

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

EARL ATTLEE

Page 3, line 46, at end insert –

“(3) After section 2 of the Assaults on Emergency Workers (Offences) Act 2018 insert –

“2A Potting

- (1) A person commits an offence of potting if the person –
 - (a) maliciously causes an emergency worker to unwillingly or unwittingly come into direct contact with any substance containing urine, excrement or ejaculate, or
 - (b) is in custody and causes or permits their own urine, excrement or ejaculate to be intercepted without lawful reason or excuse.
- (2) For the purposes of subsection (1)(a), a substance that looks and smells like it contains urine or excrement is to be taken to contain such substances.
- (3) For the purposes of subsection (1)(b), only in exceptional circumstances may the court accept a defence of “lawful reason or excuse” in the absence of evidence of a prior direction by a clinically qualified person.
- (4) In each and every case where the alleged offence takes place in a custodial environment and the Crown Prosecution Service decide not to prosecute on the grounds of not being in the public interest, the Lord Chancellor must be notified within 28 days of any such decision being made.
- (5) The Secretary of State must ensure that sufficient suitable kits for collecting evidence samples are available within the Prison Service.
- (6) A person guilty of an offence to which this section applies is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.””

After Clause 49

BARONESS CHAKRABARTI

Insert the following new Clause—

“Arrest without warrants: safeguarding

In section 24 of the Police and Criminal Evidence Act 1984 (arrest without warrants: constables), after subsection (4) insert—

“(4A) A constable exercising the power conferred by subsection (1), (2) or (3) may not require or ask the person under arrest to enter a vehicle or premises other than a police station unless at least one other constable is present in the vehicle or when entering the premises, as applicable.””

Clause 55

LORD JUDGE

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

Member’s explanatory statement

Deleting this provision would leave “serious disruption” to carry its natural meaning, or to be defined on the face of the Bill.

Clause 56

LORD JUDGE

Page 49, line 12, leave out subsection (6)

Member’s explanatory statement

Deleting this provision would leave “serious disruption” to carry its natural meaning, or to be defined on the face of the Bill.

After Clause 170

BARONESS CHAKRABARTI

Insert the following new Clause—

“Duty to establish inquiry into lessons to be learned from the death of Sarah Everard

- (1) The Secretary of State must within one month of the coming into force of any provision of this Act, cause an inquiry to be held under the Inquiries Act 2005 into the matters arising from the abduction, rape and murder of Sarah Everard to identify the lessons to be learned for the professional culture, funding, vetting and organisation of policing, the prevention of violence against women and the investigation and prosecution of misogynistic crimes.
- (2) The inquiry must be undertaken by a chair who is to be a senior woman judge or retired judge, and a panel of other members of relevant experience appointed as set out under section 4 of the Inquiries Act 2005.”

After Clause 170 - continued

LORD PADDICK

Insert the following new Clause—

“Criminal Justice and Public Order Act 1994: repeal of section 60

Section 60 of the Criminal Justice and Public Order Act 1994 is omitted.”

Member’s explanatory statement

This provision will repeal section 60 of CJPOA, which provides for suspicion-less stop and search.

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4 October 2021
