

# Police, Crime, Sentencing and Courts Bill

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FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*The amendments have been marshalled in accordance with the Order of 30th November 2021, as follows –*

Clauses 1 to 10	Clauses 132 to 136
Schedule 1	Schedule 15
Clause 11	Clause 137
Schedule 2	Schedule 16
Clauses 12 to 43	Clauses 138 to 158
Schedule 3	Schedule 17
Clauses 63 to 68	Clauses 159 to 163
Schedule 7	Schedule 18
Clauses 69 to 75	Clauses 164 to 170
Schedule 8	Schedule 19
Clause 76	Clauses 171 and 172
Schedule 9	Clause 44
Clauses 77 to 99	Schedule 4
Schedule 10	Clauses 45 to 48
Clauses 100 to 102	Schedule 5
Schedule 11	Clauses 49 to 52
Clauses 103 to 129	Schedule 6
Schedule 12	Clauses 53 to 62
Clause 130	Clauses 173 and 174
Schedule 13	Schedule 20
Clause 131	Clauses 175 to 179
Schedule 14	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 140**

LORD GERMAN

**90A** Page 130, line 22, at end insert –

“(8) A local authority may 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.*

**After Clause 140**

LORD PONSONBY OF SHULBREDE

90B Insert the following new Clause—

**“Provision of secure accommodation**

- (1) Each relevant local authority in England must—
  - (a) assess, or make arrangements for the assessment of, the need for secure accommodation in its area,
  - (b) prepare and publish a strategy for the provision of such accommodation in its area, and
  - (c) monitor and evaluate the effectiveness of the strategy.
- (2) For the purposes of subsection (1)—
 

“secure accommodation” means accommodation of a description specified by the Secretary of State in regulations.
- (3) A relevant local authority that publishes a strategy under this section must, in carrying out its functions, give effect to the strategy.
- (4) Before publishing a strategy under this section, a relevant local authority must consult—
  - (a) the secure accommodation local partnership board appointed by the relevant local authority under section (*Secure accommodation local partnership boards*),
  - (b) any local authority for an area within the relevant local authority's area, and
  - (c) such other persons as the relevant local authority considers appropriate.
- (5) A relevant local authority that publishes a strategy under this section—
  - (a) must keep the strategy under review,
  - (b) may alter or replace the strategy, and
  - (c) must publish any altered or replacement strategy.
- (6) A relevant local authority may request any local authority for an area within the relevant local authority's area to co-operate with it in any way that the relevant local authority considers necessary for the purposes of its functions under this section.
- (7) A local authority must, so far as reasonably practicable, comply with a request made to it under subsection (6).
- (8) The Secretary of State may by regulations make provision about the preparation and publication of strategies under this section.
- (9) The power to make regulations under subsection (8) may, in particular, be exercised to make provision about—
  - (a) the procedure to be followed by a relevant local authority in preparing a strategy;
  - (b) matters to which a relevant local authority must have regard in preparing a strategy;

**After Clause 140 - continued**

- (c) how a relevant local authority must publish a strategy;
  - (d) the date by which a relevant local authority must first publish a strategy;
  - (e) the frequency with which a relevant local authority must review its strategy or any effect of the strategy on the provision of other local authority support in its area.
- (10) Before making regulations under this section, the Secretary of State must consult—
- (a) relevant local authorities, and
  - (b) such other persons as the Secretary of State considers appropriate.”

90C Insert the following new Clause—

**“Secure accommodation local partnership boards**

- (1) A relevant local authority in England must appoint a secure accommodation local partnership board for the purposes of providing advice to the authority about—
- (a) the exercise of the authority’s functions under section (*Provision of secure accommodation*), and
  - (b) the provision of other local authority support in the authority’s area.
- (2) The members of the secure accommodation local partnership board must include—
- (a) a representative of the relevant local authority;
  - (b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
  - (c) at least one person appearing to the authority to represent the interests of vulnerable children;
  - (d) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with vulnerable children in its area;
  - (e) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area;
  - (f) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.
- (3) In this section—
- “health care services” means services relating to health care (within the meaning of section 9 of the Health and Social Care Act 2008);
  - “other local authority support” has the same meaning as in section (*Provision of secure accommodation*).”

**After Clause 140 - continued**

**90D** Insert the following new Clause –

**“Annual reports**

- (1) As soon as reasonably practicable after the end of each financial year, a relevant local authority in England must submit to the Secretary of State an annual report in relation to the exercise of the authority’s functions under this Part during the year.
- (2) The Secretary of State may by regulations make provision about –
  - (a) the form of the report, and
  - (b) the content of the report.
- (3) In this section “financial year” means –
  - (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
  - (b) each successive period of 12 months.”

**90E** Insert the following new Clause –

**“Guidance**

- (1) The Secretary of State must issue guidance relating to the exercise by local authorities in England of functions under this Part.
- (2) Local authorities in England must have regard to the guidance when exercising a function to which the guidance relates.
- (3) The Secretary of State may from time to time revise any guidance issued under this section.
- (4) Before issuing or revising guidance under this section, the Secretary of State must consult –
  - (a) local authorities, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (6) The Secretary of State must publish –
  - (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.”

**90F** Insert the following new Clause –

**“Interpretation of this Part**

In this Part –

“local authority” means –

- (a) a relevant local authority;
- (b) a district council for an area for which there is a county council;
- (c) a London borough council;
- (d) the Common Council of the City of London in its capacity as a local authority;

**After Clause 140 - continued**

“relevant local authority” means—

- (a) a county council;
- (b) a district council for an area for which there is no county council;
- (c) the Greater London Authority;
- (d) the Council of the Isles of Scilly.”

**Clause 141**

LORD PADDICK

**90G★** Page 131, line 27, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

***Member’s explanatory statement***

*This amendment would raise the threshold for the standard of proof required to impose an SVRO, from a civil standard (the balance of probabilities) to the criminal standard (beyond reasonable doubt).*

BARONESS MEACHER

LORD PADDICK

THE LORD BISHOP OF MANCHESTER

**90H** Page 131, leave out lines 31 and 32

***Member’s explanatory statement***

*This amendment would disallow an SVRO from being applied on the grounds that a person simply had a knife with them when the offence was committed.*

**90J** Page 131, leave out lines 33 to 41

***Member’s explanatory statement***

*This amendment would disallow an SVRO from being applied on the grounds that a person was in the company of another person who used or was carrying a knife and knew this or ought to have known it.*

BARONESS ARMSTRONG OF HILL TOP

**90K** Page 131, line 37, leave out “or ought to have known”

**90L** Page 131, line 40, leave out “or ought to have known”

LORD PADDICK

**90M★** Page 132, line 1, leave out “considers it” and insert “is satisfied beyond reasonable doubt that it is”

***Member’s explanatory statement***

*This amendment would raise the threshold for the standard of proof required to impose an SVRO, from a civil standard (the balance of probabilities) to the criminal standard (beyond reasonable doubt).*

**90N★** Page 132, line 17, after “may” insert “only”

**Member's explanatory statement**

*This amendment would strengthen the evidentiary requirements prior to an SVRO being made. It is connected to the second amendment by Lord Paddick to page 132, line 17; and to his amendment to leave out lines 19 and 20 on page 132.*

- 90P★** Page 132, line 17, leave out from “evidence” to end of line 18 and insert “which would have been admissible in the proceedings for the offence in subsection (1)(a).”

**Member's explanatory statement**

*This amendment would strengthen the evidentiary requirements prior to an SVRO being made. It is connected to the first amendment by Lord Paddick to page 132, line 17; and to his amendment to leave out lines 19 and 20 on page 132.*

- 90Q★** Page 132, leave out lines 19 and 20

**Member's explanatory statement**

*This amendment would strengthen the evidentiary requirements prior to an SVRO being made. It is connected to Lord Paddick's two amendments to page 132, line 17.*

## BARONESS WILLIAMS OF TRAFFORD

- 91** Page 132, line 20, at end insert –

- “(8A) The court may adjourn any proceedings on an application for a serious violence reduction order even after sentencing the offender.
- (8B) If the offender does not appear for any adjourned proceedings the court may –
- (a) further adjourn the proceedings,
  - (b) issue a warrant for the offender’s arrest, or
  - (c) hear the proceedings in the offender’s absence.
- (8C) The court may not act under subsection (8B)(b) unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.
- (8D) The court may not act under subsection (8B)(c) unless it is satisfied that the offender –
- (a) has had adequate notice of the time and place of the adjourned proceedings, and
  - (b) has been informed that if the offender does not appear for those proceedings the court may hear the proceedings in the offender’s absence.”

**Member's explanatory statement**

*This amendment makes it explicit that, if an application for a serious violence reduction order is made, the court may adjourn proceedings on the application after sentencing the offender.*

## LORD PADDICK

- 91A★** Page 135, line 22, after “order” insert “unless the offender has a reasonable excuse for so doing,”

**Member's explanatory statement**

*This amendment creates a defence of reasonable excuse to an offence relating to a serious violence reduction order.*

**91B★** Page 135, leave out lines 23 and 24

***Member’s explanatory statement***

*This amendment removes an offence which already exists under section 89(2) of the Police Act 1996.*

**91C★** Page 136, line 26, leave out “considers” and insert “is satisfied beyond reasonable doubt”

***Member’s explanatory statement***

*This amendment would raise the threshold for the standard of proof required to impose an SVRO, from a civil standard (the balance of probabilities) to the criminal standard (beyond reasonable doubt).*

**91D★** Page 136, line 41, at end insert –

“(8A) The court may renew a serious violence reduction order on no more than one occasion.”

***Member’s explanatory statement***

*Under the current provisions, an SVRO can last for a maximum of two years, however it can potentially be renewed indefinitely. This amendment will limit the number of times an SVRO can be renewed to no more than once.*

BARONESS WILLIAMS OF TRAFFORD

**92** Page 138, leave out line 6 and insert “in relation to serious violence reduction orders.”

***Member’s explanatory statement***

*This amendment widens the power to issue guidance in new section 342J of the Sentencing Code so that guidance may be issued on any matter relating to serious violence reduction orders.*

**93** Page 138, line 6, at end insert –

“(1A) The guidance may in particular include –

- (a) guidance about the exercise by constables, chief officers of police and the chief constable of the British Transport Police Force of their functions under this Chapter,
- (b) guidance about identifying offenders in respect of whom it may be appropriate for applications for serious violence reduction orders to be made, and
- (c) guidance about providing assistance to prosecutors in connection with applications for serious violence reduction orders.”

***Member’s explanatory statement***

*This amendment provides a non-exhaustive list of the matters that may be covered by guidance issued under new section 342J of the Sentencing Code.*

**94** Page 138, line 13, leave out from “section” to end

**Member's explanatory statement**

*This amendment is consequential on Baroness Williams of Trafford's second amendment to Clause 141.*

95 Page 138, line 13, at end insert –

**“342JA Guidance: Parliamentary procedure**

- (1) Before issuing guidance under section 342J, the Secretary of State must lay a draft of the guidance before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued.
- (3) If no such resolution is made within that period, the Secretary of State may issue the guidance.
- (4) In this section “the 40-day period”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (5) In calculating the 40-day period, no account is to be taken of any period during which –
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than 4 days.”

**Member's explanatory statement**

*This amendment applies a negative resolution procedure to the power to issue guidance under new section 342J of the Sentencing Code.*

**Clause 142**

BARONESS MEACHER  
THE LORD BISHOP OF MANCHESTER  
LORD PADDICK

95A★ Page 139, line 1, leave out “and (3)” and insert “to (3A)”

95B★ Page 139, line 10, at end insert –

- “(3A) The condition in this subsection is that the Secretary of State has laid before Parliament a response addressing any issues identified in the report produced under subsection (3).
- (3B) A statutory instrument containing regulations under section 178(1) for the purposes mentioned in subsection (1) 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**

*This amendment would ensure that the section concerning Serious Violence Reduction Orders can only be commenced once a report on the pilot has been laid before Parliament and both Houses have voted on its commencement.*

**95C★** Page 139, line 10, at end insert –

- “(3A) Before making the report under subsection (3), the Secretary of State must obtain, record and publish all reasonably available data, which is relevant to the effect of the operation of Chapter 1A of Part 11 of the Sentencing Code (inserted by section 141) under subsection (2) over a period of no less than 12 months, including –
- (a) its impact on the extent to which knives or weapons are carried;
  - (b) its impact on the rate of serious violence;
  - (c) the age, race, and sex (within the meaning of section 5, 9 and 11 of the Equality Act 2010) of each person –
    - (i) in respect of whom an application is made under section 342A(1)(b) of the Sentencing Code;
    - (ii) in respect of whom a serious violence reduction order is made by a court;
    - (iii) in respect of whom an application is made under section 342A(1) of the Sentencing Code and the court has adjourned proceedings pursuant to section 342A(8A) or (8B);
    - (iv) in respect of whom action is taken pursuant to section 342C, 342E, 342F, or 342H of the Sentencing Code; and
    - (v) who is convicted of an offence within section 342G of the Sentencing Code;
  - (d) any action which was taken pursuant to sections 342C, 342E, 342F, or 342H of the Sentencing Code, by reference to the age, race and sex of the offender;
  - (e) the nature of, and reasons recorded for, any such action;
  - (f) any complaint arising from the exercise of powers under section 342E of the Sentencing Code, the nature and outcome of that complaint, and the age, race and sex of the person who made it;
  - (g) the offence within section 342G of the Sentencing Code for which any person was convicted and the sentence imposed, by reference to the age, race and sex of that person;
  - (h) for each serious violence reduction order made –
    - (i) the offence identified under section 342A(1)(a) of the Sentencing Code;
    - (ii) whether the order was imposed under subsection 342A(3)(a), (3)(b), (4)(a) or 4(b) of the Sentencing Code; and
    - (iii) if the order was imposed under subsection 342A(4)(a) or (4)(b), whether the order was made on the basis that the offender knew that a bladed article or offensive weapon was used by another person; or whether the offender ought to have known that this would be the case;
  - (i) whether that operation of Chapter 1A of the Sentencing Code had a discriminatory, disproportionate or other adverse impact on people sharing the protected characteristic of age, race or sex;
  - (j) the number of survivors and victims of domestic abuse, including women who have experienced or are experiencing criminal exploitation, coercive control, or other forms of abuse, who are given such orders, broken down by ethnicity, age, and policing borough.
- (3B) The report under subsection (3) must include –

**Clause 142 - continued**

- (a) an analysis of the effect described in subsection (3A), by reference to the data identified in subsection (3A);
  - (b) an equality impact assessment of the operation of Chapter 1A of the Sentencing Code as described in subsection (3A);
  - (c) a description of any guidance or codes of practice, to which the operation of Chapter 1A described in subsection (3A) was subject;
  - (d) analysis of data assessing the extent to which the pilot has reduced serious violent crime and reoffending by comparison with other areas;
  - (e) analysis of what evidence is relied on to justify the imposition of serious violence reduction orders, and whether there is any bias in the decision-making process;
  - (f) analysis of information on the reason for each breach of a serious violence reduction order, any defence pleaded, and the result of the breach proceedings;
  - (g) analysis of any impacts, including equalities impacts, of other positive requirements or conditions imposed on individuals pursuant to section 342C(1) of the Sentencing Code;
  - (h) analysis of any impacts, including equalities impacts, of adjournment of proceedings on individuals where the court adjourns proceedings under section 342A(8A) or (8B); and
  - (i) analysis of any impacts of serious violence reduction orders on survivors and victims of domestic abuse, including women who have experienced or are experiencing criminal exploitation, coercive control, or other forms of abuse, who are given such orders.
- (3C) Statistical information collected for the purposes of section (3B) from different pilot areas must be collected and presented in a form which enables direct comparison between those areas.”

***Member’s explanatory statement***

*This amendment strengthens the pilot provided for under Clause 142, with particular attention paid to equalities impacts and impacts on survivors and victims of domestic abuse and criminal exploitation.*

**After Clause 142**

BARONESS WILLIAMS OF TRAFFORD

96 Insert the following new Clause –

“CHAPTER 1A

KNIFE CRIME PREVENTION ORDERS

**Knife crime prevention order on conviction: adjournment of proceedings**

- (1) In section 19 of the Offensive Weapons Act 2019 (knife crime prevention orders made on conviction), after subsection (9) insert –
  - “(9A) The court may adjourn any proceedings on an application for a knife crime prevention order even after sentencing the defendant.
  - (9B) If the defendant does not appear for any adjourned proceedings the court may –

**After Clause 142 - continued**

- (a) further adjourn the proceedings,
  - (b) issue a warrant for the defendant's arrest, or
  - (c) hear the proceedings in the defendant's absence.
- (9C) The court may not act under subsection (9B)(b) unless it is satisfied that the defendant has had adequate notice of the time and place of the adjourned proceedings.
- (9D) The court may not act under subsection (9B)(c) unless it is satisfied that the defendant –
- (a) has had adequate notice of the time and place of the adjourned proceedings, and
  - (b) has been informed that if the defendant does not appear for those proceedings the court may hear the proceedings in the defendant's absence.”
- (2) Regulations under section 178(1) which bring subsection (1) into force only for a specified purpose or in relation to a specified area may –
- (a) provide for that provision to be in force for that purpose or in relation to that area for a specified period;
  - (b) make transitional or saving provision in relation to that provision ceasing to be in force at the end of the specified period.
- (3) Regulations containing provision by virtue of subsection (2)(a) may be amended by subsequent regulations under section 178(1) so as to continue subsection (1) in force for the specified purpose or in relation to the specified area for a further specified period.
- (4) In this section “specified” means specified in regulations under section 178(1).”

**Member's explanatory statement**

*This amendment makes it explicit that, if an application for a knife crime prevention order is made following a defendant's conviction of an offence, the court may adjourn proceedings on the application after sentencing the defendant.*

**After Clause 164**

BARONESS WILLIAMS OF TRAFFORD

96A Insert the following new Clause –

“CHAPTER 4

FOOTBALL BANNING ORDERS

**Football banning orders: relevant offences**

- (1) The Football Spectators Act 1989 is amended as follows.
- (2) Schedule 1 (football banning orders: relevant offences) is amended in accordance with subsections (3) to (7).
- (3) In paragraph 1(c) (certain offences under the Public Order Act 1986 committed at premises) –
  - (a) after “any offence under section” insert “4,” and
  - (b) before “harassment” insert “fear or provocation of violence, or”.

