

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS HARRIS OF RICHMOND

As an amendment to the amendment to page 2, line 34 printed on sheet HL Bill 40(a)

In subsection (8C), at end insert—

“(i) the National Association of Retired Police Officers.”

Member’s explanatory statement

This amendment adds the National Association of Retired Police Officers to the policing bodies that would make up the proposed oversight board.

Clause 45

LORD BEITH

Page 37, line 39, after “sport” insert “dance, drama, music”

Member’s explanatory statement

This is a probing amendment to explore whether there is a potential gap in the law related to other teaching or supervisory positions of trust.

Page 37, line 41, at end insert “, or in dance, drama or music.”

Member’s explanatory statement

This is a probing amendment to explore whether there is a potential gap in the law related to other teaching or supervisory positions of trust.

Clause 55

LORD BEITH

Page 47, line 22, leave out “unease,”

Member’s explanatory statement

This amendment is intended to probe the meaning of “unease” in the context of protests.

Page 47, line 33, leave out subsection (4)

Member's explanatory statement

This is based on a DPRRC recommendation. It removes the ability of the Secretary of State to make regulations defining "serious disruption to the activities of an organisation" and "serious disruption to the life of the community", thereby requiring these terms to be defined on the face of the Bill.

Clause 61

LORD BEITH

Page 56, leave out lines 19 to 32

Member's explanatory statement

This is based on a DPRRC recommendation. It removes the ability of the Secretary of State to make regulations defining "serious disruption to the activities of an organisation", thereby requiring this term to be defined on the face of the Bill.

After Clause 61

LORD BEST

Insert the following new Clause –

“Repeal of Vagrancy Act 1824

- (1) The Vagrancy Act 1824 is repealed.
- (2) In this section –
 - “the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014;
 - “begging” means asking for gifts on streets or in other public places (for which purpose it is immaterial whether gifts are of money or in kind, whether they are expressed as gifts or as loans, and whether a person asks expressly or impliedly, by displaying receptacles for donations or otherwise; but “begging” does not include soliciting donations to a registered-charity with the express written authority of that charity);
 - “registered charity” means a charity registered under section 30 of the Charities Act 2011, or exempted or excepted from registration under or by virtue of that section; and
 - “sleeping rough” means sleeping (or making preparations to sleep, or possessing bedding or other equipment for the purpose of sleeping) on streets or in other public places, or in places or structures not designed for human habitation.
- (3) The following principles are to be applied in the exercise of powers under the 2014 Act –
 - (a) begging or sleeping rough does not in itself amount to action causing alarm or distress (in the absence of other factors);
 - (b) policing and other enforcement action should balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough; and

After Clause 61 - continued

- (c) powers under the 2014 Act should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available.
- (4) A constable or other person exercising functions under the 2014 Act, or considering whether to exercise functions under that Act, in connection with a person who has been, or may have been, involved in begging or sleeping rough, must consider whether the person could be referred to public authorities, or charitable or other persons, for help in addressing the problems that cause them to be involved in begging or sleeping rough.
- (5) The Secretary of State must issue guidance to local authorities and police forces about the implementation of subsections (3) and (4).
- (6) Local authorities and police forces must—
 - (a) have regard to the guidance; and
 - (b) take reasonable steps to provide education and training designed to ensure consistent and effective implementation of subsections (3) and (4).
- (7) Before issuing (or revising) the guidance the Secretary of State must consult—
 - (a) representatives of police forces;
 - (b) representatives of local authorities; and
 - (c) persons representing the interests of homeless persons.
- (8) The following enactments are repealed (in consequence of subsection (1))—
 - (a) the Vagrancy Act 1898;
 - (b) the Vagrancy Act 1935;
 - (c) sections 20(1)(g) and 24(1)(f) of the Sentencing Act 2020;
 - (d) section 55(2)(b) of the Violent Crime Reduction Act 2006;
 - (e) paragraph 18 of Schedule 8 to the Serious Organised Crime and Police Act 2005;
 - (f) paragraphs 3(3)(b) and 7(3) of Schedule 3C to the Police Reform Act 2002;
 - (g) paragraph 2(3)(aa) of Schedule 5 to that Act;
 - (h) paragraph 4 of Schedule 6 to the Criminal Justice and Court Services Act 2000;
 - (i) section 43(5) of the Mental Health Act 1983;
 - (j) section 70 of the Criminal Justice Act 1982;
 - (k) section 20 of the Criminal Justice Act 1967;
 - (l) in section 48(2) of the Forestry Act 1967, the words “or against the Vagrancy Act 1824”;
 - (m) in section 20(4) of the New Towns Act (Northern Ireland) 1965, the words “or against section 4 of the Vagrancy Act 1824”;
 - (n) section 2(3)(c) of the House to House Collections Act 1939; and
 - (o) in section 81 of the Public Health Acts Amendment Act 1907, the words “shall for the purpose of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same, be deemed to be an open and public place, and”.

After Clause 61 - continued

- (9) This section extends to England and Wales only, but applies only in relation to acts done in England.
- (10) This section comes into force at the end of the period of two months beginning with the date of Royal Assent.”

Member’s explanatory statement

This new Clause would repeal the Vagrancy Act 1824 and establish that begging or sleeping rough is not itself criminal; it would require police officers to balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough and ensure that general public order enforcement powers should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available.

After Clause 76

LORD BROOKE OF ALVERTHORPE

Insert the following new Clause –

“Alcohol limits

- (1) In section 11(2) of the Road Traffic Act 1988 (interpretation of sections 4 to 10), the definition of “the prescribed limit” is amended as follows.
- (2) For paragraph (a) substitute –
“ (a) 22 microgrammes of alcohol in 100 millilitres of breath,”.
- (3) For paragraph (b) substitute –
“ (b) 50 milligrammes of alcohol in 100 millilitres of blood,”.
- (4) For paragraph (c) substitute –
“ (c) 67 milligrammes of alcohol in 100 millilitres of urine,”.
- (5) In section 8(2) of the Road Traffic Act 1988 (choice of specimens of breath), for “50 microgrammes of alcohol in 100 millilitres of breath” substitute “31 microgrammes of alcohol in 100 millilitres of breath”.

Clause 176

LORD BEST

Page 195, line 13, after “33” insert “, (*Repeal of the Vagrancy Act 1824*)”

Member’s explanatory statement

This amendment is consequential to the new Clause tabled in Lord Best’s name.

Police, Crime, Sentencing and Courts Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

16 September 2021
