

Police, Crime, Sentencing and Courts Bill

MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

[The page and line references are to HL Bill 40, the bill as first printed for the Lords, or to the Lords amendment]

MOTION A

After Clause 49

LORDS AMENDMENT 58

58 Insert the following new Clause—

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

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

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

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

COMMONS REASON

The Commons disagree to Lords Amendment 58 for the following Reason –

58A *Because it is premature to confer new search and seizure powers on the Food Standards Agency until the accompanying accountability arrangements, including in respect of the handling of complaints about the exercise of such powers, have been determined.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 58 for the following Reason –

58B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENTS IN LIEU

The Commons insists on its disagreement with the Lords in their Amendment 58 but proposes amendments 58C, 58D and 58E as amendments in lieu –

58C

Page 43, line 19, at end insert the following new Clause –

“PACE etc powers for food crime officers

(1) In the Police and Criminal Evidence Act 1984, after section 114B insert –

“114C Power to apply Act to food crime officers

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of offences conducted by food crime officers.
- (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.
- (3) In this section “food crime officer” means an officer of the Food Standards Agency who –
 - (a) is acting for the purposes of the performance by the Food Standards Agency of its functions under the Food Standards Act 1999 or any other enactment (including functions relating to the investigation of offences), and
 - (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
- (4) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
- (5) Regulations under this section are to be made by statutory instrument.
- (6) Regulations under this section may make –
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “enactment” includes –
 - (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, and
 - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru.”

- (2) In the Criminal Justice and Public Order Act 1994, after section 39 insert—

“39A Power to apply sections 36 and 37 in relation to food crime officers

- (1) The Secretary of State may by regulations provide for any provision of section 36 or 37 that applies in relation to a constable to apply in relation to a food crime officer.
 - (2) Regulations under subsection (1) may apply any provision of section 36 or 37 with any modifications specified in the regulations.
 - (3) Regulations under subsection (1) may not apply a provision of section 36 or 37 in relation to a failure or refusal which occurred before the regulations come into force.
 - (4) Regulations under subsection (1) are to be made by statutory instrument.
 - (5) Regulations under subsection (1) may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
 - (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (7) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”
- (3) In the Food Standards Act 1999, after section 25 insert—

“25A Obstruction of food crime officers

- (1) A person commits an offence if the person—
 - (a) intentionally obstructs a food crime officer who is acting in the exercise of functions conferred on the officer by virtue of section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers),
 - (b) fails without reasonable excuse to comply with any requirement made of the person by such a food crime officer who is so acting, or
 - (c) in purported compliance with such a requirement provides information which the person knows to be false or misleading in any material particular or recklessly provides information which is false or misleading in any material particular.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine, or to both.
- (3) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”

- (4) In the Police Reform Act 2002 –
- (a) in section 10 (general functions of the Director General) –
 - (i) in subsection (1), at the end of paragraph (ga) insert “; and
 - (gb) to carry out such corresponding functions in relation to officers of the Food Standards Agency acting in the exercise of functions conferred on them by virtue of –
 - (i) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
 - (ii) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).”, and
 - (ii) in subsection (3), after paragraph (bd) insert –
 - “(be) any regulations under section 26E of this Act (food crime officers);”, and
 - (b) after section 26D insert –

“26E Food crime officers

- (1) The Secretary of State may make regulations conferring functions on the Director General in relation to officers of the Food Standards Agency (the “Agency”) acting in the exercise of functions conferred on them by virtue of –
 - (a) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
 - (b) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).
- (2) Regulations under this section may, in particular –
 - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
 - (b) make provision for payment by the Agency to, or in respect of, the Office or in respect of the Director General.
- (3) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which –
 - (a) the Director General has functions by virtue of this section, and
 - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Agency may disclose information to the Director General or to a person acting on the Director General’s behalf, for the purposes of the exercise by the Director General or by any person acting on the Director General’s behalf, of an Agency complaints function.

