

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD PADDICK

Page 2, line 3, at end insert –

“() the support and training required by such persons for their health and resilience”

Member’s explanatory statement

This amendment is to probe the proactive support and advice for the police workforce to maintain their health, including mental health

Page 2, line 25, after “are” insert “identifiably”

Clause 2

LORD PADDICK

Page 3, leave out lines 43 and 44 and insert –

“subsection (2) add –

“(c) in exceptional circumstances on conviction on indictment, to imprisonment for a term not exceeding 12 months, or to a fine, or to both”.

Member’s explanatory statement

This amendment is intended to probe the existing use of the current statutory maximum term of imprisonment

Before Clause 3

LORD PADDICK

Insert the following new Clause –

“Meaning of special constables

In all legislation in force applying to England and Wales (including legislation enacted after the coming into force of this section) –

Before Clause 3 - continued

- (a) the term “members of police forces” shall be deemed to include special constables, and
- (b) the term “constable” shall be deemed to include a special constable”

Member’s explanatory statement

The aim of this amendment is to ensure that special constables are considered to be members of the police service, as they are in Scotland.

After Clause 5

LORD PADDICK

Insert the following new Clause –

“National standards of competent and careful constable

For the purposes of sections 4 and 5 the Secretary of State shall, after consultation with such persons as they consider appropriate, publish national standards expected of designated persons”

Member’s explanatory statement

This amendment would require the Secretary of State to publish national standards of what would be expected of a competent and careful constable under sections 4 and 5, against which their driving should be judged.

Clause 7

LORD PADDICK

Page 8, line 14, leave out clause 7 and insert the following new Clause -

“Duty to co-operate to reduce violent crime

“(1) The Crime and Disorder Act 1998 is amended as follows.

(2) After section 5(2)(ba) insert –

- “(bb) each educational authority for the area
- (bc) each prison authority for the area
- (bd) each youth custody authority for the area”

Member’s explanatory statement

This amendment is to probe existing duties to co-operate under the Crime and Disorder Act 1998 and the role of Crime and Disorder Partnerships in reducing violent crime

Page 8, line 31, at end insert –

“(d) each NHS body in the area”

Member’s explanatory statement

This is to ensure that the local health sector is consulted when a local plan is being prepared to prevent and reduce serious violence in that local area.

Clause 9

LORD PADDICK

Page 2, line 13, leave out subsections (2) to (5)

Member's explanatory statement

This amendment would remove provisions on the disclosure of data.

Page 11, line 9, after “with” insert “another specified authority or”

Member's explanatory statement

This amendment is to clarify the expected level of collaboration between specified authorities under this Part of the Bill.

Page 11, line 25, at end insert —

“(3A) Regulations under subsection (2) shall provide safeguards regarding the use and confidentiality of information so disclosed including to persons in the private and voluntary sectors undertaking activities on behalf of a prescribed person”

Member's explanatory statement

This amendment creates a duty to provide safeguards on the use and confidentiality of information, particularly regarding confidential information disclosed to those working in the private and voluntary sector.

Page 11, line 26, leave out from “may” to end of line 27 and insert —

“not provide that a disclosure under the regulations breaches”

Member's explanatory statement

This amendment strengthens the Bill to ensure confidentiality obligations are not breached.

“(c) Page 11, line 31, the data protection legislation”

Member's explanatory statement

This amendment strengthens the provisions in the Bill to ensure that data protection legislation is not breached by disclosures of information in the regulations provided for under Clause 9

Page 11, line 31, at end insert —

“if an order to that effect is made in the High Court”

Member's explanatory statement

This amendment strengthens personal confidentiality by ensuring that regulations under Clause 9 may only provide that disclosure of information does not breach an obligation of confidence if a court order is made to that effect.

Page 11, line 40, leave out “or to disclose information”

Member's explanatory statement

This amendment is consequential to Lord Paddick's amendment to Clause 9, page 11, line 13.

Clause 12

LORD PADDICK

Page 13, line 13, leave out subsection (c)

Member's explanatory statement

The aim of this amendment is to probe the correlation between the prevalence of violence and serious violence in an area.

Clause 13

LORD PADDICK

Lord Paddick gives notice of his intention to oppose the Question that Clause 13 stand part of the Bill.

Member's explanatory statement

The purpose of this amendment is to probe how the provisions of this Bill and the Crime and Disorder Act 1998 will work in practice; and the relationship between Crime and Disorder Partnership and Police and Crime Commissioners

Clause 14

LORD PADDICK

Lord Paddick gives notice of his intention to oppose the Question that Clause 14 stand part of the Bill.

Member's explanatory statement

The purpose of this amendment is to probe the differences between the duties to collaborate under clause 9 of the Bill, and under this Clause.

Clause 15

LORD PADDICK

Lord Paddick gives notice of his intention to oppose the Question that Clause 15 stand part of the Bill.

Member's explanatory statement

This amendment is intended to probe the different types of disclosure required under Clause 9 and under this Clause

Clause 16

LORD PADDICK

Lord Paddick gives notice of his intention to oppose the Question that Clause 16 stand part of the Bill.

