

Crime and Policing Bill

SECOND MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

The amendments have been marshalled in accordance with the Instruction of 11th February 2026, as follows –

Clauses 1 and 2	Schedule 12
Schedule 1	Clauses 108 to 132
Clauses 3 to 5	Schedule 13
Schedule 2	Clauses 133 to 137
Clause 6	Schedule 14
Schedule 3	Clauses 138 to 143
Clauses 7 to 18	Schedule 15
Schedule 4	Clauses 144 to 152
Clauses 19 to 56	Schedule 16
Schedule 5	Clauses 153 to 155
Clause 57	Schedule 17
Schedules 6 and 7	Clauses 156 to 161
Clause 58	Schedules 18 to 20
Schedule 8	Clauses 162 to 180
Clauses 59 to 70	Schedule 21
Schedule 9	Clauses 181 to 202
Clauses 71 to 77	Schedule 22
Schedule 10	Clause 203
Clauses 78 to 89	Schedule 23
Schedule 11	Clauses 204 to 220
Clauses 90 to 107	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 65

LORD HANSON OF FLINT

199 Clause 65, page 81, line 16, leave out from “person” to end of line 17 and insert –

“(a) to make or adapt a thing for use for creating, or facilitating the creation of, CSA images;

- (b) to possess, supply or offer to supply a thing (a “CSA image-generator”) which is made or adapted for use for creating, or facilitating the creation of, CSA images.”

Member's explanatory statement

This amendment makes a drafting change to clarify the operation of the CSA image-generator offence.

LORD HANSON OF FLINT

- 200 Clause 65, page 82, line 1, leave out from “image-generator” to end of line 4 and insert “has the meaning given by subsection (1)(b);”

Member's explanatory statement

This amendment is consequential on my amendment to clause 65, page 81, line 16.

LORD HANSON OF FLINT

- 201 Clause 65, page 82, leave out lines 13 to 15 and insert—
“(c) “thing” includes a program, information in electronic form and a service.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 65, page 81, line 16. It also clarifies that a service can be a CSA image-generator.

LORD HANSON OF FLINT

- 202 Clause 65, page 82, line 19, leave out from “person” to “for” in line 20 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 65, page 81, line 16.

LORD HANSON OF FLINT

- 203 Clause 65, page 82, line 25, leave out from “and” to “for” in line 26 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 65, page 81, line 16.

LORD HANSON OF FLINT

- 204 Clause 65, page 82, line 32, leave out from beginning to “for” in line 33 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 65, page 81, line 16.

LORD HANSON OF FLINT

205 Clause 65, page 83, line 21, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

206 Clause 65, page 83, line 34, leave out “the provider had no actual knowledge”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

207 Clause 65, page 83, line 35, after “provided” insert “the provider did not know”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

208 Clause 65, page 83, line 37, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

BARONESS KIDRON
LORD RUSSELL OF LIVERPOOL
LORD CLEMENT-JONES
BARONESS MORGAN OF COTES

209 Clause 65, page 84, line 42, at end insert —

“46D Child sexual abuse image-generation risk assessment

- (1) A provider of an online service, including but not limited to a generative AI large language model, must risk assess the likelihood of their service being used to create or facilitate the creation of a CSA image or images as defined by section 46A.
- (2) If a risk is identified in a CSA image-generation risk assessment —

- (a) where the provider is regulated by the Online Safety Act 2023, a provider must report the risk within two working days to OFCOM, and agree to steps to reduce, mitigate and manage the risks within 14 days;
 - (b) where the provider is not regulated by the Online Safety Act 2023, a provider must notify the National Crime Agency within two working days and agree to steps to reduce, mitigate and manage the risks of the online service being used to create or facilitate the creation of CSA images within 14 days.
- (3) Where a provider regulated by the Online Safety Act 2023 fails to agree to or implement steps to reduce, mitigate and manage the risks with OFCOM (see subsection (2)(a)), they can be subjected to OFCOM's enforcement powers as set out in Part 7, Chapter 6 (enforcement powers) of that Act.
 - (4) Where a provider not regulated by the Online Safety Act 2023 fails to agree to or implement steps to reduce, mitigate and manage the risks with the National Crime Agency (see subsection (2)(b)), they commit an offence.
 - (5) A provider that commits an offence under this section is liable to be issued with a penalty notice by the National Crime Agency.
 - (6) In this section a "penalty notice" means a notice requiring its recipient to pay a penalty of an amount not exceeding whichever is the greater of –
 - (a) £18 million, or
 - (b) 10% of a provider's qualifying worldwide revenue for the most recent complete accounting period.
 - (7) A penalty notice may be reissued where a provider continues to commit an offence under this section.
 - (8) In carrying out its duties set out in this section, the National Crime Agency may consult with OFCOM."

Member's explanatory statement

The Bill includes amendments which prohibit the creation of Gen-AI models specifically designed to create CSA images, but it is still possible for general-purpose models to be used to create CSA images. The Government has committed to allow providers of other Gen-AI services to risk assess how their services could be used for this purpose. This amendment makes that a requirement.

Clause 66

LORD HANSON OF FLINT

210

Clause 66, page 85, line 17, leave out from "person" to end of line 18 and insert –

- “(a) to make or adapt a thing for use for creating, or facilitating the creation of, CSA images;
- (b) to possess, supply or offer to supply a thing (a “CSA image-generator”) which is made or adapted for use for creating, or facilitating the creation of, CSA images.”

Member's explanatory statement

This amendment makes a drafting change to the operation of the CSA image-generator offence in Northern Ireland.

LORD HANSON OF FLINT

- 211** Clause 66, page 85, line 37, leave out from “image-generator” to end of line 2 on page 86 and insert “has the meaning given by paragraph (1)(b)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66, page 85, line 17.

LORD HANSON OF FLINT

- 212** Clause 66, page 86, leave out lines 11 to 13 and insert—
“(c) “thing” includes a program, information in electronic form and a service.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66, page 85, line 17. It also clarifies that a service can be a CSA image-generator.

LORD HANSON OF FLINT

- 213** Clause 66, page 86, line 17, leave out from “person” to “for” in line 18 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66, page 85, line 17.

LORD HANSON OF FLINT

- 214** Clause 66, page 86, line 23, leave out from “and” to “for” in line 24 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66, page 85, line 17.

LORD HANSON OF FLINT

- 215** Clause 66, page 86, line 30, leave out from beginning to “for” in line 31 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66, page 85, line 17.

LORD HANSON OF FLINT

- 216** Clause 66, page 87, line 21, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

- 217** Clause 66, page 87, line 34, leave out “the provider had no actual knowledge”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

- 218** Clause 66, page 87, line 35, after “provided” insert “the provider did not know”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

- 219** Clause 66, page 87, line 37, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

Clause 67

LORD HANSON OF FLINT

- 220** Clause 67, page 89, line 9, leave out from “person” to end of line 10 and insert —

- “(a) to make or adapt a thing for use for creating, or facilitating the creation of, CSA images;
- (b) to possess, supply or offer to supply a thing (a “CSA image-generator”) which is made or adapted for use for creating, or facilitating the creation of, CSA images.”

Member's explanatory statement

This amendment makes a drafting change to clarify the operation of the CSA image-generator offence in Scotland.

LORD HANSON OF FLINT

- 221** Clause 67, page 89, line 29, leave out from “image-generator” to end of line 32 and insert “has the meaning given by subsection (1)(b)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 67, page 89, line 9.

LORD HANSON OF FLINT

- 222** Clause 67, page 89, leave out lines 36 to 38 and insert –
“(c) “thing” includes a program, information in electronic form and a service.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 67, page 89, line 9. It also clarifies that a service can be a CSA image-generator.

LORD HANSON OF FLINT

- 223** Clause 67, page 90, line 4, leave out from “person” to “for” in line 5 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 67, page 89, line 9.

LORD HANSON OF FLINT

- 224** Clause 67, page 90, line 10, leave out from “and” to “for” in line 11 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 67, page 89, line 9.

LORD HANSON OF FLINT

- 225** Clause 67, page 90, line 17, leave out from beginning to “for” in line 18 and insert “did the act which constituted the offence”

Member's explanatory statement

This amendment is consequential on my amendment to clause 67, page 89, line 9.

LORD HANSON OF FLINT

- 226** Clause 67, page 91, line 5, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

227 Clause 67, page 91, line 18, leave out “the provider had no actual knowledge”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

228 Clause 67, page 91, line 19, after “provided” insert “the provider did not know”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

229 Clause 67, page 91, line 21, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

Clause 69

LORD HANSON OF FLINT

230 Clause 69, page 95, line 17, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

231 Clause 69, page 95, line 30, leave out “the provider had no actual knowledge”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

232 Clause 69, page 95, line 31, after “provided” insert “the provider did not know”

Member's explanatory statement

This is a minor drafting change.

LORD HANSON OF FLINT

- 233 Clause 69, page 95, line 33, leave out “obtaining actual knowledge” and insert “knowing”

Member's explanatory statement

This is a minor drafting change.

Schedule 9

BARONESS LEVITT

- 234 Schedule 9, page 315, line 33, at end insert—

“(ia) sections 8A to 8C (rape and other offences against children under 16);”

Member's explanatory statement

This amendment is consequential on my new clause (Sexual offences against children under 16), inserted after clause 73.

After Clause 73

BARONESS LEVITT

- 235 After Clause 73, insert the following new Clause—

“Sexual offences against children under 16

- (1) The Sexual Offences Act 2003 is amended as follows.

- (2) After section 8 insert—

“Rape and other offences against children under 16

8A Rape of a child under 16

- (1) A person aged 18 or over (A) commits an offence if—

- (a) A intentionally penetrates the vagina, anus or mouth of another person (B) with A’s penis, and

- (b) either—

- (i) B is under 16 and A does not reasonably believe that B is 16 or over, or

- (ii) B is under 13.

- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

8B Assault of a child under 16 by penetration

- (1) A person aged 18 or over (A) commits an offence if—

- (a) A intentionally penetrates the vagina or anus of another person (B) with a part of A's body or anything else,
- (b) the penetration is sexual, and
- (c) either –
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

8C Causing or inciting a child under 16 to engage in sexual activity involving penetration

- (1) A person aged 18 or over (A) commits an offence if –
 - (a) A intentionally causes or incites another person (B) to engage in an activity within subsection (2),
 - (b) the activity is sexual, and
 - (c) either –
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.
- (2) An activity is within this subsection if it involves –
 - (a) penetration of B's anus or vagina,
 - (b) penetration of B's mouth with a person's penis,
 - (c) penetration of a person's anus or vagina with a part of B's body or by B with anything else, or
 - (d) penetration of a person's mouth with B's penis.
- (3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.”
- (3) In section 73(2) (exceptions to aiding, abetting and counselling) after paragraph (a) insert –
 - “(aa) an offence under section 8A or 8B (offences against children under 16);”.
- (4) Schedule (*Sexual offences against children under 16: consequential amendments*) contains minor and consequential amendments.”

Member's explanatory statement

This new Clause creates new offences of rape, assault by penetration, and causing or inciting a sexual activity involving penetration, in relation to children under 16.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

236 After Clause 73, insert the following new Clause –

“Rape of a child

Before section 9 of the Sexual Offences Act 2003 (sexual activity with a child) insert –

“8A Rape of a child

- (1) A person over the age of 18 (A) commits an offence if –
 - (a) A intentionally penetrates the vagina, anus or mouth, of another person (B) with A’s penis,
 - (b) B is under 16 and not under 13, and
 - (c) A does not reasonably believe that B is 16 or over.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.”

Member’s explanatory statement

This amendment would ensure that any adult who has sexual intercourse with a child under the age of 16 will always be charged with rape.

Clause 75

BARONESS LEVITT

237 Clause 75, page 102, line 9, at end insert –

- “(ca) an offence under any of sections 8A to 8C of that Act (rape and other offences against children under 16),”

Member’s explanatory statement

This amendment is consequential on my new clause (Sexual offences against children under 16), inserted after clause 73.

BARONESS LEVITT

238 Clause 75, page 102, line 28, leave out from “to” to end of line 29 and insert “66B, 67 or 67A of that Act (offences relating to exposure, intimate images and voyeurism),”

Member’s explanatory statement

This amendment amends subsection (6)(d) so that it does not include offences under sections 66E and 66F of the Sexual Offences Act 2003 (as only adults can be victims of those offences).

After Clause 76

LORD NASH
BARONESS CASS
BARONESS BENJAMIN

239 After Clause 76, insert the following new Clause —

“Action to forestall the sexual exploitation of children by combating CSAM

- (1) Within 12 months of the day on which this Act is passed the Secretary of State must, for the purpose of forestalling the sexual exploitation of children, make and bring into force regulations which require manufacturers, importers and distributors of relevant devices to satisfy the CSAM requirement specified in subsection (2).
- (2) The “CSAM requirement” is that any relevant device supplied for use in the UK must have installed tamper-proof system software which is highly effective at preventing the recording, transmitting (by any means, including livestreaming) and viewing of CSAM using that device.
- (3) The duties of manufacturers, importers and distributors to comply with the CSAM requirement specified by regulations under subsection (1) must be subject to enforcement as if the CSAM requirement was a security requirement for the purposes of Part 1 of the Product Security and Telecommunications Infrastructure Act 2022.
- (4) Regulations under subsection (1) must enable the Secretary of State, by further regulations, to expand the definition of “relevant devices” to include other categories of device which may be used to record, transmit or view CSAM.
- (5) For the purposes of this section —

“CSAM” means images, video recordings or live videos involving child sexual abuse, including —

 - (a) any indecent photograph or pseudo-photograph of a child within the meaning of the Protection of Children Act 1978, and
 - (b) any prohibited image of a child, within the meaning of section 62 of the Coroners and Justice Act 2009, that is not an excluded image within the meaning of section 63 of that Act;

“relevant devices” are smartphones or tablet computers which are either internet-connectable products or network-connectable products for the purposes of section 5 of the Product Security and Telecommunications Infrastructure Act 2022;

“manufacturer”, “importer”, “distributor” and “supply” is each as defined in the Product Security and Telecommunications Infrastructure Act 2022.”

Member’s explanatory statement

This new clause would require the Secretary of State to take action to forestall the sexual exploitation of children by mandating the installation of software which prevents the creation, viewing and sharing of child sexual abuse material on smartphones, tablets, and subsequently other devices, which are supplied for use in the UK.

Clause 77

BARONESS GREY-THOMPSON

- 240** Clause 77, page 104, line 13, leave out from first “relevant” to end of line 14 and insert “local authority.”

BARONESS GREY-THOMPSON

- 241** Clause 77, page 104, line 18, leave out “(subject to subsections (5) and (6))”

BARONESS GREY-THOMPSON

- 242** Clause 77, page 104, line 22, leave out “to a relevant police force only” and insert “instead to a relevant police force”

BARONESS GREY-THOMPSON

- 243** Clause 77, page 104, line 32, leave out subsection (6)

BARONESS GREY-THOMPSON

- 244** Clause 77, page 105, line 1, leave out "subsections (6) and" and insert "subsection"

BARONESS GREY-THOMPSON

- 245** Clause 77, page 105, line 13, at end insert –

- “(10A) For the purposes of this section, the operators of a setting in which the activity takes place and staff employed at any such setting in a managerial or general welfare role are deemed to be engaging in a relevant activity whether or not they have direct contact with children in their care.
- (10B) For the purposes of this section, all other employed or contracted staff or voluntary staff and assistants are deemed to be engaging in a relevant activity if they have had direct contact with and have attended such children during their time in such a position.”

Member's explanatory statement

The purpose of this amendment is to make it clear that management and proprietors of a setting are subject to the duty to report suspected abuse (for instance when suspicions are reported to them by other staff) even if they are not in day-to-day contact with children, but that other staff are only subject to the duty only if and when they are in day-to-day contact with children.

BARONESS GREY-THOMPSON

246 Clause 77, page 105, line 13, at end insert –

- “(10A) A person commits an offence if they do not make a notification under this section before the expiry of the initial 7-day period.
- (10B) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10C) In deciding whether a person (P) committed an offence under this section the court must consider whether –
- (a) the evidence available to P was sufficient to cause a reasonable person who engages in the same relevant activity as P to suspect that a child sex offence may have been committed;
 - (b) P followed any relevant guidance which was at the time issued by a supervisory authority or any other appropriate body.”

Member's explanatory statement

The purpose of this amendment is to make non-reporting a criminal offence (as recommended by the final report of the Independent Inquiry into Child Sexual Abuse) and to provide for defences in situations where there is reasonable doubt concerning the grounds for suspicion.

BARONESS WALMSLEY
BARONESS BRINTON

246A★ Clause 77, page 105, line 13, at end insert –

- “(10A) A person who fails to fulfil the duty under subsection (1) commits an offence.
- (10B) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Member's explanatory statement

This amendment would implement part of recommendation 13 of the Independent Inquiry into Child Sexual Abuse that a failure to report a suspected child sex offence should be a criminal offence.

BARONESS GREY-THOMPSON

247 Clause 77, page 105, line 31, at end insert –

- ““operators of a setting” in the case of schools, sixth form colleges, and colleges of further education in private ownership, includes the proprietors, members of governing bodies, and board members in the case of ownership by a limited liability company;”

BARONESS WALMSLEY
BARONESS BRINTON

248 Clause 77, page 105, line 36, at end insert “or

- (c) an activity involving a “position of trust” as defined in sections 21, 22 and 22A of the Sexual Offences Act 2003;”

Member's explanatory statement

This amendment would implement part of recommendation 13 of the Independent Inquiry into Child Sex Abuse that any person working in a position of trust as defined by the Sexual Offences Act 2003, should be designated a mandatory reporter.

After Clause 77

BARONESS WALMSLEY
BARONESS BRINTON

248A★ After Clause 77, insert the following new Clause –

“Offence of intentionally concealing a child sex offence

- (1) A person to whom section 77(1) applies commits an offence if they –
 - (a) know or have reasonable grounds for suspecting that a child sex offence has been committed, and
 - (b) do not make a notification under subsection 77(1), with the intention of hindering, preventing or deterring that child sex offence from being reported or investigated.
- (2) Section 77(5) applies to this section.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Court must report the conviction to the Disclosure and Barring Service.”

Member's explanatory statement

This amendment creates an offence attracting a criminal penalty of intentionally concealing a child sex offence.

Before Schedule 10

BARONESS LEVITT

249 Before Schedule 10, insert the following new Schedule—

“SCHEDULE

SEXUAL OFFENCES AGAINST CHILDREN UNDER 16: CONSEQUENTIAL AMENDMENTS

Firearms Act 1968 (c.27)

- 1 (1) Paragraph 6 of Schedule 1 to the Firearms Act 1968 (offences to which section 17(2) applies) is amended as follows.
- (2) In paragraph (f), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (f) insert—
 - “(fa) section 8A (rape of a child under 16);
 - (fb) section 8B (assault of a child under 16 by penetration);
 - (fc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused;”.

Internationally Protected Persons Act 1978 (c.17)

- 2 (1) Section 1(1A) of the Internationally Protected Persons Act 1978 (offences for purposes of section 1) is amended as follows.
- (2) In paragraph (e), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (e) insert—
 - “(ea) an offence under section 8A or 8B of that Act;
 - (eb) an offence under section 8C of that Act, where the activity involving penetration was caused;”.

Suppression of Terrorism Act 1978 (c.26)

- 3 (1) Paragraph 9 of Schedule 1 to the Suppression of Terrorism Act 1978 is amended as follows.
- (2) In paragraph (d), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (d) insert—
 - “(da) section 8A or 8B (rape of a child under 16; assault of a child under 16 by penetration);
 - (db) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused;”.

Criminal Justice Act 1982 (c. 48)

- 4 (1) Part 2 of Schedule 1 to the Criminal Justice Act 1982 (early release of prisoners: excluded offences) is amended as follows.
- (2) In the entry for section 8 of the Sexual Offences Act 2003, for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After the entry for section 8 of the Sexual Offences Act 2003 insert –
- “Section 8A (rape of a child under 16).
Section 8B (assault of a child under 16 by penetration).
Section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused.”