- (5) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function –
 - (a) by virtue of this section, or
 - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make –
 - (a) further provision about the disclosure of information under subsection (4) or (5);
 - (b) provision about the further disclosure of information that has been so disclosed.
- (7) A disclosure of information authorised by this section does not breach –
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (8) But this section does not authorise a disclosure of information that –
 - (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account), or
 - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (9) In this section –
 - “Agency complaints function” means a function in relation to the exercise of functions by officers of the Agency;
 - “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- (5) The amendments made by subsections (1) to (3) and any regulations made under provision inserted by subsections (1) and (2) bind the Crown.
- (6) No contravention by the Crown of section 25A of the Food Standards Act 1999 (as inserted by subsection (3)) makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (7) That section applies to persons in the public service of the Crown as it applies to other persons.
- (8) If the Secretary of State certifies that it appears requisite or expedient in the interests of national security that any powers of entry conferred by regulations made under provision inserted by subsection (1) should not be exercisable in relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises.
- (9) In this section “Crown premises” means premises held or used by or on behalf of the Crown.

- (10) Nothing in this section affects Her Majesty in her private capacity; and this subsection is to be interpreted as if section 38(3) of the Crown Proceedings Act 1947 (references to Her Majesty in her private capacity) were contained in this Act.”

58D Page 194, line 21, at end insert —

“(za) section (*PACE etc powers for food crime officers*);”

58E Page 196, line 1, at end insert —

“(da) section (*PACE etc powers for food crime officers*);”

A **Baroness Williams of Trafford to move, That this House do not insist on its Amendment 58 and do agree with the Commons in their Amendments 58C, 58D and 58E in lieu.**

MOTION B

After Clause 54

LORDS AMENDMENT 72

72 Insert the following new Clause —

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

- (1) In this section —

“relevant crime” means a reported crime in which —

- (a) the victim or any other person perceived the alleged offender, at the time of or immediately before or after the offence, to demonstrate hostility or prejudice based on sex, or
- (b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex;

“sex” has the same meaning as in section 11 of the Equality Act 2010 (sex).

- (2) The Secretary of State must make regulations requiring the chief officer of police of any police force to provide information relating to —
 - (a) the number of relevant crimes reported to the police force, and
 - (b) the number of those crimes which, in the opinion of the chief officer of police, would be subject to subsection (4).
- (3) A court considering the seriousness of an offence arising from a relevant crime not included in subsection (4) must treat the fact that the offence is aggravated by hostility or prejudice towards sex or gender as an aggravating factor when determining a sentence.
- (4) Subsection (3) does not apply to —
 - (a) an offence under the law of England and Wales which is for the time being specified in Schedule 3 to the Sexual Offences Act 2003, other than the offence specified in paragraph 14 of that Schedule (fraudulent evasion of excise duty),
 - (b) an offence under the law of England and Wales which is for the time being specified in Part 6 of the Domestic Abuse Act 2021, or

- (c) an offence under the law of England and Wales which is defined in section 1 of the Domestic Abuse Act 2021 as “domestic abuse”.

COMMONS REASON

The Commons disagree to Lords Amendment 72 for the following Reason –

- 72A** *Because pending the Government’s full consideration of the Law Commission’s review of hate crime legislation, the Law Commission has identified adding sex or gender to this legislation could prove detrimental to efforts to tackle violence against women and girls.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 72 to which the Commons have disagreed for their Reason 72A and do propose Amendment 72B in lieu –

- 72B** After Clause 54, insert the following new Clause –

“Intimidatory offences aggravated by sex or gender

- (1) A person must not commit an act –
 - (a) which amounts to harassment or intimidation of another,
 - (b) which he or she knows or ought to know amounts to harassment or intimidation of the other, and
 - (c) which is aggravated by hostility towards sex or gender.
- (2) For the purposes of this section, the person whose act is in question ought to know that it amounts to or involves harassment or intimidation of another if a reasonable person in possession of the same information would think the act amounted to harassment or intimidation of the other.
- (3) Subsection (1) or (2) does not apply to an act if the person who pursued it shows –
 - (a) that it was pursued for the purpose of preventing or detecting crime,
 - (b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
 - (c) that in the particular circumstances the conduct was reasonable.
- (4) A person who commits an act in breach of subsection (1) is guilty of an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.
- (6) An offence is “aggravated by hostility towards sex or gender” for the purposes of this section if –
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s sex or gender (or presumed sex or gender); or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a group based on their sex or gender.

