

Police, Crime, Sentencing and Courts Bill

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Fourth Marshalled List]

Amendment
No.

After Clause 55

BARONESS WILLIAMS OF TRAFFORD

This amendment is intended to replace Amendment 109K

109KA★

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 sum required to be paid under subsection (2) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (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.

This amendment is intended to replace Amendment 109P

109PA★ 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.
- (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 sum ordered to be paid under subsection (1)(e) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.

After Clause 55 - continued

- (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.

This amendment is intended to replace Amendment 109Q

109R★ 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;
 - (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 an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Any sum directed to be paid under subsection (3)(f) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.”

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.

Police, Crime, Sentencing and Courts Bill

AMENDMENTS
TO BE MOVED
ON REPORT

7 January 2022
