

Police, Crime, Sentencing and Courts Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Schedule 4

LORD PADDICK

Page 205, line 42, at end insert –

“(1C) The constable must record the reasons for each determination including the assessment of each of the matters the subject of subsection (1B).”

Member’s explanatory statement

This amendment, along with Lord Paddick’s amendment to page 206 line 18, requires a custody officer to record case-specific reasons why it is necessary and/or proportionate to release a person on bail, including the reason for any conditions attached.

Page 206, line 18, at end insert –

“(3) The custody officer must record the reasons for each determination including the assessment of each of the matters the subject of subsection (2).”

Member’s explanatory statement

This amendment, along with Lord Paddick’s amendment to page 205, line 42, requires a custody officer to record case-specific reasons why it is necessary and/or proportionate to release a person on bail, including the reason for any conditions attached.

Page 211, line 12, leave out “9” and insert “6”

Member’s explanatory statement

This amendment would limit the extension of the bail period authorised by a superintendent from 9 months to 6 months.

Page 214, line 3, at end insert –

“PART 5A

BAIL - ANNUAL RECORDS

Schedule 4 - continued

36A The Police and Criminal Evidence Act 1984 is amended as follows.

36B In section 50 after subsection (1)(c) insert –

- “(d) the number of persons released on pre-charge bail; and
- (e) the number of persons released under investigation without bail.”

36C The heading of section 50 becomes “Records of detention and bail”.

Member’s explanatory statement

This amendment requires each police force to publish annually numbers of people released on pre-charge bail and released under investigation without bail.

Clause 77

LORD FALCONER OF THOROTON

Page 72, line 31, at end insert –

“(6A) Before this section (other than this subsection) may be commenced the Secretary of State must by regulations amend subsection (6) to list all excluded offences on the face of the Act.

(6B) The Secretary of State may by regulations amend the list of excluded offences.”

Member’s explanatory statement

This, along with another probing amendment to Clause 99 in the name of Lord Falconer of Thoroton, would list the excluded offences on the face of the Bill.

Clause 99

LORD FALCONER OF THOROTON

Page 85, line 10, at end insert –

“(aa) regulations under section 77(6B);”

Page 85, line 11, leave out from “89(8)” to end of line 12

Member’s explanatory statement

This amendment, along with the other amendments to Clause 99 in the name of Lord Falconer of Thoroton, would make it so that both increases and decreases in the maximum number of hours of unpaid work or attendance, or the maximum financial penalty, that may be attached to a diversionary caution or a community caution are subject to the affirmative resolution procedure.

Page 85, line 13, leave out “the first”

Page 85, line 15, leave out paragraph (d)

After Clause 124

BARONESS BRINTON

“Home detention curfews

- (1) The Home Detention Curfew policy framework is amended as follows.
- (2) In paragraph 4.3.1 at the appropriate place insert –
“Offenders who have previously breached a protective order”.
- (3) In paragraph 4.3.5 at the appropriate place insert –
“Anyone with a history of offences relating to stalking, harassment, coercive control or domestic abuse”.

Member’s explanatory statement

This amendment would exclude offenders who have previously breached a protective order and those with a history of offences relating to stalking, harassment, coercive control or domestic abuse, from the Home Detention Curfew policy framework.

Schedule 13

LORD FALCONER OF THOROTON

Page 240, leave out line 19 and insert –

- “(b) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment would make it so that regulations providing for a category of community orders or suspended sentence orders that will be subject to the review process, on an indefinite basis, are subject to the affirmative resolution procedure.

Clause 132

LORD FALCONER OF THOROTON

Page 124, line 35, at end insert –

- “(8) After section 102, insert –

“102A Centralised monitoring of court decisions to impose youth custodial remand

- (1) Within six months from the day on which the Police, Crime, Sentencing and Courts Act 2021 is passed, the Secretary of State must nominate a body to collect, analyse and publish data on the decision-making process of courts when sentencing a child to custodial remand.
- (2) “Decision making process” refers to the consideration and application of the required Conditions for the custodial remand of children by the court, as set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (3) A report on the findings must be laid before Parliament and published on an annual basis.
- (4) The first report must be published and laid before Parliament no later than 18 months from the day on which the Police, Crime, Sentencing and Courts Act 2021 is passed.”

Member's explanatory statement

This amendment seeks to introduce centralised monitoring of the youth remand decision-making process.

After Clause 137

BARONESS BUTLER-SLOSS

Insert the following new Clause –

“Age of criminal responsibility

- (1) In section 50 of the Children and Young Persons Act 1933, for “ten” substitute “12”.
- (2) In consequence of subsection (1), omit section 16 of the Children and Young Persons Act 1963.”

Clause 139

LORD GERMAN

Page 128, line 22, at end insert –

- “(8) A local authority may establish and maintain a secure 16 to 19 Academy.
- (9) A body corporate (including any of its subsidiaries) that is carried on for profit may not be a party to an arrangement to establish and maintain a secure 16 to 19 Academy.”

Member's explanatory statement

This amendment would enable local authorities to run secure 16 to 19 Academies, either alone or in consortia, and prevent these establishments being run for profit.

Clause 167

LORD FALCONER OF THOROTON

Page 187, line 17, after “courts” insert “, subject to subsection (1A)”

Member's explanatory statement

This amendment, along with other amendments to Clauses 167 and 169 in the name of Lord Falconer of Thoroton, seeks to remove children from the application of the Clause, providing that live links may not be used in cases concerning children.

Page 187, line 25, at end insert –

- “(1A) This section does not apply where a party to the proceedings is a child under the age of 18.”

Clause 169

LORD FALCONER OF THOROTON

Page 191, line 7, at end insert –

“subject to subsection (1A).”

Clause 169 - continued

Page 191, line 7, at end insert –

“(1A) This section does not apply where a party to the proceedings is a child under the age of 18.”

After Clause 170

LORD BACH

Insert the following new Clause –

“Police and Crime Commissioners: removal of disqualification for conviction

In section 66 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as Police and Crime Commissioner: other grounds), omit –

- (a) subsection (3)(c), and
- (b) subsection (4).”

Member’s explanatory statement

This amendment is intended to probe the position as it relates to prospective Police and Crime Commissioners who have been convicted of a crime.

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20 October 2021