Children Act 1989 (c. 41)

- 5 In Schedule ZA1 to the Children Act 1989 (serious sexual offences for the purposes of section 10C), in paragraph 3 after paragraph (h) insert –
- “(ha) section 8A (rape of a child under 16);
(hb) section 8B (assault of a child under 16 by penetration);
(hc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration);”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 6 (1) Section 25(2) of the Criminal Justice and Public Order Act 1994 (offences to which bail restrictions apply) is amended as follows.
- (2) In paragraph (k), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (k) insert –
- “(ka) an offence under section 8A of that Act (rape of a child under 16);
(kb) an offence under section 8B of that Act (assault of a child under 16 by penetration);
(kc) an offence under section 8C of that Act (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused;”.

Criminal Injuries Compensation Act 1995 (c. 53)

- 7 In section 11(9) of the Criminal Injuries Compensation Act 1995 (definition of “rape”), for “or 5” substitute “, 5 or 8A”.

Crime (Sentences) Act 1997 (c. 43)

- 8 In section 32ZAB(1) of the Crime (Sentences) Act 1997 (specified offences for purposes of section 32ZAA), after paragraph (f) insert –
- “(fa) an offence under section 8A of that Act (rape of a child under 16);”.

Criminal Justice Act 2003 (c. 44)

- 9 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 256AZBB(1) (specified offences for purposes of section 256AZBA), after paragraph (e) insert —
- (3) In Schedule 4 (qualifying offences for purposes of section 62), after paragraph 16 insert —

“(ea) an offence under section 8A of that Act (rape of a child under 16);”.

“Rape of a child under 16

16A An offence under section 8A of the Sexual Offences Act 2003.

Attempted rape of a child under 16

16B An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 8A of the Sexual Offences Act 2003.

Assault of a child under 16 by penetration

16C An offence under section 8B of the Sexual Offences Act 2003.

Causing a child under 16 to engage in sexual activity involving penetration

16D An offence under section 8C of the Sexual Offences Act 2003 where it is alleged that the activity was caused.”

- (4) In Schedule 5 (qualifying offences for purposes of Part 10) after paragraph 15 insert —

“Rape of a child under 16

15A An offence under section 8A of the Sexual Offences Act 2003.

Attempted rape of a child under 16

15B An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 8A of the Sexual Offences Act 2003.

Assault of a child under 16 by penetration

15C An offence under section 8B of the Sexual Offences Act 2003.

Causing a child under 16 to engage in sexual activity involving penetration

15D An offence under section 8C of the Sexual Offences Act 2003 where it is alleged that the activity was caused.”

- (5) In Part 2 of Schedule 15 (specified sexual offences for purposes of sections 244ZA and 325) after paragraph 109 insert –
 - “109A An offence under section 8A of that Act (rape of a child under 16).
 - 109B An offence under section 8B of that Act (assault of a child under 16 by penetration).
 - 109C An offence under section 8C of that Act (causing or inciting a child under 16 to engage in sexual activity involving penetration).”
- (6) In paragraph 7 of Schedule 34A (child sex offences for purposes of section 327A), after paragraph (a) insert –
 - “(aa) sections 8A to 8C of that Act (rape and other offences against children under 16);”.

Anti-social Behaviour, Crime and Policing Act 2014 (c.12)

- 10 In section 116(8)(a) of the Anti-social Behaviour, Crime and Policing Act 2014 (offences constituting child sexual exploitation), after the entry for sections 5 to 8 of the Sexual Offences Act 2003 insert –
 - “sections 8A to 8C (rape and other offences against children under 16);”.

Modern Slavery Act 2015 (c.30)

- 11 In paragraph 33 of Schedule 4 to the Modern Slavery Act 2015 (sexual offences to which defence in section 45 does not apply), after the entry for section 8 insert –
 - “section 8A (rape of child under 16)
 - section 8B (assault of child under 16 by penetration)
 - section 8C (causing or inciting child under 16 to engage in sexual activity involving penetration)”.

Sentencing Act 2020 (c. 17)

- 12 (1) The Sentencing Code is amended as follows.
- (2) In Part 1 of Schedule 14 (extended sentences: the earlier offence condition: offences), in the table in paragraph 9, after the entry for section 8 of the Sexual Offences Act 2003 insert –
 - “(ga) Section 8A (rape of a child under 16)
 - (gb) Section 8B (assault of a child under 16 by penetration)
 - (gc) Section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration)”.

- (3) In Part 1 of Schedule 15 (life sentence for second offence: listed offences), in paragraph 9, after the entry for section 8 of the Sexual Offences Act 2003 insert –

“(ga) section 8A (rape of a child under 16)	The date on which section 8A comes into force
(gb) section 8B (assault of a child under 16 by penetration)	The date on which section 8B comes into force
(gc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration)	The date on which section 8C comes into force”

- (4) In Part 2 of Schedule 18 (specified sexual offences for purposes of section 306), in paragraph 38 after paragraph (h) insert –

- “(ha) section 8A (rape of a child under 16);
 (hb) section 8B (assault of a child under 16 by penetration);
 (hc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration);”.

- (5) In Schedule 19 (specified offences carrying maximum sentence of imprisonment for life), in the table in paragraph 20, after the entry for section 8 of the Sexual Offences Act 2003 insert –

- “(fa) Section 8A (rape of a child under 16)
 (fb) Section 8B (assault of a child under 16 by penetration)
 (fc) Section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration)”.

Member's explanatory statement

This new Schedule makes minor and consequential amendments in relation to my new clause (Sexual offences against children under 16) inserted after clause 73.

Schedule 10

BARONESS LEVITT

250 Schedule 10, page 318, line 35, at end insert –

- “(ia) sections 8A to 8C (rape and other offences against children under 16);”

Member's explanatory statement

This amendment is consequential on my new clause (Sexual offences against children under 16), inserted after clause 73.

LORD HANSON OF FLINT

- 251** Schedule 10, page 319, line 11, leave out “67A (exposure and voyeurism)” and insert “66B, 67 or 67A (offences relating to exposure, intimate images and voyeurism)”

Member's explanatory statement

This amendment amends paragraph 2(d) so that it does not include offences under sections 66E and 66F of the Sexual Offences Act 2003 (as only adults can be victims of those offences).

LORD HANSON OF FLINT

- 252** Schedule 10, page 319, line 33, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 7 of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

- 253** Schedule 10, page 319, line 37, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 8 of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

- 254** Schedule 10, page 320, line 26, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 14 of Schedule 10 to cover supervised activities.

BARONESS GOUDIE

- 255** Schedule 10, page 320, line 37, leave out “if” and insert “, where those activities do not constitute a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006, and where”

Member's explanatory statement

This amendment removes from the scope of paragraph 17 activity which is already a regulated activity governed by the Safeguarding Vulnerable Groups Act 2006, thereby preventing unnecessary double regulation (for instance in settings such as schools and academies).

LORD HANSON OF FLINT

- 256** Schedule 10, page 320, line 38, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 17 of Schedule 10 to cover supervised activities.

LORD POLAK
BARONESS GREY-THOMPSON

257 Schedule 10, page 320, line 38, at end insert –

- “17A Activities of a person in connection with education, including –
- (a) schools,
 - (b) sixth form colleges,
 - (c) colleges of further education,
 - (d) pupil referral units,
 - (e) residential special schools,
 - (f) hospital education trusts,
 - (g) settings of education other than at schools, or
 - (h) private tuition centres.
- 17B Activities of a person in connection with the provision of healthcare, including in –
- (a) hospitals,
 - (b) hospices,
 - (c) GP surgeries,
 - (d) walk-in clinics, or
 - (e) outpatient clinics.
- 17C Activities of a person in connection with the following –
- (a) child nurseries and kindergarten provision,
 - (b) childminders and childcare providers registered on the early years register or the compulsory or voluntary part of the childcare register,
 - (c) registered social care providers and managers for children,
 - (d) children’s homes,
 - (e) children’s hospices,
 - (f) youth offender institutions,
 - (g) the Probation Service,
 - (h) private institutions contracted by public bodies to provide services to children,
 - (i) organisations providing activities to children, such as sports clubs, music, dance or drama groups, youth clubs, and Ministry of Defence cadet forces including Sea Cadets, the Volunteer Cadet Corps, the Army Cadet Force, the Air Training Corps and the Combined Cadet Force, Fire Cadets,
 - (j) organisations providing holidays for children or supervising children while on holiday,
 - (k) churches, mosques, synagogues, temples, and other places of worship and religious organisations, and other organisations holding non-religious worldviews,
 - (l) services offered to children by local authorities outside their statutory duties,

- (m) services offered to children by the police outside their statutory duties, or
- (n) transport services including taxis and coaches commissioned by the providers of the regulated activities in this Schedule.”

Member's explanatory statement

This amendment goes alongside my amendment to replace Clause 84, listing the settings in which an offence for intentionally concealing a child sex offence would be applicable.

LORD HANSON OF FLINT

- 258** Schedule 10, page 321, line 2, leave out “unsupervised”

Member's explanatory statement

This amendment extends the definition of looking after a child on an individual basis, in paragraph 18 of Schedule 10, to cover supervised contact.

LORD HANSON OF FLINT

- 259** Schedule 10, page 321, line 7, leave out first “unsupervised”

Member's explanatory statement

This amendment is consequential on my amendments extending paragraphs of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

- 260** Schedule 10, page 321, line 7, leave out “regular unsupervised”

Member's explanatory statement

This amendment is consequential on my amendments extending paragraphs of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

- 261** Schedule 10, page 321, line 8, at end insert “on more than 3 days in any period of 30 days”

Member's explanatory statement

This amendment defines “regular contact” for the purposes of Part 2 of Schedule 10.

Clause 79

BARONESS WALMSLEY
BARONESS BRINTON

262 Clause 79, page 106, line 40, at end insert –

- “(6A) The sixth case is where P witnesses a child displaying sexualised, sexually harmful or other behaviour, physical signs of abuse or consequences of sexual abuse, such as pregnancy or a sexually transmitted disease, to an extent that would cause a reasonable person who engages in the same relevant activity as P to suspect that a child sex offence may have been committed.
- (6B) The seventh case is where P witnesses a person (A) behaving in the presence of a child in a way that would cause a reasonable person who engages in the same relevant activity as P to suspect that A may have committed a child sex offence.
- (6C) A failure to comply with the duty under section 72(1) is not an offence where the reason to suspect that a child sex offence may have been committed arises from subsection (6A) or subsection (6B).”

Member's explanatory statement

This amendment would implement part of recommendation 13 of the Independent Inquiry into Child Sex Abuse that there should be a duty to report where a person recognises the indicators of child sexual abuse. Failure to report in these instances would not attract a criminal sanction.

Clause 84

BARONESS GREY-THOMPSON

263 Clause 84, page 109, line 17, leave out subsections (2) and (3)

Member's explanatory statement

This amendment seeks to remove the “best interests” defence if a person has delayed reporting a suspected child sex offence.

LORD POLAK
BARONESS GREY-THOMPSON
BARONESS WALMSLEY

264 Leave out Clause 84 and insert the following new Clause –

“Offence of intentionally concealing a child sex offence

- (1) A person (“P”) commits an offence if they –
- (a) are working or volunteering in a setting outlined in paragraphs 17A to 17C of Schedule 10,
 - (b) do an act capable of hindering, preventing or deterring a child sex offence from being reported or investigated, which P suspects has taken place, and

- (c) with the intention of hindering, preventing or deterring that child sex offence from being reported or investigated.
- (2) It is for these purposes immaterial –
 - (a) whether the child sex offence in fact has taken place,
 - (b) when the child sex offence took place, or
 - (c) whether P’s act in fact has the effect of delaying, hindering, or preventing that child sex offence from being investigated.
- (3) An act capable of delaying, hindering, or preventing a suspected child sex offence from being investigated does not include –
 - (a) P failing to comply with any duty owed under section 77;
 - (b) P, who was not subject to a duty owed under section 77, failing to report a child sex offence;
 - (c) P discouraging another person (“A”) from disclosing the alleged child sex offence to another person where P reasonably believes that the act of discouraging A from disclosing the alleged child sex offence is appropriate because –
 - (i) the suspected perpetrator is a child, and
 - (ii) P does this having regard (among other things) to the risk of harm to each relevant child.
- (4) It is a defence for a person charged with an offence under this section to show that the conduct alleged to constitute the offence consisted only of making representations about the timing of a notification under section 77 in light of the best interests of any person whom they reasonably believe to be a relevant child (at any time).
- (5) Subsections (3)(b) and (4) impose an evidential burden upon the defendant.
- (6) The Secretary of State may, following consultation, by regulations amend the settings and roles set out in Schedule 8 Part 3.
- (7) In this section –
 - “investigated” means investigated by any local authority or police force in England and Wales;
 - “local authority” has the same meaning as in the Children Act 2004 (see section 77).
- (8) A person who commits an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).”

Member's explanatory statement

This amendment seeks to replace Clause 84, expanding its remit to cover all acts that could conceal reports and investigations of abuse, and removing the caveat that the person being deterred has to be a mandated reporter. This would apply to anyone working or volunteering in specified settings laid out in the Schedule.

After Clause 84

BARONESS GREY-THOMPSON

265 After Clause 84, insert the following new Clause –

“Offence of causing detriment to a person fulfilling the duty to report

- (1) A person who causes or threatens to cause any detriment to a mandated person, being a person placed under the duty to report pursuant to section 77(1) above, or to another person, either wholly or partly related to the mandated person’s actual or intended provision of a report under this Act, is guilty of an offence.
- (2) Detriment includes any personal, social, economic, professional, or other detriment to the person.
- (3) A person guilty of an offence under this section is liable on summary conviction to a level 4 fine on the standard scale.”

Member's explanatory statement

The purpose of this amendment is to provide protection from retaliation to those who make required reports in good faith. Unlike the offence described in section 84, this also covers retaliation against a reporter after a report has been made, and not just an attempt to prevent a report from being made.

After Clause 85

LORD HANSON OF FLINT

266 After Clause 85, insert the following new Clause –

“Guidance

- (1) The Secretary of State may issue guidance about the duty under section 77 to persons who engage in relevant activities.
- (2) Those persons must have regard to the guidance.
- (3) Before issuing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The Secretary of State must publish any guidance issued under this section.
- (5) The Secretary of State may revise any guidance issued under this section.
- (6) Subsections (2) to (4) apply to revised guidance, except that subsection (3) does not apply if the Secretary of State considers that the revisions are not substantial.”

Member's explanatory statement

This new clause provides for the Secretary of State to issue guidance about the duty to report child sex abuse.

Clause 86

LORD HANSON OF FLINT

267 Clause 86, page 110, line 10, leave out paragraph (a)

Member's explanatory statement

This amendment removes the Secretary of State's power to make regulations changing the persons to whom a notification under clause 77 is to be given.

LORD HANSON OF FLINT

268 Clause 86, page 110, line 12, leave out “add or”

Member's explanatory statement

This amendment removes the Secretary of State's power to make regulations adding further exceptions to the duty under clause 77.

LORD HANSON OF FLINT

269 Clause 86, page 110, line 14, leave out paragraph (c) and insert –

- “(c) Part 1 of Schedule 10 (child sex offences);
- (d) Part 2 of Schedule 10 (further relevant activities) so as to add or change an activity.”

Member's explanatory statement

This amendment limits the Secretary of State's power to make regulations amending Part 2 of Schedule 10 so that it may only be used to add or change an activity (not remove one).

Clause 87

BARONESS LEVITT

270 Clause 87, page 111, leave out lines 31 to 39

Member's explanatory statement

This amendment removes a provision which requires the courts to dismiss certain actions in respect of personal injuries attributable to child sex abuse if there would be substantial prejudice to the defendant and it would not be equitable for the action to proceed.

Clause 89

BARONESS LEVITT

271 Clause 89, page 113, line 13, after “to” insert “semen-defaced images,”

Member's explanatory statement

This amendment is consequential on my amendment creating a new offence of sharing semen-defaced images (see my amendment to Schedule 11, page 321, line 19).

After Clause 89

LORD HANSON OF FLINT

272 After Clause 89, insert the following new Clause—

“Purported intimate image generators

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) After section 66H insert—

“66I Making or supplying purported intimate image generators

- (1) A person commits an offence if the person—
 - (a) makes or adapts a thing, or
 - (b) supplies or offers to supply a thing,
 for use as a generator of purported intimate images.
- (2) A “generator of purported intimate images” is a thing for creating, or facilitating the creation of, purported intimate images of a person.
- (3) A person makes, adapts, supplies, or offers to supply a thing for use as a generator of purported intimate images if a reasonable person (having regard to all the circumstances) would consider that they do so.
- (4) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to prevent the thing being used for creating, or facilitating the creation of, purported intimate images of a person without the person’s consent.
- (5) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or a fine (or both).
- (6) Section 72(1) applies in relation to an act which, if done in England and Wales, would constitute an offence under this section as if references to a United Kingdom national included—
 - (a) a body incorporated under the law of any part of the United Kingdom, or
 - (b) an unincorporated association formed under the law of any part of the United Kingdom.
- (7) In this section—

“purported intimate image” of a person, and references to creating a purported intimate image of a person, have the same meaning as in section 66E;

“thing” includes a program, information in electronic form and a service.

66J Section 66I: further defences

- (1) It is a defence for a person charged with an offence under section 66I to prove that the person did the act which constituted the offence for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world.
- (2) It is a defence for a person charged with an offence under section 66I to prove that the person –
 - (a) was a member of the Security Service, the Secret Intelligence Service or GCHQ (a “security body”), and
 - (b) did the act which constituted the offence for the purposes of the exercise of any function of the security body.
- (3) “GCHQ” has the meaning given by section 3 of the Intelligence Services Act 1994.
- (4) It is a defence for a person charged with an offence under section 66I to prove that the person –
 - (a) was a member of OFCOM, was employed or engaged by OFCOM, or assisted OFCOM in the exercise of any of its online safety functions, and
 - (b) did the act which constituted the offence for the purposes of OFCOM’s exercise of any of its online safety functions.
- (5) In subsection (4) –
 - (a) “OFCOM” means the Office of Communications;
 - (b) a reference to OFCOM’s “online safety functions” has the meaning given by section 235 of the Online Safety Act 2023.

66K Section 66I: application to internet service providers

- (1) An internet service provider does not commit an offence under section 66I by –
 - (a) providing access to a communication network, or
 - (b) transmitting, in a communication network, information provided by a user, if the provider does not –
 - (i) initiate the transmission,
 - (ii) select the recipient of the transmission, or
 - (iii) select or modify the information contained in the transmission.

- (2) The references in subsection (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage –
 - (a) is automatic, intermediate and transient,
 - (b) is solely for the purpose of carrying out the transmission in the network, and
 - (c) is for no longer than is reasonably necessary for the transmission.
- (3) An internet service provider does not commit an offence under section 66I by storing information provided by a user for transmission in a communication network if –
 - (a) the storage of the information –
 - (i) is automatic, intermediate and temporary, and
 - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
 - (b) the internet service provider –
 - (i) does not modify the information,
 - (ii) complies with any conditions attached to having access to the information, and
 - (iii) on knowing of a matter within subsection (4), promptly removes the information or disables access to it.
- (4) The matters within this subsection are that –
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (5) An internet service provider does not commit an offence under section 66I by storing information provided by a user who is not acting under the authority or control of the provider if –
 - (a) when the information was provided the provider did not know that it was, or contained, a generator of purported intimate images, and
 - (b) on knowing that the information was, or contained, a generator of purported intimate images, the provider promptly removed the information or disabled access to it.
- (6) In this section –
 - “generator of purported intimate images” has the same meaning as in section 66I;
 - “internet service provider” means a provider of –
 - (a) a service that is made available by means of the internet, or
 - (b) a service that provides access to the internet;

“user”, in relation to an internet service provider, means a user of a service provided by the internet service provider.

66L Liability for offence under section 66I committed by bodies

- (1) This section applies where an offence under section 66I is committed by a body.
- (2) If the offence is committed with the consent or connivance of –
 - (a) a relevant person in relation to the body, or
 - (b) a person purporting to act in the capacity of a relevant person in relation to the body,the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) In this section –

“body” means a body corporate, a partnership or an unincorporated association other than a partnership;

“relevant person”, in relation to a body, means –

 - (a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;
 - (b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;
 - (c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);
 - (d) in the case of any other partnership, a partner;
 - (e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it.”
- (3) In section 79(5) (meaning of references to image of a person), for “and 66G” substitute “, 66G and 66I”.
- (4) In paragraph 1 of Schedule 2 (sexual offences for purposes of section 72), after paragraph (c) insert –

“(ca) an offence under section 66I;”.
- (5) In Schedule 3 (sexual offences for purposes of Part 2), after paragraph 33B insert –

“33C An offence under section 66I of this Act (purported intimate image generators), if the offender is sentenced in respect of the offence to imprisonment for a term of at least 12 months.””

