

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 7

BARONESS BRINTON
LORD PATEL
LORD RIBEIRO

Page 8, line 16, at end insert –

“(1A) In exercising the duty under subsection (1), no information may be shared by a specified authority, or an individual within a specified organisation, which breaches doctor/patient confidentiality as set out in the General Medical Council Ethical Guidance on confidentiality.”

Clause 9

BARONESS BRINTON
LORD PATEL
LORD RIBEIRO

Page 11, line 31, at end insert –

“(4A) But regulations under subsection (2) must not require the release of personal health information if a doctor regards that release as a breach of doctor/patient confidentiality as set out in the General Medical Council Ethical Guidance on confidentiality.”

Clause 15

BARONESS BRINTON
LORD PATEL
LORD RIBEIRO

Page 15, line 19, at beginning insert “Subject to section 7(1A),”

Clause 15 - continued

Page 15, line 33, at end insert –

“(3A) But a disclosure of information cannot be authorised by this section if it would require the release of personal health information if a doctor regards that release as a breach of doctor/patient confidentiality as set out in the General Medical Council Ethical Guidance on confidentiality.”

Clause 16

BARONESS BRINTON
LORD PATEL
LORD RIBEIRO

Page 16, line 33, at end insert –

“(c) would require the release of personal health information if a doctor regards that release as a breach of doctor/patient confidentiality as set out in the General Medical Council Ethical Guidance on confidentiality.”

Clause 17

BARONESS BRINTON
LORD PATEL
LORD RIBEIRO

Page 17, line 2, at end insert –

“(2A) But the Secretary of State must not give a direction to an authority if complying with that direction would require that authority to release personal health information that a doctor regards as a breach of doctor/patient confidentiality as set out in the General Medical Council Ethical Guidance on confidentiality.”

Clause 66

BARONESS STOWELL OF BEESTON

Page 63, line 21, after “vehicle” insert “or pedicab”

Page 63, line 28, at end insert –

“(3) In this section “pedicab” means a pedal cycle, motor cycle or power-assisted cycle, or such a vehicle in combination with a trailer, constructed or adapted for carrying one or more passengers.”

Clause 66 - continued

LORD HOPE OF CRAIGHEAD

Page 63, line 28, at end insert –

- “(3) A person is to be regarded as having caused a serious injury to the other person using the road or place only if it would have been obvious to a careful and competent driver that the way the person was driving at the time of the accident was likely to cause serious injury to that other person.”

Member’s explanatory statement

This amendment would introduce a test for the words “causing serious injury”, which is needed as a conviction for this offence would attract a sentence of imprisonment.

After Clause 76

BARONESS STOWELL OF BEESTON

Insert the following new Clause –

“Public noise nuisance: pedicabs

In section 62 of the Control of Pollution Act 1972, after subsection (3A) insert –

- “(3B) Subsection (1) is to be read in relation to pedicabs as if the prohibition on loudspeaker operation were permanent.
- (3C) The exceptions in subsection (2) do not apply to a loudspeaker fixed to a pedicab.
- (3D) In this section “pedicab” means a pedal cycle, motor cycle or power-assisted cycle, or such a vehicle in combination with a trailer, constructed or adapted for carrying one or more passengers.””

After Clause 124

LORD PONSONBY OF SHULBREDE

Insert the following new Clause –

“Short custodial sentences

- (1) The Sentencing Code is amended as follows.
- (2) In section 230 (threshold for imposing discretionary custodial sentence), 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 considerations in subsection (2B)), and, in particular, why a community order with appropriate requirements could not be justified.
- (2B) In this determination, the court must take account of the following principles –
- (i) passing the custody threshold does not mean that a custodial sentence should be deemed inevitable;

After Clause 124 - continued

- (ii) 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;
- (iii) sentences should not necessarily escalate from one community order range to the next at each sentencing occasion;
- (iv) the decision as to the appropriate range of community order should be based upon the seriousness of the new offence(s);
- (v) section 65 (a relevant previous conviction to be treated as an aggravating factor) should not be interpreted so as to meet the custody threshold in respect of the sentence for one or more offences that would not themselves justify custody; and
- (vi) where the offender being sentenced is a primary carer for a child, imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate to achieving the aims of sentencing."

(3) After section 230, insert –

“230A Impact of custodial sentence on child or unborn child

- (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.””

LORD DUBS

Insert the following new Clause –

“Presumption against short prison sentences

In section 230 of the Sentencing Code (threshold for imposing discretionary custodial sentence), after subsection (2) insert –

- “(2A) The court must not pass a custodial sentence if it is of the opinion that –
 - (a) the offence, or
 - (b) the combination of the offence and one or more offences associated with it,
 was not so serious that a custodial sentence of more than 6 months can be justified for the offence unless the court considers that no other sentence is appropriate.
- (2B) Where a court passes a sentence under subsection (2A), it must –

After Clause 124 - continued

- (i) state its reasons for the opinion that no other sentence is appropriate, and
- (ii) arrange for those reasons to be entered in the record of the proceedings.””

After Clause 170

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

“Referendums on abolition of Police and Crime Commissioners

- (1) A referendum is to be held for each police area listed in Schedule 1 to the Police Act 1996.
- (2) Each referendum is to be held on the same day as the next Police and Crime Commissioner election.
- (3) The question that is to appear on the ballot papers is—
“Do you think that your local police force should be overseen by an individual Police and Crime Commissioner, or by a Police Authority made up of a committee of local councillors.”
- (4) The alternative answers to that question that are to appear on the ballot papers are—
“My police force should be overseen by an individual Police and Crime Commissioner”, and
“My police force should be overseen by a Police Authority made up of a committee of local councillors”
- (5) Those entitled to vote in the referendum are the persons who, on the date of the referendum, are allowed to vote as electors in the Police and Crime Commissioner election.
- (6) Where the referendum results in a majority for a police area being overseen by a Police Authority made up of a committee of local councillors, the Secretary of State must by regulations made by statutory instrument make provision for the purposes of implementating the result within one year of the passing of this Act.”

Member’s explanatory statement

This amendment is intended to establish referendums to determine how each local police force should be governed.

Insert the following new Clause—

“Removal of election deposit in Police and Crime Commissioner elections

No sum of money or deposit may be required for any candidate to be validly nominated in any election for a Police and Crime Commissioner.”

Member’s explanatory statement

This amendment will remove the £5,000 election deposit in Police and Crime Commissioner elections.

Schedule 1

BARONESS BRINTON
LORD PATEL
LORD RIBEIRO

Page 198, leave out lines 1 to 10

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12 October 2021
