

Police, Crime, Sentencing and Courts Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Third Marshalled List]

Clause 101

LORD MARKS OF HENLEY-ON-THAMES

LORD PANNICK

Page 86, line 20, leave out “there are exceptional” and insert “such a sentence would be contrary to the interests of justice having regard to”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 86, line 23, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for offences of threatening with weapon or bladed article) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence would be contrary to the interests of justice.

Page 86, line 23, leave out “doing so” and insert “imposing such a sentence”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 86, line 20, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for offences of threatening with weapon or bladed article) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence would be contrary to the interests of justice.

Page 86, line 34, leave out “there are exceptional” and insert “such a sentence would be contrary to the interests of justice having regard to”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 86, line 36, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for a third Class A drug trafficking offence) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence to be contrary to the interests of justice.

Page 86, line 36, leave out “doing so” and insert “imposing such a sentence”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 86, line 34, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for a third Class A drug trafficking offence) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence to be contrary to the interests of justice.

Page 87, line 6, leave out “there are exceptional” and insert “such a sentence would be contrary to the interests of justice having regard to”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 87, line 8, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for a third domestic burglary) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence to be contrary to the interests of justice.

Page 87, line 8, leave out “doing so” and insert “imposing such a sentence”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 87, line 6, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for a third domestic burglary) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence to be contrary to the interests of justice.

Page 87, line 19, leave out “there are exceptional” and insert “such a sentence would be contrary to the interests of justice having regard to”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 87, line 23, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for a repeat offence involving a weapon or bladed article) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence to be contrary to the interests of justice.

Page 87, line 23, leave out “doing so” and insert “imposing such a sentence”

Member’s explanatory statement

This amendment, along with Lord Marks’ amendment to page 87, line 19, would remove the requirement for the circumstances to be exceptional before a judge was empowered to decline to impose the minimum sentence (for a repeat offence involving a weapon or bladed article) and would entitle the judge to do so where in the circumstances the judge concluded that such a sentence to be contrary to the interests of justice.

Clause 169

LORD PANNICK
LORD MARKS OF HENLEY-ON-THAMES

Page 191, line 8, leave out subsection (2) and insert –

“(2) Subsection (1) does not apply to a jury or to members of a jury.”

After Clause 170

BARONESS LUDFORD

Insert the following new Clause –

“Recording the sex and acquired gender of alleged victims and perpetrators of crime

After section 44 of the Police Act 1996 insert –

“44A Recording sex registered at birth and acquired gender

- (1) Police forces in England and Wales must keep a record of the sex registered at birth of each person who is –
 - (a) the alleged victim of a crime reported to that police force, or
 - (b) arrested for a crime by a member of that police force.
- (2) Police forces in England and Wales must keep a record of the acquired gender of each person with a gender recognition certificate who is –
 - (a) the alleged victim of a crime reported to a member of that police force, or
 - (b) arrested for a crime by a member of that police force.
- (3) Provision by a police force to the Secretary of State of any protected information recorded under subsection (2) above does not constitute an offence under section 22 of the Gender Recognition Act 2004.””

Member’s explanatory statement

This amends the Police Act 1996 to ensure that the sex registered at birth and acquired gender, if appropriate, of anyone who is the alleged victim of a crime or who is arrested with a crime will be recorded by police.

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27 October 2021