Member's explanatory statement

This new clause creates offences of making, adapting, supplying or offering to supply a generator of purported intimate images.

BARONESS OWEN OF ALDERLEY EDGE
 BARONESS KIDRON
 LORD PANNICK
 LORD CLEMENT-JONES

273 After Clause 89, insert the following new Clause –

“Duty to make deprivation and deletion orders (non-consensual intimate images)

Where a person is convicted of an offence involving sharing or threatening to share intimate images without consent, as described by sections 66A and 66H of the Sexual Offences Act 2003 (intimate images), the court must –

- (a) order the destruction of any content used to commit the offence on any device or data store containing such images;
- (b) order the defendant to disclose any password, key or authenticator necessary to access accounts or devices containing such images;
- (c) order verified deletion of such images from all locations, including cloud services;
- (d) direct the prosecutor to lodge a deletion verification report within 28 days.”

BARONESS OWEN OF ALDERLEY EDGE
 BARONESS KIDRON
 VISCOUNT COLVILLE OF CULROSS
 LORD CLEMENT-JONES

274 After Clause 89, insert the following new Clause –

“Hashing

- (1) No later than 12 months from the day on which this Act is passed, the Secretary of State must by regulations made by statutory instrument provide for the generation and lawful sharing of hashes of intimate images shared without consent in contravention of section 66B of the Sexual Offences Act 2023 (sharing or threatening to share intimate photograph or film), for the purpose of preventing re-upload, subject to safeguards.
- (2) The Secretary of State must make the regulations in cooperation with industry standard initiatives (such as StopNCII).”

Member's explanatory statement

This amendment works in conjunction with others in the name of Baroness Owen regarding a mandatory removal period or de-indexing period of 48 hours for non-consensual intimate images and the establishment of a statutory Non-Consensual Intimate Image Register. This allows the Revenge Porn Helpline (who would be the preferred register holders) to share the verified hashes to internet infrastructure providers to ensure content is removed and blocked in cases where removal is not possible.

BARONESS OWEN OF ALDERLEY EDGE
BARONESS KIDRON
LORD PANNICK
LORD CLEMENT-JONES

275 After Clause 89, insert the following new Clause —

“Content removal reporting and enforcement

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must by regulations made by statutory instrument make provision for —
 - (a) the way in which offences under section 66B of the Sexual Offences Act 2003 (sharing or threatening to share intimate photograph or film) can be reported to the relevant internet service as defined in section 228 of the Online Safety Act 2023 (internet service), and
 - (b) the mechanism by which content created as a result of offences under that section must be removed by the relevant internet service.
- (2) The regulations must include —
 - (a) a mandatory removal period or de-indexing period, as the case may be, for content that the reporting party reasonably believes to be in breach of section 66B of the Sexual Offences Act 2003 of 48 hours,
 - (b) a requirement that the reporting process must be clear and accessible, and guidance on what constitutes clear and accessible reporting,
 - (c) sanctions for malicious reporting,
 - (d) sanctions for internet services for the failure to remove duplicates of offending material,
 - (e) a review period after the initial 48 hours for assessing suspected offending content, and
 - (f) a statement of which internet services are within scope of this section, produced after consultation with the Revenge Porn Helpline and other relevant stakeholders.”

BARONESS OWEN OF ALDERLEY EDGE
BARONESS KIDRON
VISCOUNT COLVILLE OF CULROSS
LORD CLEMENT-JONES

276 After Clause 89, insert the following new Clause —

“Register of intimate images shared without consent

- (1) No later than 12 months from the day on which this Act is passed, the Secretary of State must by regulations made by statutory instrument establish a statutory Non-Consensual Intimate Image Register for the purpose of preventing access to and dissemination of material shared online in contravention of section 66B of the Sexual Offences Act 2003 (sharing or threatening to share intimate photograph or film) (“NCII material”).
- (2) The Register must contain hashes of verified NCII material.

- (3) The Secretary of State must appoint a regulator for the Register to be responsible for oversight, enforcement, and coordination with internet service providers and online platforms.
- (4) Providers designated by the appointed regulator must use the Register to prevent the re-upload or distribution of NCII material.
- (5) The Secretary of State must issue guidance on governance, accuracy, proportionality, and privacy safeguards.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

For the purposes of this amendment, the Revenge Porn Helpline is the preferred body to manage the register. The service currently runs a voluntary hashing register and has indicated that they would be able to operate it. The register would be the authoritative source for platforms, search engines, and ISPs to block, delist and prevent access to NCII content.

BARONESS DOOCEY
BARONESS BRINTON

277

After Clause 89, insert the following new Clause —

“Voyeurism: non-consensual recording and distribution

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) After section 67A (voyeurism: additional offences) insert —

“67B Voyeurism: non-consensual recording and distribution

- (1) A person (“A”) commits an offence if they —
 - (a) record a person (“B”) without their consent, and
 - (b) do so with the intention described in subsection (2).
- (2) The intention is that A or a third person (“C”) will look at an image of B for the purposes of —
 - (a) obtaining sexual gratification, or
 - (b) to cause humiliation or distress.
- (3) It is an aggravating factor if A receives, directly or indirectly, a financial benefit from the recording or image under subsection (1).
- (4) A person guilty of an offence under this section is liable to —
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or to a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years.”

Member's explanatory statement

This amendment makes it an offence to record images of a person without their consent with the purpose of obtaining sexual gratification or of causing humiliation or distress to that person. If a person profits from the distribution of such images, that is to be treated as an aggravating factor.

Schedule 11

BARONESS LEVITT

278 Schedule 11, page 321, line 19, at end insert—

“1A After section 66A insert—

“66AA Sharing semen-defaced image

- (1) A person (A) commits an offence if—
 - (a) A intentionally shares a semen-defaced image of another person (B),
 - (b) B does not consent to the sharing of the semen-defaced image, and
 - (c) A does not reasonably believe that B consents.
- (2) A “semen-defaced image” of a person (B) is—
 - (a) a photograph or film which—
 - (i) shows, or appears to show, B, and
 - (ii) has, or appears to have, semen on it or in its immediate vicinity, or
 - (b) a photograph or film of a photograph or film within paragraph (a).
- (3) “Photograph” includes the negative as well as the positive version.
- (4) “Film” means a moving image.
- (5) References to a photograph or film also include—
 - (a) an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film,
 - (b) a copy of a photograph, film or image within paragraph (a), and
 - (c) data stored by any means which is capable of conversion into a photograph, film or image within paragraph (a).
- (6) A person “shares” a semen-defaced image if the person, by any means, gives or shows it to another person or makes it available to another person.
- (7) But a provider of an internet service by means of which a semen-defaced image is shared is not to be regarded as a person who shares it.
- (8) For the purposes of subsection (1)—

- (a) “consent” to the sharing of a semen-defaced image includes general consent covering the particular act of sharing as well as specific consent to the particular act of sharing, and
 - (b) whether a belief is reasonable is to be determined having regard to all the circumstances including any steps A has taken to ascertain whether B consents.
- (9) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for sharing the semen-defaced image.
- (10) A person (A) who shares a semen-defaced image of another person (B) does not commit an offence under subsection (1) if—
 - (a) the semen-defaced image had, or A reasonably believes that it had, been previously publicly shared, and
 - (b) B had, or A reasonably believes that A had, consented to the previous sharing.
- (11) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).”

Member's explanatory statement

This amendment creates a new offence of sharing a photograph or film of a person where the image has, or appears to have, semen on it or in its immediate vicinity, without the person's consent.

BARONESS LEVITT

279 Schedule 11, page 321, line 20, leave out “66A” and insert “66AA (inserted by paragraph 1A)”

Member's explanatory statement

This amendment is consequential on my amendment at Schedule 11, page 321, line 19.

BARONESS OWEN OF ALDERLEY EDGE
BARONESS KIDRON

280 [Withdrawn]

BARONESS LEVITT

281 Schedule 11, page 324, line 13, at end insert—

“66AD Creating a copy of intimate photograph or film shared temporarily

- (1) A person (A) commits an offence if—
 - (a) another person (B)—
 - (i) shares with A a photograph or film which shows, or appears to show, B in an intimate state, and

- (ii) does so in such a way that A can view the photograph or film for a limited time, but cannot send it to another person,
 - (b) A intentionally creates a copy of the photograph or film that A can view at other times,
 - (c) A knows that the photograph or film is shared with A by B,
 - (d) B does not consent to the creation of the copy, and
 - (e) A does not reasonably believe that B consents to the creation of the copy.
- (2) For the purposes of subsection (1)(a)(ii) —
- (a) the cases in which A can view the photograph or film for a limited time include the case where A can view it for as long as B allows A to do so;
 - (b) sending the photograph or film to another person does not include showing it to another person.
- (3) References in this section to creating a copy of a photograph or a film include —
- (a) creating a copy of part of a photograph or film, or
 - (b) creating a copy of a photograph or film with modifications,
- where the copy shows, or appears to show, B in the intimate state in which B is shown, or appears to be shown, in the photograph or film.
- (4) Subsection (1) is subject to section 66AE (exemptions).
- (5) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for creating the copy.
- (6) Section 76 applies to an offence under this section.
- (7) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

66AE Creating a copy of intimate photograph or film shared temporarily: exemptions

- (1) A person (A) does not commit an offence under section 66AD(1) in relation to a photograph or film shared with A if —
- (a) the photograph or film was, or A reasonably believes that it was, taken or recorded in a place to which the public or a section of the public had or were permitted to have access (whether on payment or otherwise),
 - (b) the person the photograph or film shows, or appears to show, in an intimate state (B) had no reasonable expectation of privacy from such a photograph or film being taken or recorded, and
 - (c) B was, or A reasonably believes that B was, in the intimate state voluntarily.

- (2) For the purposes of subsection (1)(b), whether a person had a reasonable expectation of privacy from a photograph or film being taken or recorded is to be determined by reference to the circumstances that A reasonably believes to have existed at the time the photograph or film was taken or recorded.
- (3) A person (A) does not commit an offence under section 66AD(1) in relation to a photograph or film shared with A if—
 - (a) the photograph or film had, or A reasonably believes that the photograph or film had, been previously publicly shared, and
 - (b) B had, or A reasonably believes that B had, consented to the previous sharing.”

Member's explanatory statement

This amendment creates a new offence of creating a copy of a photograph or film showing, or appearing to show, a person in an intimate state, that has been shared with the person creating the copy only temporarily.

BARONESS BERTIN
 BARONESS KIDRON
 BARONESS BENJAMIN
 LORD CLEMENT-JONES

281A★ Schedule 11, page 324, line 13, at end insert—

“66AD Possession of software to create or amend a digitally produced sexually explicit photograph or film

- (1) A person (A) commits an offence if A intentionally possesses, obtains or stores software whose primary purpose is to create or alter a digitally produced photograph or film which shows another person (B) in an intimate state.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for possessing, obtaining or storing software whose primary purpose is to create or amend digital images of a person in an intimate state.
- (3) A person (A) commits an offence if A possesses, obtains or stores software with the intention to create or alter a digitally produced photograph or film which shows another person (B) in an intimate state.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person had a reasonable excuse for intending to create or amend digital images of a person in an intimate state.
- (5) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (6) Where A is convicted of an offence under this section, the court may require A to delete—

- (a) the software used in the commission of an offence this section;
 - (b) any copies of a photograph or film they have taken under this section, including physical copies and those held on any device, cloud-based programme, or digital or messaging platform they control.
- (7) A person can only commit an offence under this section if they are aged 18 or over.”

Member's explanatory statement

This amendment would create offences to possess software which can produce nude images of another individual.

BARONESS LEVITT

282 Schedule 11, page 324, line 28, at end insert—

“(2A) In subsection (3), at the end insert “, or as a person with whom it is shared”.”

Member's explanatory statement

This amendment ensures that the provider of an internet service by means of which a photograph or film is shared is not regarded as a person with whom it is shared for the purposes of the offence in section 66AD of the Sexual Offences Act 2003 (inserted by my amendment to Schedule 11, page 324, line 13).

BARONESS LEVITT

283 Schedule 11, page 324, line 32, after “sections” insert “66AD, 66AE,”

Member's explanatory statement

This amendment applies the definition of photograph or film in section 66D(4B) of the Sexual Offences Act 2003 to the new sections inserted by my amendment to Schedule 11, page 324, line 13.

BARONESS OWEN OF ALDERLEY EDGE
BARONESS KIDRON
LORD CLEMENT-JONES

284 Schedule 11, page 324, line 40, at end insert—

“(3A) In subsection (5)—

- (a) in paragraph (d), omit “or”;
- (b) after subsection (5)(e) insert “, or
- (f) the person depicted with semen (or a substance that to a reasonable person appears to be or is intended to appear to be semen) on any part of their body, including clothed body.””

BARONESS LEVITT

285 Schedule 11, page 325, line 2, after the first “(3)” insert “66AD(1), 66AE(3)(b)”

Member's explanatory statement

This amendment applies the definition of consent in section 66D(10) of the Sexual Offences Act 2003 to the new sections inserted by my amendment to Schedule 11, page 324, line 13.

BARONESS LEVITT

286 Schedule 11, page 325, line 4, leave out “or sharing” and insert “, sharing or creating a copy”

Member's explanatory statement

This amendment applies the definition of consent in section 66D(10) of the Sexual Offences Act 2003 to the new sections inserted by my amendment to Schedule 11, page 324, line 13.

BARONESS LEVITT

287 Schedule 11, page 325, line 6, leave out “or sharing” and insert “, sharing or creating a copy”

Member's explanatory statement

This amendment applies the definition of consent in section 66D(10) of the Sexual Offences Act 2003 to the new sections inserted by my amendment to Schedule 11, page 324, line 13.

BARONESS LEVITT

288 Schedule 11, page 325, line 7, leave out “or sharing” and insert “, sharing or creating a copy”

Member's explanatory statement

This amendment applies the definition of consent in section 66D(10) of the Sexual Offences Act 2003 to the new sections inserted by my amendment to Schedule 11, page 324, line 13.

BARONESS OWEN OF ALDERLEY EDGE
BARONESS KIDRON

289 [Withdrawn]

BARONESS LEVITT

290 Schedule 11, page 325, line 18, at end insert—
“(za) section 66AA;”

Member's explanatory statement

This amendment extends the time limit for prosecuting the offence in new section 66AA of the Sexual Offences Act 2003 (inserted by my amendment to Schedule 11, page 321, line 19).

BARONESS LEVITT

291 Schedule 11, page 325, line 20, at end insert—

“(ba) section 66AD;”

Member's explanatory statement

This amendment extends the time limit for prosecuting the offence in new section 66AD of the Sexual Offences Act 2003 (inserted by my amendment to Schedule 11, page 324, line 13).

BARONESS LEVITT

292 Schedule 11, page 325, line 24, for ““Intimate” substitute ““Semen-defaced images and intimate”

Member's explanatory statement

This amendment is consequential on my amendment at Schedule 11, page 325, line 18.

BARONESS LEVITT

293 Schedule 11, page 325, line 38, at end insert—

“An offence under section 66AD(1) (creating copy of intimate photograph or film shared temporarily)	The defendant intentionally creating a copy of the photograph or film in question.”
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Member's explanatory statement

This amendment is consequential on new section 66AD(6) of the Sexual Offences Act inserted by my amendment to Schedule 11, page 324, line 13.

BARONESS LEVITT

294 Schedule 11, page 328, line 27, at end insert—

“Section 66AD	Copy of a photograph or film to which the offence relates”
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Member's explanatory statement

This amendment enables a deprivation order under section 177DA of the Armed Forces Act 2006 to be made in respect of a copy the creation of which is an offence under new section 66AD of the Sexual Offences Act 2003 (inserted by my amendment to Schedule 11, page 324, line 13).

BARONESS LEVITT

295 Schedule 11, page 330, line 4, at end insert —

“Section 66AD Copy of a photograph or film to which the offence relates”

Member's explanatory statement

This amendment enables a deprivation order under section 154A of the Sentencing Code to be made in respect of a copy the creation of which is an offence under new section 66AD of the Sexual Offences Act 2003 (inserted by my amendment to Schedule 11, page 324, line 13).

BARONESS LEVITT

296 Schedule 11, page 330, line 21, at end insert —

“Online Safety Act 2023 (c. 50)

23 In Schedule 7 to the Online Safety Act 2023 (priority offences), in paragraph 28A (Sexual Offences Act 2003), at the end insert —

- “(c) section 66E (creating purported intimate image of adult);
- (d) section 66F (requesting the creation of purported intimate image of adult).”

Member's explanatory statement

This amendment adds offences to Schedule 7 to the Online Safety Act 2023, requiring service providers to take action to identify and minimise users' exposure to content created or requested in the commission of those offences and to mitigate the risk of services being used to commit those offences.

BARONESS OWEN OF ALDERLEY EDGE

BARONESS KIDRON

LORD CLEMENT-JONES

As an amendment to Amendment 296

296A★ After “2003)” insert —

“(a) after sub-paragraph (a), insert —

“(aa) 66AA (sharing semen-defaced image);”;

(b)”

After Clause 91

BARONESS LEVITT

297 After Clause 91, insert the following new Clause –

“Pornographic images of sex between relatives

- (1) After section 67D of the Criminal Justice and Immigration Act 2008 (inserted by section 90 of this Act) insert –

“67E Possession or publication of pornographic images of sex between relatives

- (1) It is an offence for a person (P) to be in possession of an image if –
- (a) the image is pornographic, within the meaning of section 63,
 - (b) the image portrays, in an explicit and realistic way, a person (A) sexually penetrating –
 - (i) the vagina or anus of another person (B) with a part of A’s body or anything else, or
 - (ii) B’s mouth with A’s penis,
 - (c) a reasonable person looking at the image would think that A and B were real, and
 - (d) a reasonable person –
 - (i) looking at the image, and
 - (ii) taking into account any sound or information associated with the image,would think that A and B were related, or pretending to be related, in a way mentioned in subsection (2).
- (2) That is to say, A being related to B as parent, grandparent, child, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.
- (3) It is an offence for a person to publish an image of the kind mentioned in subsection (1).
- (4) Publishing an image includes giving or making it available to another person by any means.
- (5) For the purpose of subsection (1)(d) –
- (a) the reference to sound or information associated with the image is –
 - (i) when subsection (1)(d) applies for the purpose of an offence under subsection (1), to sound, or information, associated with the image that is in P’s possession, and
 - (ii) when subsection (1)(d) applies for the purpose of an offence under subsection (3), to sound, or information, associated with the image that the person in subsection (3) publishes with the image, and

- (b) A and B are not to be taken as pretending to be related if it is fanciful that they are actually related in the way pretended.
- (6) In subsection (2) —
 - (a) “parent” includes an adoptive parent;
 - (b) “child” includes an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act 2002;
 - (c) “uncle” means the brother of a person’s parent, and “aunt” has a corresponding meaning;
 - (d) “nephew” means the child of a person’s brother or sister, and “niece” has a corresponding meaning.
- (7) For the purpose of this section —
 - (a) “image” has the same meaning as in section 63;
 - (b) penetration is a continuing act from entry to withdrawal;
 - (c) “vagina” includes vulva;
 - (d) references to a part of the body include references to a part surgically constructed (in particular through gender reassignment surgery).
- (8) Subsections (1) and (3) do not apply to excluded images, within the meaning of section 64.
- (9) Nothing in —
 - (a) section 47 of the Adoption Act 1976 (which disapplies the status provisions in section 39 of that Act for the purposes of this section in relation to adoptions before 30 December 2005), or
 - (b) section 74 of the Adoption and Children Act 2002 (which disapplies the status provisions in section 67 of that Act for those purposes in relation to adoptions on or after that date),
 is to be read as preventing the application of section 39 of the Adoption Act 1976 or section 67 of the Adoption and Children Act 2002 for the purposes of subsection (6)(a) or (b).
- (10) Proceedings for an offence under this section may not be instituted except by or with the consent of the Director of Public Prosecutions.