- (7) The Secretary of State must make regulations within six months of the passing of this Act requiring the chief officer of police of any police force to provide information relating to –
- (a) the number of crimes reported to the police force which, in the opinion of the chief officer of police, fall under subsection (6), and
 - (b) the number of crimes reported to the police force which, in the opinion of the chief officer of police, do not fall under subsection (6) but in which the victim indicated they believed they were targeted due to their sex or gender.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 72B but propose amendments 72C and 72D as amendments in lieu –

72C Page 46, line 35, at end insert the following new Clause –

“Response to Law Commission report on hate crime laws

- (1) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed –
 - (a) prepare and publish a response to Recommendation 8 of the Law Commission report on hate crime (adding sex or gender as a protected characteristic for the purposes of aggravated offences and enhanced sentencing), and
 - (b) lay the response before Parliament.
- (2) In this section “the Law Commission report on hate crime” means the Law Commission report “Hate Crime Laws” that was published on 7 December 2021.”

72D Page 195, line 27, at end insert –

“(ka) section (*Response to Law Commission report on hate crime laws*);”

B **Baroness Williams of Trafford to move, That this House do not insist on its Amendment 72B and do agree with the Commons in their Amendments 72C and 72D in lieu.**

B1★ **Lord Russell of Liverpool to move, as an amendment to Motion B, leave out from “72B” to end and insert “, do disagree with the Commons in their Amendments 72C and 72D in lieu and do propose Amendments 72E and 72F in lieu-**

72E After Clause 54, insert the following new Clause –

“Offences aggravated by sex or gender

- (1) The Secretary of State must make regulations within six months of the passing of this Act requiring the chief officer of police of any police force to provide information relating to –
 - (a) the number of offences reported to the police force which are, in the opinion of the chief officer of police, aggravated by hostility towards sex or gender, and
 - (b) the number of offences reported to the police force which are not, in the opinion of the chief officer of police, aggravated by hostility towards sex or gender but in which the victim indicated they believed they were targeted due to their sex or gender.

- (2) An offence is “aggravated by hostility towards sex or gender” if –
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s sex or gender (or presumed sex or gender); or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a group based on their sex or gender.
- (3) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed –
 - (a) prepare and publish a response to Recommendation 8 of the Law Commission report on hate crime (adding sex or gender as a protected characteristic for the purposes of aggravated offences and enhanced sentencing), and
 - (b) lay the response before Parliament.
- (4) In this section “the Law Commission report on hate crime” means the Law Commission report “Hate Crime Laws” that was published on 7 December 2021.”

72F Page 195, line 27, at end insert – “(ka) section (*Offences aggravated by sex or gender*)”

MOTION C

Clauses 55 and 61

LORDS AMENDMENTS 73, 74 AND 87

73 Page 47, line 1, leave out subsections (2) and (3)

COMMONS REASON

The Commons disagree to Lords Amendment 73 for the following Reason –

73A *Because it is appropriate for the police to be able to attach conditions to a public procession where the noise generated by persons taking part in the procession may result in serious disruption to the activities of an organisation which are carried out in the vicinity of the procession or may have a significant relevant impact on persons in the vicinity of the procession.*

74 Page 47, line 15, at end insert –

2 “(2) After subsection (2) insert –

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

- (a) it may result in a significant delay to the delivery of a time-sensitive product to consumers of that product, or
- (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to –
 - (i) the supply of money, food, water, energy or fuel,
 - (ii) a system of communication,
 - (iii) a place of worship,

- (iv) a transport facility,
- (v) an educational institution, or
- (vi) a service relating to health.

- (2ZB) In subsection (2ZA)(a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.
- 20 (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
- 26 that vicinity the activities or any one of them.””