**After Clause 164 - continued**

- (4) In paragraph 1(k) (certain offences under the Public Order Act 1986 committed on a journey to or from a football match) –
  - (a) after “any offence under section” insert “4,” and
  - (b) before “harassment” insert “fear or provocation of violence, or”.
- (5) In paragraph 1(q) (certain offences under the Public Order Act 1986 which the court declares to be related to a football match) –
  - (a) after “any offence under section” insert “4,”
  - (b) before “harassment” insert “fear or provocation of violence, or”, and
  - (c) omit “or any provision of Part 3 or 3A of that Act (hatred by reference to race etc)”.
- (6) In paragraph 1, after paragraph (u) insert –
  - “(v) any offence under any provision of Part 3 or 3A of the Public Order Act 1986 (hatred by reference to race etc) –
    - (i) which does not fall within paragraph (c) or (k), and
    - (ii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation,
  - (w) any offence under section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated public order offences) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation,
  - (x) any offence under section 1 of the Malicious Communications Act 1988 (offence of sending letter, electronic communication or article with intent to cause distress or anxiety) –
    - (i) which does not fall within paragraph (d), (e), (m), (n), (r) or (s),
    - (ii) as respects which the court has stated that the offence is aggravated by hostility of any of the types mentioned in section 66(1) of the Sentencing Code (racial hostility etc), and
    - (iii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation,
  - (y) any offence under section 127(1) of the Communications Act 2003 (improper use of public telecommunications network) –
    - (i) which does not fall within paragraph (d), (e), (m), (n), (r) or (s),
    - (ii) as respects which the court has stated that the offence is aggravated by hostility of any of the types mentioned in section 66(1) of the Sentencing Code (racial hostility etc), and

**After Clause 164 - continued**

- (iii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation.”
- (7) In paragraph 4—
  - (a) the words from “In this Schedule” to “Part II of this Act.” become sub-paragraph (1),
  - (b) after sub-paragraph (1) insert—

“(1A) In this Schedule “football organisation” means an organisation which is a regulated football organisation for the purposes of Part 2 of this Act.”, and
  - (c) after sub-paragraph (2) insert—

“(3) The provision that may be made by an order made by the Secretary of State for the purposes of this Schedule includes provision that a person has a prescribed connection with a football organisation where—

    - (a) the person has had a connection of a prescribed kind with a football organisation in the past, or
    - (b) the person will or may have a connection of a prescribed kind with a football organisation in the future.”
- (8) In section 14 (main definitions), after subsection (2) insert—

“(2A) “Regulated football organisation” means an organisation (whether in the United Kingdom or elsewhere) which—

  - (a) relates to association football, and
  - (b) is a prescribed organisation or an organisation of a prescribed description.”
- (9) Section 23 (further provision about, and appeals against, declarations of relevance) is amended in accordance with subsections (10) and (11).
- (10) In subsection (1), for the words from “related to football matches” to the end of the subsection substitute “—
  - (a) related to football matches,
  - (b) related to a particular football match or to particular football matches,
  - (c) related to a football organisation, or
  - (d) related to a person whom the defendant knew or believed to have a prescribed connection with a football organisation, as the case may be.”
- (11) In subsection (5), for the words from “related to football matches” to the end of the subsection substitute “—
  - (a) related to football matches,
  - (b) related to one or more particular football matches,
  - (c) related to a football organisation, or
  - (d) related to a person whom the defendant knew or believed to have a prescribed connection with a football organisation.”

**After Clause 164 - continued**

- (12) This section does not apply in relation to an offence committed before the day appointed by regulations under section 178(1) for its coming into force (so far as it has not previously been commenced by section 178(4)(ta)).”

**Member’s explanatory statement**

*This amendment modifies the list of relevant offences in Schedule 1 to the Football Spectators Act 1989 which trigger the making of a football banning order to include, in particular, certain offences relating to race or religion and certain online hate offences.*

**96B** Insert the following new Clause –

**“Football banning orders: power to amend list of relevant offences**

- (1) In section 14 of the Football Spectators Act 1989 (main definitions), after subsection (8) insert –
- “(9) The Secretary of State may by regulations amend paragraph 1 of Schedule 1 so as to add, modify or remove a reference to an offence or a description of offence.
- (10) Regulations under subsection (9) may make consequential amendments to this Act.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (2) Section 22A of that Act (other interpretation, etc) is amended in accordance with subsections (3) and (4).
- (3) In subsection (3), after “order” insert “or regulations”.
- (4) After subsection (3) insert –
- “(3A) An order or regulations under this Part –
- (a) may make different provision for different purposes;
- (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.””

**Member’s explanatory statement**

*This amendment amends the Football Spectators Act 1989 to enable the list of relevant offences in Schedule 1 to that Act to be amended by regulations.*

**96C** Insert the following new Clause –

**“Football banning orders: requirement to make order on conviction etc**

- (1) In section 14A of the Football Spectators Act 1989 (banning order made on conviction of an offence), for subsections (2) and (3) substitute –
- “(2) The court must make a banning order in respect of the offender unless the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to do so.
- (3) Where the court does not make a banning order it must state in open court the reasons for not doing so.”

**After Clause 164 - continued**

- (2) Section 22 of that Act (banning orders arising out of offences outside England and Wales) is amended in accordance with subsections (3) and (4).
- (3) In subsection (4), for the words following paragraph (b) substitute—  
“must make a banning order in relation to the person, unless subsection (5) applies.”
- (4) For subsections (5) and (5A) substitute—  
“(5) This subsection applies if—  
  - (a) it appears to the court that the conviction of the corresponding offence in a country outside England and Wales is the subject of proceedings in a court of law in that country questioning the conviction, or
  - (b) the court considers that there are particular circumstances relating to the corresponding offence or to the person which would make it unjust in all the circumstances to make a banning order.
- (5A) Where the court does not make a banning order on the ground mentioned in subsection (5)(b) it must state in open court the reasons for not doing so.”
- (5) This section does not apply in relation to an offence committed before the day appointed by regulations under section 178(1) for its coming into force.”

**Member’s explanatory statement**

*This amendment amends the Football Spectators Act 1989 so that a court is required to make a football banning order on a person’s conviction of a relevant offence unless there are particular circumstances which would make it unjust to do so. It also makes equivalent provision in relation to a person convicted of a corresponding offence overseas.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BENNETT OF MANOR CASTLE  
LORD RAMSBOTHAM

97

Insert the following new Clause—

**“Women’s Justice Board**

- (1) There is to be a body corporate known as the Women’s Justice Board for England and Wales.
- (2) The Board is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board’s property is not to be regarded as property of, or held on behalf of, the Crown.
- (3) The Board must consist of 10, 11 or 12 members appointed by the Secretary of State.
- (4) The members of the Board must include persons who appear to the Secretary of State to have extensive recent experience with women in the criminal justice system.
- (5) The Board has the following functions, namely—  
  - (a) to meet the particular needs of women in the criminal justice system;

**After Clause 164** - *continued*

- (b) to monitor the provision of services for women in the criminal justice system;
- (c) to advise the Secretary of State on—
  - (i) how the aim in subsection (5)(a) might most effectively be pursued;
  - (ii) the provision of services for women in the criminal justice system;
  - (iii) the content of any national standards the Secretary of State may see fit to set with respect to the provision of such services, or the accommodation in which women are kept in custody; and
  - (iv) the steps that might be taken to prevent offending by women;
- (d) to monitor the extent to which the aim in subsection (5)(a) is being achieved and any standards met;
- (e) for the purposes of paragraphs (a) to (d) above, to obtain information from relevant authorities;
- (f) to publish information so obtained;
- (g) to identify, make known and promote good practice in—
  - (i) meeting the particular needs of women in the criminal justice system;
  - (ii) the provision of services for women in the criminal justice system;
  - (iii) the prevention of offending by women;
  - (iv) working with women who are, or are at risk of becoming, offenders;
- (h) to commission research in connection with such practice;
- (i) with the approval of the Secretary of State, to make grants to local authorities and other persons for the purposes of meeting the aim in subsection (5)(a) and the provision of services to women in the criminal justice system, subject to such conditions as the Board considers appropriate, including conditions as to repayment;
- (j) to provide assistance to local authorities and other persons in connection with information technology systems and equipment used or to be used for the purposes of the aim in subsection (5)(a) and the provision of services to women in the criminal justice system;
- (k) to enter into agreements for the provision of accommodation for women in the criminal justice system, but no agreement may be made under this paragraph in relation to accommodation for women in the criminal justice system unless it appears to the Board that it is expedient to enter into such an agreement for the purposes of subsection (5)(a);
- (l) to facilitate agreements between the Secretary of State and any persons providing accommodation for women in the criminal justice system;
- (m) at the request of the Secretary of State, to assist in carrying out the Secretary of State's functions in relation to the release of offenders detained in accommodation for women in the criminal justice system; and
- (n) annually—

**After Clause 164 - continued**

- (i) to assess future demand for accommodation for women in the criminal justice system;
  - (ii) to prepare a plan setting out how they intend to exercise, in the following three years, the functions described in paragraphs (k) to (m) above, and any function for the time being exercisable by the Board concurrently with the Secretary of State by virtue of subsection (6)(b) below which relates to securing the provision of such accommodation, and
  - (iii) to submit the plan to the Secretary of State for approval.
- (6) The Secretary of State may by regulations made by statutory instrument –
  - (a) amend subsection (5) above so as to add to, subtract from or alter any of the functions of the Board for the time being specified in that subsection; or
  - (b) provide that any function of the Secretary of State which is exercisable in relation to women in the criminal justice system is exercisable concurrently with the Board.
- (7) The power of the Secretary of State under subsection (6)(b) includes power –
  - (a) to provide that, in relation to any function that is exercisable by the Secretary of State in respect of particular cases, the function is exercisable by the Board only –
    - (i) where it proposes to exercise the function in a particular manner,  
or
    - (ii) in respect of a class of case specified in the order, and
  - (b) to make any supplementary, incidental or consequential provision (including provision for any enactment to apply subject to modifications).
- (8) No regulations under subsection (6) may be made unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (9) In carrying out their functions, the Board must comply with any directions given by the Secretary of State and act in accordance with any guidance given by the Secretary of State.
- (10) A relevant authority –
  - (a) must furnish the Board with any information required for the purposes of subsection (5)(b), (c) or (d) above; and
  - (b) whenever so required by the Board, must submit to the Board a report on such matters connected with the discharge of their duties as may be specified in the requirement.

A requirement under paragraph (b) above may specify the form in which a report is to be given.
- (11) The Board may arrange, or require the relevant authority to arrange, for a report under subsection (10)(b) above to be published in such a manner as appears to the Board to be appropriate.
- (12) In this section “relevant authority” means a local authority, a chief officer of police, a local policing body, a local probation board, a provider of probation services, a clinical commissioning group and a local health board.

**After Clause 164 - continued**

(13) Schedule (*Women's Justice Board: further provisions*) has effect.”

**Member's explanatory statement**

*This new Clause makes provision for the establishment of a “Women's Justice Board”, along the lines of the Youth Justice Board. The drafting closely follows the form of the provisions establishing the YJB in the Crime and Disorder Act 1998.*

LORD BLENCATHRA  
LORD CORMACK  
LORD FARMER

**97ZA** Insert the following new Clause –

**“Sex-specific incarceration for offenders**

- (1) Where a person who has undergone gender reassignment is serving a custodial sentence, that person is to be ordinarily treated with respect to housing on the prison estate by reference to their sex registered at birth.
- (2) Where a person who has undergone gender reassignment is remanded in custody on suspicion of committing an offence, that person is to be ordinarily treated with respect to housing on the prison estate by reference to their sex registered at birth.
- (3) Where the case-by-case assessment of a prisoner who has undergone gender reassignment determines that the prisoner should not be accommodated with prisoners of the same sex as registered at birth, separate accommodation must be provided to ensure that there is no access to or association with prisoners of the opposite sex as registered at birth.
- (4) This section applies whether or not the person has a gender recognition certificate.
- (5) Within 12 months of the passing of this Act the Secretary of State must ensure accommodation is available for the purposes of this section.”

**Member's explanatory statement**

*This amendment would provide that all prisoners should live in accommodation provided in consideration of both their sex registered at birth and their gender identity. Prisoners with the protected characteristic of gender reassignment will ordinarily be housed according to their sex as registered at birth. On a case-by-case basis, prisoners may be allocated to a specialist transgender unit, with no contact with prisoners whose sex registered at birth was the opposite of their own.*

**After Clause 165**

BARONESS WILLIAMS OF TRAFFORD  
LORD CASHMAN  
LORD LEXDEN

**97ZB** Insert the following new Clause –

“PART 11A

DISREGARDS AND PARDONS FOR CERTAIN HISTORICAL OFFENCES

**Disregard of certain convictions or cautions**

**After Clause 165 - continued**

- (1) The Protection of Freedoms Act 2012 is amended in accordance with subsections (2) to (10).
- (2) Section 92 (power of Secretary of State to disregard convictions or cautions) is amended in accordance with subsections (3) to (5).
- (3) In subsection (1) for the words from “under” to the end of paragraph (c) substitute “in circumstances where the conduct constituting the offence was sexual activity between persons of the same sex”.
- (4) In subsection (3) –
  - (a) in paragraph (a) –
    - (i) for the first “the” substitute “any”,
    - (ii) for “conduct constituting the offence consented to it and” substitute “sexual activity”, and
    - (iii) omit the second “and”, and
  - (b) for paragraph (b) substitute –
    - “(b) the offence has been repealed or, in the case of an offence at common law, abolished by enactment (whether or not it has been re-enacted or replaced), and
    - (c) the sexual activity would not, if occurring in the same circumstances at the point of decision, constitute an offence.”
- (5) After subsection (6) insert –
  - “(7) In this section “sexual activity” includes –
    - (a) any physical or affectionate activity which is of a type characteristic of people involved in an intimate personal relationship, and
    - (b) conduct intended to lead to sexual activity.”
- (6) In section 93(3) (applications to the Secretary of State), for the words from “the matters” to the end substitute “ –
  - (a) whether a conviction or caution is of a kind mentioned in section 92(1);
  - (b) the matters mentioned in condition A in that section.”
- (7) In section 94 (procedure for decisions by the Secretary of State) –
  - (a) in subsection (1) –
    - (i) after “considering” insert “whether a conviction or caution is of a kind mentioned in section 92(1) or”, and
    - (ii) for “section 92” substitute “that section”,
  - (b) in subsection (2) –
    - (i) after “deciding” insert “whether a conviction or caution is of a kind mentioned in section 92(1) or”, and
    - (ii) for “section 92” substitute “that section”,
  - (c) after subsection (2) insert –
    - “(2A) If the Secretary of State refuses an application on the basis that the caution or conviction is not of a kind mentioned in section 92(1), the Secretary of State must –
      - (a) record the decision in writing, and
      - (b) give notice of it to the applicant.”

**After Clause 165 - continued**

- (8) In section 99 (appeal against refusal to disregard convictions or cautions) –
- (a) in subsection (1)(a) after “Secretary of State” insert “refuses an application on the basis mentioned in section 94(2A) or”,
  - (b) in subsection (3), for the words from “that it” to the end substitute “–
    - (a) that the conviction or caution is of a kind mentioned in section 92(1), it must make an order to that effect;
    - (b) that it appears as mentioned in condition A of that section, it must make an order to that effect.”, and
  - (c) in subsection (5), after “subsection (3)” insert “(b)”.
- (9) In section 100(1) (advisers) –
- (a) for the second “Secretary of State” substitute “Secretary of State –
    - (a) the caution or conviction is of a kind mentioned in section 92(1), or”,
  - (b) the remaining text becomes paragraph (b), and
  - (c) in that paragraph for “section 92” substitute “that section”.
- (10) In section 101 –
- (a) in subsection (1) –
    - (i) in paragraph (a) of the definition of “conviction”, after “proceedings” insert “(including anything that under section 376(1) and (2) of the Armed Forces Act 2006 is to be treated as a conviction for the purposes of that Act)”,
    - (ii) at the end of the definition of “sentence” insert “(including anything that under section 376(1) and (3) of the Armed Forces Act 2006 is to be treated as a sentence for the purposes of that Act)”,
    - (iii) at the end of paragraph (a) of the definition of “service disciplinary proceedings” omit “or”,
    - (iv) after paragraph (b) of the definition of “service disciplinary proceedings” insert “, or
      - (c) in respect of a service offence (whether or not before a court but excepting proceedings before a civilian court within the meaning of the Armed Forces Act 2006);
 and for the purposes of paragraph (c) “service offence” means a service offence within the meaning of the Armed Forces Act 2006, or an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (SI 2009/1059).”, and
  - (v) in the appropriate place insert –
 

““enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978),”
  - (b) omit subsections (3) and (4),
  - (c) in subsection (5) for paragraphs (a) and (b) substitute “a reference to an inchoate or ancillary offence relating to the offence.”,
  - (d) in subsection (6) –

**After Clause 165 - continued**

- (i) for the first “or incitement” substitute “, incitement, encouraging or assisting”, and
  - (ii) for the second “or incitement” substitute “, incitement, encouraging or assisting”,
- (e) after subsection (6) insert—
- “(6A) For the purposes of section 92, an inchoate or ancillary offence is to be treated as repealed or abolished to the extent that the offence to which it relates is repealed or abolished.
  - (6B) A reference to an inchoate or ancillary offence in relation to an offence is a reference to an offence of—
    - (a) attempting, conspiracy or incitement to commit the offence,
    - (b) encouraging or assisting the commission of the offence, or
    - (c) aiding, abetting, counselling or procuring the commission of the offence.
  - (6C) For the purposes of section 92, an offence under an enactment mentioned in subsection (6D) is to be treated as repealed to the extent that the conduct constituting the offence under the enactment—
    - (a) was punishable by reference to an offence under the law of England and Wales which has been repealed or abolished, or
    - (b) if the conduct was not punishable by the law of England and Wales, was punishable by reference to equivalent conduct constituting an offence under the law of England and Wales which has been repealed or abolished.
  - (6D) The enactments are—
    - (a) section 45 of the Naval Discipline Act 1866,
    - (b) section 41 of the Army Act 1881,
    - (c) section 41 of the Air Force Act 1917,
    - (d) section 70 of the Army Act 1955,
    - (e) section 70 of the Air Force Act 1955,
    - (f) section 42 of the Naval Discipline Act 1957, and
    - (g) section 42 of the Armed Forces Act 2006.”, and
- (f) in subsection (7) for “(5) and (6)” substitute “(5), (6) and (6B)”.
- (11) Nothing in this section affects the disregard of a conviction or caution that was disregarded before this section comes into force.”

***Member’s explanatory statement***

*This new Clause would extend the scheme for disregarding convictions and cautions for historical offences that regulated sexual activity between people of the same sex.*

**97ZC** Insert the following new Clause—

**“Pardons for certain convictions or cautions**

- (1) The Policing and Crime Act 2017 is amended in accordance with subsections (2) to (13).
- (2) Section 164 (posthumous pardons for convictions etc. of certain abolished offences) is amended in accordance with subsections (3) to (10).