67F Defences to offence under section 67E

- (1) Where a person is charged with an offence under section 67E(1), it is a defence for the person to prove any of the matters mentioned in subsection (2).
- (2) The matters are —
 - (a) that the person had a legitimate reason for being in possession of the image concerned;
 - (b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an image of the kind mentioned in section 67E(1);

- (c) that the person—
 - (i) was sent the image concerned without any prior request having been made by or on behalf of the person, and
 - (ii) did not keep it for an unreasonable time;
 - (d) that—
 - (i) the person directly participated in the act portrayed as person A or B mentioned in section 67E(1)(b),
 - (ii) the act did not involve the infliction of any non-consensual harm on any person, and
 - (iii) the person is not related to person B or A (as the case may be) in a way mentioned in section 67E(2).
- (3) Where a person is charged with an offence under section 67E(3), it is a defence for a person to prove any of the matters mentioned in subsection (4).
- (4) The matters are—
 - (a) that the person had a legitimate reason for publishing the image concerned to the persons to whom they published it;
 - (b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an image of the kind mentioned in section 67E(1);
 - (c) that—
 - (i) the person directly participated in the act portrayed as person A or B mentioned in section 67E(1)(b),
 - (ii) the act did not involve the infliction of any non-consensual harm on any person,
 - (iii) the person is not related to person B or A (as the case may be) in a way mentioned in section 67E(2), and
 - (iv) the person only published the image to person B or A (as the case may be).
- (5) In this section, “non-consensual harm” has the same meaning as in section 66.

67G Penalties for offences under section 67E

- (1) A person who commits an offence under section 67E(1) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (2) A person who commits an offence under section 67E(3) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).”

- (2) In section 68 of that Act (special rules relating to providers of information society services), after “67A” (inserted by section 90 of this Act) insert “and 67E”.
- (3) In Schedule 14 to that Act (special rules relating to providers of information society services), in paragraphs 3(1), 4(2) and 5(1) after “67A” (inserted by section 90 of this Act) insert “or 67E”.
- (4) In section 47(1) of the Adoption Act 1976, for “or sections 64 and 65 of the Sexual Offences Act 2003 (sex with an adult relative)” substitute “sections 64 and 65 of the Sexual Offences Act 2003 (sex with an adult relative), or section 67E of the Criminal Justice and Immigration Act 2008 (possession or publication of pornographic images of sex between relatives)”.
- (5) In section 74(1) of the Adoption and Children Act 2002 –
 - (a) omit the “or” after paragraph (a);
 - (b) after paragraph (b) insert “, or
 - (c) section 67E of the Criminal Justice and Immigration Act 2008 (possession or publication of pornographic images of sex between relatives).”
- (6) In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for the purposes of section 327A), after paragraph 13ZA (inserted by section 90 of this Act) insert –

“13ZB An offence under section 67E of that Act (possession or publication of pornographic images of sex between relatives).”
- (7) In Schedule 7 to the Online Safety Act 2023 (priority offences), in paragraph 29, after paragraph (b) (inserted by section 90 of this Act) insert “;
 - (c) section 67E (possession or publication of pornographic images of sex between relatives).”

Member's explanatory statement

This amendment makes it an offence to possess or publish pornographic images of sex between relatives (that is to say, incest).

BARONESS BERTIN
 BARONESS KIDRON
 BARONESS BENJAMIN
 LORD CLEMENT-JONES

As an amendment to Amendment 297

- 297A★** In subsection (1), in inserted section 67E(1)(d), leave out from “related,” to end of inserted subsection (2) and insert “as defined in section 27 (family relationships) of the Sexual Offences Act 2003.”

BARONESS BERTIN
BARONESS KIDRON
BARONESS BENJAMIN
LORD CLEMENT-JONES

As an amendment to Amendment 297

297B★ In subsection (1), in inserted section 67E, leave out subsection (6)

BARONESS BERTIN
BARONESS KIDRON
BARONESS BENJAMIN
LORD CLEMENT-JONES

As an amendment to Amendment 297

297C★ In subsection (1), in inserted section 67F(2)(d)(iii), leave out “in a way mentioned in section 67E(2)” and insert “as defined in section 27 (family relationships) of the Sexual Offences Act 2003”

BARONESS BERTIN
BARONESS KIDRON
BARONESS BENJAMIN
LORD CLEMENT-JONES

As an amendment to Amendment 297

297D★ In subsection (1), in inserted section 67F(4)(d)(iii), leave out “in a way mentioned in section 67E(2)” and insert “as defined in section 27 (family relationships) of the Sexual Offences Act 2003”

BARONESS BERTIN
BARONESS KIDRON
BARONESS BENJAMIN
BARONESS KENNEDY OF THE SHAWS

298 After Clause 91, insert the following new Clause—

“Pornographic content: online harmful content

- (1) A person commits an offence if they publish or allow or facilitate the publishing of pornographic content online which contains harmful material.
- (2) For the purposes of subsection (1), “harmful material” means content which—
 - (a) amounts to a relevant offence specified in Schedule 6 (child sexual exploitation and abuse offences) of the Online Safety Act 2023,
 - (b) would be an offence under—
 - (i) either the Obscene Publications Act 1959 or the Obscene Publications Act 1964, or
 - (ii) either section 63 (possession of extreme pornographic images) or section 67A (possession or publication of pornographic images of

- strangulation or suffocation) of the Criminal Justice and Immigration Act 2008,
- (c) promotes or encourages sexual activity that would be an offence under the Sexual Offences Act 2003,
 - (d) depicts a sexual act which is –
 - (i) non-consensual, or
 - (ii) appears to be non-consensual,
 - (e) depicts in an explicit and realistic way, a sexual act which –
 - (i) threatens a person’s life,
 - (ii) which results, or is likely to result, in serious injury to a person,
 - (f) depicts penetration of a person’s vagina or anus by another person with a part of their body or with anything else which is likely to cause physical harm,
 - (g) depicts sexual acts involving distress, humiliation or abuse where one or more persons do not consent to those acts, or
 - (h) depicts a sexual act where a person appears to be or is implied to be a child.
- (3) In this section –
- “penetration” has the same meaning as section 63(7A) (possession of extreme pornographic images) of the Criminal Justice and Immigration Act 2008;
 - “pornographic content” has the same meaning as section 236 (interpretation) of the Online Safety Act 2023;
 - “vagina” has the same meaning as section 63(7A) of the Criminal Justice and Immigration Act 2008.
- (4) Where a person is charged with an offence under subsection (1) it is a defence for the person to prove –
- (a) that the person had a legitimate reason for publishing or allowing or facilitating the publishing of pornographic content online which contains harmful material;
 - (b) that the person had not seen the pornographic content concerned and did not know, nor had any cause to suspect, it to be pornographic content which contains harmful material.
- (5) An individual guilty of an offence is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) A person who is a UK national commits an offence under this section regardless of where the offence takes place.
- (7) A person who is not a UK national commits an offence under this section if any part of the offence takes place in the United Kingdom.

- (8) Within six months of the day on which this Act is passed, the Secretary of State must make regulations appointing at least two or more public bodies (the appointed body) where within this section –
 - (a) one or more bodies has a monitoring and auditing role of online platforms, and
 - (b) one or more different bodies from those appointed under subsection (8)(a) has a monitoring and enforcement role.
- (9) For the purposes of subsection (8)(a), one of the bodies must be the video works authority where “video works authority” has the same meaning as in section 368E(7) of the Communications Act 2003 (harmful material).
- (10) Regulations made under subsection (8)(b) may provide the appointed body with the powers contained in sections 144 and 146 of the Online Safety Act 2023, to apply to the court for a Service Restriction Order or Access Restriction Order (or both) where –
 - (a) an offence has taken place and the material remains online on the platform or any other online platform, or
 - (b) it appears to the regulator that an offence has taken place under this section even in the absence of a prosecution.
- (11) The appointed bodies must, within six months of being appointed by the Secretary of State, lay before Parliament a strategy for monitoring and auditing, and enforcing, compliance with the provisions in this section.
- (12) The appointed bodies must lay before Parliament an annual report, outlining the auditing and enforcement activities undertaken in relation to this section.
- (13) In Schedule 7 to the Online Safety Act 2023 (priority offences), after paragraph 29, insert –

“29A An offence under section(*Pornographic content: online harmful content*) of the Crime and Policing Act 2026.”

Member's explanatory statement

This new clause extends safeguarding requirements for pornography distributed offline to pornography distributed online by making it an offence to publish certain harmful material.

BARONESS BERTIN
 BARONESS KIDRON
 BARONESS BENJAMIN
 BARONESS KENNEDY OF THE SHAWS

299

After Clause 91, insert the following new Clause –

“Amendment of possession of extreme pornographic images provision to cover incest

- (1) Section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) is amended as follows.
- (2) In subsection (5A)(a), after “(7A)” insert “or (7AA)”.

- (3) In subsection (6)(a), after “(7A)” insert “or (7AA)”.
- (4) After subsection (7A) insert —
 - “(7AA) An image falls within this subsection if it portrays, in an explicit and realistic way, any of the following where the acts depict or are intended to depict a person (A) and a child family member (B) —
 - (a) penetration of B’s anus or vagina with a part of A’s body or anything else,
 - (b) penetration of B’s mouth with A’s penis,
 - (c) penetration of A’s anus or vagina with a part of B’s body, or
 - (d) penetration of A’s mouth with B’s penis.
 - (7AB) In determining whether an image falls within subsection (7AA), reference may be had to —
 - (a) how the image is or was described (whether the description is part of the image itself or otherwise),
 - (b) any sounds accompanying the image,
 - (c) where the image forms an integral part of a narrative constituted by a series of images —
 - (i) any sounds accompanying the series of images,
 - (ii) the context provided by that narrative, and
 - (d) the overall context in which the image appears, including but not limited to, the setting, the conduct and appearance of the depicted person or persons, and any other relevant factors.
 - (7AC) For the purposes of subsection (7AA) —
 - “child” means a person under the age of 18 years;
 - “family member” has the same meaning as set out in section 27 (family relationships) of the Sexual Offences Act 2003.”
- (5) In subsection (7B), after “(7A)” insert “and (7AA).”

Member's explanatory statement

This amendment would extend the definition of extreme pornographic images to cover pornographic content that depicts unlawful sexual activities between family members, as proscribed by the Sexual Offences Act 2003. This includes specific blood relationships, foster parents and some step-family relationships. It does not cover the depiction of sexual activity that would be lawful to undertake between adults.

BARONESS BERTIN
BARONESS KIDRON
BARONESS BENJAMIN
BARONESS KENNEDY OF THE SHAWS

300 After Clause 91, insert the following new Clause —

“Pornographic content: duty to verify age

- (1) A person commits an offence if they publish or allow or facilitate the publishing of pornographic content online where it has not been verified that —
 - (a) every individual featuring in pornographic content on the platform has given their consent for the content in which they feature to be published or made available by the service,
 - (b) every individual featuring in pornographic content on the platform has been verified as an adult, and that age verification was completed before the content was created and before it was published on the service, and
 - (c) every individual featured in pornographic content on the platform, that had already been published on the service on the day on which this Act was passed, is an adult.
- (2) It is irrelevant under subsection (1)(a) whether the individual featured in pornographic material has previously given their consent to the relevant content being published if they have subsequently withdrawn that consent in writing, either directly or via an appointed legal representative, to —
 - (a) the platform, or
 - (b) the relevant regulator where a contact address was not provided by the platform to receive external communications.
- (3) If withdrawal of consent under subsection (2) has been communicated in writing to an address issued by the platform or to the relevant public body, the relevant material must be removed by the platform within 24 hours of the communication being sent.
- (4) An individual guilty of an offence under this section is liable —
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (5) A person who is a UK national commits an offence under this section regardless of where the offence takes place.
- (6) A person who is not a UK national commits an offence under this section if any part of the offence takes place in the United Kingdom.
- (7) The platform on which material that violates the provisions in this section is published can be fined up to £18 million or 10 per cent of their qualifying worldwide revenue, whichever is greater.

- (8) The Secretary of State must appoint one or more public bodies to monitor and enforce compliance by online platforms with this section, with the relevant public body –
 - (a) granted powers to impose business disruption measures on non-compliant online platforms, including but not limited to service restriction (imposing requirements on one or more persons who provide an ancillary service, whether from within or outside the United Kingdom, in relation to a regulated service); and access restriction (imposing requirements on one or more persons who provide an access facility, whether from within or outside the United Kingdom, in relation to a regulated service);
 - (b) required to act in accordance with regulations relating to monitoring and enforcement of this section issued by the Secretary of State, including but not limited to providing the Secretary of State with a plan for monitoring and enforcement of the provisions in this section within six months of the day on which this Act is passed, and publishing annual updates on enforcement activity relating to this section.
- (9) A relevant public body has a duty to act under subsection (8)(a) if it is satisfied an offence has taken place under this section even in the absence of a prosecution or if it is notified by an individual that consent has been withdrawn by that individual under subsection (2).
- (10) Internet services hosting pornographic content must make and keep a written record outlining their compliance with the provisions of this section, and such a record must be summarised in a publicly available statement alongside the publishing requirements in section 81(4) and (5) of the Online Safety Act 2023 (duties about regulated provider pornographic content)."

Member's explanatory statement

This new clause makes it a requirement for pornography websites to verify the age and permission of everyone featured on their site, and enable withdrawal of consent at any time.

BARONESS BERTIN
 BARONESS KIDRON
 BARONESS BENJAMIN
 LORD CLEMENT-JONES

300A★ After Clause 91, insert the following new Clause –

“Amendment of Protection of Children Act 1978

- (1) The Protection of Children Act 1978 is amended as follow.
- (2) In section 1(1)(a) (indecent photographs of children) after “child” insert “or a person who appears to be or is implied to be a child”.
- (3) In section 7 (interpretation), after subsection (9) insert –
 - “(10) When determining under section 1 whether an indecent photograph or pseudo-photograph is of a person who appears to be or is implied to be a child, reference may be had to –

- (a) how the image is or was described (whether the description is part of the image itself or otherwise);
- (b) any sounds accompanying the image;
- (c) where the image forms an integral part of a narrative constituted by a series of images –
 - (i) any sounds accompanying the series of images,
 - (ii) the context provided by that narrative;
- (d) the overall context in which the image appears, including but not limited to, the setting, the conduct and appearance of the depicted person or persons, and any other relevant factors.””

Member's explanatory statement

This amendment makes a series of amendments to the Protection of Children Act 1978 to extend the offence of making an indecent photograph of a child to cases where the child depicted is an adult.

After Clause 94

BARONESS LEVITT
LORD PANNICK

301 After Clause 94, insert the following new Clause –

“Sexual activity with an animal

- (1) The Sexual Offences Act 2003 is amended in accordance with subsections (2) to (5).
- (2) For section 69 (intercourse with an animal) substitute –

“69 Sexual activity with an animal

- (1) A person commits an offence if –
 - (a) the person intentionally touches an animal (whether living or dead),
 - (b) the person knows that, or is reckless as to whether, that is what is touched, and
 - (c) the touching is sexual.
- (2) For the purposes of this section, touching is sexual if a reasonable person would consider that –
 - (a) because of its nature it may be sexual, and
 - (b) because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.
- (3) A person who commits an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”

- (3) In section 78 (meaning of “sexual”), after “66D” insert “, 69”.
- (4) In section 79 (Part 1: general interpretation) omit subsection (10).
- (5) In paragraphs 35 and 92 of Schedule 3 (sexual offences that make offender subject to notification requirements), for “intercourse” substitute “sexual activity”.
- (6) In the following provisions, for “intercourse” substitute “sexual activity” –
 - (a) paragraph 151 of Schedule 15 to the Criminal Justice Act 2003;
 - (b) paragraph 38(az) of Schedule 18 to the Sentencing Code.”

Member's explanatory statement

This amendment replaces the existing offence of intercourse with an animal with a wider offence of sexual activity with an animal.

Clause 95

BARONESS LEVITT

302 Clause 95, page 122, line 12, leave out “paragraph 35” and insert “paragraphs 35 and 92”

Member's explanatory statement

This amendment updates the wording of a reference to the offence of sexual activity with a corpse in paragraph 92 of Schedule 3 to the Sexual Offences Act 2003.

After Clause 97

BARONESS GOUDIE
LORD MORROW

303 After Clause 97, insert the following new Clause –

“Prohibition of pimping

- (1) A person commits an offence if –
 - (a) the person (C) assists, facilitates, controls, or incites, by any means, another person (B) to engage in sexual activity with another person (A) in exchange for payment or other benefit, anywhere in the world, and
 - (b) the circumstances are that –
 - (i) the person (C) knows or ought to know that the other person (B) is engaging in sexual activity for payment and the person (C) assists, facilitates, controls, or incites the other person (B) to engage in sexual activity with another person (A), or
 - (ii) the person (C) causes or allows to be displayed or published, including digitally, any advertisement in respect of activity prohibited by subsections (1)(a) or (1)(b)(i).
- (2) A person (C) commits an offence under subsection (1) regardless of whether they secure personal financial gain, or personally benefits in any way, from facilitating

person (B) engaging in sexual activity with person (A) in exchange for payment or other benefit.

- (3) A person (D) commits an offence under subsection (1) if they knowingly secure financial gain, or benefits in any way, from person (B) engaging in sexual activity with person (A) in exchange for payment or other benefit, anywhere in the world, regardless of whether person (D) facilitated the exchange between persons B and A.
- (4) A person guilty of an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding ten years.
- (5) In considering the seriousness of an offence committed under subsection (1)(b)(ii), the court must treat the following as aggravating factors –
 - (a) the annual financial turnover of the digital or physical platform (the platform) used to facilitate and or advertise activity prohibited in subsection (1)(a) and (1)(b)(i);
 - (b) the number of prostitution related offences, under subsection (1), facilitated by the platform in question;
 - (c) whether the platform has facilitated trafficking for sexual exploitation.
- (6) A person who is a UK national commits an offence under this section regardless of where the offence takes place.
- (7) A person who is not a UK national commits an offence under this section if any part of the offence takes place in the UK.
- (8) The Secretary of State must, within six months of the day on which this Act is passed, make regulations to appoint a public body (the designated body) to monitor and enforce compliance by online platforms with this section.
- (9) Regulations made under subsection (8) may provide the designated body with the powers, contained in section 144 of the Online Safety Act 2023, to apply to the court for a Service Restriction Order.
- (10) The designated body must, within six months of it being appointed under regulations made by subsection (8), lay before Parliament a report outlining its plan for monitoring compliance with, and enforcement of, the provisions of this section of the Act.
- (11) The designated body must lay before Parliament an annual report outlining its progress in ensuring compliance with the provisions of this Act, including information on enforcement activity relating to these provisions.”

Member's explanatory statement

This new clause would make it a criminal offence to enable or profit from the prostitution of another person, including by operating a website hosting adverts for prostitution.

BARONESS GOUDIE

304 After Clause 97, insert the following new Clause—

“Paying for sex acts

- (1) A person (A) who gives, offers, or promises payment to a person (B) to engage in sexual activity with person (A) is guilty of an offence.
- (2) A person (A) who gives, offers, or promises payment to a person (B) to engage in sexual activity with any other person (C) is guilty of an offence.
- (3) For the purpose of subsections (1) and (2)—
 - (a) a “payment” includes money, a benefit, or any other consideration;
 - (b) an activity is sexual if a reasonable person would consider that—
 - (i) whatever its circumstances or any person’s purpose in relation to it, it is because of its nature sexual, or
 - (ii) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual;
 - (c) no offence is committed by a person (A) unless the sexual activity with the other person (B) involves—
 - (i) the person (A or C) being in the other person (B)’s presence and physical contact between the person (A or C) and the other person (B), or
 - (ii) the person (B) touching themselves for the sexual gratification of the other person (A or C);
 - (d) it is immaterial whether the payment is given, offered, or promised by a person (A) engaging in the sexual activity, or a third party.
- (4) A person guilty of an offence under subsections (1) or (2) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both), and a requirement to complete an offender behaviour programme at the offender’s expense;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine not exceeding the statutory maximum (or both).
- (5) A person who is not a UK national commits an offence under subsections (1) or (2) if any part of the offence takes place in the UK.”

