

Police, Crime, Sentencing and Courts Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Amendment
No.

Clause 37

LORD PADDICK

90A★

Page 32, line 38, at end insert –

““responsible person” in this section may not be a person employed by the police or other person excluded by the code of practice published under section 40;”

Member’s explanatory statement

This amendment ensures that a responsible person who may authorise the extraction of information from a device belonging to a child or adult without capacity may not be a person employed by the police, or otherwise excluded by the code of practice under section 40.

Schedule 4

BARONESS HARRIS OF RICHMOND

110A★

Page 213, line 39, at end insert –

“35A After section 46A (power of arrest for failure to answer to police bail) insert –

“46B Offence of breaking conditions of bail

- (1) If a person who has been released on bail under section 30A(1) breaks any of the conditions of their bail without reasonable excuse they are guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine or to both.
- (3) In any proceedings for an offence under subsection (1) a document purporting to be a copy of the notice given to the person under section 30B and to be duly certified to be a true copy of that part of the notice is evidence of the conditions imposed.

Schedule 4 - continued

- (4) For the purposes of subsection (3) the copy of the notice is duly certified if it is certified by the custody officer who took the decision or a constable designated for the purpose by the officer in charge of the police station from which the person to whom the notice relates was released.””

Member’s explanatory statement

This amendment would create an offence of breaking conditions of pre-charge bail. It supplements the powers of arrest available where conditions are broken. The offence would be a summary offence.

After Clause 76

LORD BERKELEY

169A★ Insert the following new Clause—

“Damage to guided transport structures

- (1) A driver whose vehicle causes delays to operations of, or damage to, a guided transport structure or its systems is liable, on conviction of careless driving or a more serious offence, to at least 6 penalty points to be endorsed on the driver’s driving licence regardless of circumstances.
- (2) A haulier which is responsible for commissioning the journey of the driver is liable to—
 - (a) a fine of up to £50,000,
 - (b) the costs of reconstruction and other costs incurred by the owner of the structure, including compensation to its customers, train operator companies and other third parties, for delays and cancellation or damage to guided transport services.
- (3) In this section, “guided transport structure” means a structure which supports a guided transport system, including a railway structure.”

After Clause 101LORD FALCONER OF THOROTON
BARONESS BRINTON

196A★ Insert the following new Clause—

“Duty to inform victims and families of the Unduly Lenient Sentencing Scheme

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) After section 36, insert—

“36A Duty to inform victims and families of the Unduly Lenient Sentencing Scheme

The Secretary of State must nominate a Government Department (“relevant body”) to inform victims and their families of their rights under the Unduly Lenient Sentencing Scheme, and such information provided must include the type of sentence and the time limit for application, and advise that applications must be made to the Attorney General.””

After Clause 101 - continued

196B★ Insert the following new Clause—

“Unduly lenient sentences: time limit

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In Schedule 3, paragraph 1, at end insert “, subject to paragraph 1A.”
“(1A) The time limit of 28 days shall be extended in exceptional circumstances, which shall include but not be limited to a failure of the relevant body to inform the victim and families of their rights under the Unduly Lenient Sentencing Scheme.””

196C★ Insert the following new Clause—

“Secretary of State review of the scope of Part IV of the Criminal Justice Act 1988

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) After section 35, insert the following new section—

“35A Annual review of the scope of Part IV of the Criminal Justice Act 1988

- (1) Within 12 months from the date upon which the Police, Crime, Sentencing & Courts Act 2021 is passed, and every 12 months thereafter, the Secretary of State must undertake a review of the scope of Part IV of the Criminal Justice Act 1988 (“CJA 1988”).
- (2) Following a public consultation, such review must include an assessment of new offences that may be deemed appropriate to be added by the Secretary of State to the Unduly Lenient Sentencing Scheme under Part IV of the CJA 1988.
- (3) A report setting out the findings from the first review must be laid before each House of Parliament no later than 18 months from the date upon which the Police, Crime, Sentencing & Courts Act 2021 is passed.””

196D★ Insert the following new Clause—

“Scope of Part IV of the Criminal Justice Act 1988

- (1) Section 35 of the Criminal Justice Act 1988 is amended as follows.
- (2) In subsection (3), at the end of sub-paragraph (ii) insert “; or
(iii) for an offence tried in a youth court.””