**After Clause 165 - continued**

- (3) Before subsection (1) insert—
- “(A1) Subsection (1) applies in relation to a person—
- (a) who was convicted of, or cautioned for, an offence in circumstances where the conduct constituting the offence was sexual activity between persons of the same sex, and
  - (b) who died before the end of the period of twelve months beginning with—
    - (i) the day on which section (*Disregard of certain convictions or cautions*) of the Police, Crime, Sentencing and Courts Act 2022 comes into force, or
    - (ii) if later, the day on which the offence referred to in paragraph (a) became an abolished offence (see subsection (1A)).”
- (4) For subsection (1) substitute—
- “(1) The person is pardoned for the offence if—
- (a) any other person involved in the sexual activity was aged 16 or over, and
  - (b) the offence has become an abolished offence.
- (1A) An offence becomes an abolished offence at the point at which conditions A and B are first met.
- (1B) Condition A is that the offence has been repealed or, in the case of an offence at common law, abolished by enactment (whether or not it was re-enacted or replaced).
- (1C) Condition B is that the sexual activity referred to in subsection (A1)(a) would not, if occurring in the same circumstances, constitute an offence.”
- (5) Omit subsections (2) to (6).
- (6) In subsection (7)—
- (a) for “subsection (8)” substitute “subsections (8) and (8A)”, and
  - (b) at the end of paragraph (b) insert “(but as if the reference in subsections (6A) and (6C) to section 92 were a reference to this section)”.
- (7) In subsection (8) (as amended by section 19 of the Armed Forces Act 2021)—
- (a) omit paragraph (ba),
  - (b) at the end of paragraph (c) omit “or”,
  - (c) after paragraph (c) (but before paragraph (d) inserted by section 19(3)(d) of the Armed Forces Act 2021) insert—
    - “(ca) the Mutiny Act 1878, the Marine Mutiny Act 1878, any Act previously in force corresponding to either of those Acts or any relevant Articles of War, or”.
- (8) After subsection (8) insert—
- “(8A) Section 101(6D) of the 2012 Act is to be read, in its application to this section by virtue of subsection (7) of this section, as if the enactments listed in that subsection included—
- (a) Article 2 of Section 20 of the Articles of War of 1749 (offences triable by courts martial outside Great Britain),
  - (b) section 38 of the Naval Discipline Act 1860,

**After Clause 165 - continued**

- (c) section 38 of the Naval Discipline Act 1861,
  - (d) section 41 of the Naval Discipline Act 1864,
  - (e) Article 93 of Section 2 of the Articles of War of 1876 (offences not specified in Marine Mutiny Act or Articles of War),
  - (f) section 41 of the Army Discipline and Regulation Act 1879, and
  - (g) any provision corresponding to the provision mentioned in paragraphs (a) or (e), contained in other relevant Articles of War.”
- (9) In subsection (10) (inserted by section 19 of the Armed Forces Act 2021) insert in the appropriate place –
- ““sexual activity” includes –
- (a) any physical or affectionate activity which is of a type characteristic of people involved in an intimate personal relationship, and
  - (b) conduct intended to lead to sexual activity.”
- (10) After subsection (10) insert –
- “(11) Subsection (1) does not apply in relation to an offence for which the person has previously been pardoned under this section or section 165.”
- (11) In section 165(1) (other pardons for convictions etc. of certain abolished offences) after “offence” insert “in the circumstances”.
- (12) Omit section 166 (power to provide disregards and pardons for additional abolished offences).
- (13) In section 167 (sections 164 to 166: supplementary) –
- (a) in the opening words of subsection (1) omit “, or under regulations under 166,” and
  - (b) in subsection (2) –
    - (i) for “sections 164 to 166” substitute “section 164 or 165”, and
    - (ii) omit “or regulations under section 166”.
- (14) Nothing in this section affects a pardon for a conviction or caution which took effect before this section comes into force.
- (15) In section 19 of the Armed Forces Act 2021 (posthumous pardons in relation to certain abolished offences), omit subsection (2) and paragraphs (b) and (c) of subsection (3).”

***Member’s explanatory statement***

*This new Clause would extend the scheme for posthumously pardoning people convicted of or cautioned for historical offences that regulated sexual activity between people of the same sex.*

**Clause 168**

LORD PONSONBY OF SHULBREDE

**97A** Page 189, line 36, after “in any court” insert “subject to subsection (1A)”

**97B** Page 189, line 37, at end insert –

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

**Clause 170**

LORD PONSONBY OF SHULBREDE

97C Page 193, line 15, at end insert –

“subject to subsection (1A).

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

LORD PANNICK

LORD JUDGE

LORD MARKS OF HENLEY-ON-THAMES

97CA Page 193, leave out lines 16 to 18 and insert –

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

***Member’s explanatory statement****This amendment would prevent a criminal trial proceeding with the jury (or members of the jury) in a different physical location to the judge, witnesses or counsel.*

LORD PONSONBY OF SHULBREDE

97D Page 194, line 14, at end insert “and in making such an assessment, the court has been provided with a physical and mental health screening of the person to whom the direction relates with a recommendation as to whether or not proceeding via a live audio link or live video link will impede their ability to understand or effectively participate in proceedings,”

**Before Schedule 19**LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BENNETT OF MANOR CASTLE  
LORD RAMSBOTHAM

98 Insert the following new Schedule –

“WOMEN’S JUSTICE BOARD: FURTHER PROVISIONS

*Membership*

- 1 The Secretary of State shall appoint one of the members of the Board to be their chair.
- 2 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member of the Board, or as chair of the Board, in accordance with the terms of their appointment.
  - (2) An appointment as a member of the Board may be full-time or part-time.
  - (3) The appointment of a person as a member of the Board, or as chair of the Board, shall be for a fixed period of not longer than five years.
  - (4) Subject to sub-paragraph (5) below, a person whose term of appointment as a member of the Board, or as chair of the Board, expires shall be eligible for re-appointment.
  - (5) No person may hold office as a member of the Board for a continuous period which is longer than 10 years.

**Before Schedule 19 - continued**

- (6) A person may at any time resign their office as a member of the Board, or as chair of the Board, by notice in writing addressed to the Secretary of State.
- (7) The terms of appointment of a member of the Board, or the chair of the Board, may provide for their removal from office (without cause being assigned) on notice from the Secretary of State of such length as may be specified in those terms, subject (if those terms so provide) to compensation from the Secretary of State; and in any such case the Secretary of State may remove that member from office in accordance with those terms.
- (8) Where—
- (a) the terms of appointment of a member of the Board, or the chair of the Board, provide for compensation on their removal from office in pursuance of sub-paragraph (7) above; and
  - (b) the member or chair is removed from office in pursuance of that sub-paragraph,
- the Board shall pay to that person compensation of such amount, and on such terms, as the Secretary of State may with the approval of the Treasury determine.
- (9) The Secretary of State may also at any time remove a person from office as a member of the Board if satisfied—
- (a) that they have without reasonable excuse failed to discharge their functions as a member for a continuous period of three months beginning not earlier than six months before that time;
  - (b) that they have been convicted of a criminal offence;
  - (c) that a bankruptcy order has been made against them, or their estate has been sequestrated, or they have made a composition or arrangement with, or granted a trust deed for, their creditors; or
  - (d) that they are unable or unfit to discharge their functions as a member.
- (10) The Secretary of State shall remove a member of the Board, or the chair of the Board, from office in pursuance of this paragraph by declaring their office as a member of the Board to be vacant and notifying that fact in such manner as the Secretary of State thinks fit; and the office shall then become vacant.
- (11) If the chair of the Board ceases to be a member of the Board they shall also cease to be chair.

*Members and employees*

- 3 (1) The Board shall—
- (a) pay to members of the Board such remuneration;
  - (b) pay to or in respect of members of the Board any such allowances, fees, expenses and gratuities; and
  - (c) pay towards the provision of pensions to or in respect of members of the Board any such sums;
- as the Board are required to pay by or in accordance with directions given by the Secretary of State.

**Before Schedule 19 - continued**

- (2) Where a member of the Board was, immediately before becoming a member, a participant in a scheme under section 1 of the Superannuation Act 1972, the Minister for the Civil Service may determine that their term of office as a member shall be treated for the purposes of the scheme as if it were service in the employment or office by reference to which they were a participant in the scheme; and their rights under the scheme shall not be affected by sub-paragraph (1)(c) above.
- (3) Where—
- (a) a person ceases to hold office as a member of the Board otherwise than on the expiry of their term of appointment; and
  - (b) it appears to the Secretary of State that there are special circumstances which make it right for them to receive compensation,
- the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.
- 4 (1) The Board may appoint a chief executive and such other employees as the Board think fit, subject to the consent of the Secretary of State as to their number and terms and conditions of service.
- (2) The Board shall—
- (a) pay to employees of the Board such remuneration; and
  - (b) pay to or in respect of employees of the Board any such allowances, fees, expenses and gratuities,
- as the Board may, with the consent of the Secretary of State, determine.
- (3) Employment by the Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply.
- 5 The Board shall pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to paragraph 3(2) or 4(3) above in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

*House of Commons disqualification*

- 6 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted at the appropriate place the following entry—
- “The Women's Justice Board for England and Wales”.

*Procedure*

- 7 (1) The arrangements for the procedure of the Board (including the quorum for meetings) shall be such as the Board may determine.
- (2) The validity of any proceedings of the Board (or of any committee of the Board) shall not be affected by—
- (a) any vacancy among the members of the Board or in the office of chair of the Board; or
  - (b) any defect in the appointment of any person as a member of the Board or as chair of the Board.

*Annual reports and accounts*

**Before Schedule 19 - continued**

- 8 (1) As soon as possible after the end of each financial year of the Board, the Board shall send to the Secretary of State a report on the discharge of their functions during that year.
- (2) The Secretary of State shall lay before each House of Parliament, and cause to be published, a copy of every report sent under this paragraph.
- 9 (1) The Board shall—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year of the Board.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may, with the consent of the Treasury, direct.
- (3) The Board shall send a copy of the statement of accounts to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts; and
  - (b) lay a copy of the statement of accounts and the report before each House of Parliament.
- 10 For the purposes of this Schedule the Board's financial year shall be the period of 12 months ending with 31 March; but the first financial year of the Board shall be the period beginning with the date of establishment of the Board and ending with the first 31 March which falls at least six months after that date.

*Expenses*

- 11 The Secretary of State shall out of money provided by Parliament pay to the Board such sums towards their expenses as the Secretary of State may determine.”

***Member's explanatory statement***

*This new Schedule provides further provision for the implementation of new Clause “Women's Justice Board”. The drafting closely follows the form of the provisions in Schedule 2 to the Crime and Disorder Act 1998.*

**After Clause 172**

EARL ATTLEE  
LORD PADDICK  
LORD PONSONBY OF SHULBREDE

99

Insert the following new Clause—

**“Facilitation of potting**

- (1) A person commits an offence of facilitation of potting if the person—
- (a) is in custody and causes or permits their own urine or excrement to be intercepted without lawful reason or excuse, or

**After Clause 172 - continued**

- (b) is in custody and causes or permits their own ejaculate to be intercepted without lawful reason or excuse.
- (2) For the purposes of subsection (1)(a), only in exceptional circumstances may the court accept a defence of “lawful reason or excuse” in the absence of evidence of a prior direction by a clinically qualified person.
- (3) A person guilty of an offence to which this section applies is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”

**Member’s explanatory statement**

*This amendment aims to establish a specific offence of “facilitating potting”, potting being the practice of throwing urine, excrement or ejaculate at prison staff.*

LORD COAKER  
BARONESS NEVILLE-ROLFE

100

Insert the following new Clause—

**“Offence of assaulting a retail worker**

- (1) It is an offence for a person to assault, threaten or abuse another person—
  - (a) who is a retail worker, and
  - (b) who is engaged, at the time, in retail work.
- (2) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person—
  - (a) is a retail worker, and
  - (b) is engaged, at the time, in retail work.
- (3) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months, a fine, or both.
- (4) Evidence from a single source is sufficient to establish, for the purposes of this section—
  - (a) whether a person is a retail worker, and
  - (b) whether the person is engaged, at the time, in retail work.
- (5) The offence under subsection (1) of threatening or abusing a retail worker is committed by a person only if the person—
  - (a) behaves in a threatening or abusive manner towards the worker, and
  - (b) intends by the behaviour to cause the worker or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.
- (6) Subsection (5) applies to—
  - (a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,
  - (b) behaviour consisting of—
    - (i) a single act, or

**After Clause 172 - continued**

- (ii) a course of conduct.
- (7) Subsections (8) to (10) apply where, in proceedings for an offence under subsection (1), it is –
- (a) specified in the complaint that the offence is aggravated by reason of the retail worker’s enforcing a statutory age restriction, and,
  - (b) proved that the offence is so aggravated.
- (8) The offence is so aggravated if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction.
- (9) Evidence from a single source is sufficient to prove that the offence is so aggravated.
- (10) Where this section applies, the court must –
- (a) state on conviction that the offence is so aggravated,
  - (b) record the conviction in a way that shows that the offence is so aggravated,
  - (c) take the aggravation into account in determining the appropriate sentence, and
  - (d) state –
    - (i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
    - (ii) otherwise, the reasons for there being no such difference.
- (11) In this section –
- “enforcement”, in relation to a statutory age restriction, includes –
- (a) seeking information as to a person’s age,
  - (b) considering information as to a person’s age,
  - (c) refusing to sell or supply goods or services,
- for the purposes of complying with the restriction (and “enforcing” is to be construed accordingly),
- “statutory age restriction” means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.
- (12) In this section, “retail worker” –
- (a) means a person –
    - (i) whose usual place of work is retail premises, or
    - (ii) whose usual place of work is not retail premises but who does retail work,
  - (b) includes, in relation to a business that owns or occupies any premises in which the person works, a person who –
    - (i) is an employee of the business,
    - (ii) is an owner of the business, or
    - (iii) works in the premises under arrangements made between the business and another person for the provision of staff,
  - (c) also includes a person who delivers goods from retail premises.

**After Clause 172 - continued**

- (13) For the purposes of subsection (12), it is irrelevant whether or not the person receives payment for the work.
- (14) In proceedings for an offence under subsection (1), it is not necessary for the prosecutor to prove that the person charged with the offence knew or ought to have known any matter falling within subsection (12)(b) in relation to the person against whom the offence is alleged to have been committed.
- (15) In this section, “retail premises” means premises that are used wholly or mainly for the sale or supply of goods, on a retail basis, to members of the public.
- (16) In this section, “retail work” means –
- (a) in the case of a person whose usual place of work is retail premises, any work in those retail premises,
  - (b) in the case of a person whose usual place of work is not retail premises, work in connection with –
    - (i) the sale or supply of goods, on a retail basis, to members of the public, or
    - (ii) the sale or supply of services (including facilities for gambling) in respect of which a statutory age restriction applies,
  - (c) subject to subsection (17), in the case of a person who delivers goods from retail premises, work in connection with the sale or supply of goods, on a retail basis, to members of the public.
- (17) A person who delivers goods from retail premises is doing retail work only during the period beginning when the person arrives at a place where delivery of goods is to be effected and ending when the person leaves that place (whether or not goods have been delivered).
- (18) In this section, references to working in premises includes working on any land forming part of the premises.”

## LORD PADDICK

101 Insert the following new Clause –

**“Criminal Justice and Public Order Act 1994: repeal of section 60**

Section 60 of the Criminal Justice and Public Order Act 1994 is omitted.”

***Member’s explanatory statement***

*This provision will repeal section 60 of CJPOA, which provides for suspicion-less stop and search.*

BARONESS CHAKRABARTI  
LORD ROSSER  
LORD CARLILE OF BERRIEW  
BARONESS NEWLOVE

102 Insert the following new Clause—

**“Duty to establish statutory inquiry into lessons to be learned from the death of Sarah Everard**

- (1) The inquiry into matters arising from the death of Sarah Everard, announced by the Secretary of State for the Home Department on 22 November 2021, is to be held as an inquiry under the Inquiries Act 2005.
- (2) The Secretary of State must ensure that the terms of reference of the inquiry include the wider lessons to be learned for the professional culture, funding, vetting and organisation of policing, the prevention of violence against women and the investigation and prosecution of misogynistic crimes.
- (3) If on the commencement of any provision of this Act, the inquiry does not have a panel of members which includes at least one member with experience in the area of violence against women, the Secretary of State must ensure that such a member is appointed.”

*Member’s explanatory statement*

*This amendment converts the existing Home Office inquiry into the matters arising from the death of Sarah Everard into a statutory inquiry under the Inquiries Act 2005. It also ensures that the Inquiry panel includes at least one member with experience in the area of violence against women and girls.*

BARONESS MEACHER  
LORD PADDICK

103 Insert the following new Clause—

**“Restorative justice**

The Secretary of State must, every five years—

- (a) prepare an action plan on restorative justice for the purpose of improving access, awareness and capacity of restorative justice within the criminal justice system,
- (b) publish a copy of the action plan, and
- (c) publish a report on progress in implementing the previous action plan.”

LORD MARKS OF HENLEY-ON-THAMES

104 Insert the following new Clause—

**“Royal Commission on criminal sentencing**

- (1) Within six months of the passing of this Act, the Secretary of State must establish a Royal Commission to carry out a full review of criminal sentencing.
- (2) In particular the Commission must make recommendations on—
  - (a) how to reduce the prison population;
  - (b) how to reduce violence and overcrowding in prisons;
  - (c) addressing the particular needs of young people in custody;
  - (d) addressing the particular needs of women in custody;

**After Clause 172 - continued**

- (e) how to ensure that sentencing for offences is focussed upon reform and rehabilitation of offenders and reducing reoffending;
- (f) how to reduce the over-representation of people from Black, Asian and minority ethnic backgrounds in prison;
- (g) the imposition and management of non-custodial sentences; and
- (h) the abolition of some mandatory or minimum prison sentences.”

**Member’s explanatory statement**

*This amendment would establish a Royal Commission to review criminal sentencing.*

LORD ROSSER  
LORD PADDICK  
THE LORD BISHOP OF DERBY

**104A** Insert the following new Clause –

**“Child criminal exploitation**

In section 3 of the Modern Slavery Act 2015 (meaning of exploitation), at the end insert –

*“Child criminal exploitation*

- (7) Another person manipulates, deceives, coerces or controls the person to undertake activity which constitutes a criminal offence and the person is under the age of 18.””

**Member’s explanatory statement**

*This new Clause would introduce a statutory definition of child criminal exploitation.*

LORD PONSONBY OF SHULBREDE

**104B** Insert the following new Clause –

**“Video recorded cross-examination or re-examination of complainants in respect of sexual offences and modern slavery offences**

- (1) Section 28 of the Youth Justice and Criminal Evidence Act 1999 comes into force in relation to proceedings to which subsection (2) applies on the day on which this Act is passed.
- (2) This subsection applies where a witness is eligible for assistance by virtue of section 17(4) of the Youth Justice and Criminal Evidence Act 1999 (complainants in respect of a sexual offence or modern slavery offence who are witnesses in proceedings relating to that offence, or that offence and any other offences).
- (3) This section has effect notwithstanding section 68(3) of the Youth Justice and Criminal Evidence Act 1999.”