Member’s explanatory statement

This new clause makes it an offence to pay for, or attempt to, pay for sex either for themselves or on behalf of others.

BARONESS GOUDIE

305 After Clause 97, insert the following new Clause —

“Abolition of offence of loitering or soliciting for the purposes of prostitution

- (1) The Street Offences Act 1959 is amended as follows.
- (2) Omit sections 1, 1A and 2.”

Member's explanatory statement

This new clause ends sanctions against victims of commercial sexual exploitation by repealing the offence of “Loitering or soliciting for purposes of prostitution” and relevant related parts of the Street Offences Act 1959.

BARONESS GOUDIE

306 After Clause 97, insert the following new Clause —

“Power of Secretary of State to disregard convictions or cautions

- (1) The Protection of Freedoms Act 2012 is amended as follows.
- (2) In section 92(1) after “same sex” insert “, or for an offence committed under section 1 of the Street Offences Act 1959,”.
- (3) In section 92(2) after “met” insert “, or, for a conviction or caution for an offence committed under Section 1 of the Street Offences Act 1959, B alone is met”.”

Member's explanatory statement

This new clause would disregard historical cautions or convictions against victims of commercial sexual exploitation for loitering or soliciting for the purpose of prostitution.

After Clause 105

BARONESS MACLEAN OF REDDITCH
LORD JACKSON OF PETERBOROUGH

307 After Clause 105, insert the following new Clause —

“Restriction on applying for gender recognition certificate

Any offender who has been convicted of a sexual offence under the Sexual Offences Act 2003 may not obtain a gender recognition certificate.”

Clause 108

LORD HANSON OF FLINT

308 Clause 108, page 147, line 4, at end insert —

“(b) in subsection (1), after “satisfied” insert “on the balance of probabilities”;

- (c) in subsection (2), after “satisfied” insert “on the balance of probabilities”.

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order, or whether to include a particular prohibition or requirement, is the civil standard.

LORD HANSON OF FLINT

- 309 Clause 108, page 147, line 18, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order is the civil standard.

LORD HANSON OF FLINT

- 310 Clause 108, page 147, line 25, after “(4)” insert –

- “(i) in paragraph (a), after “satisfied” insert “on the balance of probabilities”;
(ii)”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to impose an additional prohibition or requirement on the variation or renewal of a stalking protection order is the civil standard.

Clause 109

LORD HANSON OF FLINT

- 311 Clause 109, page 150, line 8, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order is the civil standard.

LORD HANSON OF FLINT

- 312 Clause 109, page 150, line 16, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to include a particular prohibition or requirement in a stalking protection order is the civil standard.

LORD HANSON OF FLINT

313 Clause 109, page 151, line 20, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to impose an additional prohibition or requirement on the variation or renewal of a stalking protection order is the civil standard.

BARONESS ROYALL OF BLAISDON
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

313A★ Clause 109, page 153, line 36, at end insert –

“364I Stalking protection notices and streamlined process for stalking protection orders

- (1) A senior police officer of the rank of Superintendent or above may issue a stalking protection notice (“SPN”) where they have reasonable grounds to believe that –
 - (a) the defendant has carried out behaviour associated with stalking as described in this Act,
 - (b) the defendant is aged 18 or over, and
 - (c) it is necessary to issue a notice to protect another person from the risk of stalking.
- (2) A stalking protection notice may –
 - (a) prohibit the defendant from engaging in conduct which amounts to stalking, or from contacting or attempting to contact another person (“the protected person”) in a manner associated with stalking behaviour,
 - (b) include a direction for a defendant to attend a magistrate’s court within 72 hours for an application for a Stalking Protection Order, and
 - (c) remain in force until that hearing takes place.
- (3) A stalking protection notice must –
 - (a) state the grounds on which it is made,
 - (b) set out the terms of the notice, and
 - (c) inform the Defendant of the date, time and location of the court hearing.”

Clause 110

LORD HANSON OF FLINT

314 Clause 110, page 155, line 13, at end insert –

- “(ii) after “satisfied” insert “on the balance of probabilities”;
 (c) in subsection (3), after “satisfied” insert “on the balance of probabilities”.”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order, or whether to include a particular prohibition or requirement, is the civil standard.

LORD HANSON OF FLINT

315 Clause 110, page 155, line 16, at end insert –

- “(aa) in subsection (3)(a), after “satisfied” insert “on the balance of probabilities”;

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to impose an additional prohibition or requirement on the variation or renewal of a stalking protection order is the civil standard.

Clause 111

BARONESS BRINTON
 BARONESS DOOCEY
 LORD HANSON OF FLINT

316 Clause 111, page 157, line 12, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require the issuance of stalking guidance by the Secretary of State, mirroring the provisions for guidance within the Domestic Abuse Act 2021.

After Clause 116

LORD CLEMENT-JONES
 BARONESS DOOCEY

317 After Clause 116, insert the following new Clause –

“Consultation on guidance for serious self-harm offences

- (1) The Secretary of State must issue guidance regarding the application of sections 115 and 116 (encouraging or assisting serious self-harm).

- (2) Before issuing or revising any guidance under subsection (1), the Secretary of State must consult extensively with the following persons and organisations—
 - (a) representatives of self-harm support charities and organisations;
 - (b) mental health professionals, including those providing trauma-informed care and support;
 - (c) legal experts, including prosecutors and defence practitioners, regarding the application of the specific intent requirement;
 - (d) such other persons as the Secretary of State considers appropriate.
- (3) The guidance issued under this section must—
 - (a) clearly differentiate between conduct falling within the criminal offence under section 102 (which requires specific intention to encourage or assist serious self-harm) and legitimate, supportive, or therapeutic activity;
 - (b) include instruction for law enforcement and relevant agencies on identifying and engaging with vulnerable individuals in a trauma-informed manner.
- (4) The Secretary of State must lay before both Houses of Parliament a copy of any guidance issued or revised under this section.”

Member's explanatory statement

This amendment requires the Secretary of State to issue guidance on the serious self-harm sections of this Bill.

Clause 121

LORD LUCAS

318 Clause 121, page 163, line 32, leave out “(6)” and insert “(6A)”

Member's explanatory statement

This amendment introduces subsection (6A) inserted by another Lord Lucas amendment.

LORD LUCAS

319 Clause 121, page 165, line 38, at end insert—

“(6A) After section 103 (obtaining licence, or driving, while disqualified) insert—

“103A Riding, or attempting to ride, a cycle while disqualified

- (1) A person is guilty of an offence if he rides, or attempts to ride, a cycle on a road or other public place while disqualified.
- (2) A constable in uniform may arrest without warrant any person riding or attempting to ride a cycle on a road or other public place whom he has reasonable cause to suspect of being disqualified.””

Member's explanatory statement

This amendment creates the offence of riding, or attempting to ride, a cycle while disqualified.

LORD LUCAS

320 Clause 121, page 166, line 2, leave out “(12)” and insert “(12B)”

Member's explanatory statement

This amendment introduces subsections (12A) and (12B) inserted by other Lord Lucas amendments.

LORD LUCAS

321 Clause 121, page 166, line 36, at end insert –

“(9A) In section 34 (disqualification for certain offences)–

(a) after subsection (4)(a)(iic) insert –

“(iid) an offence under section 27B of that Act (causing serious injury by dangerous cycling),”

(b) after subsection (4ZA)(b) insert –

“(c) an offence under section 27A of that Act (causing death by dangerous cycling),”

(9B) In section 98(1) (general interpretation), for the definition of “disqualified” substitute –

““disqualified” means –

(a) in relation to a person convicted of an offence involving the driving of a mechanically propelled vehicle, disqualified for holding or obtaining a licence, and

(b) in relation to a person convicted of an offence involving the riding of a cycle, disqualified for riding a cycle on a road or other public place,

and “disqualification” is to be construed accordingly,””

Member's explanatory statement

This amendment begins by prescribing that the period of obligatory disqualification for the two most serious offences of causing death, or serious injury, by dangerous cycling shall not be less than 5 and 2 years respectively. It ends by extending to cyclists the definition of “disqualified”.

LORD LUCAS

322 Clause 121, page 166, line 39, leave out “4” and insert “5”

Member's explanatory statement

This amendment is connected to other amendments in Lord Lucas' name which amend Schedule 2 of the Road Traffic Offenders Act 1988 to give effect to an amendment to introduce disqualification for dangerous cycling offences.

LORD LUCAS

323 Clause 121, page 167, line 1, insert new column after column 4 –

“Obligatory”

Member's explanatory statement

This amendment amends Schedule 2 of the Road Traffic Offenders Act 1988 to establish obligatory disqualification for cycling offences, giving effect to another amendment in Lord Lucas' name to introduce disqualification for dangerous cycling offences.

LORD LUCAS

324 Clause 121, page 167, line 3, insert new column after column 4 –

“Obligatory”

Member's explanatory statement

This amendment amends Schedule 2 of the Road Traffic Offenders Act 1988 to establish obligatory disqualification for cycling offences, giving effect to another amendment in Lord Lucas' name to introduce disqualification for dangerous cycling offences.

LORD LUCAS

325 Clause 121, page 167, line 13, insert new column after column 4 –

“Obligatory”

Member's explanatory statement

This amendment amends Schedule 2 of the Road Traffic Offenders Act 1988 to establish obligatory disqualification for cycling offences, giving effect to another amendment in Lord Lucas' name to introduce disqualification for dangerous cycling offences.

LORD HOGAN-HOWE

326 Clause 121, page 167, line 16, after “both”, insert “and up to 12 points on any relevant driver's licence”

LORD HOGAN-HOWE

327 Clause 121, page 167, line 19, after “both”, insert “and up to 12 points on any relevant driver's licence”

LORD HOGAN-HOWE

- 328 Clause 121, page 167, line 20, after “both”, insert “and up to 12 points on any relevant driver’s licence”

LORD LUCAS

- 329 Clause 121, page 167, line 21, insert new column after column 4 –

“Obligatory”

Member's explanatory statement

This amendment amends Schedule 2 of the Road Traffic Offenders Act 1988 to establish obligatory disqualification for cycling offences, giving effect to another amendment in Lord Lucas’ name to introduce disqualification for dangerous cycling offences.

LORD HOGAN-HOWE

- 330 Clause 121, page 167, line 24, after “both”, insert “and up to 12 points on any relevant driver’s licence”

LORD HOGAN-HOWE

- 331 Clause 121, page 167, line 27, after “both”, insert “and up to 12 points on any relevant driver’s licence”

LORD HOGAN-HOWE

- 332 Clause 121, page 167, line 29, after “both” insert “and up to 12 points on any relevant driver’s licence”

LORD LUCAS

- 333 Clause 121, page 167, line 29, at end insert –

“(12A) After the entry relating to “RTA section 103(1)(b)” insert in columns 1 to 5 –

“RTA section 103A	Riding, or attempting to ride, a cycle while disqualified.	Summarily.	Level 4 on the standard scale.	Discretionary.”
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(12B) After Schedule 2 insert —

“SCHEDULE 2A

DISQUALIFICATION FOR RIDING A CYCLE: MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 This Act has effect in relation to a person disqualified for riding a cycle as if Part II (sentence) were amended as follows.
- 2 In section 26 (interim disqualification)—
 - (a) omit subsections (7) to (11), and
 - (b) in subsection (12), for “section 34 or 35” substitute “section 34”.
- 3 Omit sections 34A to 37A (provisions relevant only to a person disqualified for driving a mechanically propelled vehicle).
- 4 In section 38(1) (appeal against disqualification), for “section 34 or 35” substitute “section 34”.
- 5 In section 39 (suspension of disqualification pending appeal) omit subsections (3) and (4).
- 6 In section 40 (power of appellate courts in England and Wales to suspend disqualification) omit subsections (7) and (8).
- 7 In section 41 (power of appellate courts in Scotland to suspend disqualification) omit subsections (3) and (4).
- 8 Omit section 41A (suspension of disqualification pending determination of applications under section 34B).
- 9 In section 42 (removal of disqualification)—
 - (a) in subsection (3) omit “(disregarding any extension period)” wherever those words appear, and
 - (b) omit subsections (3A)(b), (3B) and (5)(a).
- 10 Omit sections 44, 44A and 45A (endorsement of licence and driving record).
- 11 In section 46 (combination of disqualification with orders for discharge)—
 - (a) in subsection (1), for “sections 34, 35, 36, 44 or 44A” substitute “section 34”,
 - (b) in subsection (2)—
 - (i) omit “or” at the end of paragraph (a), and
 - (ii) omit paragraph (b),
 - (c) in subsection (3), for “sections 34, 35, 36, 44 and 45A” substitute “section 34”.
- 12 In section 47 (supplementary provisions as to disqualifications and endorsements)—
 - (a) in subsection (1)—
 - (i) for “section 34, 35 or 44” substitute “section 34”, and
 - (ii) omit “or endorsement”,
 - (b) omit subsections (2) to (4).

- 13 Omit sections 48 to 50 (exemption from disqualification and endorsement for offences against construction and use regulations, etc).”

Member's explanatory statement

This amendment makes a series of amendments to the Road Traffic Offenders Act 1988. It prescribes the penalties and mode of prosecution for the offence created by another amendment in the name of Lord Lucas and inserts a Schedule containing minor and consequential amendments to that Act.

After Clause 121

LORD HANSON OF FLINT

- 334 After Clause 121, insert the following new Clause —

“Aggravated offences

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) For section 28 substitute —

“28 Meaning of “aggravated”

- (1) For the purposes of sections 29 to 32 an offence is aggravated if it is aggravated by —
 - (a) racial hostility,
 - (b) religious hostility,
 - (c) hostility related to disability,
 - (d) hostility related to sexual orientation, or
 - (e) hostility related to transgender identity.
- (2) For the purposes of the following provisions an offence is aggravated if it is aggravated by hostility related to sex —
 - (a) section 29,
 - (b) section 30,
 - (c) section 31(1)(a) and (c), and
 - (d) section 32.
- (3) An offence is aggravated by hostility of one of the kinds mentioned in subsection (1) 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 —
 - (i) the victim’s membership (or presumed membership) of a racial group,
 - (ii) the victim’s membership (or presumed membership) of a religious group,
 - (iii) a disability (or presumed disability) of the victim,
 - (iv) the sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be)

- (v) the victim being (or being presumed to be) transgender, or
- (b) the offence is motivated (wholly or partly) by –
 - (i) hostility towards members of a racial group based on their membership of that group,
 - (ii) hostility towards members of a religious group based on their membership of that group,
 - (iii) hostility towards persons who have a disability or a particular disability,
 - (iv) hostility towards persons who are of a particular sexual orientation, or (as the case may be)
 - (v) hostility towards persons who are transgender.
- (4) An offence is aggravated by hostility related to sex 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 sex (or presumed sex) of the victim, or
 - (b) the offence is motivated (wholly or partly) by hostility towards persons who are of a particular sex.
- (5) For the purposes of subsections (3) and (4), it is immaterial whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- (6) In this section –
 - (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
 - (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
 - (c) “membership” in relation to a racial or religious group, includes association with members of that group;
 - (d) “disability” means any physical or mental impairment;
 - (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
 - (f) “presumed” means presumed by the offender.”
- (3) In the italic heading before section 28, for “Racially or religiously aggravated offences” substitute “Offences aggravated by racial or other hostility”.
- (4) In section 29 (aggravated assaults) –
 - (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”.
- (5) In section 30 (aggravated criminal damage) –

- (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”;
 - (c) in subsection (3) for “28(1)(a)” substitute “28(3)(a) and (4)(a)”.
- (6) In section 31 (aggravated public order offences) –
 - (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”;
 - (c) in subsection (7) for “28(1)(a)” substitute “28(3)(a) and (4)(a)”.
- (7) In section 32 (aggravated harassment) –
 - (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”.
- (8) In section 66 of the Sentencing Code (hostility as aggravating factor in sentencing) –
 - (a) in subsection (1), after “subsection (3)” insert “and subsection (3A)”;
 - (b) after subsection (3) insert –
 - “(3A) So far as it relates to hostility related to disability, sexual orientation and transgender identity, this section does not apply in relation to an offence under sections 29 to 32 of the Crime and Disorder Act 1998 committed on or after the day on which section (*Aggravated offences*)(2) of the Crime and Policing Act 2026 comes into force.”
- (9) In the Armed Forces Act 2006, for sections 240 and 241 substitute –

“240 Increase in sentence for offences aggravated by hostility

- (1) This section applies where a court or officer dealing with an offender for a service offence (other than an offence mentioned in subsection (7)) is considering the seriousness of the offence.
- (2) If the offence is aggravated by hostility of one of the kinds mentioned in subsection (3) the court or officer –
 - (a) must treat that fact as an aggravating factor, and
 - (b) must state in open court that the offence is so aggravated.
- (3) The kinds of hostility are –
 - (a) racial hostility,
 - (b) religious hostility,
 - (c) hostility related to disability,
 - (d) hostility related to sexual orientation, or
 - (e) hostility related to transgender identity.

- (4) An offence is aggravated by hostility of one of the kinds mentioned in subsection (3) 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 –
 - (i) the victim’s membership (or presumed membership) of a racial group,
 - (ii) the victim’s membership (or presumed membership) of a religious group,
 - (iii) a disability (or presumed disability) of the victim,
 - (iv) the sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be)
 - (v) the victim being (or being presumed to be) transgender, or
 - (b) the offence is motivated (wholly or partly) by –
 - (i) hostility towards members of a racial group based on their membership of that group,
 - (ii) hostility towards members of a religious group based on their membership of that group,
 - (iii) hostility towards persons who have a disability or a particular disability,
 - (iv) hostility towards persons who are of a particular sexual orientation, or (as the case may be)
 - (v) hostility towards persons who are transgender.
- (5) It is immaterial whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in subsection (4).
- (6) In this section –
 - (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
 - (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
 - (c) “membership” in relation to a racial or religious group, includes association with members of that group;
 - (d) “disability” means any physical or mental impairment;
 - (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
 - (f) “presumed” means presumed by the offender.
- (7) This section does not apply in relation to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence under any of sections 29 to 32 of the Crime and Disorder Act 1998 (offences aggravated by racial and other hostility).”

Member's explanatory statement

This new clause expands the grounds on which offences may be aggravated under sections 28 to 32 of the Crime and Disorder Act 1998 (racial and religious hostility) to include hostility related to disability, sexual orientation, transgender identity and (except for section 31(1)(b)) sex. It also makes consequential amendments.

LORD YOUNG OF ACTON

As an amendment to Amendment 334

- 334A★** In subsection (2), in inserted section 28, in subsection (1)(e), at end insert “, not including the misgendering of a transgender person”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 334

- 335** In subsection (2), in inserted section 28, in subsection (6), leave out paragraph (c)

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 334

- 336** In subsection (2), in inserted section 28, in subsection (6)(e) leave out “proposing to undergo”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 334

- 337** In subsection (2), in inserted section 28, after subsection (6)(e) insert –
- “(ea) “sex” means biological sex, being male or female only, as determined by sex at birth;”

LORD HANSON OF FLINT

- 338** After Clause 121, insert the following new Clause –

“Domestic abuse protection orders

- (1) The Domestic Abuse Act 2021 is amended as follows.
- (2) In section 35 (provision that may be made by orders), after subsection (5) insert –
 - “(5A) A domestic abuse protection order may require P to participate in an assessment to determine whether P should be required to participate in a programme of activities.

- (5B) A domestic abuse protection order may provide that if, following an assessment required under subsection (5A), the person carrying out the assessment determines that P should participate in a programme of activities, then P is required to participate in that programme of activities.”.
- (3) In section 36 (further provision about requirements that may be imposed by orders), omit subsections (2) to (7).
- (4) In section 44 (variation and discharge of orders), after subsection (3) insert —
 - “(3A) A magistrates’ court may of its own motion vary a domestic abuse protection order made by a magistrates’ court acting in the local justice area in which that court acts.
 - (3B) The Crown Court may of its own motion vary a domestic abuse protection order made by the Crown Court.”

Member's explanatory statement

This new clause adds participation in an assessment and programme of activities as examples of requirements that a domestic abuse protection order may include, and allows the criminal courts to vary domestic abuse protection orders of their own motion.

