

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD PADDICK

Page 2, line 9, at end insert –

“() In reporting about health and well-being under subsection (2)(a), the Secretary of State may in particular have regard to any mental health programmes providing assessment and treatment advice for members and former members of the police workforce.”

Member’s explanatory statement

This amendment is to probe the access to mental health services currently available to members and former members of the police workforce

Clause 2

LORD PADDICK

Page 2, line 46, at end insert –

“() The Sentencing Council must prepare and publish sentencing guidelines for this offence.”

Member’s explanatory statement

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

Clause 4

EARL ATTLEE

Page 5, leave out lines 37 to 46

Member’s explanatory statement

This amendment would limit the protection under Clause 4 to police officers and civilian police driving instructors.

Clause 5

EARL ATTLEE

Page 7, leave out lines 7 to 16

Member's explanatory statement*This amendment would limit the protection under Clause 5 to police officers and civilian police driving instructors.***Clause 7**

LORD YOUNG OF COOKHAM

Page 8, line 25, 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.”

Page 8, line 31, at end insert –

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

Page 8, line 37, at end insert –

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

Clause 8

LORD YOUNG OF COOKHAM

Page 9, line 36, 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.”

Page 9, line 43, at end insert –

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

Page 10, line 5, at end insert –

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

Clause 9

LORD YOUNG OF COOKHAM

Page 11, line 25, at end insert –

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

After Clause 9

LORD YOUNG OF COOKHAM

Insert the following new Clause –

“Serious Violence and the Housing Act 1996

- (1) 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.”
- (2) 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.”

Clause 15

LORD YOUNG OF COOKHAM

Page 15, line 28, at end insert –

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

Clause 16

LORD YOUNG OF COOKHAM

Page 16, line 14, at end insert –

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

Clause 17

LORD YOUNG OF COOKHAM

Page 16, line 41, at end insert “or registered provider of social housing”

Page 17, line 1, after “authority”, insert “or provider”

Clause 36

LORD PADDICK

Page 29, line 9, at end insert –

“() Refusal to provide a device and agree to the extraction of information from it should not automatically result in the closure of any enquiry or complaint.”

Member’s explanatory statement

This amendment gives effect to a recommendation from the Constitution Committee's report on the Bill, that in the light of the decline in the number of charges and prosecutions for rape over the last five years, safeguards that protect victims' right to privacy and guard against digital extraction as a condition for continuing an investigation or prosecution should appear in the Bill rather than in a non-binding code of practice

After Clause 49

LORD CARLILE OF BERRIEW

Insert the following new Clause –

“Rights of women and children upon arrest and detention

After section 28 of the Police and Criminal Evidence Act 1984 insert –

“28A Rights of women and children upon arrest and detention

- (1) Upon the purported arrest of an individual alone who identifies as a woman or is or appears to be a child, in a place other than a police station and by a single male constable with no female officer present, the arrest is not lawful unless –
 - (a) the individual is given an immediate and reasonable opportunity to contact another person and is permitted to inform them of the arrest and to invite them to accompany the detainee to a designated police station;
 - (b) the individual is given an immediate and reasonable opportunity to contact a police telephone number provided by the male constable or the emergency services;
 - (c) upon the individual taking the opportunity described in paragraph (a), the arresting constable remains with the detainee at the location or, if the location is not a public place, in a nearby public place identified to both the designated police station and the person contacted, for up to 30 minutes or such longer time as is reasonable (“the requisite period”) to allow the contacted person or another acting on their behalf to reach the detainee.
- (2) The individual shall be informed at the time of the purported arrest of the rights granted to her under this section, and shall be provided with a written notice describing those rights.

After Clause 49 - continued

- (3) In the event that no other person is able to accompany the detainee within the period described in subsection (1), the arrest will remain unlawful unless a female constable is made available within the requisite period to accompany the individual to a designated police station.
- (4) If no other person or female constable is available within the requisite period, the male constable must release the individual.
- (5) If the individual is released, the male constable will be entitled to request the individual to provide her full name and address, and may serve a notice requiring the individual to attend a designated police station within 24 hours of the notice.
- (6) At the time of a purported arrest in the circumstances described in subsection (1), the individual shall be permitted to take a photograph of the male constable and, if she so wishes, to send the image to a person of her choosing.
Such an image may be sent to a person other than the contacted person referred to in subsection 1(a).”

Member’s explanatory statement

The new clause, having regard to circumstances surrounding the horrific murder of Sarah Everard, seeks to add to section 28 Police and Criminal Evidence Act 1984 to introduce new rights and provisions for those detained to ensure that any person impersonating a police officer acting in his official capacity will not be able to falsely arrest or detain women or children. It is intended to assuage fears women and children may have if now approached by male arresting officers when alone.

After Clause 124

EARL ATTLEE

Insert the following new Clause –

“Determination of sentence and predicted day of release

After section 60 the Sentencing Code insert –

“60A Determination of sentence and predicted day of release

Where a court is deciding the length of a custodial sentence to impose on an offender for an offence, having taking into consideration all other factors, the court must not set a length of sentence that is likely to result in the offender being released on a public holiday, Friday, Saturday or a Sunday except in exceptional circumstances.”

Clause 165

EARL ATTLEE

Earl Attlee gives notice of his intention to oppose the Question that Clause 165 stand part of the Bill.

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5 October 2021