LORD PONSONBY OF SHULBREDE  
BARONESS JONES OF MOULSECOOMB

**104C** Insert the following new Clause –

**“Complainant’s right of representation and appeal on an application to adduce evidence or questions on sexual conduct**

**After Clause 172 - continued**

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) After section 43 insert—

**“43A Complainant’s right of representation and appeal on an application to adduce evidence or questions on sexual conduct**

In any trial to which section 41 applies, where notice is given that there will be an application under Part 36 of the Criminal Procedure Rules for leave to ask questions or to adduce evidence as to any sexual behaviour of the complainant—

- (a) the complainant may not be compelled to give evidence at any hearing on the application;
- (b) the complainant is entitled to be served with the application and to be legally represented (with the assistance of legal aid if financially eligible) as “a party” within the meaning of the Criminal Procedure Rules in responding in writing to the application and in presenting their case at any hearing on the application;
- (c) if the application succeeds in whole or in part, the complainant has a right to appeal for a rehearing of the application to the Court of Appeal on notice within seven days of the judgment being delivered;
- (d) on any such appeal, the Court of Appeal must rehear the application in full and may grant or refuse it in whole or in part;
- (e) the Secretary of State may, by regulations, set out rules of procedure relating to any hearing or appeal under this section.”

## LORD PONSONBY OF SHULBREDE

**104D** Insert the following new Clause—

**“Offence of destroying or damaging life-saving equipment**

- (1) The Criminal Damage Act 1971 is amended as follows.
- (2) In section 1(2), at the end of paragraph (b), insert “or
  - (c) intending to destroy or damage any property which is considered life-saving equipment, including life-belts, life jackets and defibrillators.”

**104E** 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,
  - (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.

**After Clause 172 - continued**

- (3) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a maximum of 7 years.”

**104F** 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 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.”

LORD BACH  
LORD PANNICK  
LORD HUNT OF KINGS HEATH

**104FA** Insert the following new Clause—

**“Police and crime commissioners: limit on age of disqualification for conviction**

In section 66(3)(c) of the Police Reform and Social Responsibility Act 2011, after the first “offence” insert “committed after the age of 21”.”

BARONESS NEVILLE-ROLFE

**104FB** Insert the following new Clause—

**“Duty to conduct a review of resources for the purposes of assaults on retail workers**

Within 12 months of the day on which this Act is passed, the Secretary of State must conduct a review of, and report on, the adequacy of resources that police forces have available for the purposes of preventing or investigating assaults on retail workers.”

*After Clause 172 - continued*

BARONESS KENNEDY OF CRADLEY

104FC Insert the following new Clause—

**“Section 6 of the Sexual Offences Act 1956: removal of time limitation**

- (1) Proceedings for the offence under section 6 of the Sexual Offences Act 1956 (intercourse with a girl between thirteen and sixteen) are not barred only by virtue of the passage of time since the date of the alleged offence.
- (2) Nothing in this section permits the trial of a person who has already been convicted of an offence relating to the sexual intercourse in question.”

BARONESS COUSSINS

104FD Insert the following new Clause—

**“Spoken word interpreters: minimum standards**

Within six months of commencement of this section, spoken word interpreters appointed to a court or tribunal must—

- (a) be registered on the National Register of Public Service Interpreters (“NRPSI”),
- (b) possess a Level 6 Diploma in Public Service Interpreting, or comply with NRPSI Rare Language Status protocols, and
- (c) have completed the requisite number of hours’ experience of court interpreting commensurate with the category of case complexity, as agreed by the Secretary of State in conjunction with relevant professional bodies.”

***Member’s explanatory statement***

*This amendment would establish minimum standards for qualifications and experience for interpreters in courts and tribunals, along the lines of the Police Approved Interpreters Scheme.*

LORD COAKER

104FE★ Insert the following new Clause—

**“Fast-track public space protection orders**

In the Anti-social Behaviour, Crime and Policing Act 2014, after section 61 (variation and discharge of orders) insert—

**“61A Fast-track public spaces protection orders**

- (1) A local authority may make a fast-track public spaces protection order where the conditions under subsections (2) or (3) are met.
- (2) The conditions under this subsection are—
  - (a) the public space to which the order will apply is a school within the local authority area;
  - (b) activities carried on, or likely to be carried on, in the vicinity of the school have had, or are likely to have, a detrimental effect on the quality of life for pupils and staff; and
  - (c) consent for the order to be applied has been granted by—
    - (i) the leadership of the school to which the order will apply,

**After Clause 172 - continued**

- (ii) a chief officer of police of the police area in which the school to which the order will apply is located, and
  - (iii) the leader of the local authority which will make the order.
- (3) The conditions under this subsection are—
- (a) the public space to which the order will be applied is a venue providing NHS vaccination services to the public;
  - (b) activities have been carried on, or are likely to be carried on, in the vicinity of the venue with the intent of—
    - (i) harassing or intimidating members of the public using the service, or staff or volunteers providing the service, or
    - (ii) impeding members of the public from accessing the service, or staff or volunteers from providing the service; and
  - (c) consent for the order to be applied has been granted by—
    - (i) the NHS body with responsibility for provision of the service to which the order will apply,
    - (ii) a chief officer of police of the police area in which the venue to which the order will apply is located, and
    - (iii) the leader of the local authority which will make the order.
- (4) A public spaces protection order granted under this section may come into effect immediately on the fulfilment of the requirements in subsection (2) or (3).
- (5) Restrictions in section 72(3), that consultation must take place before an order is made, do not apply to public spaces protection orders made under this section.
- (6) The local authority must carry out the necessary consultation, as defined in section 72, following the making of an order under this section.
- (7) A fast-track public spaces protection order may not have effect for a period of more than 6 months unless extended under this section.
- (8) Before the time when a fast-track public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- (a) occurrence or recurrence after that time of the activities identified in the order, or
  - (b) an increase in the frequency or seriousness of those activities after that time.
- (9) A fast-track public spaces protection order under this section may not be extended for a period of more than 6 months.””

***Member’s explanatory statement***

*This would allow fast-track public spaces protection orders, which can come into effect immediately, to be made for schools and vaccination centres. Usual statutory consultation on the order would still be held, but would not delay the start date of the order.*

**Clause 44**

LORD BLENCATHRA  
LORD JUDGE  
LORD HODGSON OF ASTLEY ABBOTTS

104G 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.”

**After Clause 44**

THE LORD BISHOP OF GLOUCESTER  
LORD GERMAN  
LORD PONSONBY OF SHULBREDE

105 Insert the following new Clause –

**“Bail and primary carers**

(1) Section 4 of the Bail Act 1976 is amended as follows.

(2) After subsection (9) insert –

“(10) Where a court determines whether to grant bail in criminal proceedings to a person to whom this section applies who is a primary carer for a child or pregnant, the court must –

(a) consider the impact of not granting bail on the child or unborn child; and

(b) presume (subject to victim impact or other relevant considerations) that it is in the best interests of the child or unborn child for bail to be granted.

(11) 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.””

***Member’s explanatory statement***

*This Clause reflects the requirement for a judge to consider the impact of not granting bail on a child when determining, in criminal proceedings, whether to grant bail to a primary carer of a dependent child.*

**Clause 46**

LORD BEITH

106 Page 39, line 17, after “sport” insert “, dance, drama, music”

***Member’s explanatory statement***

*This is intended to address a potential gap in the law related to other teaching or supervisory positions of trust.*

107 Page 39, line 19, at end insert “, or in dance, drama or music.”

**Member's explanatory statement**

*This is intended to address a potential gap in the law related to other teaching or supervisory positions of trust.*

**After Clause 46**

LORD WOLFSON OF TREDEGAR  
BARONESS HAYMAN  
LORD PANNICK

**107A** Insert the following new Clause—

**“Voyeurism: breast-feeding**

- (1) Section 67A of the Sexual Offences Act 2003 (voyeurism: additional offences) is amended as follows.
- (2) After subsection (2) insert—
  - “(2A) A person (A) commits an offence if—
    - (a) A operates equipment,
    - (b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe another (B) while B is breast-feeding a child, and
    - (c) A does so—
      - (i) without B’s consent, and
      - (ii) without reasonably believing that B consents.
  - (2B) A person (A) commits an offence if—
    - (a) A records an image of another (B) while B is breast-feeding a child,
    - (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
    - (c) A does so—
      - (i) without B’s consent, and
      - (ii) without reasonably believing that B consents.”
  - (3) In subsection (3), for “and (2)” substitute “to (2B)”.
  - (4) After subsection (3) insert—
    - “(3A) In this section a reference to B breast-feeding a child includes B re-arranging B’s clothing—
      - (a) in the course of preparing to breast-feed the child, or
      - (b) having just finished breast-feeding the child.
    - (3B) It is irrelevant for the purposes of subsections (2A) and (2B)—
      - (a) whether or not B is in a public place while B is breast-feeding the child,
      - (b) whether or not B’s breasts are exposed while B is breast-feeding the child, and
      - (c) what part of B’s body—
        - (i) is, or is intended by A to be, visible in the recorded image, or
        - (ii) is intended by A to be observed.””

**Member's explanatory statement**

*This new Clause creates new offences of recording images of, or otherwise observing, breast-feeding without consent or a reasonable belief as to consent. To be guilty of the offence the perpetrator must be acting for the purpose of obtaining sexual gratification or of humiliating, alarming or distressing the victim.*

LORD WOLFSON OF TREDEGAR  
LORD RUSSELL OF LIVERPOOL

107B Insert the following new Clause—

**“Time limit for prosecution of common assault or battery in domestic abuse cases**

After section 39 of the Criminal Justice Act 1988 insert—

**“39A Time limit for prosecution of common assault or battery in domestic abuse cases**

- (1) This section applies to proceedings for an offence of common assault or battery where—
  - (a) the alleged behaviour of the accused amounts to domestic abuse, and
  - (b) the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
  - (a) the complainant has made a witness statement with a view to its possible admission as evidence in the proceedings, and
  - (b) the complainant has provided the statement to—
    - (i) a constable of a police force, or
    - (ii) a person authorised by a constable of a police force to receive the statement.
- (3) The condition in this subsection is that—
  - (a) the complainant has been interviewed by—
    - (i) a constable of a police force, or
    - (ii) a person authorised by a constable of a police force to interview the complainant, and
  - (b) a video recording of the interview has been made with a view to its possible admission as the complainant's evidence in chief in the proceedings.
- (4) Proceedings to which this section applies may be commenced at any time which is both—
  - (a) within two years from the date of the offence to which the proceedings relate, and
  - (b) within six months from the first date on which either of the conditions in subsection (2) or (3) was met.
- (5) This section has effect despite section 127(1) of the Magistrates' Court Act 1980 (limitation of time).
- (6) In this section—
 

“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;

“police force” has the meaning given by section 3(3) of the Prosecution of Offences Act 1985;

“video recording” has the meaning given by section 63(1) of the Youth Justice and Criminal Evidence Act 1999;

**After Clause 46 - continued**

“witness statement” means a written statement that satisfies the conditions in section 9(2)(a) and (b) of the Criminal Justice Act 1967.

- (7) This section does not apply in relation to an offence committed before the coming into force of section (*Time limit for prosecution of common assault or battery in domestic abuse cases*) of the Police, Crime, Sentencing and Courts Act 2022.”

**Member’s explanatory statement**

*This amendment extends the time limit for commencing proceedings for an offence of common assault or battery in certain cases where the alleged behaviour of the accused amounts to domestic abuse.*

LORD COAKER

107C★ Insert the following new Clause—

**“Rape and Serious Sexual Offences Units**

- (1) Each police force in England and Wales is required to establish and maintain a specialist Rape and Serious Sexual Offences unit (“RASSO unit”).
- (2) A RASSO unit must be staffed by personnel with specialist training in—
  - (a) the investigation of rape and serious sexual offences;
  - (b) liaison with victims and survivors of rape and sexual violence; and
  - (c) the prevention of violence against women and girls.”

**After Clause 50**

BARONESS CHAKRABARTI  
LORD CARLILE OF BERRIEW  
LORD GARNIER  
LORD PADDICK

108 Insert the following new Clause—

**“Arrest without warrants: safeguarding**

In section 24 of the Police and Criminal Evidence Act 1984 (arrest without warrants: constables), after subsection (4) insert—

- “(4A) A constable exercising the power conferred by subsection (1), (2) or (3) may not require or ask the person under arrest to enter a vehicle or premises other than a police station unless at least one other constable is present in the vehicle or when entering the premises, as applicable.”

**Member’s explanatory statement**

*This amendment ensures the attendance of at least two police constables if an arrested person is to be taken into a vehicle or premises other than a police station.*

BARONESS CHAKRABARTI  
LORD CARLILE OF BERRIEW  
LORD GARNIER

109 Insert the following new Clause—

**“Statutory transportation of suspects code**

In section 66 of the Police and Criminal Evidence Act 1984 (Codes of practice), in subsection (1)(b) before “detention” insert “transportation,”.

*Member’s explanatory statement*

*This amendment adds the transportation of arrested people to the matters about which the Secretary of State must issue codes of practice under the Police and Criminal Evidence Act 1984.*

LORD ROOKER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

109A Insert the following new Clause—

**“Application of Police and Criminal Evidence Act 1984 to National Food Crime Unit of Food Standards Agency**

In the Police and Criminal Evidence Act 1984, after section 114B, insert—

**“114C Application to National Food Crime Unit of Food Standards Agency**

The Secretary of State may by regulations apply any provisions of this Act to investigation of offences conducted by officers of the National Food Crime Unit in respect of search and seizure.”

*Member’s explanatory statement*

*This amendment is intended to avoid the police having to obtain these powers from a court on behalf of NFCU. The officers dealing with offences could present the case.*

**After Clause 55**

BARONESS WILLIAMS OF TRAFFORD

109B Insert the following new Clause—

**“Code of practice relating to non-criminal hate incidents**

- (1) The Secretary of State may issue a code of practice about the processing by a relevant person of personal data relating to a hate incident.
- (2) In this section “hate incident” means an incident or alleged incident which involves or is alleged to involve an act by a person (“the alleged perpetrator”) which is perceived by a person other than the alleged perpetrator to be motivated (wholly or partly) by hostility or prejudice towards persons with a particular characteristic.
- (3) The provision that may be made by a code of practice under this section includes, in particular, provision about—
  - (a) whether and how personal data relating to a hate incident should be recorded;
  - (b) the persons who are to process such personal data;
  - (c) the circumstances in which a data subject should be notified of the processing of such personal data;

**After Clause 55 - continued**

- (d) the retention of such personal data, including the period for which it should be retained and the circumstances in which and the procedures by which that period might be changed;
  - (e) the consideration by a relevant person of requests by the data subject relating to such personal data.
- (4) But a code of practice under this section must not make provision about—
- (a) the processing of personal data for the purposes of a criminal investigation, or
  - (b) the processing of personal data relating to the alleged perpetrator of a hate incident at any time after they have been charged with an offence relating to the hate incident.
- (5) A code of practice under this section may make different provision for different purposes.
- (6) A relevant person must have regard to the code of practice that is for the time being in force under this section in processing personal data relating to a hate incident.
- (7) In this section—
- “data subject” has the meaning given by section 3(5) of the Data Protection Act 2018;
  - “personal data” has the meaning given by section 3(2) of that Act;
  - “processing” has the meaning given by section 3(4) of that Act.
- (8) In this section “relevant person” means—
- (a) a member of a police force in England and Wales,
  - (b) a special constable appointed under section 27 of the Police Act 1996,
  - (c) a member of staff appointed by the chief officer of police of a police force in England and Wales,
  - (d) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002,
  - (e) an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police,
  - (f) a constable of the British Transport Police Force,
  - (g) a special constable of the British Transport Police Force appointed under section 25 of the Railways and Transport Safety Act 2003,
  - (h) an employee of the British Transport Police Authority appointed under section 27 of that Act,
  - (i) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002 as applied by section 28 of the Railways and Transport Safety Act 2003, or
  - (j) a National Crime Agency officer.”

***Member’s explanatory statement***

*This amendment confers power on the Secretary of State to issue a code of practice about the processing by the police of personal data relating to a hate incident other than for the purposes of a criminal investigation.*

LORD MOYLAN  
LORD PANNICK  
LORD MACDONALD OF RIVER GLAVEN  
*As an amendment to Amendment 109B*

109C In subsection (1), leave out “may” and insert “must”

LORD BLENCATHRA  
*As an amendment to Amendment 109B*

109D★ Leave out subsections (3) to (7)

LORD MOYLAN  
LORD PANNICK  
LORD MACDONALD OF RIVER GLAVEN  
*As an amendment to Amendment 109B*

109E In subsection (3), after paragraph (e) insert –

“(f) the importance of the right to freedom of expression and the extent to which that right is adversely affected by the processing of relevant data by any police authority.”

BARONESS WILLIAMS OF TRAFFORD

109F Insert the following new Clause –

**“Further provision about a code of practice under section (*Code of practice relating to non-criminal hate incidents*)**

- (1) The Secretary of State may not issue a code of practice under section (*Code of practice relating to non-criminal hate incidents*) unless a draft of the code has been laid before and approved by a resolution of each House of Parliament.
- (2) The Secretary of State may from time to time revise and reissue a code of practice under section (*Code of practice relating to non-criminal hate incidents*).
- (3) Before reissuing a code of practice the Secretary of State must lay a draft of the code as proposed to be reissued before Parliament.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the code of practice laid under subsection (3) –
  - (a) the code is not to be reissued, and
  - (b) the Secretary of State may prepare another code.
- (5) If no such resolution is passed within the 40-day period, the Secretary of State may reissue the code of practice.
- (6) In this section “the 40-day period” means –
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (7) In calculating the 40-day period no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.”

**Member's explanatory statement**

*This amendment makes provision about the Parliamentary procedure applying to a code of practice issued by the Secretary of State under the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 55 and dealing with codes of practice relating to non-criminal hate incidents.*

**109G**

Insert the following new Clause—

**“Increase in penalty for offences related to game etc**

- (1) Section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose) is amended in accordance with subsections (2) to (4).
- (2) The existing text becomes subsection (1).
- (3) In that subsection—
  - (a) after “conviction” insert “to imprisonment for a term not exceeding 51 weeks,” and
  - (b) for “not exceeding level 3 on the standard scale” substitute “or to both”.
- (4) After that subsection insert—
  - “(2) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.”
- (5) Section 30 of the Game Act 1831 (trespass in daytime in search of game etc) is amended in accordance with subsections (6) to (8).
- (6) The existing text becomes subsection (1).
- (7) In that subsection—
  - (a) for the words from “conviction”, in the first place it occurs, to “seem meet”, in the second place it occurs, substitute “summary conviction, be liable to imprisonment for a term not exceeding 51 weeks, to a fine or to both”, and
  - (b) for “each of the two offences” substitute “the offence”.
- (8) After that subsection insert—
  - “(2) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.”
- (9) In section 4A of the Game Laws (Amendment) Act 1960 (forfeiture of vehicles), in subsection (1), omit “as one of five or more persons liable under that section”.
- (10) The amendments made by this section have effect only in relation to offences committed on or after the day on which this section comes into force.”