LORD HANSON OF FLINT

339 After Clause 121, insert the following new Clause —

“Guidance about honour-based abuse

- (1) The Secretary of State may issue guidance about honour-based abuse to such public authorities as the Secretary of State considers appropriate.
- (2) Guidance under this section may include guidance about —
 - (a) the prevention of honour-based abuse;
 - (b) the identification of honour-based abuse;
 - (c) the collection and sharing of information about honour-based abuse;
 - (d) how public authorities should work together in relation to honour-based abuse.
- (3) Before issuing guidance under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) A public authority to which guidance under this section is given must have regard to the guidance when exercising its public functions.
- (5) The Secretary of State must publish the guidance.
- (6) The Secretary of State may revise the guidance.
- (7) Subsections (3) to (6) apply to any revised guidance, except that subsection (3) does not apply if the Secretary of State considers that the revisions are not substantial.

- (8) In this section “public authority” means a person exercising public functions, other than a court or tribunal.”

Member's explanatory statement

This amendment confers a power on the Secretary of State to issue guidance to public authorities about honour-based abuse.

LORD HANSON OF FLINT

340

After Clause 121, insert the following new Clause —

“Meaning of “honour-based abuse”

- (1) For the purposes of section (*Guidance about honour-based abuse*) “honour-based abuse” occurs where —
 - (a) a person (“A”) engages in abusive behaviour towards another person (“B”) who is a member of A’s family or is a relevant connection of A,
 - (b) A is motivated wholly or partly by A’s perception that B has behaved, is behaving or may behave in a way which —
 - (i) shames or dishonours A, B, A’s family, B’s family or A’s community, and
 - (ii) does not comply with the accepted norms of behaviour in A’s community.
- (2) The reference to A engaging in abusive behaviour towards B includes A causing another person to engage in abusive behaviour towards B.
- (3) A person’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (4) Behaviour is “abusive” if it consists of —
 - (a) physical or sexual abuse,
 - (b) violent or threatening behaviour,
 - (c) controlling or coercive behaviour,
 - (d) economic abuse (see subsection (5)),
 - (e) spiritual abuse,
 - (f) psychological or emotional abuse, or
 - (g) other abuse,
 and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (5) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to —
 - (a) acquire, use or maintain money or other property, or
 - (b) obtain goods or services.
- (6) A person is a member of another person’s family if any of the following applies —
 - (a) they are relatives,
 - (b) they are, or have been, married to each other,

- (c) they are, or have been, civil partners of each other,
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated),
 - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated),
 - (f) they are, or have been, in an intimate relationship with each other, or
 - (g) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child,
- (and references to a person's family are to be read accordingly).
- (7) A person is a relevant connection of another person if they are friends or acquaintances who are known to each other in person.
- (8) For the purposes of subsection (6)(g) a person has a parental relationship in relation to a child if—
- (a) the person is a parent of the child, or
 - (b) the person has parental responsibility for the child.
- (9) In this section—
- “child” means a person under the age of 18 years;
 - “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
 - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.”

Member's explanatory statement

This new clause defines “honour-based abuse” for the purposes of my new clause (Guidance about honour based abuse), inserted after clause 121.

BARONESS SUGG
THE LORD BISHOP OF GLOUCESTER

As an amendment to Amendment 340

340A★ In subsection (2), after “person” insert “, or persons,”

Member's explanatory statement

This amendment clarifies that honour-based abuse offences often involve multiple perpetrators, not just a single individual. It explicitly covers situations where one person (A) causes others to act abusively, removing ambiguity for professionals and ensuring the law reflects the complex dynamics of honour-based abuse observed in practice.

BARONESS MCINTOSH OF PICKERING

341 After Clause 121, insert the following new Clause –

“Review: misuse of electric scooters

- (1) The Secretary of State must undertake a review of the misuse of electric scooters, including but not limited to –
 - (a) the likely impact of dangerous use of electric scooters on the safety of drivers and pedestrians on public roads,
 - (b) the ways in which privately-owned electric scooters may pose different risks to other road users in comparison to rental electric scooters, and
 - (c) an assessment of whether it would be appropriate to legalise the use of privately-owned electric scooters in public spaces in order to regulate their safe use.
- (2) In preparing the review under subsection (1), the Secretary of State must consult such persons as they think appropriate.
- (3) The review under subsection (1) must be laid before Parliament within 12 months of the passing of this Act.”

BARONESS MCINTOSH OF PICKERING

342 After Clause 121, insert the following new Clause –

“Annual report: cycling offences

- (1) The Secretary of State must publish an annual report on the number of people charged with offences related to dangerous, careless or inconsiderate cycling in the 12 months prior to the report's preparation.
- (2) “Cycling” in subsection (1) has the same meaning as “a cycle” in section 32A of the Road Traffic Act 1988.
- (3) The report under subsection (1) must set out the proportion of offences which went on to be heard in court.
- (4) The report under subsection (1) must be published within 18 months of the day on which Section 106 is commenced, and annually thereafter.
- (5) The report under subsection (1) must be laid before Parliament.”

LORD HOGAN-HOWE

343 After Clause 121, insert the following new Clause –

“Dangerous, careless or inconsiderate cycling: registration scheme

- (1) Within six months of the day on which this Act is passed, the Secretary of State must, by regulations made by statutory instrument, establish a registration scheme

for the purposes of enforcing the offences in sections 27A, 27B, 28B and 28C of the Road Traffic Act 1988.

- (2) The scheme in subsection (1) must make provision for a system of unique identifiable marks affixed to a cycle in order to identify it.”

LORD BLENCATHRA

344 After Clause 121, insert the following new Clause –

“Dangerous, careless or inconsiderate cycling offences: failure to prevent offence by liable company

- (1) Where an offence is committed under sections 27A (causing death by dangerous cycling), 27B (causing serious injury by dangerous cycling), 28B (causing death by careless, or inconsiderate, cycling) or 28C (causing serious injury by careless, or inconsiderate, cycling) of the Road Traffic Act 1988 and is committed on a cycle by an associated person to a delivery courier company, the responsible organisation is responsible for the offence if –
 - (a) the offence is committed while the associated person is undertaking work for, or on behalf of, the organisation in such a way as to benefit the organisation directly or indirectly, and
 - (b) at the time the offence was committed, the organisation did not have in place reasonable prevention procedures designed to prevent the offence committed by the associated person.
- (2) The capacity in which an associated person performs services for or on behalf of a relevant organisation does not matter.
- (3) Regardless of whether or not an associated person is a person who performs services for or on behalf of a relevant organisation is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between the associated person and the relevant organisation.
- (4) For the purposes of subsection (1)(b), prevention procedures are only reasonable if they are implemented, monitored and evidenced, and include proportionate consideration of the following –
 - (a) written policies;
 - (b) risk assessments;
 - (c) contractual terms;
 - (d) vetting and onboarding;
 - (e) training;
 - (f) operational monitoring of platform practices and performance metrics;
 - (g) audit trails and record-keeping;
 - (h) incident reporting and remediation;
 - (i) independent review.
- (5) The Secretary of State may issue guidance on reasonable prevention procedures.

(6) The relevant organisation shall be liable on summary conviction for an unlimited fine for each conviction of the associated person.

(7) In this section –

“associated person” includes employees, agents, franchisees, contractors and subcontractors, and any person who, whether under contract or otherwise, provides services for or on behalf of the organisation, including persons engaged through the organisation’s digital platform or app, persons subject to the organisation’s operational direction, performance metrics or de facto control, and persons economically dependent on the organisation;

“cycles” includes pedal bicycles, electrically assisted pedal cycles (EAPCs/e bikes); motorised cycles and scooters, pedal tricycles, and light quadricycles;

“relevant organisation” means any person or body running a business that supplies food, groceries, or other goods to customers by means of couriers or delivery persons engaged through a digital platform, app or other arrangement.”

Clause 122

LORD HANSON OF FLINT

345 Clause 122, page 168, line 12, leave out “racially or religiously hostile towards E” and insert “hostile towards E, within the meaning of section 124(3)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 124, page 169, line 20.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

346 Leave out Clause 122

Clause 123

LORD HANSON OF FLINT

347 Clause 123, page 169, line 2, leave out “racially or religiously hostile towards E” and insert “hostile towards E, within the meaning of section 124(3)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 124, page 169, line 20.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

348 Leave out Clause 123

Clause 124

LORD HANSON OF FLINT

349 Clause 124, page 169, line 20, leave out subsection (3) and insert –

- “(3) The conduct of a person (“D”) is hostile towards another person (“E”) if –
- (a) at the time of that conduct, or immediately before or after that time, D demonstrates towards E hostility based on –
 - (i) E’s membership (or presumed membership) of a racial group,
 - (ii) E’s membership (or presumed membership) of a religious group,
 - (iii) a disability (or presumed disability) of E,
 - (iv) the sexual orientation (or presumed sexual orientation) of E,
 - (v) E being (or being presumed to be) transgender, or
 - (vi) the sex (or presumed sex) of E, or
 - (b) D’s conduct is motivated (wholly or partly) by –
 - (i) hostility towards members of a racial group based on their membership of that group,
 - (ii) hostility towards members of a religious group based on their membership of that group,
 - (iii) hostility towards persons who have a disability or a particular disability,
 - (iv) hostility towards persons who are of a particular sexual orientation,
 - (v) hostility towards persons who are transgender, or
 - (vi) hostility towards persons who are of a particular sex.”

Member's explanatory statement

This amendment expands the kinds of hostility relevant to an offence under clauses 122 and 123 to include hostility related to disability, sexual orientation, transgender identity and sex.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 349

350 In subsection (3)(a)(vi), after “the” insert “biological”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 349

351 In subsection (3)(a)(vi), after “presumed” insert “biological”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 349

352 In subsection (3)(b)(vi), after “particular” insert “biological”

LORD HANSON OF FLINT

353 Clause 124, page 169, line 30, leave out subsection (5) and insert –

“(5) In subsection (3) –

- (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
- (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
- (c) “membership”, in relation to a racial or religious group, includes association with members of that group;
- (d) “disability” means any physical or mental impairment;
- (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
- (f) “presumed” means presumed by D.”

Member's explanatory statement

This amendment defines terms used in my amendment to clause 124, page 169, line 20.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 353

354 Leave out paragraph (c)

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 353

355 In paragraph (e) leave out “proposing to undergo”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

As an amendment to Amendment 353

356 After paragraph (e) insert –

- “(ea) “sex” means biological sex, being male or female only, as determined by sex at birth;”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

357 Leave out Clause 124

After Clause 124

LORD MARKS OF HENLEY-ON-THAMES
BARONESS DOOCEY

358 After Clause 124, insert the following new Clause —

“Controlling or coercive behaviour by persons providing psychotherapy or counselling services

- (1) A person (“A”) commits an offence if —
 - (a) A is a person providing or purporting to provide psychotherapy or counselling services to another person (“B”),
 - (b) A repeatedly or continuously engages in behaviour towards B that is controlling or coercive,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will or may have a serious effect on B.
- (2) A’s behaviour has a “serious effect” on B if —
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B psychological harm which has a substantial adverse effect on B’s usual day-to-day activities.
- (3) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (4) In proceedings for an offence under this section it is a defence for A to show that —
 - (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (5) A is to be taken to have shown the facts mentioned in subsection (4) if —
 - (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (6) The defence in subsection (4) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (7) A person guilty of an offence under this section is liable —
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;

- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.”

Member's explanatory statement

This amendment creates an offence of controlling or coercive behaviour by providing psychotherapy or counselling services.

BARONESS STOWELL OF BEESTON
LORD HENDY
BARONESS HARDING OF WINSCOMBE
LORD HOGAN-HOWE

359 After Clause 124, insert the following new Clause –

“Assault of public-facing worker

- (1) A person who assaults a public-facing worker at work commits an offence under this section.
- (2) For the purposes of this section –
 - “public-facing worker at work” means a person who is providing a service or facilitating a transaction to the public in a public building or space, on public transport, or in a commercial property which is accessible to the public to buy or receive such services;
 - “worker” includes an unpaid employee.
- (3) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or to a fine (or both).
- (4) In subsection (3) “the maximum term for summary offences” means –
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.
- (5) In section 40(3) of the Criminal Justice Act 1988 (power to join in indictment count for common assault etc) after paragraph (ac) insert –
 - “(ad) an offence under section (*Assault of a public-facing worker*) of the Crime and Policing Act 2025 (assault of public-facing worker).”

Member's explanatory statement

This amendment would expand the provisions of Clauses 38 and 39 (assault of a retail worker) to include all public-facing workers.

LORD JACKSON OF PETERBOROUGH

360 After Clause 124, insert the following new Clause –

“Offences of causing harassment, alarm or distress: amendments

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 4A (intentional harassment, alarm or distress) omit “, alarm” in each place where it occurs (including the heading) and omit “, alarmed” in subsection.
- (3) In section 5 (harassment, alarm or distress) omit “, alarm” in each place where it occurs (including the heading).”

BARONESS STOWELL OF BEESTON
BARONESS HARDING OF WINSCOMBE
LORD HENDY
LORD HOGAN-HOWE

361 After Clause 124, insert the following new Clause –

“Assault of public-facing worker: duty to make criminal behaviour order

- (1) In the Sentencing Code, after section 331A (duty to make order for offence of assaulting retail worker), inserted by section 39, insert –

“331B Duty to make order for offence of assaulting public-facing worker

- (1) This section applies where –
 - (a) a person is convicted of an offence under section (*assault of public-facing worker*) of the Crime and Policing Act 2026,
 - (b) the prosecution makes an application to the court for a criminal behaviour order to be made against the offender,
 - (c) the offender is aged 18 or over at the time the prosecution makes the application, and
 - (d) the court does not impose a custodial sentence or make a youth rehabilitation order, a community order, or a suspended sentence order in respect of –
 - (i) the offence mentioned in paragraph (a),
 - (ii) any other offence of which the offender is convicted by or before it, or
 - (iii) any other offence for which it deals with the offender.
- (2) Section 331 (power to make criminal behaviour order) applies as if for subsections (2) and (3) of that section there were substituted –
 - “(2) Subject to subsection (3), the court must, in addition to dealing with the offender for the offence, make a criminal behaviour order against the offender.
 - (3) Subsection (2) does not apply if –

- (a) the court is of the opinion that there are exceptional circumstances which—
 - (i) relate to the offence or the offender, and
 - (ii) justify not making a criminal behaviour order, or
 - (b) the court makes an order for absolute discharge under section 79 in respect of the offence.”
- (3) Section 332 (proceedings on an application for an order) applies as if for subsection (1) of that section there were substituted—
- “(1) For the purposes of forming an opinion as to whether there are exceptional circumstances as mentioned in subsection (3)(a) of section 331 (as modified by subsection (2) of section 331B), the court may consider evidence led by the prosecution and evidence led by the offender.””

Member's explanatory statement

This amendment seeks to confer a duty on the court to make a criminal behaviour order against a person convicted of the offence of assaulting a public sector worker. This offence is provided for by another amendment in the name of Baroness Stowell of Beeston.

Clause 129

LORD HANSON OF FLINT

362 Clause 129, page 173, line 35, leave out from “means” to end of line 37 and insert—

- “(a) a device which is capable of using five or more SIM cards simultaneously or interchangeably, for a purpose mentioned in subsection (1A), or
- (b) an article specified in regulations made by the Secretary of State.

(1A) The purposes are—”

Member's explanatory statement

This amendment allows the Secretary of State to specify different articles as SIM farms in regulations.

LORD HANSON OF FLINT

363 Clause 129, page 174, line 1, at end insert “, or

- (b) an article specified in regulations made by the Secretary of State.”

Member's explanatory statement

This amendment allows the Secretary of State to specify different articles as SIM cards in regulations.

LORD HANSON OF FLINT

364 Clause 129, page 174, line 5, leave out subsection (4) and insert –

- “(4) Regulations under subsection (1) may specify only articles which the Secretary of State considers are capable of being used for a purpose mentioned in subsection (1A) in a way which is similar to a device within subsection (1)(a).
- (4A) Regulations under subsection (2) may specify only articles which the Secretary of State considers have a similar function to removable physical subscriber identity modules.
- (4B) “Article” includes information in electronic form.
- (4C) Before making regulations under this section, the Secretary of State must consult such persons appearing to the Secretary of State to be likely to be affected by the regulations as the Secretary of State considers appropriate.”

Member's explanatory statement

This amendment removes the Secretary of State's power to make regulations amending clause 129 and inserts a restriction on the kind of articles that may be specified by the new powers inserted by my amendments to clause 129, page 173 line 35 and page 174 line 1. It also requires the Secretary of State to consult before exercising those powers.

Clause 132

LORD HANSON OF FLINT

365 Clause 132, page 175, line 24, leave out from “that” to “by” in line 26 and insert “it is made or adapted for use in perpetrating fraud”

Member's explanatory statement

This amendment restricts the kind of articles that the Secretary of State may specify under clause 132.

After Clause 132

LORD CLEMENT-JONES
BARONESS DOOCEY

366 After Clause 132, insert the following new Clause –

“Digital identity theft

- (1) A person commits an offence of digital identity theft if –
 - (a) the person obtains, or attempts to obtain, personal or sensitive information relating to an individual, including but not limited to passwords, identification numbers, credit card numbers, national insurance numbers, biometric data, or other unique digital identifiers, and
 - (b) the person intends to use this personal or sensitive information to impersonate that individual, or to enable another person to impersonate

that individual, with the purpose of carrying out any transaction, activity, or communication in their name without their consent or lawful authority.

- (2) For the purposes of subsection (1) –
 - (a) “personal or sensitive information” refers to any data, whether digital, physical, or otherwise, that can be used to identify, authenticate, or impersonate an individual;
 - (b) “obtains” includes acquiring, accessing, collecting, or otherwise coming into possession of such information.
- (3) A person guilty of an offence under this section is liable –
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or both;
 - (b) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding five years or to a fine, or both.”

Member's explanatory statement

This amendment creates an offence of digital identity theft.

LORD CLEMENT-JONES
BARONESS DOOCEY

367

After Clause 132, insert the following new Clause –

“Defences to charges under the Computer Misuse Act 1990

- (1) The Computer Misuse Act 1990 is amended as follows.
- (2) In section 1, after subsection (2) insert –
 - “(2A) It is a defence to a charge under subsection (1) to prove that –
 - (a) the person’s actions were necessary for the detection or prevention of crime, or
 - (b) the person’s actions were justified as being in the public interest.”
- (3) In section 3, after subsection (5) insert –
 - “(5A) It is a defence to a charge under subsection (1) to prove that –
 - (a) the person’s actions were necessary for the detection or prevention of crime, or
 - (b) the person’s actions were justified as being in the public interest.””

Member's explanatory statement

This amendment creates defences to charges under the Computer Misuse Act 1990.

LORD JACKSON OF PETERBOROUGH
BARONESS NEVILLE-ROLFE
LORD HOGAN-HOWE

368 After Clause 132, insert the following new Clause —

“Consumer cloud-based service provider access restrictions: lost or stolen devices

- (1) A provider of consumer cloud-based services referred to in subsection (7)(a) that are accessed from a device must, upon receiving verified notification from a relevant person that a device has been lost or stolen, take reasonable and timely steps aimed at preventing any person who is not the device owner from accessing the provider’s consumer cloud-based services from that device, in order to discourage, where possible, the resale of devices obtained unlawfully.
- (2) In subsection (1) “relevant person” means —
 - (a) a consumer who is the device owner,
 - (b) a person that is a legitimate seller of the device, or
 - (c) a relevant authority.
- (3) The provider must, so far as it is technically possible for the provider to do so in accordance with the technical standards referred to in subsection (7)(a), block access to the provider’s consumer cloud-based services from the device identified in the relevant verified notification.
- (4) The provider must inform, as soon as practically possible, the National Crime Agency and the police service in the area in which the theft or loss of the device was first reported.
- (5) Providers must, subject to appropriate safeguards, establish a process for relevant persons to appeal or reverse a block on a device in cases of error, fraud, or device recovery.
- (6) A provider shall not be liable for any loss or damage suffered in consequence of any action taken under this section.
- (7) The Secretary of State must by regulations make provision for —
 - (a) the technical standards required to enforce the steps outlined in subsections (1) and (3),
 - (b) the categories of consumer cloud-based services in relation to which providers will be required to take the steps outlined in subsections (1) and (3),
 - (c) the implementation timeline for providers, and
 - (d) sanctions for non-compliance.
- (8) In this section —

“consumer” has the meaning given by section 2(3) of the Consumer Rights Act 2015;

“consumer cloud-based service” means a digital service which —

 - (a) is a cloud computing service (as defined in the Network and Information Systems Regulations 2018 (S.I. 2018/506)),

- (b) is supplied directly to consumers in the United Kingdom, and
 - (c) is used by those consumers solely for personal use.
- “device” means a mobile telephone device with an IMEI number;
- “device owner” means —
- (a) a person that —
 - (i) is a consumer in the United Kingdom,
 - (ii) has purchased a device through a contract or transfer of ownership of the device, or
 - (b) a legal person that can demonstrate legitimate ownership through supply chain documentation.
- “legitimate seller” means —
- (a) a manufacturer or trader of the device,
 - (b) an online marketplace provider or legal person that sells the device, or
 - (c) a trader operating on an online marketplace provided they can trace the origin of the device.
- “provider” means a person who enters into a contract directly with a consumer in the United Kingdom for the provision of consumer cloud-based services;
- “verified notification” means a written notification that a device has been lost or stolen, which includes all of the following information —
- (a) details of the relevant device that has been lost or stolen, including its IMEI number,
 - (b) evidence demonstrating that the person who has submitted the notification is a relevant person, such as proof of purchase or supply chain documentation, and
 - (c) any other information that the provider reasonably requires in order for it to comply with its obligations under this section.”

