Act 2020 is amended as follows.

(2) After subsection (9) insert—

“Offenders who are primary carers

(10) A court sentencing a primary carer for a child must state how the best interests of the child were considered in determining the sentence (including, if appropriate, consideration of the views of the child).

(11) A court sentencing a pregnant woman must state how the best interests of the baby were considered in determining the sentence.

(12) In this section—

(a) “child” means a person under the age of 18; and

(b) “primary carer” means a person who has primary or substantial care responsibilities for a child.””

Member’s explanatory statement

This new clause amends section 52 of the Sentencing Act 2020 to require a sentencing judge to state how the best interests of a child were considered when sentencing a primary carer of a dependent child.

Ms Harriet Harman
Joanna Cherry

NC34

☆ To move the following Clause—

“Welfare of child to be a distinct consideration when sentencing a primary carer

(1) After section 227 of the Sentencing Act 2020, insert—

“227A Restrictions on imposing imprisonment on a primary carer

(1) This section applies where a court is considering imposing a custodial sentence on—

(a) a primary carer for a child, or

(b) a pregnant woman.

(2) The sentencing court must—

(a) consider the impact of a custodial sentence on the child or unborn child, and

(b) presume (subject to victim impact and any other sentencing considerations) that a non-custodial sentence is in the best interests of the child or unborn child.

(3) In this section—

- (a) "child" means a person under the age of 18, and
- (b) "primary carer" means a person who has primary or substantial care responsibilities for a child."

Member's explanatory statement

This new clause would create a requirement for a sentencing judge to consider the impact of a custodial sentence on a child when sentencing a primary carer of a dependent child.

Ms Harriet Harman
Joanna Cherry

NC35

☆ To move the following Clause—

"Welfare of child to be a distinct consideration when determining bail for a primary carer"

(1) Section 4 of the Bail Act 1976 is amended as follows.

(2) After subsection (9) insert—

"(10) Where a court determines whether to grant bail in criminal proceedings to a person to whom this section applies who is a primary carer for a child or pregnant, the court must—

- (a) consider the impact of not granting bail on the child or unborn child; and
- (b) presume (subject to victim impact or other relevant considerations) that it is in the best interests of the child or unborn child for bail to be granted.

(11) In this section—

- (a) "child" means a person under the age of 18, and
- (b) "primary carer" means a person who has primary or substantial care responsibilities for a child."

Member's explanatory statement

This new clause would impose a requirement for the judge to consider the impact of not granting bail on a child when determining, in criminal proceedings, whether to grant bail to a primary carer of a dependent child.

Ms Harriet Harman
Joanna Cherry

NC36

☆ To move the following Clause—

"Data collection in relation to prisoners who are primary carers"

(1) The Secretary of State must collect and publish annual data identifying—

- (a) how many prisoners are the primary carers of a child,
- (b) how many children have a primary carer in custody, and
- (c) the ages of those children.

(2) In this section—

- (a) "child" means a person under the age of 18, and
- (b) "primary carer" means a person who has primary or substantial care responsibilities for a child."

Member's explanatory statement

This new clause would impose a requirement on the Secretary of State to collect and publish data on the number of prisoners who are the primary carers of a child and the number of children who have a primary carer in custody.

Sarah Champion

NC37

★ To move the following Clause—

"Retrial for child sexual offences

- (1) Schedule 5 of The Criminal Justice Act 2003 is amended as follows.
- (2) After paragraph 14, insert—

"Sexual assault of a child under 13

14A An offence under section 7 of the Sexual Offences Act 2003."

- (3) In paragraph 15, leave out from "where" to the end of the paragraph.
- (4) After paragraph 15, insert—

"Sexual activity with a child

15A An offence under section 9 of the Sexual Offences Act 2003.

Causing or inciting a child to engage in sexual activity

15B An offence under section 10 of the Sexual Offences Act 2003.

Indecent assault against a child under 16

15C An offence under section 14 or 15 of the Sexual Offences Act 1956 where it is alleged that the assault was against a child under 16 by a person over 18.""

Member's explanatory statement

This new clause would amend the Criminal Justice Act 2003 so that all child sexual offences, and not just those involving penetration, can be subject to retrial.