**Member's explanatory statement**

*This amendment increases the penalty for committing an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose) or under section 30 of the Game Act 1831 (trespass in daytime in search of game etc).*

**109H** Insert the following new Clause—

**“Trespass with intent to search for or to pursue hares with dogs etc**

- (1) A person commits an offence if they trespass on land with the intention of—
  - (a) using a dog to search for or to pursue a hare,
  - (b) facilitating or encouraging the use of a dog to search for or to pursue a hare, or
  - (c) enabling another person to observe the use of a dog to search for or to pursue a hare.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the trespass mentioned in that subsection.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.”

***Member’s explanatory statement***

*This amendment creates a new offence of trespassing on land with the intention of using a dog to search for or to pursue a hare or with the intention of facilitating, encouraging or enabling another person to observe the use of a dog to search for or to pursue a hare.*

**109J** Insert the following new Clause—

**“Being equipped for searching for or pursuing hares with dogs etc**

- (1) A person commits an offence if they have an article with them in a place other than a dwelling with the intention that it will be used in the course of or in connection with the commission by any person of an offence under section (*Trespass with intent to search for or to pursue hares with dogs etc*) (trespass with intent to search for or to pursue hares with dogs etc).
- (2) Where a person is charged with an offence under subsection (1), proof that the person had with them any article made or adapted for use in committing an offence under section (*Trespass with intent to search for or to pursue hares with dogs etc*) is evidence that the person had it with them with the intention that it would be used in the course of or in connection with the commission by any person of an offence under that section.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.
- (5) In this section—

“article” includes a vehicle and, except in subsection (2), an animal;

**After Clause 55 - continued**

“dwelling” means –

- (a) a building or structure which is used as a dwelling, or
  - (b) a part of a building or structure, if the part is used as a dwelling,
- and includes any yard, garden, garage or outhouse belonging to and used with a dwelling.”

**Member’s explanatory statement**

*This amendment creates a new offence where a person has an article with them in a place other than a dwelling with the intention that it will be used in the course of or in connection with the commission by any person of an offence under the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 55 and relating to trespass with intent to search for or to pursue hares with dogs etc.*

**109K** Insert the following new Clause –

**“Recovery order on conviction for certain offences involving dogs**

- (1) This section applies where –
  - (a) a person is convicted of an offence within subsection (5) which was committed on or after the day on which this section comes into force,
  - (b) a dog was used in or was present at the commission of the offence, and
  - (c) the dog was lawfully seized and detained in connection with the offence.
- (2) The court may make an order (a “recovery order”) requiring the offender to pay all the expenses incurred by reason of the dog’s seizure and detention.
- (3) Any expenses a person is required to pay under subsection (2) are recoverable summarily as a civil debt.
- (4) Where a recovery order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (5) The following offences are within this subsection –
  - (a) an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose);
  - (b) an offence under section 30 of the Game Act 1831 (trespass in daytime in search of game etc);
  - (c) an offence under section (*Trespass with intent to search for or to pursue hares with dogs etc*) (trespass with intent to search for or to pursue hares with dogs etc);
  - (d) an offence under section (*Being equipped for searching for or pursuing hares with dogs etc*) (being equipped for searching for or pursuing hares with dogs etc).”

**Member’s explanatory statement**

*This amendment provides for a court to order an offender to pay for the costs of seizing and detaining a dog where the dog has been lawfully seized and detained in connection with certain offences involving dogs.*

109L Insert the following new Clause—

**“Disqualification order on conviction for certain offences involving dogs**

- (1) This section applies where—
  - (a) a person is convicted of an offence within subsection (9) which was committed on or after the day on which this section comes into force, and
  - (b) a dog was used in or was present at the commission of the offence.
- (2) The court may make an order (a “disqualification order”) disqualifying the offender, for such period as the court thinks fit, from—
  - (a) owning dogs,
  - (b) keeping dogs, or
  - (c) both.
- (3) The disqualification order may specify a period during which the offender may not make an application under section (*Termination of disqualification order*) to terminate the order.
- (4) The court may, where it appears to the court that the offender owns or keeps a dog, suspend the operation of the disqualification order for such period as it thinks necessary for enabling alternative arrangements to be made in respect of the dog.
- (5) Where a court makes a disqualification order, it must—
  - (a) give its reasons for making the order in open court, and
  - (b) cause them to be entered in the register of its proceedings.
- (6) A person who breaches a disqualification order commits an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where a disqualification order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (9) The following offences are within this subsection—
  - (a) an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose);
  - (b) an offence under section 30 of the Game Act 1831 (trespass in daytime in search of game etc);
  - (c) an offence under section (*Trespass with intent to search for or to pursue hares with dogs etc*) (trespass with intent to search for or to pursue hares with dogs etc);
  - (d) an offence under section (*Being equipped for searching for or pursuing hares with dogs etc*) (being equipped for searching for or pursuing hares with dogs etc).
- (10) In section 171 of the Sentencing Code (offences relating to animals), after subsection (2) insert—

**After Clause 55 - continued**

- “(3) See section (*Disqualification order on conviction for certain offences involving dogs*) of the Police, Crime, Sentencing and Courts Act 2022 (*disqualification order on conviction for certain offences involving dogs*) for orders relating to disqualification in the case of offences involving dogs under that Act, the Night Poaching Act 1828 and the Game Act 1831.”

**Member’s explanatory statement**

*This amendment provides for a court to make a disqualification order preventing an offender from owning or keeping a dog where the offender is convicted of certain offences involving dogs.*

**109M** Insert the following new Clause –

**“Seizure and disposal of dogs in connection with disqualification order**

- (1) Where, on a court making a disqualification order, it appears to the court that the person to whom the order applies owns or keeps a dog contrary to the order, the court may order that the dog be taken into possession.
- (2) Where a person is convicted of an offence under section (*Disqualification order on conviction for certain offences involving dogs*) (6) by reason of owning or keeping a dog in breach of a disqualification order, the court by which the person is convicted may order that all dogs owned or kept in breach of the order be taken into possession.
- (3) An order under subsection (1) or (2), so far as relating to any dog owned by the person to whom the disqualification order applies, must make provision for disposal of the dog.
- (4) Any dog taken into possession in pursuance of an order under subsection (1) or (2) that is not owned by the person subject to the disqualification order is to be dealt with in such manner as an appropriate court may order.
- (5) But an order under subsection (4) may not provide for the dog to be –
  - (a) destroyed, or
  - (b) disposed of for the purposes of vivisection.
- (6) A court may not make an order for disposal of the dog under subsection (4) unless –
  - (a) it has given the owner of the dog an opportunity to be heard, or
  - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (7) Where a court makes an order under subsection (4) for the disposal of the dog, the owner of the dog may appeal against the order to the Crown Court.
- (8) In this section –
 

“appropriate court” means –

  - (a) the magistrates’ court which made the order under subsection (1) or (2), or
  - (b) another magistrates’ court acting for the same local justice area as that court;

**After Clause 55 - continued**

“disqualification order” has the same meaning as in section (*Disqualification order on conviction for certain offences involving dogs*).

- (9) In this section references to disposing of a dog do not include –
- (a) destroying it, or
  - (b) disposing of it for the purposes of vivisection.”

**Member’s explanatory statement**

*This amendment provides for a court to make an order for a dog to be taken into possession where a person owns or keeps the dog in contravention of a disqualification order made under the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 55 and relating to disqualification orders on conviction for certain offences involving dogs.*

109N Insert the following new Clause –

**“Termination of disqualification order**

- (1) A person who is subject to a disqualification order may apply to an appropriate court for the order to be terminated.
- (2) No application under subsection (1) may be made –
  - (a) before the end of the period of one year beginning with the date on which the disqualification order was made,
  - (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined, or
  - (c) before the end of any period specified under section (*Disqualification order on conviction for certain offences involving dogs*) (3), or subsection (5), in relation to the order.
- (3) On an application under subsection (1), the court may –
  - (a) terminate the disqualification order,
  - (b) vary the order so as to make it less onerous, or
  - (c) refuse the application.
- (4) When determining an application under subsection (1), the court is to have regard to –
  - (a) the character of the applicant,
  - (b) the applicant’s conduct since the disqualification order was made, and
  - (c) any other relevant circumstances.
- (5) Where the court refuses an application under subsection (1) or varies a disqualification order on such an application, it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.
- (6) The court may order an applicant to pay all or part of the costs of an application.
- (7) In this section –
 

“appropriate court” means –

  - (a) the magistrates’ court which made the disqualification order, or

**After Clause 55 - continued**

- (b) another magistrates' court acting for the same local justice area as that court;

“disqualification order” has the same meaning as in section (*Disqualification order on conviction for certain offences involving dogs*).”

**Member's explanatory statement**

*This amendment makes provision in relation to the termination or variation of a disqualification order made under the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 55 and relating to disqualification orders on conviction for certain offences involving dogs.*

**109P** Insert the following new Clause—

**“Section (Seizure and disposal of dogs in connection with disqualification order): supplementary**

- (1) The court by which an order under section (*Seizure and disposal of dogs in connection with disqualification order*) is made may—
  - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
  - (b) require any person who has possession of a dog to which the order applies to deliver it up to enable the order to be carried out;
  - (c) give directions with respect to the carrying out of the order;
  - (d) confer additional powers (including power to enter premises where a dog to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
  - (e) order the person who committed the offence in relation to which the order was made, or another person, to reimburse the expenses of carrying out the order.
- (2) A person who fails to comply with a requirement imposed under subsection (1)(b) commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Directions under subsection (1)(c) may—
  - (a) specify the manner in which a dog is to be disposed of, or
  - (b) delegate the decision about the manner in which a dog is to be disposed of to a person appointed under subsection (1)(a).
- (5) In determining how to exercise its powers under section (*Seizure and disposal of dogs in connection with disqualification order*) and this section the court is to have regard (amongst other things) to—
  - (a) the desirability of protecting the value of any dog to which the order under section (*Seizure and disposal of dogs in connection with disqualification order*) applies, and
  - (b) the desirability of avoiding increasing any expenses which a person may be ordered to reimburse.

**After Clause 55 - continued**

- (6) In determining how to exercise a power delegated under subsection (4)(b), a person is to have regard, amongst other things, to the things mentioned in subsection (5)(a) and (b).
- (7) If the owner of a dog ordered to be disposed of under section (*Seizure and disposal of dogs in connection with disqualification order*) is subject to a liability by virtue of subsection (1)(e), any amount to which the owner is entitled as a result of sale of the dog may be reduced by an amount equal to that liability.
- (8) Any expenses a person is required to pay under subsection (1)(e) are recoverable summarily as a civil debt.
- (9) In this section references to disposing of a dog do not include –
  - (a) destroying it, or
  - (b) disposing of it for the purposes of vivisection.”

**Member’s explanatory statement**

*This amendment contains supplementary provisions in relation to a court making an order under the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 55 and relating to seizure and disposal of dogs in connection with disqualification orders.*

109Q

Insert the following new Clause –

**“Disqualification orders: appeals**

- (1) Nothing may be done under an order under section (*Disqualification order on conviction for certain offences involving dogs*) or (*Seizure and disposal of dogs in connection with disqualification order*) with respect to a dog unless –
  - (a) the period for giving notice of appeal against the order has expired,
  - (b) the period for giving notice of appeal against the conviction on which the order was made has expired, and
  - (c) if the order or conviction is the subject of an appeal, the appeal has been determined or withdrawn.
- (2) Where the effect of an order is suspended under subsection (1) –
  - (a) no requirement imposed or directions given in connection with the order have effect, but
  - (b) the court may give directions about how any dog to which the order applies is to be dealt with during the suspension.
- (3) Directions under subsection (2)(b) may, in particular –
  - (a) authorise the dog to be taken into possession;
  - (b) authorise the dog to be cared for either on the premises where it was being kept when it was taken into possession or at some other place;
  - (c) appoint a person to carry out, or arrange for the carrying out of, the directions;
  - (d) require any person who has possession of the dog to deliver it up for the purposes of the directions;
  - (e) confer additional powers (including power to enter premises where the dog is being kept) for the purpose of, or in connection with, the carrying out of the directions;

**After Clause 55 - continued**

- (f) provide for the recovery of any expenses in relation to the removal or care of the dog which are incurred in carrying out the directions.
- (4) A person who fails to comply with a requirement imposed under subsection (3)(d) commits an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Any expenses a person is directed to pay under subsection (3)(f) are recoverable summarily as a civil debt.”

**Member’s explanatory statement**

*This amendment makes provision in connection with appeals in relation to orders made under the new Clauses in the name of Baroness Williams of Trafford to be inserted after Clause 55 and relating to disqualification orders on conviction for certain offences involving dogs and seizure and disposal of dogs in connection with disqualification orders.*

BARONESS MCINTOSH OF PICKERING

BARONESS JONES OF MOULSECOOMB

**110** Insert the following new Clause –

**“Poaching of game**

- (1) The Game Laws (Amendment) Act 1960 is amended as follows.
- (2) In section 2(1), after “committing” insert “, has committed, or is about to commit”.
- (3) In section 4 –
  - (a) in subsection (1) –
    - (i) after “section thirty” insert “or section thirty-two”, and
    - (ii) at the end insert “or any animal, vehicle, or other article belonging to him, or in his possession or under his control at the relevant time.”;
  - (b) in subsection (2), after “gun”, in both places it occurs, insert “, animal,”;
  - (c) at the end insert –
    - “(6) Where a person is convicted of an offence under the Night Poaching Act 1828 or the Game Act 1831, the court may order the offender to reimburse any expenses incurred by the police in connection with the keeping of any animal seized in connection with the offence.”
- (4) In section 4A(1), for “section thirty of the Game Act 1831 as one of five or more persons liable under that section” substitute “section 1 or 9 of the Night Poaching Act 1828, or section 30 or 32 of the Game Act 1831”.
- (5) After section 4A insert –

**“4B Disqualification Orders**

- (1) Where a person is convicted of an offence under either the Night Poaching Act 1828 or the Game Act 1831, the court may, instead of or in addition to dealing with the person in any other way, make an order disqualifying the person from having custody of a dog for such period as the court thinks fit.

**After Clause 55 - continued**

- (2) A person who is disqualified from having custody of a dog by virtue of an order made under subsection (1) may, at any time after the end of the period of one year beginning with the day on which the order was made, apply to the court that made it for a direction terminating the disqualification.
- (3) On an application under subsection (2) the court may –
- (a) having regard to the applicant’s character, conduct since the disqualification was imposed, and any other circumstances of the case, grant or refuse the application, and
  - (b) order the applicant to pay all or any part of the costs of the application,
- and where an application in respect of an order is refused no further application in respect of that order may be made before the end of the period of one year beginning with the day on which the application was rejected.
- (4) Where a court decides not to make an order under subsection (1) in relation to an offender, it must –
- (a) give reasons for the decision in open court, and
  - (b) if it is a magistrates’ court, cause the reasons to be entered in the register of proceedings.
- (5) Any person who has custody of a dog in contravention of an order under subsection (1), is guilty of an offence.
- (6) Disqualification from having custody of a dog under this section includes disqualifying a person –
- (a) from owning dogs;
  - (b) from keeping dogs;
  - (c) from participating in the keeping of dogs;
  - (d) from being party to an arrangement under which they are entitled to control or influence the way in which dogs are kept;
  - (e) from dealing in dogs;
  - (f) from transporting dogs;
  - (g) from arranging for the transport of dogs.”

***Member’s explanatory statement***

*This new Clause is intended to broaden the powers available to the police and the courts for dealing with illegal hare coursers. Measures include providing for forfeiture of animals on conviction and permitting the recovery of expenses incurred by the police in housing a seized animal.*

**111**

Insert the following new Clause –

**“Trespassing in pursuit of game**

- (1) The Game Act 1831 is amended as follows.
- (2) In section 30 (trespassing in search or pursuit of game) –
  - (a) for “level 3” substitute “level 5 on the standard scale or imprisonment up to six months, or both”;

**After Clause 55 - continued**

- (b) omit “and if any persons to the number of five or more together shall commit any trespass, by entering or being in the daytime upon any land in search or pursuit of game, or woodcocks, snipes, or conies, each of such persons shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding level 4 on the standard scale as to the said justice shall seem meet.”
- (3) In section 32 (penalty on persons found armed using violence), omit “, to the number of five or more together.”
- (4) In section 41 (time for proceedings etc), for “three” substitute “six”.

**Member’s explanatory statement**

*This new Clause is intended to broaden the powers available to the police and the courts for dealing with illegal hare coursers. Measures include increasing the maximum fine and reducing the threshold to allow for individual convictions.*

BARONESS HAYMAN  
BARONESS BRINTON  
LORD PANNICK  
BARONESS BENNETT OF MANOR CASTLE

**112** Insert the following new Clause –

**“Voyeurism: breastfeeding**

- (1) Section 67A of the Sexual Offences Act 2003 (voyeurism: additional offences) is amended in accordance with subsections (2) and (3).
- (2) After subsection (2), insert –
  - “(2A) A person (A) commits an offence if –
    - (a) A records an image of another person (B) while B is breastfeeding;
    - (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
    - (c) A does so –
      - (i) without B’s consent, and
      - (ii) without reasonably believing that B consents.”
- (3) In subsection (3), for “subsections (1) and (2)” substitute “subsections (1), (2) and (2A)”.

**Member’s explanatory statement**

*This amendment would extend the definition of voyeurism in the Sexual Offences Act 2003 to make it an offence to take a photograph or video of a person breastfeeding without that person's consent.*

**113** [Withdrawn]

**After Clause 55 - continued**

LORD DHOLAKIA  
BARONESS HARRIS OF RICHMOND

**114** Insert the following new Clause –

**“Low-value shoplifting**

- (1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.
- (2) Omit section 176 (low-value shoplifting).”