Member's explanatory statement

This amendment is intended to explore how the provisions of the Data Protection Act will interact with the requirements to supply information under this Clause

Clause 17

LORD PADDICK

Lord Paddick gives notice of his intention to oppose the Question that Clause 17 stand part of the Bill.

Member's explanatory statement

The purpose of this amendment is to explore the extent of the Secretary of State's powers to issue directions under this section and the consequences of failure to comply with such a direction

Clause 18

LORD PADDICK

Page 17, line 17, at end insert “and contained in regulations”

Member's explanatory statement

The aim of this amendment is to ensure that the guidance under this Clause is able to be scrutinised by Parliament

Page 17, line 26, at end insert —

“(2A) Before issuing guidance the Secretary of State must consult

- (a) representatives of each of those persons;
- (b) such other persons as are appropriate”

Member's explanatory statement

This amendment requires the Secretary of State to consult appropriately before issuing guidance under this Clause.

Clause 21

LORD PADDICK

Page 19, line 40, leave out “only”

Member's explanatory statement

To probe why regulations for the publication and dissemination of strategies are not subject to the affirmative procedure

Clause 23

LORD PADDICK

Page 22, line 7, at end insert —

“(c) no other mechanism is available to review or hold an investigation or inquiry into the death”

Member's explanatory statement

The purpose of this amendment is to ensure that the reviews conducted under Clause 23 do not duplicate any other review taking place into the same death, for example a Coroner's inquest.

Clause 24

LORD PADDICK

Page 22, line 18, at end insert –

“(1A) Before making regulations the Secretary of State must consult
 (a) representatives of review partners
 (b) such other persons as are appropriate”

Member's explanatory statement

This amendment requires the Secretary of State to consult appropriately before making regulations under Clause 24.

Clause 27

LORD PADDICK

Page 24, line 38, after “death” insert –

“(aa) how most effectively to disseminate that learning”

Member's explanatory statement

This amendment aims to ensure that any lessons learnt from a person's death are appropriately disseminated.

Page 24, line 40, after “of” insert “the death or”

Member's explanatory statement

This is to ensure that actions can be taken as a result of the death itself, not just the lessons learned from that death

Page 25, line 8, at end insert –

“but may report such material separately to the Secretary of State”

Member's explanatory statement

The purpose of this amendment is to ensure there is an indirect means of communication between the review partners and the Secretary of State if it is not possible to include some sensitive information in the report.

Clause 29

LORD PADDICK

Page 25, line 40, leave out from “information” to end of line and insert “that is the subject of sections 26 to 28 shall not be made if it would”

Member's explanatory statement

This amendment strengthens the Bill to ensure confidentiality obligations are not breached.

Page 26, line 5, leave out from “legislation” to end of line 7

Member’s explanatory statement

This amendment is intended to probe the qualification in this Clause that is placed on the provisions of data protection legislation.

Clause 31

LORD PADDICK

Page 26, line 41, at end insert

“(3) Guidance under this section shall not be issued unless it has been laid before Parliament not less than 28 days before it is proposed to come into effect”

Member’s explanatory statement

This amendment ensures that the guidance under Clause 31 must be laid before Parliament.

Clause 36

LORD PADDICK

Page 29, line 9, at end insert –

“(c) the authorised person has complied with the code of practice published under section 40”

Member’s explanatory statement

This amendment requires that an authorised person must comply with the code of practice before extracting information from electronic devices.

After Clause 54

THE LORD BISHOP OF ST ALBANS

Insert the following new Clause –

Poaching of game

- (1) The Game Laws (Amendment) Act 1960 is amended as follows.
- (2) In section 2(1), after “committing” insert “or has committed”.
- (3) In section 4(1) –
 - (a) after “section thirty” insert “or section thirty two”, and
 - (b) at end insert “or any animal, vehicle, or other article belonging to him, or in his possession or under his control at the relevant time.”
- (4) In section 4(2), after “gun” in lines 2 and 4 insert “, animal,”.
- (5) In section 4, at end insert –

“(6) The court by or before which a person is convicted of an offence under either the Night Poaching Act 1828 or the Game Act 1831 may order the offender to reimburse any expenses incurred by the police in connection with the keeping of any animal seized in connection with the offence.”
- (6) In section 4A(1) –
 - (a) in line 1, after “under” insert “section one or section 9 of the Night Poaching Act 1828 or”,

After Clause 54 - continued

- (b) after “thirty” insert “or section thirty two”, and
- (c) omit “as one of five or more persons liable under that section.”.

Member’s explanatory statement

This new Clause is intended to broaden the powers available to the police and the courts for dealing with illegal hare coursers. Measures include providing for forfeiture of animals on conviction and permitting the recovery of expenses incurred by the police in housing a seized animal.

Clause 64

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS BRINTON

Page 57, line 11, at end insert –

“(1A) A constable may only make a request under subsection 1(d) if a senior officer is reasonably satisfied that it is reasonable and proportionate to do so, after suitable consultations with relevant bodies, having particular regard to Convention rights and personal circumstances, including the best interests of any children residing on the land.”

Member’s explanatory statement

This amendment would require a senior police officer to ensure an assessment of welfare needs has been considered and the request to leave the land is proportionate before any requests to leave the land are made and any powers under Part 4 are triggered.

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17 September 2021