Before Clause 133

LORD MARKS OF HENLEY-ON-THAMES
 BARONESS DOOCEY
 BARONESS FOX OF BUCKLEY
 BARONESS JONES OF MOULSECOOMB

369 Before Clause 133, insert the following new Clause —

“The right to protest

Before section 11 of the Public Order Act 1986 (advance notice of public processions), insert —

“10A The right to protest

- (1) Everyone has the right to engage in peaceful protest, both alone and with others.

- (2) Public authorities have a duty to –
 - (a) respect the right to protest,
 - (b) protect the right to protest, and
 - (c) facilitate the right to protest.
- (3) A public authority may only interfere with the right to protest, including by placing restrictions upon its exercise, when it is necessary and proportionate to do so to –
 - (a) protect national security or public safety,
 - (b) prevent disorder or crime, or
 - (c) protect public health, or the rights and freedoms of others.
- (4) For the purposes of this section “public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (acts of public authorities).”

Member's explanatory statement

This amendment would introduce an express statutory right to protest, imposing both negative and positive obligations on public authorities while recognising that the right to protest may need to be limited to protect other legitimate public interests.

Clause 133

LORD STRASBURGER

369A Clause 133, page 176, line 10, leave out subsection (2) and insert –

“(2) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for wearing or otherwise using the item at the material time.”

Member's explanatory statement

This amendment would provide a defence of reasonable excuse to the offence of concealing identity at protests, thereby putting the burden of proof on police officers to justify why they believe that wearing a face covering at a protest made the suspect arrestable.

Clause 137

LORD PARKINSON OF WHITLEY BAY
LORD BLENCATHRA

370 Clause 137, page 179, line 10, at end insert –

“(d) a war memorial which has been listed under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 or scheduled under the provisions of the Ancient Monuments and Archaeological Areas Act 1979.”

Member's explanatory statement

This amendment broadens the current definition of “specified memorials” to include any listed or scheduled war memorial, not just those which happen to be Grade I listed at present.

After Clause 137

LORD HANSON OF FLINT

371 After Clause 137, insert the following new Clause —

“Protests outside public office-holder’s home

- (1) A person (“P”) commits an offence if —
 - (a) P (alone or with other persons) carries on a protest outside, or in the vicinity of, premises that are used by a public office-holder as a dwelling,
 - (b) P carries on the protest for the purpose of representing to, or persuading, the public office-holder that they —
 - (i) should or should not do something, or
 - (ii) should or should not have done something, and
 - (c) P carries on the protest because of, or in connection with, the public officer-holder being a public officer-holder.
- (2) Subsection (1) does not apply to premises that are an official residence.
- (3) It is a defence for a person charged with an offence under this section to show that they did not know the premises were used by the public office-holder as a dwelling.
- (4) A person is to be taken to have shown the matter referred to in subsection (3) if —
 - (a) sufficient evidence is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (5) A person who commits an offence under this section is liable, on summary conviction, to imprisonment for a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both).
- (6) In subsection (5) “the maximum term for summary offences” means —
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.
- (7) The following definitions apply for the purposes of this section.
- (8) “Public office-holder” means —
 - (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);
 - (b) any of the Welsh Ministers;
 - (c) any of the Deputy Welsh Ministers (within the meaning of the Government of Wales Act 2006);

- (d) the Counsel General to the Welsh Government;
 - (e) a member of the House of Lords;
 - (f) a member of the House of Commons;
 - (g) a member of Senedd Cymru;
 - (h) a member of a local authority;
 - (i) an elected mayor of a local authority within the meaning given by section 9H (elected mayors: England) or section 39(4) (elected mayors: Wales) of the Local Government Act 2000;
 - (j) a mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (k) a mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
 - (l) the Mayor of London or an elected member of the London Assembly;
 - (m) a police and crime commissioner;
 - (n) a candidate at an election for an office mentioned in any of paragraphs (f) to (m).
- (9) “Local authority” means —
- (a) in England —
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a parish council;
 - (v) the Common Council of the City of London;
 - (vi) the Council of the Isles of Scilly;
 - (b) in Wales —
 - (i) a county council;
 - (ii) a county borough council;
 - (iii) a community council.
- (10) “Dwelling” has the meaning given by section 8 of the Public Order Act 1986.
- (11) “Official residence” means —
- (a) 10, 11 and 12 Downing Street, London;
 - (b) Admiralty House, Whitehall, London;
 - (c) 1 Carlton Gardens, London;
 - (d) the Palace of Westminster, London;
 - (e) Chequers, Missenden Road, Aylesbury, Buckinghamshire;
 - (f) Dorneywood, Dorneywood Road, Burnham, Buckinghamshire;
 - (g) Chevening House, Chevening, Sevenoaks, Kent.”.

Member's explanatory statement

This amendment creates a new offence relating to protests outside the homes of public office-holders.

Schedule 14

LORD PARKINSON OF WHITLEY BAY
LORD BLENCATHRA

372 Schedule 14, page 348, line 20, at end insert—

“25 Monument to the Women of World War II, Whitehall, London.

26 Holocaust Memorial Garden, Hyde Park, London.”

Member's explanatory statement

This amendment adds two significant memorials which are not Grade I listed and which are not currently specified in the Bill.

Clause 139

LORD MARKS OF HENLEY-ON-THAMES
LORD STRASBURGER

372A★ Clause 139, page 180, line 9, after “and” insert “it is directed at, or connected with, the place of worship or persons likely to worship there, and”

LORD MARKS OF HENLEY-ON-THAMES
LORD STRASBURGER

372B★ Clause 139, page 180, line 20, after “and” insert “it is directed at, or connected with, the place of worship or persons likely to worship there, and”

LORD MARKS OF HENLEY-ON-THAMES
LORD STRASBURGER

372C★ Clause 139, page 180, line 30, after “and” insert “it is directed at, or connected with, the place of worship or persons likely to worship there, and”

Clause 140

LORD MARKS OF HENLEY-ON-THAMES
BARONESS DOOCEY
LORD STRASBURGER

373 Leave out Clause 140

Clause 141

BARONESS DOOCEY
 LORD CLEMENT-JONES
 BARONESS FOX OF BUCKLEY
 BARONESS JONES OF MOULSECOOMB

374 Clause 141, page 182, line 42, at end insert –

“(4) After section 14, insert –

“14ZZA Imposition of conditions: live facial recognition

Prior to imposing conditions under either section 12 (imposing conditions on public processions) or 14 (imposing conditions on public assemblies), the senior officer of the police force in question must confirm that live facial recognition will not be in use, unless a new statutory code of practice for the use of live facial recognition surveillance in public spaces in England and Wales has previously been presented to, and approved by, both Houses of Parliament.””

Member's explanatory statement

This amendment ensures that police cannot use live facial recognition technology when imposing conditions on public assemblies or processions under sections 12 or 14, unless a new, specific code of practice governing its use in public spaces has first been formally approved by both Houses of Parliament. It is intended to safeguard public privacy and civil liberties by requiring democratic oversight before this surveillance technology is deployed in such contexts.

After Clause 142

LORD HANSON OF FLINT

375 After Clause 142, insert the following new Clause –

“Return to unauthorised encampments: prohibited period

- (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 60C(3) (offence relating to residing on land without consent in or with a vehicle) for “12” substitute “three”.
- (3) In section 61 (power to remove trespassers on land) –
 - (a) in subsection (4)(b) for “prohibited period” substitute “period of three months beginning with the day on which the direction was given”;
 - (b) omit subsection (4ZA).
- (4) In section 62 (supplementary powers of seizure) –
 - (a) in subsection (1)(b) for “prohibited period” substitute “period of three months beginning with the day on which the direction was given”;
 - (b) omit subsection (1A).

- (5) In section 62B(2) (failure to comply with direction under section 62A: offences) for “twelve” substitute “three”.
- (6) In section 62C(2) (failure to comply with direction under section 62A: seizure) for “twelve” substitute “three”.

Member's explanatory statement

This new clause changes the period within which a person directed to leave an unauthorised encampment must not return from twelve months to three.

LORD HANSON OF FLINT

376

After Clause 142, insert the following new Clause—

“Harassment of a person in their home

- (1) The Criminal Justice and Police Act 2001 is amended as follows.
- (2) In section 42 (police directions stopping harassment etc of a person in their home), in subsection (1)(b)—
 - (a) omit the “or” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (ii) insert—
 - “(iii) that they should not have done something they were entitled or required to do; or
 - (iv) that they should have done something they were not under any obligation to do;”.
- (3) In section 42A (offence of harassment etc of a person in their home), in subsection (1)(b)—
 - (a) omit the “or” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (ii) insert—
 - “(iii) that they should not have done something they were entitled or required to do; or
 - (iv) that they should have done something they were not under any obligation to do;”.

Member's explanatory statement

This amendment expands sections 42 and 42A of the Criminal Justice and Police Act 2001 (protests outside homes) to cover protests about something done in the past.

LORD FAULKS
LORD GODSON
LORD HOGAN-HOWE

377 After Clause 142, insert the following new Clause –

“Lawful or reasonable excuse defence for public order offences

- (1) This section applies to any offence that makes conduct unlawful unless there is an excuse for it and specifies either that the excuse must be a lawful excuse or that it must be a reasonable one.
- (2) A person has no excuse for the conduct if –
 - (a) it is intended to intimidate, provoke, inconvenience or otherwise harm members of the public by interrupting or disrupting their freedom to carry on a lawful activity, or
 - (b) it is designed to influence the government or public opinion by subjecting any person, or their property, to a risk, or increased risk, of loss or damage.
- (3) It is immaterial that there are or may be other excuses or reasons for the conduct or that its main purpose may be different.
- (4) In this section “conduct” includes any act or omission.
- (5) For the purposes of the Human Rights Act 1998, this section must be treated as necessary in a democratic society for the protection of the rights and freedoms of others.”

Member's explanatory statement

This amendment clarifies when a person has a lawful or reasonable excuse to a public order offence.

Clause 154

LORD HANSON OF FLINT

378 Clause 154, page 200, line 19, leave out from beginning to “for” and insert –

- “(1) The Criminal Justice and Court Services Act 2000 is amended as follows.
(2)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 154, page 205, line 6.

LORD HANSON OF FLINT

379 Clause 154, page 201, line 13, at end insert –

- “(5A) The requirement in subsection (5) may be satisfied by consultation carried out wholly or partly before this section comes into force.”

Member's explanatory statement

This amendment provides that the Secretary of State's duty to consult before making regulations under section 71 of the Criminal Justice and Court Services Act 2000 (inserted by clause 154) may be satisfied by pre-commencement consultation.

BARONESS DOOCEY
LORD CLEMENT-JONES
BARONESS JONES OF MOULSECOOMB
LORD STRASBURGER

380 Clause 154, page 201, line 24, at end insert –

“(7A) Authorised persons listed in section 71A may not use the information referenced in subsection (1) for the purposes of biometric searches using facial recognition technology.”

Member's explanatory statement

This amendment ensures that the DVLA database cannot be used for searches using live facial recognition.

LORD HANSON OF FLINT

381 Clause 154, page 204, line 23, at end insert –

“(3A) The requirement in subsection (3) may be satisfied by consultation carried out wholly or partly before this section comes into force.”

Member's explanatory statement

This amendment provides that the Secretary of State's duty to consult in preparing a code of practice under section 71B of the Criminal Justice and Court Services Act 2000 (inserted by clause 154) may be satisfied by pre-commencement consultation.

LORD HANSON OF FLINT

382 Clause 154, page 205, line 6, at end insert –

“(3) In section 76 (subordinate legislation), after subsection (5) insert –

“(5A) A statutory instrument containing regulations under section 71 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Member's explanatory statement

This amendment provides for regulations made by the Secretary of State under section 71 of the Criminal Justice and Court Services Act 2000 (inserted by clause 154) to be subject to affirmative resolution procedure.

After Clause 154

LORD HANSON OF FLINT

383 After Clause 154, insert the following new Clause –

“Code of practice relating to non-criminal hate incidents

In the Police, Crime, Sentencing and Courts Act 2022, omit –

- (a) sections 60 and 61 (code of practice about police processing of personal data relating to hate incidents), and
- (b) the italic heading before section 60.”

Member's explanatory statement

This amendment repeals sections 60 and 61 of the Police, Crime, Sentencing and Courts Act 2022.

After Clause 160LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

384 After Clause 160, insert the following new Clause –

“Police charges for escorting vehicles or trailers carrying a load of exceptional dimensions

- (1) Within six months of the day on which this Act is passed, the Secretary of State must, by regulations, establish a framework to regulate the fees charged to hauliers by police forces for escorting a vehicle or trailer carrying a load of exceptional dimensions.
- (2) The framework under subsection (1) must –
 - (a) include criteria to specify when a police escort is required for vehicles or trailers carrying a load of exceptional dimensions, as opposed to a private self-escort, and
 - (b) set out the fees police forces may charge for escorting vehicles or trailers carrying a load of exceptional dimensions.
- (3) Police forces may submit applications in writing to the Secretary of State to disapply the fees set by the regulatory framework in extenuating circumstances.
- (4) The Secretary of State must make a determination within ten days of receiving an application submitted under subsection (3).
- (5) In this section “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made under section 44(1)(d) of the Road Traffic Act 1988 (authorisation of use on roads of special vehicles not complying with regulations under section 41).”

Member's explanatory statement

This amendment seeks to require the Secretary of State to establish a regulatory framework to manage the fees charged to hauliers by police forces for escorting a vehicle or trailer carrying a load of exceptional dimensions.

BARONESS NEVILLE-ROLFE

385 After Clause 160, insert the following new Clause –

“Wearing a face covering while cycling

- (1) A constable may stop any person to whom subsection (2) applies.
- (2) This subsection applies to a person who wears a face covering while cycling or riding a scooter in such a way as to conceal their identity.
- (3) Where a constable has exercised the power under subsection (1), the constable may also require the person to remove the face covering.
- (4) A person who fails to stop when required to do so by a constable in the exercise of their powers under this section commits an offence.
- (5) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 3 on the standard scale (or both).”

LORD BAILEY OF PADDINGTON

386 After Clause 160, insert the following new Clause –

“Direction to exit vehicle following a lawful stop

- (1) Where a constable in uniform, or a traffic officer, has required a vehicle to stop under section 163 of the Road Traffic Act 1988 (power of police to stop vehicles), the constable may direct the driver and any passenger to –
 - (a) exit the vehicle, and
 - (b) remain outside the vehicle for so long as is reasonably necessary for the exercise of the constable’s functions.
- (2) A person commits an offence if, without reasonable excuse, that person fails to comply with a direction given under subsection (1).
- (3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A constable may use reasonable force, where necessary and proportionate, to secure compliance with a direction given under subsection (1) for the purposes of officer safety, public safety, or prevention of escape or interference with evidence.

- (5) The Secretary of State may issue codes of practice or guidance relating to the exercise of powers under this section and such codes may be incorporated into Codes of Practice issued under the Police and Criminal Evidence Act 1984.
- (6) In this section “vehicle” has the same meaning as in section 185 of the Road Traffic Act 1988.”

Member's explanatory statement

This amendment closes an operational safety gap created by keyless and electric vehicles, where removing a key no longer disables a car. It provides a modest, post-stop direction power so officers can safely manage encounters outside a live vehicle. Safeguards are built in through reasonableness, proportionality and PACE-linked guidance.

LORD YOUNG OF ACTON
LORD HOGAN-HOWE
LORD STRASBURGER

387 After Clause 160, insert the following new Clause —

“Abolition of non-crime hate incidents

- (1) Non-crime hate incidents shall not be recognised as a category of incident by any police authority in the United Kingdom.
- (2) No police authority or police officer may record, retain or otherwise process any personal data relating to a non-crime hate incident.
- (3) Subsection (2) does not mean a police authority or police officer cannot record information they regard as relevant about a suspect’s motives in the course of an ongoing criminal investigation or prosecution.
- (4) Within three months of the coming into force of this section, any police authority which has retained any record of a non-crime hate incident, save in accordance with the provisions of subsection (3), must delete such record.
- (5) For the purposes of this section —
 - “non-crime hate incident” means any incident or alleged incident which does not constitute a criminal offence, but is perceived, by any person, to have been motivated (wholly or partly) by hostility or prejudice towards a person or group on the grounds of race, religion, sexual orientation, disability, sex or transgender identity;
 - “police authority” means a body specified in section 174(1);
 - “police officer” means any person acting under the authority of a police authority.”

Member's explanatory statement

This amendment would end the investigation and recording of non-crime hate incidents.

Schedule 18

LORD HANSON OF FLINT

388 Schedule 18, page 420, line 9, at end insert –

“51A In section 161E(5) (making an income reduction order) (as inserted by section 3 of the Sentencing Act 2026), for paragraph (b) substitute –

“(b) section 15A (where court sentences before confiscation proceedings).”

Member's explanatory statement

This amendment adds, to the list of amendments that are consequential on the confiscation order provisions in the Bill, an amendment of a provision inserted by the Sentencing Act 2026 into the Sentencing Code.

After Clause 164

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

389 After Clause 164, insert the following new Clause –

“Child cruelty offences: notification and offender management requirements

- (1) A person (“relevant offender”) is subject to the notification requirements of subsections (2) and (3) for the period set out in subsection (4) if the relevant offender is convicted of an offence listed in subsection (6).
- (2) A relevant offender must notify to the police within the three days of the time of their conviction or their release from custody, and annually thereafter, providing –
 - (a) the relevant offender’s date of birth,
 - (b) their national insurance number,
 - (c) their name on the notification date and, where using one or more other names on that date, each of those names,
 - (d) their place of residence on the date of notification,
 - (e) the address of any other premises in the United Kingdom at which, at the time the notification is given, they regularly reside or stay, and
 - (f) any information that may be prescribed in regulations by the Secretary of State.
- (3) A relevant offender must notify to the police, within the period of three days beginning with the event occurring, about –
 - (a) their use of a name which has not been notified to the police under subsection (2);
 - (b) a change to their place or residence;
 - (c) any other prescribed change of circumstances as defined in regulations made under this section.

- (4) The dates of discharge from notification requirements under this section are the same as those set out in section 88B of the Sexual Offences Act 2003 (review of indefinite notification requirements).
- (5) The information required by subsections (2) and (3), once received, must be —
 - (a) monitored regularly by the police and probation service, and
 - (b) retained for the purposes of offender management.
- (6) The relevant offences are —
 - (a) an offence under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under sixteen);
 - (b) an offence under section 1 of the Infanticide Act 1938 (infanticide);
 - (c) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult, or allowing them to suffer serious harm);
 - (d) an offence under section 27 of the Offences Against the Person Act 1861 (exposing children whereby life is endangered);
 - (e) an offence under sections 4, 18, 20, 21, 22, 23 or 47 of the Offences Against the Person Act 1861, if the victim is under the age of 16;
 - (f) an offence under any of the following provisions of the Female Genital Mutilation Act 2003 —
 - (i) section 1 (female genital mutilation);
 - (ii) section 2 (assisting a girl to mutilate her own genitalia);
 - (iii) section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia)."