Sarah Champion

NC38

★ To move the following Clause—

"Publication of data on child sexual offences, child sexual exploitation offences and modern slavery offences committed against children

- (1) The Secretary of State must collect and publish annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery

offences committed against those under the age of 18 in England and Wales, by police force area.

(2) The data collected and published must include—

- (a) number of child victims of crimes, by age;
- (b) number of reported crimes;
- (c) number of persons charged;
- (d) number of persons prosecuted; and
- (e) number of persons sentenced and length of sentence.

(3) In this section—

- (a) references to child sexual offences and child sexual exploitation offences relate to offences committed under Part 1 of the Sexual Offences Act 2003; and
- (b) references to modern slavery offences relate to offences committed under sections 1 to 4 of the Modern Slavery Act 2015."

Member's explanatory statement

This new clause would place a requirement on the Secretary of State to collect and publish annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery offences committed against children aged under 18 in England and Wales by Police Force area.

Sarah Champion

NC39

★ To move the following Clause—

"Aggravated child sexual offences

(1) The Sexual Offences Act 2003 is amended in accordance with this section.

(2) In section 14—

- (a) in subsection (4), at the beginning, insert "Subject to subsection (5),"; and
- (b) after subsection (4), insert—

"(5) If one or more of the following applies, a person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life—

- (a) the child has a mental impairment at the time of the offence;
- (b) the child is subjected to inhuman or degrading treatment in connection with the offence;
- (c) the child dies as a result of physical harm suffered in connection with the offence;
- (d) as a consequence of the offence the child is forced to engage in sexual activity with another child;
- (e) as a consequence of the offence the child is forced to engage in sexual activity with a family member;
- (f) more than 500 pounds were paid in aggregate for the commission of the offence or related offences."

(3) In section 48—

- (a) in subsection (2), at the beginning, insert “Subject to subsection (3),”; and
- (b) after subsection (2), insert—

“(3) If one or more of the following applies, a person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life—

- (a) the child has a mental impairment at the time of the offence;
- (b) the child is subjected to inhuman or degrading treatment in connection with the offence;
- (c) the child dies as a result of physical harm suffered in connection with the offence;
- (d) as a consequence of the offence the child is forced to engage in sexual activity with another child;
- (e) as a consequence of the offence the child is forced to engage in sexual activity with a family member;
- (f) more than 500 pounds were paid in aggregate for the commission of the offence or related offences.””

Member’s explanatory statement

This new clause introduces a new aggravated offence in relation to the offences listed in sections 14 and 48 of the Sexual Offences Act 2003. This captures instances of more extreme abuse and exploitation of children.

Sarah Champion

NC40

★ To move the following Clause—

“Communication for the purpose of causing or inciting sexual exploitation of a child

Section 48 of the Sexual Offences Act 2003 (Causing or inciting sexual exploitation of a child) is amended by the insertion of the following subsection after subsection (1)—

“(1A) A person commits an offence if he communicates with another person, whether in person or remotely via electronic communication through the internet or other telecommunications, for the purpose of committing an offence under subsection (1), regardless of whether the sexual exploitation takes place.””

Member’s explanatory statement

This new clause is intended to criminalise communications or activity which is intended to enable the sexual abuse or exploitation of a child. It addresses the initial steps taken by the sex offender with the intention of committing an offence, regardless of whether that offence in fact took place.

Sarah Champion

NC41

★ To move the following Clause—

“Causing or inciting a child under 13 to engage in sexual activity

- (1) Section 8 of the Sexual Offences Act 2003 (Causing or inciting a child under 13 to engage in sexual activity) is amended in accordance with sections (2) and (3).
- (2) In paragraph (1)(a), leave out “to engage in an activity” and insert “, having communicated with B by any means, to engage in an activity in any part of the world”.
- (3) After subsection (1), insert—
 - “(1A) For the purposes of this section “by any means” includes, but is not limited to—
 - (a) in person, and
 - (b) remotely via electronic communication through the internet or other telecommunications .””

Member’s explanatory statement

This new clause clarifies that this offence can be committed either in person or online and in the UK or in any part of the world.

Order of the House

[16 March 2021]

That the following provisions shall apply to the Police, Crime, Sentencing and Courts Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 24 June 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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