

Police, Crime, Sentencing and Courts Bill

SIXTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

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.

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;
 - (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,

After Clause 55 - continued

- (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.

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- (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).

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- (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;
 - “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 [Withdrawn]

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.

After Clause 55 - continued

- (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.

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.

After Clause 55 - continued

- (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—
 - “(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.

After Clause 55 - continued

- (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;
 - “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

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- (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
 - (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 [Withdrawn]

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;

After Clause 55 - continued

- (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.
 - (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.

After Clause 55 - continued

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.

110

[Withdrawn]

After Clause 55 - continued

111 [Withdrawn]

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]

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—
 - (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.

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- (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.
- (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

After Clause 55 - continued

- (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
BARONESS BRINTON
BARONESS NEWLOVE

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.

(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—

After Clause 55 - continued

- (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”.

Member’s explanatory statement

This amendment would require police forces to record data on crimes motivated by hostility towards the victim’s sex or gender, as well as requiring courts to take into account this hostility as an aggravating factor when deciding the seriousness of cases which are not sexual or domestic offences.

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

Clause 56 - continued

- (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
BARONESS JONES OF MOULSECOOMB

- 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—

- (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.

Clause 57 - continued

(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
BARONESS JONES OF MOULSECOOMB

132 Leave out Clause 57

Clause 58

LORD PADDICK
LORD HAIN
LORD HENDY
BARONESS JONES OF MOULSECOOMB

133 Leave out Clause 58

Clause 59

VISCOUNT COLVILLE OF CULROSS
LORD PADDICK
LORD ROSSER
BARONESS ALTMANN

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 –
 - (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

Clause 59 - continued

- (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
BARONESS JONES OF MOULSECOOMB

134 Leave out Clause 59

Clause 60

LORD PADDICK
LORD HAIN
LORD HENDY
BARONESS JONES OF MOULSECOOMB

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
BARONESS MORRISSEY

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

BARONESS JONES OF MOULSECOOMB

- 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

BARONESS JONES OF MOULSECOOMB

- 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,
 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.

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 “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”.

After Clause 62 - continued

(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.

LORD ROSSER

As an amendment to Amendment 150

150A★ Leave out subsection (2) and insert—

“(2) After subsection (1) insert—

“(1ZA) If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway which is part of the Strategic Road Network he is guilty of an offence and liable to imprisonment for a term not exceeding 51 weeks or a fine or both.”

Member’s explanatory statement

This is an amendment to Government Amendment 150 creating a prison sentence for anyone wilfully obstructing a highway which is part of the Strategic Road Network, removing reference to a general highway.

BARONESS WILLIAMS OF TRAFFORD

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

After Clause 62 - continued

- (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.
- (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);

After Clause 62 - continued

“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;

“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

After Clause 62 - continued

- (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.
 - (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);

After Clause 62 - continued

“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

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- (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;
 - (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);

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- (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—

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- (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—
- (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
 - (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.

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- (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;
 - (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—
- (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;

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- (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.
- (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,

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- (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
 - (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.

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- (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.
- (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 –

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- (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.

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.

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- (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—
 - (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).

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- (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.
- (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**

After Clause 62 - continued

- (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;
 - (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

After Clause 62 - continued

- (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;
 - (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”)—

After Clause 62 - continued

- (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.

*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

After Clause 62 - continued

- (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
- (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.
- (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—

After Clause 62 - continued

- (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”;
 - (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.

LORD ROSSER

160A★ Insert the following new Clause –

“Guidance on locking on

The Secretary of State must by regulations issue guidance to police forces about the protest technique of lock-ons, which includes –

After Clause 62 - continued

- (a) examples of best practice, and
- (b) detailed guidance on addressing new and developing forms of locking on.”

Member’s explanatory statement

This new Clause creates statutory guidance for police forces on addressing the protest technique of lock-ons.

160B★ Insert the following new Clause—

“Consolidated protest guidance

- (1) By 30 June 2022, the Secretary of State must by regulations issue guidance which consolidates into a single source—
 - (a) the College of Policing’s authorised professional practice for public order guidance,
 - (b) the National Police Chiefs’ Council’s operational advice for protest policing, and
 - (c) the National Police Chiefs’ Council’s protest aide memoire.
- (2) The Secretary of State must regularly review the guidance and, if appropriate, must by regulations issue revised consolidated guidance.
- (3) The consolidated guidance must include specific updated guidance about the protest technique of lock-ons.”

Member’s explanatory statement

This new Clause consolidates public order policing guidance into one single source, as proposed by the HMICFRS. Such guidance must include specific updated guidance about the protest technique of lock-ons.

160C★ Insert the following new Clause—

“National monitoring tool

- (1) The Secretary of State must develop a consistent national monitoring tool, accessible by all police forces, to monitor the use of or requests for specialist protest officers across England and Wales.
- (2) Data collected under this section may be used to evaluate capacity and demand for specialist protest officers across England and Wales.
- (3) The monitoring tool must be accessible on a national, regional and local basis.
- (4) The monitoring tool must include—
 - (a) examples of best practice from policing protests across the United Kingdom, and
 - (b) how many trained officers have been required for any protests during the period in which monitoring took place.”

Member’s explanatory statement

This new Clause means the Home Secretary must develop a consistent national monitoring tool to monitor the use of specialist protest officers across the country in order to evaluate capacity and demand across the country.

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

SIXTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

13 January 2022