COMMONS AMENDMENT

The Commons agree with the Lords in their Amendment 74 and propose Amendment 74A as an amendment thereto –

- 74A** Leave out line 2
- 87** Leave out Clause 61

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 87 and propose the following amendments to the words so restored to the Bill –

- 87A** Page 55, line 21, 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.”
- 87B** Page 56, line 15, leave out “make” and insert “amend subsection (5A) for the purposes of making”
- 87C** Page 56, line 19, after “particular” insert “, amend that subsection for the purposes of”
- 87D** Page 56, line 20, leave out “define” and insert “defining”
- 87E** Page 56, line 22, leave out “give” and insert “giving”
- 87F** Page 56, line 29, at end insert “, including provision which makes consequential amendments to this Part.”

LORDS INSISTENCE, DISAGREEMENT, AMENDMENT IN LIEU AND CONSEQUENTIAL

AMENDMENTS

The Lords insist on their Amendment 73 for Reason 73B, disagree with the Commons in their Amendment 74A and propose Amendment 74B to Lords Amendment 74 in lieu and Amendments 74C, 74D, 74E, 74F and 74G as consequential amendments, and insist on their Amendment 87 and disagree with the Commons in their Amendments 87A, 87B, 87C, 87D, 87E and 87F for Reason 87G –

- 73B** *Because the Lords wish the Commons to consider the matter again.*
- 74B** Leave out lines 20 to 26
- 74C** As an amendment to Lords Amendment 75, leave out “any of subsections (2ZA) to (2ZC)” and insert “subsection (2ZA) or (2ZB)”
- 74D** As an amendment to Lords Amendment 76, leave out “any” and insert “either”
- 74E** As an amendment to the Bill, page 47, leave out lines 36 and 37
- 74F** As an amendment to the Bill, page 47, line 40, leave out “an expression mentioned in subsection 12(a) or (b)” and insert “that expression”
- 74G** As an amendment to the Bill, page 47, leave out lines 44 and 45
- 87G** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE, DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons insists on its disagreement with the Lords in their Amendment 73, insists on its Amendment 74A to Lords Amendment 74, disagrees with the Lords in their Amendment 74B to that Amendment in lieu, disagrees with the Lords in their consequential Amendments 74C, 74D, 74E, 74F and 74G, insists on its disagreement with the Lords in their Amendment 87, insists on its Amendments 87A, 87B, 87C, 87D, 87E and 87F to the words restored to the Bill by its disagreement to that Amendment but proposes additional Amendment 73C to the words restored to the Bill by its disagreement with the Lords in their Amendment 73 and additional Amendment 87H to the words restored to the Bill by its disagreement with the Lords in their Amendment 87 –

- 73C** Page 47, line 22, leave out “serious unease”
- 87H** Page 55, line 28, leave out “serious unease”

C **Baroness Williams of Trafford to move, That this House do not insist on its Amendment 73, to which the Commons have disagreed for their Reason 73A; do not insist on its disagreement with the Commons in their Amendment 74A to its Amendment 74, on its Amendment 74B to that Amendment in lieu, or on its consequential Amendments 74C, 74D, 74E, 74F and 74G; do not insist on its Amendment 87, or on its disagreement with the Commons in their Amendments 87A, 87B, 87C, 87D, 87E and 87F to the words restored to the Bill; and do agree with the Commons in their Amendment 73C to the words restored to the Bill by their disagreement with Lords Amendment 73 and in their Amendment 87H to the words restored by their disagreement with Lords Amendment 87.**

C1 **Lord Coaker to move, as an amendment to the Minister’s motion, to leave out from “House” to end and insert “do insist on its Amendments 73, 74B, 74C, 74D, 74E, 74F, 74G and 87, do insist on its disagreement to Commons Amendments 74A, 87A, 87B, 87C, 87D, 87E and 87F, and do disagree with the Commons in their**

Amendments 73C and 87H”**MOTION D****Clause 56****LORDS AMENDMENT 80**

80 Leave out Clause 56

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 80 and propose the following amendments to the words so restored to the Bill –

80A Page 48, line 40, 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.

(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.”