***Member’s explanatory statement***

*This new Clause repeals section 176 of the Anti-social Behaviour, Crime and Policing Act 2014, relating to low value shoplifting.*

LORD PONSONBY OF SHULBREDE

**114A** Insert the following new Clause –

**“Urgent review of offences under section 61 of the Sexual Offences Act 2003**

- (1) The Secretary of State must establish a review into the prevalence of, and the response of the criminal justice system to, the offence of administering a substance with intent under section 61 of the Sexual Offences Act 2003, within one month of the day on which this Act is passed.
- (2) A review under this section must consider –
  - (a) incidence rates and rates of reporting by victims;
  - (b) charging and prosecution rates for the offence;
  - (c) the adequacy of sentencing guidelines for the offence;
  - (d) the adequacy of police investigations into reports of the offence;
  - (e) reoffending rates, and rates of offenders who commit one or more other sexual offences following a charge or sentence for administering a substance with intent;
  - (f) the impact of the offence on victims.
- (3) A report on the findings of the review under this section, and any associated recommendations, must be published within six months of the day on which this Act is passed.
- (4) Where a report is published under subsection (3) a Minister of the Crown must make a statement to each House of Parliament on the contents of the report and associated recommendations.
- (5) Within three months of a report being published under subsection (3) a Minister of the Crown must make a statement to each House of Parliament on action that has been taken in response to recommendations made.”

**114B** Insert the following new Clause –

**“Review of offences under section 66 of the Sexual Offences Act 2003**

- (1) The Secretary of State must establish a review of the offence of exposure, under section 66 of the Sexual Offences Act 2003, within two months of the day on which this Act is passed.
- (2) A review under this section must consider –

**After Clause 55 - continued**

- (a) the adequacy of sentencing guidelines for exposure,
  - (b) incidence rates and rates of reporting by victims of exposure,
  - (c) charging rates and prosecution rates for exposure,
  - (d) the adequacy of police investigations into reports of exposure,
  - (e) the use and effectiveness of custodial and non-custodial sentences handed down for the offence,
  - (f) reoffending rates for the offence,
  - (g) rates of offenders who commit one or more other sexual offences following a charge or sentence for exposure, and the category of those offences, and
  - (h) the impact of the offence on victims.
- (3) A report on the findings of the review under this section, and any associated recommendations, must be published within one year of the day on which this Act is passed.
- (4) Where a report is published under subsection (3) a Minister of the Crown must make a statement to each House of Parliament on the contents of the report and associated recommendations.
- (5) Within six months of a report being published under subsection (3) a Minister of the Crown must make a statement to each House of Parliament on action that has been taken in response to any recommendations made.”

LORD ROSSER

LORD PADDICK

LORD THOMAS OF CWMGIEDD

**114C**

Insert the following new Clause –

**“Accountability of public authorities: duties on police workforce**

- (1) Members of the police workforce have a duty at all times to act within their powers –
- (a) in the public interest, and
  - (b) with transparency, candour and frankness.
- (2) Members of the police workforce have a duty to assist court proceedings, official inquiries and investigations –
- (a) relating to their own activities, or
  - (b) where their acts or omissions are or may be relevant.
- (3) In discharging the duty under subsection (2), members of the police workforce must –
- (a) act with proper expedition,
  - (b) act with transparency, candour and frankness,
  - (c) act without favour to their own position,
  - (d) make full disclosure of relevant documents, material and facts,
  - (e) set out their position on the relevant matters at the outset of the proceedings, inquiry or investigation, and
  - (f) provide further information and clarification as ordered by a court or inquiry.

**After Clause 55 - continued**

- (4) In discharging their duty under subsection (2), members of the police workforce must have regard to the pleadings, allegations, terms of reference and parameters of the relevant proceedings, inquiry or investigation, but are not limited by them, in particular where they hold information which might change the ambit of the proceedings, inquiry or investigation.
- (5) The duties in subsections (1) and (2) are subject to existing laws relating to privacy, data protection and national security.
- (6) The duties in subsections (1) and (2) are enforceable—
  - (a) by application to the relevant court or inquiry chairperson by any person affected by the alleged breach, or
  - (b) by the court or inquiry of its own motion, or
  - (c) where there are no extant court or inquiry proceedings, by judicial review proceedings in the High Court.”

***Member’s explanatory statement***

*This would establish a duty of candour on members of the police workforce.*

LORD RUSSELL OF LIVERPOOL  
BARONESS ROYALL OF BLAISDON

**114D** Insert the following new Clause—

**“Training on stalking**

The Secretary of State must seek to ensure that every professional in the criminal justice system, including staff of the Crown Prosecution Service, probation officers, police officers, and other relevant public officials involved in any investigation or legal proceedings involving stalking, has attended and completed relevant specialist training.”

***Member’s explanatory statement***

*This amendment aims to promote the early identification of stalking, and better investigation and prosecution of the crime, by requiring the Government to implement the adoption of specialised stalking training for relevant public officials which is currently not mandated.*

LORD MOYLAN  
LORD PANNICK  
LORD MACDONALD OF RIVER GLAVEN

**114E★** Insert the following new Clause—

**“Enhanced criminal record certificate: content**

In section 113B of the Police Act 1997, after subsection (3) insert—

“(3A) An enhanced criminal record certificate must not give the details of a relevant matter to the extent that doing so would result in the disclosure of relevant data.

**After Clause 55 - continued**

- (3B) In this section, “relevant data” means personal data relating to a data subject which is based in whole or in part on the perception by another person that the conduct of the data subject was motivated wholly or partially by hostility or prejudice towards any group of people sharing a characteristic and where the conduct in question is unlikely to constitute a criminal offence.”

BARONESS NEWLOVE  
LORD RUSSELL OF LIVERPOOL  
LORD PONSONBY OF SHULBREDE

**114F★** Insert the following new Clause—

**“Offences motivated by hostility towards the sex or gender of the victim**

- (1) In this section—
- “relevant crime” means a reported crime in which—
- (a) the victim or any other person perceived the alleged offender, at the time of or immediately before or after the offence, to demonstrate hostility or prejudice based on sex, or
  - (b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex;
- “sex” has the same meaning as in section 11 of the Equality Act 2010 (sex).
- (2) The Secretary of State must make regulations requiring the chief officer of police of any police force to provide information relating to—
- (a) the number of relevant crimes reported to the police force, and
  - (b) the number of those crimes which, in the opinion of the chief officer of police, would be subject to subsection (4).
- (3) A court considering the seriousness of an offence arising from a relevant crime not included in subsection (4) must treat the fact that the offence is aggravated by hostility or prejudice towards sex or gender as an aggravating factor when determining a sentence.
- (4) Subsection (3) does not apply to—
- (a) an offence under the law of England and Wales which is for the time being specified in Schedule 3 to the Sexual Offences Act 2003, other than the offence specified in paragraph 14 of that Schedule (fraudulent evasion of excise duty),
  - (b) an offence under the law of England and Wales which is for the time being specified in Part 6 of the Domestic Abuse Act 2021, or
  - (c) an offence under the law of England and Wales which is defined in section 1 of the Domestic Abuse Act 2021 as “domestic abuse”.

**Clause 56**

LORD ROSSER

LORD DUBS

VISCOUNT COLVILLE OF CULROSS

115 Page 48, line 29, leave out subsections (2) and (3)

BARONESS WILLIAMS OF TRAFFORD

116 Page 49, line 3, at end insert –

“(2ZA) For the purposes of subsection (1)(a), the cases in which a public procession in England and Wales may result in serious disruption to the life of the community include, in particular, where –

(a) it may result in a significant delay to the delivery of a time-sensitive product to consumers of that product, or

(b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to –

- (i) the supply of money, food, water, energy or fuel,
- (ii) a system of communication,
- (iii) a place of worship,
- (iv) a transport facility,
- (v) an educational institution, or
- (vi) a service relating to health.

(2ZB) In subsection (2ZA)(a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.

(2ZC) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.”

***Member’s explanatory statement***

*This amendment replaces the power for the Secretary of State to make regulations about the meaning of serious disruption for the purposes of section 12 of the Public Order Act 1986 with provisions on the face of the Bill, subject to a power to amend these provisions.*

117 Page 49, line 22, leave out “make” and insert “amend any of subsections (2ZA) to (2ZC) for the purposes of making”

***Member’s explanatory statement***

*This amendment and the amendments in the name of Baroness Williams of Trafford at page 49, line 27, page 49, line 28, page 49, line 30 and page 49, line 40 confer power on the Secretary of State to amend new subsections (2ZA) to (2ZC) of section 12 of the Public Order Act 1986 in the amendment in the name of Baroness Williams of Trafford at page 49, line 3 and make consequential amendments to Part 2 of that Act.*

- 118 Page 49, line 27, after “particular” insert “, amend any of those subsections for the purposes of”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 49, line 22.*

- 119 Page 49, line 28, leave out “define” and insert “defining”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 49, line 22.*

- 120 Page 49, line 30, leave out “give” and insert “giving”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 49, line 22.*

- 121 Page 49, line 40, at end insert “, including provision which makes consequential amendments to this Part.”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 49, line 22.*

LORD PADDICK  
LORD HAIN  
LORD HENDY

- 122 Leave out Clause 56

**Clause 57**

LORD ROSSER  
LORD DUBS  
VISCOUNT COLVILLE OF CULROSS

- 123 Page 50, line 4, leave out subsection (2)

LORD ROSSER  
LORD DUBS

- 124 Page 50, line 23, leave out “, impact”

- 125 Page 50, line 32, leave out subsection (5)

BARONESS WILLIAMS OF TRAFFORD

- 126 Page 50, line 32, at end insert –

“(2ZA) For the purposes of subsection (1)(a), the cases in which a public assembly in England and Wales may result in serious disruption to the life of the community include, in particular, where –

**Clause 57 - continued**

- (a) it may result in a significant delay to the supply of a time-sensitive product to consumers of that product, or
  - (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
    - (i) the supply of money, food, water, energy or fuel,
    - (ii) a system of communication,
    - (iii) a place of worship,
    - (iv) a transport facility,
    - (v) an educational institution, or
    - (vi) a service relating to health.
- (2ZB) In subsection (2ZA)(a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.
- (2ZC) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.”

**Member’s explanatory statement**

*This amendment replaces the power for the Secretary of State to make regulations about the meaning of serious disruption for the purposes of section 14 of the Public Order Act 1986 with provisions on the face of the Bill, subject to a power to amend these provisions.*

- 127** Page 51, line 3, leave out “make” and insert “amend any of subsections (2ZA) to (2ZC) for the purposes of making”

**Member’s explanatory statement**

*This amendment and the amendments in the name of Baroness Williams of Trafford at page 51, line 8, page 51, line 9, page 51, line 11 and page 51, line 21 confer power on the Secretary of State to amend new subsections (2ZA) to (2ZC) of section 14 of the Public Order Act 1986 in the amendment in the name of Baroness Williams of Trafford at page 50, line 32 and make consequential amendments to Part 2 of that Act.*

- 128** Page 51, line 8, after “particular” insert “, amend any of those subsections for the purposes of”

**Member’s explanatory statement**

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 51, line 3.*

- 129** Page 51, line 9, leave out “define” and insert “defining”

**Member’s explanatory statement**

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 51, line 3.*

130 Page 51, line 11, leave out “give” and insert “giving”

*Member’s explanatory statement*

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 51, line 3.*

131 Page 51, line 21, at end insert “, including provision which makes consequential amendments to this Part.”

*Member’s explanatory statement*

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 51, line 3.*

LORD PADDICK  
LORD HAIN  
LORD HENDY

132 Leave out Clause 57

**Clause 58**

LORD PADDICK  
LORD HAIN  
LORD HENDY

133 Leave out Clause 58

**Clause 59**

VISCOUNT COLVILLE OF CULROSS  
LORD PADDICK

133A★ Page 54, line 12, at end insert “unless permission for such obstruction has been given by the relevant person”

133B★ Page 54, line 32, at end insert –  
“(3A) After section 143 insert –

**“143A Authorisation**

- (1) The responsible person for any land in the Palace of Westminster controlled area may authorise a person to carry out in accordance with this section an activity that will obstruct the passage of a vehicle of any description into or from the Parliamentary Estate while on or adjoining the Palace of Westminster controlled area.
- (2) An application for the authorisation must be made by or on behalf of the person (or persons) seeking the authorisation.
- (3) The responsible person may –
  - (a) determine the form in which and the manner in which an application is to be made;
  - (b) specify the information to be provided in connection with an application;
  - (c) require a fee to be paid for determining the application.
- (4) If an application is made to a responsible person, the person must –

**Clause 59 - continued**

- (a) determine the application, and
  - (b) give notice in writing to the applicant of the person's decision within the period of 21 days beginning with the day the person receives the application.
- (5) The notice must specify –
- (a) the person or persons authorised (whether by name or description),
  - (b) the nature of the activity that is to be permitted,
  - (c) the period to which the authorisation applies, and
  - (d) any conditions to which the authorisation is subject.
- (6) The responsible person may at any time withdraw an authorisation if the conditions to which it is subject are not being observed by giving notice in writing to the applicant.””

LORD PADDICK  
LORD HAIN  
LORD HENDY

134 Leave out Clause 59

**Clause 60**

LORD PADDICK  
LORD HAIN  
LORD HENDY

135 Leave out Clause 60

**Clause 61**

BARONESS WILLIAMS OF TRAFFORD

136 Page 55, line 33, leave out “causes” and insert “creates a risk of, or causes,”

***Member's explanatory statement***

*This amendment and the amendment in the name of Baroness Williams of Trafford at page 53, line 40 make it clear that one element of the new offence of public nuisance requires a person's act or omission to create a risk of, or to cause, serious harm as defined in clause 60(2) to the public or a section of the public.*

137 Page 55, line 40, leave out subsection (2) and insert –

- “(2) In subsection (1)(b)(i) “serious harm” means –
- (a) death, personal injury or disease,
  - (b) loss of, or damage to, property, or
  - (c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity.”

***Member's explanatory statement***

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 55, line 33.*

## BARONESS JONES OF MOULSECOOMB

- 137A Page 55, line 42, leave out “personal injury or disease” and insert “or personal injury”

***Member’s explanatory statement***

*This amendment would remove reference to “disease” from the newly proposed public nuisance offence.*

## BARONESS WILLIAMS OF TRAFFORD

- 138 Page 56, line 23, leave out “any act or omission within subsection (1)” and insert “the tort of public nuisance”

***Member’s explanatory statement***

*This amendment amends Clause 60 to clarify that the Clause does not affect the civil liability of any person for the tort of public nuisance. The tort currently tracks the common law offence and this amendment makes it clear that the replacement of the offence does not affect the tort.*

- 139 Page 56, line 26, leave out “such act or omission” and insert “act or omission within subsection (1)”

***Member’s explanatory statement***

*This amendment is consequential on the amendment in the name of Baroness Williams of Trafford at page 56, line 23.*

LORD PADDICK

LORD HAIN

LORD HENDY

- 140 Leave out Clause 61

**Clause 62**

## BARONESS WILLIAMS OF TRAFFORD

- 141 Page 57, line 22, at end insert –

“(5A) For the purposes of subsection (1)(a), the cases in which the noise generated by a person taking part in a one-person protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.”

***Member’s explanatory statement***

*This amendment replaces the power for the Secretary of State to make regulations about the meaning of serious disruption for the purposes of section 14ZA of the Public Order Act 1986 with provisions on the face of the Bill, subject to a power to amend these provisions.*

- 142 Page 58, line 15, leave out “make” and insert “amend subsection (5A) for the purposes of making”

**Member's explanatory statement**

*This amendment and the amendments in the name of Baroness Williams of Trafford at page 58, line 19, page 58, line 20, page 58, line 22 and page 58, line 29 confer power on the Secretary of State to amend subsection (5A) of new section 14ZA of the Public Order Act 1986 in the amendment in the name of Baroness Williams of Trafford at page 57, line 22 and make consequential amendments to Part 2 of that Act.*

- 143 Page 58, line 19, after “particular” insert “, amend that subsection for the purposes of”

**Member's explanatory statement**

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 58, line 15.*

- 144 Page 58, line 20, leave out “define” and insert “defining”

**Member's explanatory statement**

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 58, line 15.*

- 145 Page 58, line 22, leave out “give” and insert “giving”

**Member's explanatory statement**

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 58, line 15.*

- 146 Page 58, line 29, at end insert “, including provision which makes consequential amendments to this Part.”

**Member's explanatory statement**

*See the explanatory statement for the amendment in the name of Baroness Williams of Trafford at page 58, line 15.*

LORD PADDICK  
LORD HAIN  
LORD HENDY

- 147 Leave out Clause 62

**After Clause 62**

BARONESS WILLIAMS OF TRAFFORD

- 148 Insert the following new Clause—

**“Offence of locking on**

- (1) A person commits an offence if—
- (a) they intentionally—
    - (i) attach themselves to another person, to an object or to land,
    - (ii) attach a person to another person, to an object or to land, or
    - (iii) attach an object to another object or to land,
  - (b) that act causes, or is capable of causing, serious disruption to—
    - (i) two or more individuals, or
    - (ii) an organisation,

**After Clause 62 - continued**

- in a place other than in a dwelling, and
- (c) they intend that act to have a consequence mentioned in paragraph (b) or are reckless as to whether it will have such a consequence.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.
- (5) In this section “dwelling” means –
- (a) a building or structure which is used as a dwelling, or
- (b) a part of a building or structure, if the part is used as a dwelling,
- and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling.”

***Member’s explanatory statement***

*This amendment creates a new offence of “locking on”, involving the attachment of an individual to another individual, to an object or to land, or an object to another object or to land. It is a requirement of the offence that the act causes or is capable of causing serious disruption to two or more individuals or an organisation and that the accused intends that to occur or is reckless as to whether it will occur.*

**149**

Insert the following new Clause –

**“Offence of being equipped for locking on**

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it will be used in the course of or in connection with the commission by any person of an offence under section ( *Offence of locking on*) (1) (offence of locking on).
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.
- (3) In this section “dwelling” has the same meaning as in section ( *Offence of locking on*).”

***Member’s explanatory statement***

*This amendment creates a new offence where a person has an object with them in a place other than a dwelling with the intention that it will be used in the course of or in connection with the commission by any person of an offence under the new clause in the name of Baroness Williams of Trafford to be inserted after Clause 62 and relating to “locking on”.*

150 Insert the following new Clause –

**“Wilful obstruction of highway**

- (1) Section 137 of the Highways Act 1980 (penalty for wilful obstruction) is amended as follows.
- (2) In subsection (1) –
  - (a) after “liable to” insert “imprisonment for a term not exceeding 51 weeks or”;
  - (b) for “not exceeding level 3 on the standard scale” substitute “or both”.
- (3) After subsection (1) insert –
  - “(1A) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.
  - (1B) For the purposes of this section it does not matter whether free passage along the highway in question has already been temporarily restricted or temporarily prohibited (whether by a constable, a traffic authority or otherwise).
  - (1C) In subsection (1B), “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act).”

***Member’s explanatory statement***

*This amendment increases the penalty for the offence of wilfully obstructing a highway. It also clarifies that for the purposes of the offence it does not matter whether free passage along the highway in question has already been temporarily restricted or prohibited.*

151 Insert the following new Clause –

**“Obstruction etc of major transport works**

- (1) A person commits an offence if the person –
  - (a) obstructs the undertaker or a person acting under the authority of the undertaker –
    - (i) in setting out the lines of any major transport works,
    - (ii) in constructing or maintaining any major transport works, or
    - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or
  - (b) interferes with, moves or removes any apparatus which –
    - (i) relates to the construction or maintenance of any major transport works, and
    - (ii) belongs to the undertaker, to a person acting under the authority of the undertaker, to a statutory undertaker or to a person acting under the authority of a statutory undertaker.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that –
  - (a) they had a reasonable excuse for the act mentioned in paragraph (a) or (b) of that subsection, or
  - (b) the act mentioned in paragraph (a) or (b) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.

**After Clause 62 - continued**

- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.
- (5) In this section “major transport works” means—
  - (a) works in England and Wales—
    - (i) relating to transport infrastructure, and
    - (ii) the construction of which is authorised directly by an Act of Parliament, or
  - (b) works the construction of which comprises development within subsection (6) that has been granted development consent by an order under section 114 of the Planning Act 2008.
- (6) Development is within this subsection if—
  - (a) it is or forms part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the Planning Act 2008,
  - (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under section 35(1) of that Act (directions in relation to projects of national significance) by the Secretary of State, or
  - (c) it is associated development in relation to development within paragraph (a) or (b).
- (7) In this section “undertaker”—
  - (a) in relation to major transport works within subsection (5)(a), means a person who is authorised by or under the Act (whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise) to construct or maintain any of the works;
  - (b) in relation to major transport works within subsection (5)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise).
- (8) In this section—

“associated development” has the same meaning as in the Planning Act 2008 (see section 115 of that Act);

“development” has the same meaning as in the Planning Act 2008 (see section 32 of that Act);

“development consent” has the same meaning as in the Planning Act 2008 (see section 31 of that Act);

“England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

**After Clause 62 - continued**

“nationally significant infrastructure project” has the same meaning as in the Planning Act 2008 (see section 14(1) of that Act);

“statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;

“trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—

- (a) it made provision corresponding to section 244(4) of that Act, and
- (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;

“Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

- (9) In section 14 of the Planning Act 2008 (nationally significant infrastructure projects), after subsection (3) insert—
  - “(3A) An order under subsection (3)(a) may also amend section (*Obstruction etc of major transport works*) (6)(a) of the Police, Crime, Sentencing and Courts Act 2021 (obstruction etc of major transport works).”

**Member’s explanatory statement**

*This amendment contains a new offence of obstructing the construction or maintenance of major transport works. These are transport works that are authorised directly by an Act of Parliament or by certain development consent orders under the Planning Act 2008.*

152

Insert the following new Clause—

**“Interference with use or operation of key national infrastructure**

- (1) A person commits an offence if—
  - (a) they do an act which interferes with the use or operation of any key national infrastructure in England and Wales, and
  - (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that—
  - (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
  - (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) A person guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, to a fine, or to both.

**After Clause 62 - continued**

- (4) In relation to an offence committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, the reference in subsection (3)(a) to 12 months is to be read as a reference to 6 months.
- (5) For the purposes of subsection (1) a person's act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes.
- (6) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed.
- (7) In this section "key national infrastructure" means –
  - (a) road transport infrastructure,
  - (b) rail infrastructure,
  - (c) air transport infrastructure,
  - (d) harbour infrastructure,
  - (e) downstream oil infrastructure, or
  - (f) newspaper printing infrastructure.

Section (*Key national infrastructure*) makes further provision about these kinds of infrastructure.

- (8) The Secretary of State may by regulations made by statutory instrument –
  - (a) amend subsection (7) to add a new kind of infrastructure or to vary or remove an existing kind of infrastructure;
  - (b) amend section (*Key national infrastructure*) to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, subsection (7) or is to be removed from that subsection.
- (9) Regulations under subsection (8) –
  - (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (10) A statutory instrument containing regulations under subsection (8) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (11) In this section –
  - "England" includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);
  - "trade dispute" has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if –
    - (a) it made provision corresponding to section 244(4) of that Act, and
    - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;
  - "Wales" includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act)."

**Member's explanatory statement**

*This amendment makes it an offence for a person to do an act which interferes with the use or operation of key national infrastructure where the person intends the act to have that effect or is reckless as to whether it will do so. This is subject to a defence of reasonable excuse and a defence applying to industrial action.*

153

Insert the following new Clause—

**“Key national infrastructure**

- (1) This section has effect for the purposes of section (*Interference with use or operation of key national infrastructure*).
- (2) “Road transport infrastructure” means—
  - (a) a special road within the meaning of the Highways Act 1980 (see section 329(1) of that Act), or
  - (b) a road which, under the system for assigning identification numbers to roads administered by the Secretary of State or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B.
- (3) “Rail infrastructure” means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see section 82 of that Act).
- (4) In the application of section 82 of the Railways Act 1993 for the purposes of subsection (3) “railway” has the wider meaning given in section 81(2) of that Act.
- (5) “Air transport infrastructure” means—
  - (a) an airport within the meaning of the Airports Act 1986 (see section 82(1) of that Act), or
  - (b) any infrastructure which—
    - (i) does not form part of an airport within the meaning of that Act, and
    - (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act).
- (6) “Harbour infrastructure” means a harbour within the meaning of the Harbours Act 1964 (see section 57(1) of that Act) which provides facilities for or in connection with—
  - (a) the embarking or disembarking of passengers who are carried in the course of a business, or
  - (b) the loading or unloading of cargo which is carried in the course of a business.
- (7) “Downstream oil infrastructure” means infrastructure used for or in connection with any of the following activities—
  - (a) the refinement or other processing of crude oil or oil feedstocks;
  - (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply;
  - (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply;

**After Clause 62 - continued**

- (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution;
  - (e) the conveyance of crude oil or crude oil-based fuel by means of a pipeline within the meaning of the Pipe-lines Act 1962 (see section 65 of that Act).
- (8) “Newspaper printing infrastructure” means infrastructure the primary purpose of which is the printing of one or more national or local newspapers.
- (9) In this section—
- “local newspaper” means a newspaper which is published at least fortnightly and is in circulation in a part of England and Wales;
  - “national newspaper” means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both;
  - “newspaper” includes a periodical or magazine.”

**Member’s explanatory statement**

*This amendment defines the different types of key national infrastructure for the purposes of the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 62 and creating the offence of interfering with the use or operation of such infrastructure.*

154

Insert the following new Clause—

**“Powers to stop and search on suspicion**

In section 1(8) of the Police and Criminal Evidence Act 1984 (offences in relation to which stop and search power applies)—

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert—
  - “(f) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
  - (g) an offence under section 61 of the Police, Crime, Sentencing and Courts Act 2021 (intentionally or recklessly causing public nuisance);
  - (h) an offence under section (*Offence of locking on*) of that Act (offence of locking on);
  - (i) an offence under section (*Obstruction etc of major transport works*) of that Act (obstruction etc of major transport works); and
  - (j) an offence under section (*Interference with use or operation of key national infrastructure*) of that Act (interference with use or operation of key national infrastructure).”

**Member’s explanatory statement**

*This amendment amends section 1 of the Police and Criminal Evidence Act 1984 to allow a constable to stop and search a person or vehicle if they have reasonable grounds for suspecting that they will find an article made, adapted or intended for use in the course of or in connection with an offence listed in the amendment.*

155 Insert the following new Clause—

**“Powers to stop and search without suspicion**

- (1) This section applies if a police officer of or above the rank of inspector reasonably believes—
  - (a) that any of the following offences may be committed in any locality within the officer’s police area—
    - (i) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
    - (ii) an offence under section 61 (intentionally or recklessly causing public nuisance);
    - (iii) an offence under section (*Offence of locking on*) (offence of locking on);
    - (iv) an offence under section (*Obstruction etc of major transport works*) (obstruction etc of major transport works);
    - (v) an offence under section (*Interference with use or operation of key national infrastructure*) (interference with use or operation of key national infrastructure), or
  - (b) that persons are carrying prohibited objects in any locality within the officer’s police area.
- (2) In this section “prohibited object” means an object which—
  - (a) is made or adapted for use in the course of or in connection with an offence within subsection (1)(a), or
  - (b) is intended by the person having it with them for such use by them or by some other person,and for the purposes of this section a person carries a prohibited object if they have it in their possession.
- (3) If the further condition in subsection (4) is met, the police officer may give an authorisation that the powers conferred by this section are to be exercisable—
  - (a) anywhere within a specified locality within the officer’s police area, and
  - (b) for a specified period not exceeding 24 hours.
- (4) The further condition is that the police officer reasonably believes that—
  - (a) the authorisation is necessary to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects (as the case may be),
  - (b) the specified locality is no greater than is necessary to prevent such activity, and
  - (c) the specified period is no longer than is necessary to prevent such activity.
- (5) If it appears to a police officer of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding 24 hours.
- (6) This section confers on any constable in uniform power—

**After Clause 62 - continued**

- (a) to stop any person and search them or anything carried by them for a prohibited object;
  - (b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object.
- (7) A constable may, in the exercise of the powers conferred by subsection (6), stop any person or vehicle and make any search the constable thinks fit whether or not the constable has any grounds for suspecting that the person or vehicle is carrying a prohibited object.
- (8) If in the course of a search under this section a constable discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, the constable may seize it.
- (9) This section and sections (*Further provisions about authorisations and directions under section (Powers to stop and search without suspicion)*) (further provisions about authorisations and directions under this section), (*Further provisions about searches under section (Powers to stop and search without suspicion)*) (further provisions about searches under this section) and (*Offence relating to section (Powers to stop and search without suspicion)*) (offence relating to this section) apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles.
- (10) In this section and the sections mentioned in subsection (9) –  
     “specified” means specified in an authorisation under this section;  
     “vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960.
- (11) The powers conferred by this section and the sections mentioned in subsection (9) do not affect any power conferred otherwise than by this section or those sections.”

***Member’s explanatory statement***

*This amendment makes provision for a senior police officer to give an authorisation applying to a specified locality for a specified period and allowing a constable to stop and search a person or vehicle for an object made, adapted or intended for use in the course of or in connection with an offence listed in the amendment. While the authorisation is in force the constable may exercise the power whether or not they have any grounds for suspecting the person or vehicle is carrying such an object.*

156

Insert the following new Clause –

**“Further provisions about authorisations and directions under section (*Powers to stop and search without suspicion*)**

- (1) If an inspector gives an authorisation under section (*Powers to stop and search without suspicion*), the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- (2) An authorisation under section (*Powers to stop and search without suspicion*) must –
  - (a) be given in writing signed by the officer giving it,
  - (b) specify the grounds on which it is given, and

**After Clause 62 - continued**

- (c) specify the locality in which and the period during which the powers conferred by that section are exercisable.
- (3) A direction under section (*Powers to stop and search without suspicion*) (5) must—
  - (a) be given in writing, or
  - (b) where it is not practicable to comply with paragraph (a), be recorded in writing as soon as it is practicable to do so.
- (4) References (however expressed) in section (*Powers to stop and search without suspicion*) or this section to a police officer of or above a particular rank include references to a member of the British Transport Police Force of or above that rank.
- (5) In the application of section (*Powers to stop and search without suspicion*) to a member of the British Transport Police Force by virtue of subsection (4), references to a locality within the officer's police area are to be read as references to a place in England and Wales of a kind mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003."

***Member's explanatory statement***

*This amendment makes further provision in relation to the new clause in the name of Baroness Williams of Trafford to be inserted after Clause 62 and relating to powers to stop and search in the absence of suspicion.*

157

Insert the following new Clause—

**“Further provisions about searches under section (*Powers to stop and search without suspicion*)**

- (1) A person who is searched by a constable under section (*Powers to stop and search without suspicion*) is entitled to obtain a written statement that the person was searched under the powers conferred by that section.
- (2) Subsection (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched.
- (3) Where a vehicle is stopped by a constable under section (*Powers to stop and search without suspicion*), the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that section.
- (4) Subsection (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped.
- (5) Any object seized by a constable under section (*Powers to stop and search without suspicion*) may be retained in accordance with regulations made by the Secretary of State.
- (6) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) Regulations under this section—
  - (a) may make different provision for different purposes;

**After Clause 62 - continued**

- (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Member’s explanatory statement**

*This amendment makes further provision in relation to the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 62 and relating to powers to stop and search in the absence of suspicion.*

158 Insert the following new Clause –

**“Offence relating to section (*Powers to stop and search without suspicion*)**

- (1) A person commits an offence if the person intentionally obstructs a constable in the exercise of the constable’s powers under section (*Powers to stop and search without suspicion*).
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale or to both.
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 1 month.”

**Member’s explanatory statement**

*This amendment makes further provision in relation to the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 62 and relating to powers to stop and search in the absence of suspicion.*

159 Insert the following new Clause –

**“Serious disruption prevention orders**

- (1) In Part 11 of the Sentencing Code (behaviour orders), after Chapter 1A (as inserted by section 141) insert –

**“CHAPTER 1B****SERIOUS DISRUPTION PREVENTION ORDERS***Serious disruption prevention orders made on conviction***342L Serious disruption prevention order made on conviction**

- (1) This section applies where –
- (a) a person aged 18 or over (“P”) is convicted of an offence (“the current offence”) which was committed on or after the day on which this section comes into force, and
  - (b) the prosecution applies for a serious disruption prevention order to be made in respect of P.
- (2) The court dealing with P in respect of the current offence may make a serious disruption prevention order in respect of P if –

**After Clause 62 - continued**

- (a) the court is satisfied on the balance of probabilities that the current offence is a protest-related offence,
  - (b) the earlier offence condition is met, and
  - (c) the court considers it necessary to make the order for a purpose mentioned in subsection (5).
- (3) The earlier offence condition is that –
- (a) within the relevant period, P has been convicted of an offence (“the earlier offence”),
  - (b) the court is satisfied on the balance of probabilities that the earlier offence was a protest-related offence, and
  - (c) the current offence and the earlier offence –
    - (i) relate to different protests, or
    - (ii) were committed on different days.
- (4) In subsection (3) “the relevant period” means the period of 5 years ending with the day on which P is convicted of the current offence; but an offence may be taken into account for the purposes of this section only if it was committed –
- (a) on or after the day on which this section comes into force, and
  - (b) when P was aged 16 or over.
- (5) The purposes are –
- (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction;
  - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
  - (c) to prevent P from causing or contributing to –
    - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
    - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
  - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from –
    - (i) a protest-related offence,
    - (ii) a protest-related breach of an injunction, or
    - (iii) activities related to a protest.
- (6) A serious disruption prevention order under this section is an order which, for a purpose mentioned in subsection (5) –
- (a) requires P to do anything described in the order;
  - (b) prohibits P from doing anything described in the order.
- (7) The court may make a serious disruption prevention order in respect of P only if it is made in addition to –
- (a) a sentence imposed in respect of the current offence, or
  - (b) an order discharging P conditionally.
- (8) For the purpose of deciding whether to make a serious disruption prevention order the court may consider evidence led by the prosecution or P.

**After Clause 62 - continued**

- (9) It does not matter whether the evidence would have been admissible in the proceedings for the current offence.
- (10) The court may adjourn any proceedings on an application for a serious disruption prevention order even after sentencing P.
- (11) If P does not appear for any adjourned proceedings the court may –
  - (a) further adjourn the proceedings,
  - (b) issue a warrant for P’s arrest, or
  - (c) hear the proceedings in P’s absence.
- (12) The court may not act under subsection (11)(b) unless it is satisfied that P has had adequate notice of the time and place of the adjourned proceedings.
- (13) The court may not act under subsection (11)(c) unless it is satisfied that P –
  - (a) has had adequate notice of the time and place of the adjourned proceedings, and
  - (b) has been informed that if P does not appear for those proceedings the court may hear the proceedings in P’s absence.
- (14) On making a serious disruption prevention order the court must in ordinary language explain to P the effects of the order.
- (15) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days.

*Serious disruption prevention orders made otherwise than on conviction***342M Serious disruption prevention order made otherwise than on conviction**

- (1) A magistrates’ court may make a serious disruption prevention order in respect of a person (“P”) where –
  - (a) a person within subsection (7) applies by complaint to the court for a serious disruption prevention order to be made in respect of P,
  - (b) P is aged 18 or over when the application is made,
  - (c) the condition in subsection (2) is met, and
  - (d) the court considers it necessary to make the order for a purpose mentioned in subsection (4).
- (2) This condition in this subsection is that the court is satisfied on the balance of probabilities that –
  - (a) on at least two occasions in the relevant period, P has –
    - (i) been convicted of a protest-related offence,
    - (ii) been found in contempt of court for a protest-related breach of an injunction,
    - (iii) carried out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales,
    - (iv) caused or contributed to the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or

**After Clause 62 - continued**

- (v) caused or contributed to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, and
- (b) each event mentioned in paragraph (a) –
  - (i) relates to a different protest, or
  - (ii) took place on a different day.
- (3) In subsection (2) “the relevant period” means the period of 5 years ending with the day on which the order is made; but an event may be taken into account for the purposes of this section only if it occurred –
  - (a) on or after the day on which this section comes into force, and
  - (b) when P was aged 16 or over.
- (4) The purposes are –
  - (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction;
  - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
  - (c) to prevent P from causing or contributing to –
    - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
    - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
  - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from –
    - (i) a protest-related offence,
    - (ii) a protest-related breach of an injunction, or
    - (iii) activities related to a protest.
- (5) A serious disruption prevention order under this section is an order which, for a purpose mentioned in subsection (4) –
  - (a) requires P to do anything described in the order;
  - (b) prohibits P from doing anything described in the order.
- (6) On making a serious disruption prevention order the court must in ordinary language explain to P the effects of the order.
- (7) The following persons are within this subsection –
  - (a) a relevant chief officer of police;
  - (b) the chief constable of the British Transport Police Force;
  - (c) the chief constable of the Civil Nuclear Constabulary;
  - (d) the chief constable of the Ministry of Defence Police.
- (8) For the purposes of subsection (7)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a serious disruption prevention order in respect of P if –
  - (a) P lives in the chief officer’s police area, or
  - (b) the chief officer believes that P is in, or is intending to come to, the chief officer’s police area.

**After Clause 62 - continued**

- (9) An application for a serious disruption prevention order made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area.
- (10) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days.
- (11) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this section.