After Clause 131

BARONESS NOAKES
 LORD HUNT OF KINGS HEATH
 BARONESS GREY-THOMPSON
 BARONESS LUDFORD

219A★ Insert the following new Clause—

“Aggravation of offences on grounds of hostility

- (1) The Secretary of State may by regulations made by statutory instrument add to the list in section 66(1) of the Sentencing Code to implement recommendations of the Law Commission in respect of hate crime laws.
- (2) The regulations may make consequential provision.
- (3) A statutory instrument containing regulations under this Chapter may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

The Law Commission is currently reviewing hate crime laws, including considering calls to make misogyny a hate crime. This amendment would give to the Secretary of State powers to implement recommendations to add to the list in section 66(1) of the Sentencing Code, which applies where a court is considering the seriousness of an offence aggravated by hostility related to race, religion, disability, sexual orientation or gender identity.

Clause 140

BARONESS MEACHER
 LORD PADDICK
 LORD MOYLAN

238A★ Page 134, line 36, at end insert—

- “(8A) The court may only make an order under this section varying or renewing a serious violence reduction order if it concludes that the order is proportionate to one or more of the aims in (7) above.”

Member’s explanatory statement

This require that an SVRO can only be varied or renewed if the order is proportionate to one or more of the aims identified in the new inserted subsection (7).

After Clause 170

LORD PONSONBY OF SHULBREDE

292A★ Insert the following new Clause—

“Offence of requiring or accepting sexual relations as a condition of accommodation

- (1) It is an offence for a person (A) to require or accept from a person (B) sexual relations as a condition of access to or retention of accommodation or related services or transactions.
- (2) For the purposes of this section, A is—
 - (a) a provider of accommodation,

After Clause 170 - continued

- (b) an employee of a provider of accommodation,
 - (c) an agent of a provider of accommodation, or
 - (d) a contractor of a provider of accommodation.
- (3) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a maximum of 7 years.”

Member’s explanatory statement

This new Clause would create an offence of requiring or accepting sexual relations as a condition of accommodation, sometimes known as “sex for rent”. This would be punishable on indictment with a prison term of a maximum of 7 years.

292B★ Insert the following new Clause—**“Offence of arranging or facilitating the requirement or acceptance of sexual relations as a condition of accommodation**

- (1) It is an offence for a person, who may in particular be a publisher, to arrange or facilitate an offence under section (*Offence of requiring or accepting sexual relations as a condition of accommodation*).
- (2) A person commits an offence if they intend to arrange or know that their actions would facilitate an offence under section (*Offence of requiring or accepting sexual relations as a condition of accommodation*).
- (3) A publisher commits an offence if they—
 - (a) know they are arranging or facilitating an offence under section (*Offence of requiring or accepting sexual relations as a condition of accommodation*),
 - (b) reasonably should know their actions would enable the arrangement of or facilitate an offence under section (*Offence of requiring or accepting sexual relations as a condition of accommodation*), or
 - (c) were informed that their actions had enabled the arrangement of or facilitated an offence under section (*Offence of requiring or accepting sexual relations as a condition of accommodation*), and they failed to take remedial action within a reasonable time.
- (4) A person found guilty of an offence under this section is liable on conviction on indictment to a fine of £50,000.”

Member’s explanatory statement

This new Clause is contingent on Lord Ponsonby’s proposed new Clause “Offence of requiring or accepting sexual relations as a condition of accommodation”. It creates an offence of arranging or facilitating an offence of requiring or accepting sexual relations as a condition of accommodation. This is intended to capture, for example, publishers or hosts of advertisements for such arrangements. The penalty for this offence would be a fine of £50,000.

BARONESS NEWLOVE
LORD RUSSELL OF LIVERPOOL

292C★ Insert the following new Clause—**“Time limits for prosecutions for common assault in domestic abuse cases**

- (1) The Criminal Justice Act 1988 is amended as follows.

After Clause 170 - continued

- (2) At the end of section 39 insert —
- “(3) Subject to subsection (4) below, summary proceedings for an offence of common assault or battery involving domestic abuse may be brought within a period of six months from the date on which a report of the offence was made to the police.
 - (4) No such proceedings may be brought by virtue of this section more than two years after the commission of the offence.
 - (5) For the purposes of this section “domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2021.””

Member’s explanatory statement

This new Clause seeks to extend the existing six month time limit for common assault in cases of domestic abuse.

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19 October 2021