80B Page 49, line 13, leave out “make” and insert “amend any of subsections (2ZA) to (2ZC) for the purposes of making”

80C Page 49, line 18, after “particular” insert “, amend any of those subsections for the purposes of”

80D Page 49, line 19, leave out “define” and insert “defining”

80E Page 49, line 21, leave out “give” and insert “giving”

80F Page 49, line 31, at end insert “, including provision which makes consequential amendments to this Part.”

LORDS INSISTENCE, DISAGREEMENT AND AMENDMENT IN LIEU

The Lords insist on their Amendment 80, disagree with the Commons in their Amendments 80A, 80B, 80C, 80D, 80E and 80F and propose Amendment 80G instead of the words so left out of the Bill –

80G After Clause 55, insert the following new Clause –

“Imposing conditions on public assemblies

- (1) Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows.
- (2) After subsection (2) insert –
 - “(2A) 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.
 - (2B) In subsection (2A)(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.”
- (3) After subsection (10A) (as inserted by section 57(11)) insert –
 - “(11) The Secretary of State may by regulations amend subsection (2A) or (2B) for the purposes of making provision about the meaning for the purposes of this section of serious disruption to the life of the community.
 - (12) Regulations under subsection (11) may, in particular, amend either of those subsections for the purposes of –
 - (a) defining any aspect of that expression for the purposes of this section;
 - (b) giving examples of cases in which a public assembly is or is not to be treated as resulting in serious disruption to the life of the community.
 - (13) Regulations under subsection (11) –
 - (a) are to be made by statutory instrument;
 - (b) may apply only in relation to public assemblies in England and Wales;
 - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.

- (14) A statutory instrument containing regulations under subsection (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

COMMONS INSISTENCE, DISAGREEMENT AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Commons insists on its disagreement with the Lords in their Amendment 80, insists on its Amendments 80A, 80B, 80C, 80D, 80E and 80F to the words restored to the Bill by its disagreement with that Amendment, disagrees with the Lords in their Amendment 80G instead of the words left out by that Amendment but proposes additional Amendment 80H to the words restored to the Bill by its disagreement with the Lords in their Amendment 80 –

80H Page 49, line 1, leave out “serious unease”

D **Baroness Williams of Trafford to move, That this House do not insist on its Amendment 80, do not insist on its disagreement with the Commons in their Amendments 80A, 80B, 80C, 80D, 80E and 80F to the words restored to the Bill by their disagreement with that Amendment, do not insist on its Amendment 80G instead of the words left out by that Amendment and do agree with the Commons in their Amendment 80H to the words restored to the Bill by their disagreement with Lords Amendment 80.**

D1★ **Lord Paddick to move, as an amendment to Motion D, leave out from “House” and insert “do insist on its Amendment 80 and on its disagreement with the Commons in their Amendments 80A, 80B, 80C, 80D, 80E and 80F, do disagree with the Commons in their Amendment 80H, and do not insist on its Amendment 80G but do propose Amendment 80J instead of the words left out of the Bill by Amendment 80 –**

80J After Clause 55, insert the following new Clause –

“Imposing conditions on public assemblies

- (1) Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows.
- (2) In subsection (1), after the third “held,” insert “the time at which (but not the date on which) it is to start and conclude,”.
- (3) After subsection (2) insert –
 - “(2A) 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.
- (2B) In subsection (2A)(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.”
- (4) After subsection (10A) (as inserted by section 57(11)) insert –
 - “(11) The Secretary of State may by regulations amend subsection (2A) or (2B) for the purposes of making provision about the meaning for the purposes of this section of serious disruption to the life of the community.
 - (12) Regulations under subsection (11) may, in particular, amend either of those subsections for the purposes of –
 - (a) defining any aspect of that expression for the purposes of this section;
 - (b) giving examples of cases in which a public assembly is or is not to be treated as resulting in serious disruption to the life of the community.
 - (13) Regulations under subsection (11) –
 - (a) are to be made by statutory instrument;
 - (b) may apply only in relation to public assemblies in England and Wales;
 - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.
 - (14) A statutory instrument containing regulations under subsection (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Police, Crime, Sentencing and Courts Bill

MARSHALLED LIST OF MOTIONS TO BE MOVED
ON CONSIDERATION OF COMMONS AMENDMENTS

30th March 2022

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS