

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED ON REPORT

[Supplementary to the Marshalled List]

Clause 63

LORD GARNIER

Page 59, line 11, at end insert—

- “(1A) The occupier, a representative of the occupier or a constable may only make a request under subsection (1)(d) if they have ascertained from the local authority within whose area the land is situated—
- (a) that there is a suitable pitch for P’s caravan or caravans and P’s other vehicles and property on a relevant caravan site, or
 - (b) that, within 48 hours of their receiving notice of P’s presence on the land, a suitable pitch for P’s caravan or caravans and P’s other vehicles and property will become available within a negotiated stopping site in the local authority’s area, and
- that in either case P has been informed of the availability of such a site.
- (1B) If there are no relevant caravan sites, or there will not within 48 hours of their receiving notice of P’s presence on the land be a negotiated stopping site within the local authority’s area, and P remains on the land in question for more than 48 hours, the local authority must compensate the owner or occupier of the land for all loss and damage suffered by them as a consequence of P’s entering upon and remaining on the land.
- (1C) Where P remains on the land under subsection (1B), P does not acquire any right of possession as against the owner or occupier of the land.
- (1D) In subsections (1A) and (1B)—
- “caravan”, “caravan site”, “relevant caravan site”, “relevant site manager” and “registered social landlord” have the same meanings as in section 62A(6);

Clause 63 - continued

“a negotiated stopping site” is a site in respect of which an agreement has been reached between the local authority within whose area the site is situated and the trespassers which allows them to stay temporarily on a particular piece of land which is not an official site, in return for which the trespassers agree to certain conditions relating to, but not limited to, behaviour, tidiness of the site, the length of stay and payment for water, refuse collection and other utilities.”

Member’s explanatory statement

The amendment would provide that a person only commits an offence where they are trespassing on land having been offered a suitable pitch at a caravan site or negotiated stopping site in the local authority’s area; and where they remain on the land because there are no other suitable sites, the landowner or lawful occupier are to be compensated for all loss and damage caused by their entering upon and remaining on the land.

BARONESS WHITAKER

Page 59, line 11, at end insert –

- “(1A) The occupier, a representative of the occupier or a constable may only make a request under subsection (1)(d) if they have ascertained from the local authority within whose area the land is situated –
- (a) that there is a suitable pitch for P’s caravan or caravans and P’s other vehicles and property on a relevant caravan site, or
 - (b) that, within 48 hours of their receiving notice of P’s presence on the land, a suitable pitch for P’s caravan or caravans and P’s other vehicles and property will become available within a negotiated stopping site in the local authority’s area.
- (1B) A “negotiated stopping site” is a site in respect of which an agreement has been reached between the local authority within whose area the site is situated and the trespassers which allows them to stay temporarily on a particular piece of land which is not an official site, in return for which the trespassers agree to certain conditions relating to, but not limited to, behaviour, tidiness of the site, the length of stay and payment for water, refuse collection and other utilities.”

Clause 66

LORD HOPE OF CRAIGHEAD

Leave out Clause 66

After Clause 77

BARONESS RANDERSON

Insert the following new Clause –

“Review of road traffic offences

- (1) The Secretary of State must carry out a comprehensive review of all road traffic offences and penalties.

After Clause 77 - continued

- (2) A review under subsection (1) must be completed within two years of the day on which this Act is passed.
- (3) In conducting such a review the Secretary of State must—
 - (a) consider the impact of new technologies and new forms of transport on road safety; and
 - (b) ensure—
 - (i) consistency of sentencing; and
 - (ii) appropriate sentences for road traffic offences;
 - (c) prioritise public protection.
- (4) As part of the review under subsection (1), the Secretary of State must hold a full public consultation.
- (5) Within six month of the conclusion of the review, the Secretary of State must publish the results and lay a copy of the review before Parliament.”

Member’s explanatory statement

This amendment requires the Secretary of State to review all road traffic offences and penalties.

Clause 96

LORD THOMAS OF CWMGIEDD

Page 85, line 31, at end insert—

- “(2A) The code must provide for reviews to be made or other measures taken by the Secretary of State on a regular basis to ensure—
- (a) compliance with the provisions in the code of practice as to the giving of discretionary and community cautions, and
 - (b) the consistency of application of the code of practice as between different police forces or Crown Prosecution Areas.”

Member’s explanatory statement

The purpose of the amendment is to make provision for regular reviews or other measures to ensure compliance with the Code and consistency of practice across England and Wales.

Clause 98

LORD PADDICK

Page 86, line 26, at beginning insert “Except for a simple caution,”

Member’s explanatory statement

This amendment would retain the use of the simple caution.

Page 86, line 29, leave out subsection (3)

Member’s explanatory statement

This amendment would retain on-the-spot penalties for disorderly behaviour.

Clause 44

LORD BLENCATHRA

LORD JUDGE

Page 38, line 43, at end insert –

- “(4) Part 6 of Schedule 4 does not have effect unless the College of Policing is re-established under an Act of Parliament.”

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8 December 2021