*Provisions of serious disruption prevention orders***342N Provisions of serious disruption prevention order**

- (1) The requirements imposed on a person ("P") by a serious disruption prevention order may, in particular, have the effect of requiring P to present themselves to a particular person at a particular place at, or between, particular times on particular days.
- (2) Sections 342O and 342P make further provision about the inclusion of requirements (including notification requirements) in a serious disruption prevention order.
- (3) The prohibitions imposed on a person ("P") by a serious disruption prevention order may, in particular, have the effect of prohibiting P from—
  - (a) being at a particular place;
  - (b) being at a particular place between particular times on particular days;
  - (c) being at a particular place between particular times on any day;
  - (d) being with particular persons;
  - (e) participating in particular activities;
  - (f) having particular articles with them;
  - (g) using the internet to facilitate or encourage persons to—
    - (i) commit a protest-related offence or a protest-related breach of an injunction, or
    - (ii) carry out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales.
- (4) References in this section to a particular place or particular persons, activities or articles include a place, persons, activities or articles of a particular description.
- (5) A serious disruption prevention order which imposes prohibitions on a person may include exceptions from those prohibitions.
- (6) Nothing in this section affects the generality of sections 342L(6) and 342M(5).
- (7) The requirements or prohibitions which are imposed on a person by a serious disruption prevention order must, so far as practicable, be such as to avoid—
  - (a) any conflict with the person's religious beliefs, and
  - (b) any interference with the times, if any, at which the person normally works or attends any educational establishment.

*After Clause 62 - continued***342O Requirements in serious disruption prevention order**

- (1) A serious disruption prevention order which imposes on a person (“P”) a requirement, other than a notification requirement under section 342P, must specify a person who is to be responsible for supervising compliance with the requirement.
- (2) That person may be an individual or an organisation.
- (3) Before including such a requirement, the court must receive evidence about its suitability and enforceability from –
  - (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more such requirements, the court must consider their compatibility with each other.
- (5) It is the duty of a person specified under subsection (1) –
  - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
  - (b) to promote P’s compliance with the relevant requirements;
  - (c) if the person considers that P –
    - (i) has complied with all of the relevant requirements, or
    - (ii) has failed to comply with a relevant requirement, to inform the appropriate chief officer of police.
- (6) In subsection (5)(c) “the appropriate chief officer of police” means –
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that P lives, or
  - (b) if it appears to that person that P lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (7) Where P is subject to a requirement in a serious disruption prevention order, other than a notification requirement under section 342P, P must –
  - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of P’s home address.
- (8) The obligations mentioned in subsection (7) have effect as if they were requirements imposed on P by the order.

**342P Notification requirements in serious disruption prevention order**

- (1) A serious disruption prevention order made in respect of a person (“P”) must impose on P the notification requirements in subsections (2) and (4).
- (2) P must be required to notify the information in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect.
- (3) That information is –

**After Clause 62 - continued**

- (a) P's name on the day that the notification is given and, where P uses one or more other names on that day, each of those names,
  - (b) P's home address on that day, and
  - (c) the address of any other premises at which, on that day, P regularly resides or stays.
- (4) P must be required to notify the information mentioned in subsection (5) to the police within the period of 3 days beginning with the day on which P –
- (a) uses a name which has not been previously notified to the police in accordance with the order,
  - (b) changes their home address, or
  - (c) decides to live for a period of one month or more at any premises the address of which has not been previously notified to the police in accordance with the order.
- (5) That information is –
- (a) in a case within subsection (4)(a), the name which has not previously been notified,
  - (b) in a case within subsection (4)(b), the new home address, and
  - (c) in a case within subsection (4)(c), the address of the premises at which P has decided to live.
- (6) A serious disruption prevention order must provide that P gives a notification of the kind mentioned in subsection (2) or (4) by –
- (a) attending at a police station in a police area in which P lives, and
  - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

**342Q Duration of serious disruption prevention order**

- (1) A serious disruption prevention order takes effect on the day it is made, subject to subsections (3) and (4).
- (2) A serious disruption prevention order must specify the period for which it has effect, which must be a fixed period of not less than 1 week and not more than 2 years.
- (3) Subsection (4) applies in relation to a serious disruption prevention order made in respect of a person ("P") if –
- (a) P has been remanded in or committed to custody by an order of a court,
  - (b) a custodial sentence has been imposed on P or P is serving or otherwise subject to a such a sentence, or
  - (c) P is on licence for part of the term of a custodial sentence.
- (4) The order may provide that it does not take effect until –
- (a) P is released from custody,
  - (b) P ceases to be subject to a custodial sentence, or
  - (c) P ceases to be on licence.
- (5) A serious disruption prevention order may specify periods for which particular requirements or prohibitions have effect.
- (6) Where a court makes a serious disruption prevention order in respect of a person and the person is already subject to such an order, the earlier order ceases to have effect.

**After Clause 62 - continued**

- (7) In this section “custodial sentence” includes a pre-Code custodial sentence (see section 222(4)).

**342R Other information to be included in serious disruption prevention order**

A serious disruption prevention order made in respect of a person must specify –

- (a) the reasons for making the order, and
- (b) the penalties which may be imposed on the person for breaching the order.

*Offences***342S Offences relating to a serious disruption prevention order**

- (1) Where a serious disruption prevention order has effect in respect of a person (“P”), P commits an offence if P –
  - (a) fails without reasonable excuse to do anything P is required to do by the order,
  - (b) without reasonable excuse does anything P is prohibited from doing by the order, or
  - (c) notifies to the police, in purported compliance with the order, any information which P knows to be false.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or a fine or both.
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 6 months.

*Variation, renewal or discharge of serious disruption prevention order***342T Variation, renewal or discharge of serious disruption prevention order**

- (1) Where a serious disruption prevention order has been made in respect of a person (“P”), a person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging the order.
- (2) Those persons are –
  - (a) P;
  - (b) the chief officer of police for the police area in which P lives;
  - (c) a chief officer of police who believes that P is in, or is intending to come to, the chief officer’s police area;
  - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made;
  - (e) the chief officer of police for a police area in which P committed an offence on the basis of which the order was made;
  - (f) where the order was made following an application by a constable within subsection (3), that constable.
- (3) Those constables are –
  - (a) the chief constable of the British Transport Police Force;
  - (b) the chief constable of the Civil Nuclear Constabulary;

**After Clause 62 - continued**

- (c) the chief constable of the Ministry of Defence Police.
- (4) An application under this section must be made –
  - (a) where the appropriate court is a magistrates' court, by complaint;
  - (b) in any other case, in accordance with rules of court.
- (5) Before making a decision on an application under this section, the court must hear –
  - (a) the person making the application, and
  - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject to subsection (7), on an application under this section the court may make such order varying, renewing or discharging the serious disruption prevention order as it thinks appropriate.
- (7) The court may renew a serious disruption prevention order, or vary such an order so as to lengthen its duration or to impose an additional prohibition or requirement on P, only if it considers that to do so is necessary –
  - (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction,
  - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales,
  - (c) to prevent P from causing or contributing to –
    - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
    - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, or
  - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from –
    - (i) a protest-related offence,
    - (ii) a protest-related breach of an injunction, or
    - (iii) activities related to a protest.
- (8) Sections 342N, 342O, 342P (other than subsections (2) and (3)), 342Q and 342R have effect in relation to the renewal of a serious disruption prevention order, or the variation of such an order so as to lengthen its duration or to impose a new requirement or prohibition, as they have effect in relation to the making of such an order.
- (9) On making an order under this section varying or renewing a serious disruption prevention order, the court must in ordinary language explain to P the effects of the serious disruption prevention order (as varied or renewed).
- (10) Section 127 of the Magistrates' Courts Act 1980 does not apply to a complaint under this section.
- (11) In this section “the appropriate court” means –
  - (a) where the Crown Court or the Court of Appeal made the order, the Crown Court;

**After Clause 62 - continued**

- (b) where a magistrates' court made the order and the application is made by P or a constable within subsection (3)–
  - (i) that magistrates' court, or
  - (ii) a magistrates' court for the area in which P lives;
- (c) where a magistrates' court made the order and the application is made by a chief officer of police–
  - (i) that magistrates' court,
  - (ii) a magistrates' court for the area in which P lives, or
  - (iii) a magistrates' court acting for a local justice area that includes any part of the chief officer's police area.

*Appeals***342U Appeal against serious disruption prevention order**

- (1) Where a serious disruption prevention order is made under section 342L (order on conviction) in respect of a person ("P"), P may appeal against the making of the order as if the order were a sentence passed on P for the offence.
- (2) Where a serious disruption prevention order is made under section 342M (order otherwise than on conviction) in respect of a person ("P"), P may appeal to the appropriate court against the making of the order.
- (3) A person who applied under section 342M (order otherwise than on conviction) for a serious disruption prevention order to be imposed in respect of a person may appeal to the appropriate court against a refusal to make the order.
- (4) Where an application is made under section 342T for an order varying, renewing or discharging a serious disruption prevention order made in respect of a person ("P")–
  - (a) the person who made the application may appeal to the appropriate court against a refusal to make an order under that section;
  - (b) P may appeal to the appropriate court against the making of an order under that section which was made on the application of a person other than P;
  - (c) a person within subsection (2) of that section (other than P) may appeal to the appropriate court against the making of an order under that section which was made on the application of P.
- (5) In this section "the appropriate court" means–
  - (a) in relation to an appeal under subsection (2), the Crown Court;
  - (b) in relation to an appeal under subsection (3) or (4)–
    - (i) where the application in question was made to a magistrates' court, the Crown Court;
    - (ii) where the application in question was made to the Crown Court, the Court of Appeal.
- (6) On an appeal under this section to the Crown Court, the court may make–
  - (a) such orders as may be necessary to give effect to its determination of the appeal, and
  - (b) such incidental and consequential orders as appear to it to be appropriate.

**After Clause 62 - continued***General***342V Guidance**

- (1) The Secretary of State may issue guidance to—
  - (a) chief officers of police,
  - (b) the chief constable of the British Transport Police Force,
  - (c) the chief constable of the Civil Nuclear Constabulary, and
  - (d) the chief constable of the Ministry of Defence Police,
 in relation to serious disruption prevention orders.
- (2) The guidance may in particular include—
  - (a) guidance about the exercise by chief officers of police and the chief constables mentioned in subsection (1) of their functions under this Chapter,
  - (b) guidance about identifying persons in respect of whom it may be appropriate for applications for serious disruption prevention orders to be made, and
  - (c) guidance about providing assistance to prosecutors in connection with applications for serious disruption prevention orders.
- (3) The Secretary of State may revise any guidance issued under this section.
- (4) The Secretary of State must arrange for any guidance issued under this section to be published.
- (5) A chief officer of police or a chief constable mentioned in subsection (1) must have regard to any guidance issued under this section.

**342W Guidance: Parliamentary procedure**

- (1) Before issuing guidance under section 342V, the Secretary of State must lay a draft of the guidance before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued.
- (3) If no such resolution is made within that period, the Secretary of State may issue the guidance.
- (4) In this section “the 40-day period”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (5) In calculating the 40-day period, no account is to be taken of any period during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than 4 days.

**342X Interpretation of Chapter**

In this Chapter—

- “home address”, in relation to a person (“P”), means—
- (a) the address of P’s sole or main residence, or

**After Clause 62 - continued**

- (b) if P has no such residence, the address or location of a place where P can regularly be found and, if there is more than one such place, such one of those places as P may select;

“injunction” means an injunction granted by the High Court, the county court or a youth court;

“protest-related breach”, in relation to an injunction, means a breach which is directly related to a protest;

“protest-related offence” means an offence which is directly related to a protest.”

- (2) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), before paragraph (g) insert –

“(fi) to have the conduct of applications for orders under section 342L(1)(b) of the Sentencing Code (serious disruption prevention orders on conviction);”.

**Member’s explanatory statement**

*This amendment contains provisions about serious disruption prevention orders. These are orders which can be imposed on a person who has committed two protest-related offences or who has, on at least two occasions, committed protest-related breaches of injunctions or caused or contributed to the commission of such offences or breaches or to activity related to a protest that resulted in serious disruption to two or more individuals or to an organisation.*

LORD BEST  
LORD YOUNG OF COOKHAM  
BARONESS THORNHILL  
BARONESS CHAKRABARTI

160

Insert the following new Clause –

**“Repeal of Vagrancy Act 1824**

- (1) The Vagrancy Act 1824 is repealed.

- (2) In this section –

“the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014;

“begging” means asking for gifts on streets or in other public places (for which purpose it is immaterial whether gifts are of money or in kind, whether they are expressed as gifts or as loans, and whether a person asks expressly or impliedly, by displaying receptacles for donations or otherwise; but “begging” does not include soliciting donations to a registered charity with the express written authority of that charity);

“registered charity” means a charity registered under section 30 of the Charities Act 2011, or exempted or excepted from registration under or by virtue of that section; and

“sleeping rough” means sleeping (or making preparations to sleep, or possessing bedding or other equipment for the purpose of sleeping) on streets or in other public places, or in places or structures not designed for human habitation.

**After Clause 62 - continued**

- (3) The following principles are to be applied in the exercise of powers under the 2014 Act—
  - (a) begging or sleeping rough does not in itself amount to action causing alarm or distress (in the absence of other factors);
  - (b) policing and other enforcement action should balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough; and
  - (c) powers under the 2014 Act should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available.
- (4) A constable or other person exercising functions under the 2014 Act, or considering whether to exercise functions under that Act, in connection with a person who has been, or may have been, involved in begging or sleeping rough, must consider whether the person could be referred to public authorities, or charitable or other persons, for help in addressing the problems that cause them to be involved in begging or sleeping rough.
- (5) The Secretary of State must issue guidance to local authorities and police forces about the implementation of subsections (3) and (4).
- (6) Local authorities and police forces must—
  - (a) have regard to the guidance; and
  - (b) take reasonable steps to provide education and training designed to ensure consistent and effective implementation of subsections (3) and (4).
- (7) Before issuing (or revising) the guidance the Secretary of State must consult—
  - (a) representatives of police forces;
  - (b) representatives of local authorities; and
  - (c) persons representing the interests of homeless persons.
- (8) The following enactments are repealed (in consequence of subsection (1))—
  - (a) the Vagrancy Act 1898;
  - (b) the Vagrancy Act 1935;
  - (c) sections 20(1)(g) and 24(1)(f) of the Sentencing Act 2020;
  - (d) section 55(2)(b) of the Violent Crime Reduction Act 2006;
  - (e) paragraph 18 of Schedule 8 to the Serious Organised Crime and Police Act 2005;
  - (f) paragraphs 3(3)(b) and 7(3) of Schedule 3C to the Police Reform Act 2002;
  - (g) paragraph 2(3)(aa) of Schedule 5 to that Act;
  - (h) paragraph 4 of Schedule 6 to the Criminal Justice and Court Services Act 2000;
  - (i) section 43(5) of the Mental Health Act 1983;
  - (j) section 70 of the Criminal Justice Act 1982;
  - (k) section 20 of the Criminal Justice Act 1967;
  - (l) in section 48(2) of the Forestry Act 1967, the words “or against the Vagrancy Act 1824”;

**After Clause 62 - continued**

- (m) in section 20(4) of the New Towns Act (Northern Ireland) 1965, the words “or against section 4 of the Vagrancy Act 1824”;
  - (n) section 2(3)(c) of the House to House Collections Act 1939; and
  - (o) in section 81 of the Public Health Acts Amendment Act 1907, the words “shall for the purpose of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same, be deemed to be an open and public place, and”.
- (9) This section extends to England and Wales only.
- (10) This section comes into force at the end of the period of two months beginning with the date of Royal Assent.”

**Member’s explanatory statement**

*This new Clause would repeal the Vagrancy Act 1824 and establish that begging or sleeping rough is not itself criminal; it would require police officers to balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough and ensure that general public order enforcement powers should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available.*

**Schedule 20**

## LORD WOLFSON OF TREDEGAR

- 161** Page 293, line 13, at end insert –  
 “10A In Schedule 24, omit paragraph 154(f).”

**Member’s explanatory statement**

*This amendment repeals an amendment of section 38(4)(j) of the Crime and Disorder Act 1998, which has been repealed.*

- 162** Page 293, line 22, at end insert –  
 “Counter-Terrorism and Sentencing Act 2021 (c. 11)  
 12 In Schedule 13 to the Counter-Terrorism and Sentencing Act 2021, omit paragraph 44.”

**Member’s explanatory statement**

*This amendment repeals an amendment in the Counter-Terrorism and Sentencing Act 2021 of section 106A of the Powers of Criminal Courts (Sentencing) Act 2000, which was repealed by the Sentencing Act 2020.*

**Clause 177**

## BARONESS WILLIAMS OF TRAFFORD

- 163** Page 197, line 8, at end insert –  
 “(za) section (*Serious disruption prevention orders*);”

**Member's explanatory statement**

*This amendment is consequential on the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 62 and relating to "serious disruption prevention orders".*

164 [Withdrawn]

**Clause 178**

LORD BEST  
BARONESS CHAKRABARTI  
BARONESS THORNHILL  
LORD FALCONER OF THOROTON

165 Page 198, line 3, after "33" insert ", (Repeal of Vagrancy Act 1824)"

**Member's explanatory statement**

*This amendment is consequential to the Amendment tabled in Lord Best's name to After Clause 62.*

BARONESS WILLIAMS OF TRAFFORD

166 Page 198, line 27, at end insert –

“(sa) section (*Knife crime prevention order on conviction: adjournment of proceedings*) (2) to (4);”

**Member's explanatory statement**

*This amendment is consequential on the new Clause in the name of Baroness Williams of Trafford to be inserted after Clause 142 and relating to adjournment of proceedings on an application for a knife crime prevention order.*

166A Page 198, line 28, at end insert –

“(ta) section (*Football banning orders: relevant offences*) for the purposes of making an order;  
(tb) section (*Football banning orders: power to amend list of relevant offences*);”

**Member's explanatory statement**

*This amendment is consequential on the new Clauses in the name of Baroness Williams of Trafford to be inserted after Clause 164 and relating to football banning orders. It has the effect that the powers to make an order or regulations under the Clauses come into force on Royal Assent.*

LORD WOLFSON OF TREDEGAR

167 Page 198, line 34, at end insert –

“(aa) section (*Required life sentence for manslaughter of emergency worker*);”

**Member's explanatory statement**

*This amendment is consequential on the new Clause in the name of Lord Wolfson of Tredegar to be inserted after Clause 2 and relating to a required life sentence for the manslaughter of an emergency worker.*

168 Page 198, line 40, at end insert –

“(ga) sections (*Penalty for cruelty to children*) and (*Penalty for causing or allowing a child or vulnerable adult to die or suffer serious physical harm*);”

***Member's explanatory statement***

*This amendment is consequential upon the amendments in the name of Lord Wolfson of Tredegar to add clauses relating to offences against children before Clause 102.*

**169**

[Withdrawn]

# Police, Crime, Sentencing and Courts Bill

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FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*6 January 2022*

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