Member's explanatory statement

This new clause would create notification requirements for people convicted of child cruelty, analogous to the Sex Offenders Register. Their information and personal details would be kept on record by the police for the purposes of offender management, with the aim of reducing the risk to children from future offences.

LORD BLACK OF BRENTWOOD
LORD BLENCATHRA

390

After Clause 164, insert the following new Clause —

“Animal cruelty offences: notification and offender management requirements

- (1) A person (“relevant offender”) is subject to the notification requirements of subsections (2) and (3) for the period set out in subsection (4) if the relevant offender is convicted of an offence listed in subsection (6).
- (2) A relevant offender must notify to the police within the three days of the time of their conviction or their release from custody, and annually thereafter, providing —
 - (a) the relevant offender’s date of birth,
 - (b) their national insurance number,
 - (c) their name on the notification date and, where using one or more other names on that date, each of those names,

- (d) their place of residence on the date of notification,
 - (e) the address of any other premises in the United Kingdom at which, at the time the notification is given, they regularly reside or stay, and
 - (f) any information that may be prescribed in regulations by the Secretary of State.
- (3) A relevant offender must notify to the police, within the period of three days beginning with the event occurring, about –
 - (a) their use of a name which has not been notified to the police under subsection (2);
 - (b) a change to their place or residence;
 - (c) any other prescribed change of circumstances as defined in regulations made under this section.
- (4) The dates of discharge from notification requirements under this section are the same as those set out in Section 88B of the Sexual Offences Act 2003.
- (5) The information required by subsections (2) and (3), once received, must be –
 - (a) monitored regularly by the police and probation service, and
 - (b) retained for the purposes of offender management.
- (6) The relevant offences are –
 - (a) an offence under section 4 of the Animal Welfare Act 2006 (causing the unnecessary suffering of an animal);
 - (b) an offence under section 5 of the Animal Welfare Act 2006 (carrying out or causing the carrying out of a prohibited procedure on a protected animal);
 - (c) an offence under section 7 of the Animal Welfare Act 2006 (administering poisonous or injurious drugs or substances to a protected animal);
 - (d) an offence under paragraph (a) of section 8(1) of the Animal Welfare Act 2006 (causing or attempts to cause an animal fight to take place);
 - (e) an offence under paragraph (d) of subsection 7 of section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images of an animal);
 - (f) an offence under section 1 of the Criminal Damage Act 1971, where the offence is committed against a protected animal;
 - (g) intentionally engaging in sexual activity with an animal, whether penetrative or non-penetrative;
 - (h) causing, coercing or permitting another person (including a child) to engage in such activity with an animal;
 - (i) causing, coercing or permitting an animal to be used for the purpose of sexual gratification, whether their own or another's.
- (7) The Criminal Justice Act 2003 is amended in accordance with subsections (8) to (11).
- (8) In section 325(1) after “violent offender” insert “, “relevant animal cruelty offender”.

- (9) In section 325(2), after paragraph (aa) insert –
 - “(ab) relevant animal cruelty offenders;”
- (10) In Section 327, after subsection (4G) insert –
 - “(4H) For the purposes of section 325, a person is a relevant animal cruelty offender if the person falls within subsection (4I).
 - (4I) A person falls within this subsection if the person has been convicted of and sentenced for –
 - (a) an offence under section 4 of the Animal Welfare Act 2006 (causing the unnecessary suffering of an animal);
 - (b) an offence under section 5 of the Animal Welfare Act 2006 (carrying out or causing the carrying out of a prohibited procedure on a protected animal);
 - (c) an offence under section 7 of the Animal Welfare Act 2006 (administering poisonous or injurious drugs or substances to a protected animal);
 - (d) an offence under paragraph (a) of section 8(1) of the Animal Welfare Act 2006 (causing or attempts to cause an animal fight to take place);
 - (e) an offence under paragraph (d) of subsection 7 of section 63 the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images of an animal);
 - (f) an offence under section 1 of the Criminal Damage Act 1971, where the offence is committed against a protected animal
 - (g) intentionally engaging in sexual activity with an animal, whether penetrative or non-penetrative;
 - (h) causing, coercing or permitting another person (including a child) to engage in such activity with an animal
 - (i) causing, coercing or permitting an animal to be used for the purpose of sexual gratification, whether their own or another’s.”
- (11) In section 327A –
 - (a) in the title, after “sex offenders” insert “and animal cruelty offenders”;
 - (b) in subsection (1), after “child sex offender” insert “or animal cruelty offender”;
 - (c) in subsection (3) –
 - (i) in paragraph (a) –
 - “(a) for “and” substitute “or”, and
 - (b) at end insert –
 - “(aa) an animal cruelty offender managed by it poses a risk in that or any other area of causing serious harm to any particular animal or person of any particular description, and”;

- (ii) in paragraph (b) after “that description” insert “or a particular animal,”;
- (d) in subsection (10), after “offender” insert “or animal cruelty offender”.
- (12) The Domestic Abuse Act 2021 is amended in accordance with subsection (13).
- (13) In section 77 (1), after “domestic abuse” insert “, animal abuse, or serious harm to any particular individual”.
- (14) In this section “sexual” has the meaning as defined in section 78 of the Sexual Offences Act 2003.”

Member's explanatory statement

This new clause would create notification requirements for people convicted of animal cruelty, analogous to the Sex Offenders Register. Their information and personal details would be kept on record by the police for the purposes of offender management, with the aim of reducing the risk to animals and people from future offences.

After Clause 167

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD HOGAN-HOWE

391 After Clause 167, insert the following new Clause –

“Misconduct investigations where officer acquitted

- (1) The Police Reform Act 2002 is amended as follows.
- (2) In section 13B –
 - (a) in subsection (1), at end insert “but this is subject to the exception in section 13BA.”, and
 - (b) in subsection (2), at the beginning, leave out “The” and insert “Unless the exception in section 13BA applies, the”.
- (3) After section 13B, insert –

“13BA No re-investigation on acquittal for the same conduct

- (1) Where this section applies, the Director-General may not make a determination under section 13B(2) to re-investigate the complaint, recordable conduct matter or DSI matter.
- (2) This section applies where –
 - (a) the Director-General, appropriate authority or relevant review body (as the case may be) has made a determination under paragraphs 23(2)(c), 24(2)(b) or 25(4G) of Schedule 3,
 - (b) as a result of the determination mentioned in paragraph (a), the Director of Public Prosecutions has brought criminal proceedings against the relevant person, and

- (c) the relevant person has been acquitted in those criminal proceedings.
- (3) The exception in subsection (1) does not apply only if –
 - (a) the relevant authority has come into possession of substantial new evidence relating to the conduct that was the subject of the investigation, and
 - (b) the relevant authority is of the reasonable opinion that the new evidence would, if considered, be significantly likely to lead to a finding of misconduct or gross misconduct.
- (4) In this section –
 - (a) “relevant person” means the person to whose conduct the investigation related;
 - (b) “relevant authority” means the Director-General, appropriate authority, local policing body or relevant review body (as the case may be).”
- (4) After paragraph 24C of Schedule 3, insert –

“Investigation where person acquitted in criminal proceedings

24D(1) This paragraph applies where –

 - (a) an investigation of a complaint, conduct matter or DSI matter (“the index investigation”) has concluded and the final report has been submitted to the relevant authority,
 - (b) the relevant authority has made a determination under paragraphs 23(2)(c), 24(2)(b) or 25(4F),
 - (c) as a result of the determination mentioned in sub-paragraph (b), the Director of Public Prosecutions has brought criminal proceedings against the relevant person, and
 - (d) the relevant person has been acquitted in those criminal proceedings.

(2) In this paragraph –

 - (a) “relevant person” means the person to whose conduct the index investigation related;
 - (b) “relevant authority” means the Director-General, appropriate authority, local policing body or relevant review body (as the case may be).

(3) Where this paragraph applies, the relevant authority may not initiate a new investigation, re-open an investigation or order a re-investigation against the relevant person in relation to the same complaint, conduct matter or DSI matter that was the subject of the index investigation.

(4) Sub-paragraph (3) does not apply only if –

 - (a) the relevant authority has come into possession of substantial new evidence relating to the conduct that was the subject of the index investigation, and

- (b) the relevant authority is of the reasonable opinion that the new evidence would, if considered, be significantly likely to lead to a finding of misconduct or gross misconduct.”
- (6) In paragraph 25 of that Schedule –
 - (a) after sub-paragraph (4D) insert –
 - “(4DA) The Director-General may not direct that the complaint be re-investigated under sub-paragraph (4C)(b) if paragraph 24D applies in relation to that investigation.”, and
 - (b) after sub-paragraph (4E) insert –
 - “(4EA) The local policing body may not make a recommendation to the appropriate authority that the complaint be re-investigated under sub-paragraph (4E)(a) if paragraph 24D applies in relation to the conduct to which the investigation related.””

Member's explanatory statement

This amendment would prevent the Independent Office for Police Conduct from investigating an officer where that officer has already been investigated and acquitted in court for the same conduct matter.

LORD BAILEY OF PADDINGTON

392 After Clause 167, insert the following new Clause –

“Scrutiny of investigation timeliness

- (1) The Police (Complaints and Misconduct) Regulations 2020 (S.I.2020/2) are amended as follows.
- (2) After Regulation 13 (timeliness of investigations), insert –

“Scrutiny of investigation timeliness

13A.—(1) A legally qualified person must be appointed to scrutinise any investigations of misconduct or gross misconduct which have not been completed within 12 months.

(2) The legally qualified person must determine whether there is good and sufficient reason for the time already taken, and how much time is anticipated to be needed for completion of the investigation.

(3) In determining whether there is good and sufficient reason, the legally qualified person may have regard to any relevant matter, and must have particular regard to –

- (a) whether the investigation has been efficient and effective;
- (b) whether there has been unnecessary or unreasonable delay, having regard to the complexity and seriousness of the case;
- (c) the impact upon the officer and others;
- (d) any anticipated further delay;

- (e) the public interest and effect on confidence in the police disciplinary system;
 - (f) representations made on behalf of any person entitled to receive a copy of the information provided.
- (4) If the legally qualified person determines that there is good and sufficient reason to continue the investigation, then the legally qualified person must set a date for the conclusion of all proceedings.
- (5) Nothing in this provision shall have any effect in relation to any criminal investigation.”
- (3) The Police (Conduct) Regulations 2020 (S.I.2020/4) are amended as follows.
- (4) After Regulation 19 (timeliness of investigation), insert –

“Scrutiny of investigation timeliness

19A.—(1) A legally qualified person must be appointed to scrutinise any investigations of misconduct or gross misconduct which have not been completed within 12 months.

(2) The legally qualified person must determine whether there is good and sufficient reason for the time already taken, and how much time is anticipated to be needed for completion of the investigation.

(3) In determining whether there is good and sufficient reason, the legally qualified person may have regard to any relevant matter, and must have particular regard to –

- (a) whether the investigation has been efficient and effective;
- (b) whether there has been unnecessary or unreasonable delay, having regard to the complexity and seriousness of the case;
- (c) the impact upon the officer and others;
- (d) any anticipated further delay;
- (e) the public interest and effect on confidence in the police disciplinary system;
- (f) representations made on behalf of any person entitled to receive a copy of the information provided.

(4) If the legally qualified person determines that there is good and sufficient reason to continue the investigation, then the legally qualified person must set a date for the conclusion of all proceedings.

(5) Nothing in this provision shall have any effect in relation to any criminal investigation.””

Member's explanatory statement

This amendment proposes a 12-month limit, unless extraordinary circumstances reviewed by a legally qualified person dictate otherwise, which would encourage forces and external bodies to complete misconduct and gross misconduct processes quicker, allowing officers to resume duties and limiting the negative impact on their health and wellbeing.

BARONESS DOOCEY

393 After Clause 167, insert the following new Clause —

“Suspension of chief constables

- (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 38 (appointment, suspension and removal of chief constables), after subsection (2) insert —
 - “(2A) Before suspending a chief constable under this section, the police and crime commissioner (or their successor) must —
 - (a) be satisfied on reasonable grounds that the chief constable’s continued exercise of their functions would present a serious risk to the efficiency or effectiveness of the police force, or seriously undermine public confidence in the policing of the area, and
 - (b) consult His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (or any relevant successor inspectorate) and have regard to its views.”

Member's explanatory statement

This amendment would require a police and crime commissioner (or their successor) before suspending a chief constable under section 38 of the Police Reform and Social Responsibility Act 2011, to consult His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services and to be satisfied that suspension is necessary to avoid a serious risk to the efficiency or effectiveness of the force or to public confidence.

BARONESS O'LOAN

393A After Clause 167, insert the following new Clause —

“Police disciplinary proceedings: use of force

- (1) Schedule 2 of The Police (Conduct) Regulations 2020 (S.I. 2020/4) (standards of professional behaviour) is amended as follows.
- (2) In the “Use of Force” standard, at end insert —

“Where a police officer uses force on the basis of an honestly held but mistaken belief, they can rely on that belief as justification for the use of force only if the mistake was an objectively reasonable one to have made.”

Member's explanatory statement

This amendment seeks to (1) codify the decision in W(80) UKSC 24, that in police disciplinary proceedings involving use of force, an officer may rely on a mistaken belief only if that belief was both honestly held and objectively reasonable, and (2) and enable parliamentary consideration of the appropriate test in this context.

After Clause 171

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD HOGAN-HOWE

394 After Clause 171, insert the following new Clause —

“Presumption against prosecution for alleged conduct by authorised firearms officers

- (1) Where a relevant prosecutor makes a decision to which this section applies, the prosecutor must, in making the decision —
 - (a) apply the principle set out in subsection (4), and
 - (b) comply with subsection (5).
- (2) This section applies to a decision of a relevant prosecutor as to —
 - (a) whether or not proceedings should be brought against a person (“D”) for a relevant offence, or
 - (b) whether or not any proceedings against D for a relevant offence should be continued,in England and Wales.
- (3) In this section, an offence is a “relevant offence” if —
 - (a) it is alleged to have been committed by D acting in the exercise of functions as an authorised firearms officer,
 - (b) the conduct alleged to constitute the offence involved the use by D of a lethal barrelled weapon to discharge a conventional round, and
 - (c) D was, at the time of the alleged offence, authorised by the relevant authority to use that weapon with that round.
- (4) The principle referred to in subsection (1) is that it is to be exceptional for a relevant prosecutor making a decision to which this section applies to determine that proceedings should be brought against D for the offence or, as the case may be, that the proceedings against the person for the offence should be continued.
- (5) In making a decision to which this section applies, a relevant prosecutor must give particular weight to the following matters —
 - (a) the exceptional demands and stresses to which authorised firearms officers are subjected to in the course of their duties, and
 - (b) the exceptional difficulties of making time-sensitive judgments as are required by the nature of D’s functions as an authorised firearms officer.
- (6) The following are “relevant prosecutors” for the purposes of this section —
 - (a) the Director of Public Prosecutions,
 - (b) a Crown Prosecutor, or
 - (c) any person to whom the institution or taking over of proceedings for a relevant offence mentioned has been assigned under section 5(1) of the Prosecution of Offences Act 1985 (conduct of prosecutions on behalf of the CPS).

- (7) In this section, “authorised firearms officer” means –
- (a) a member of a relevant police force who is authorised by the relevant chief officer to use a lethal barrelled weapon with a conventional round in the exercise of functions as a constable,
 - (b) a National Crime Agency officer who is authorised by the Director General of the National Crime Agency to use a lethal barrelled weapon with a conventional round in the exercise of functions as a National Crime Agency officer,
 - (c) a member of the Police Service of Scotland or the Police Service of Northern Ireland who –
 - (i) is provided under section 98 of the Police Act 1996 (cross-border aid of one police force by another) for the assistance of a police force in England and Wales, and
 - (ii) is authorised by the relevant authority to use a lethal barrelled weapon with a conventional round in the exercise of functions as a constable, or
 - (d) a member of the armed forces who –
 - (i) is deployed in support of a relevant police force or the National Crime Agency, and
 - (ii) is authorised by the Secretary of State to use a lethal barrelled weapon with a conventional round for the purposes of that deployment.
- (8) In this section –
- “conventional round” means any shot, bullet or other missile other than one designed to be used without its use giving rise to a substantial risk of causing death or serious injury;
 - “lethal barrelled weapon” has the meaning given by section 57(1B) of the Firearms Act 1968;
 - “member of the armed forces” means a person who is subject to service law (see section 367 of the Armed Forces Act 2006);
 - “relevant authority” means –
 - (a) in relation to a member of a relevant police force, the relevant chief officer;
 - (b) in relation to a National Crime Agency officer, the Director General of the National Crime Agency;
 - (c) in relation to a member of the Police Service of Scotland, the Chief Constable of the Police Service of Scotland;
 - (d) in relation to a member of the Police Service of Northern Ireland, the Chief Constable of the Police Service of Northern Ireland;
 - (e) in relation to a member of the armed forces, the Secretary of State;
 - “relevant chief officer” means –
 - (a) in relation to a police force in England and Wales, the chief officer of police of that police force;
 - (b) in relation to the British Transport Police Force, the Chief Constable of the British Transport Police Force;

- (c) in relation to the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;
- (d) in relation to the Civil Nuclear Constabulary, the Chief Constable of the Civil Nuclear Constabulary;

“relevant police force” means –

- (a) a police force in England and Wales,
- (b) the British Transport Police Force,
- (c) the Ministry of Defence Police, or
- (d) the Civil Nuclear Constabulary.”

Member's explanatory statement

This amendment would apply a presumption against prosecution for armed police officers where they discharge their weapons, and requires prosecutors to consider the unique burdens placed on armed officers.

Clause 179

LORD HANSON OF FLINT

395 Clause 179, page 231, line 37, at end insert –

““law enforcement employer” has the meaning given by section 174(1);”

Member's explanatory statement

This amendment applies the definition of “law enforcement employer” in clause 174 to all of clauses 173 to 178.

Schedule 21

LORD HANSON OF FLINT

396 Schedule 21, page 467, line 28, leave out “or Condition 2”

Member's explanatory statement

This amendment removes a requirement to add civilian employees to the Civil Nuclear Constabulary and British Transport Police advisory lists, where allegations are made against them after they resign or retire. This reflects the position for civilian employees of territorial police forces under section 88I of the Police Act 1996.

LORD HANSON OF FLINT

397 Schedule 21, page 469, line 13, after “3A” insert “(1A) or (1B)”

Member's explanatory statement

This amendment adjusts the meaning of “disciplinary proceedings” in relation to the Ministry of Defence Police.

After Clause 182

BARONESS DOOCEY
LORD MARKS OF HENLEY-ON-THAMES

398

After Clause 182, insert the following new Clause –

“Police training: independent review

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish an independent review of the quality of in-service police officer training within police forces in England and Wales.
- (2) The review must –
 - (a) assess the consistency, effectiveness and outcomes of all training provided to police officers after completion of their initial entry-level training, including all –
 - (i) in-service training,
 - (ii) workforce development programmes,
 - (iii) refresher courses, and
 - (iv) specialist training;
 - (b) consider the extent to which training equips officers with the necessary skills, knowledge and professional standards to reflect the demands of modern policing, including –
 - (i) digital skills,
 - (ii) investigative skills,
 - (iii) trauma awareness and conflict management, and
 - (iv) processes by which police officers are informed of, and trained in, changes to the law, and
 - (c) make recommendations for improvement, where appropriate.
- (3) The review established under subsection (1) must complete its work within 12 months of its establishment.
- (4) Within three months of receiving the review, the Secretary of State must lay a statement before Parliament containing their response and proposals to take forward the recommendations in the review.”

Member's explanatory statement

This amendment requires the Secretary of State to establish an independent review on police training.

BARONESS DOOCEY
BARONESS BRINTON

399 After Clause 182, insert the following new Clause –

“Mandatory mental health training for police officers

- (1) Every police force in England and Wales must ensure that all frontline police officers receive regular training in dealing with incidents involving individuals experiencing mental health crises.
- (2) The training provided under subsection (1) must –
 - (a) be developed and delivered in consultation with NHS mental health trusts, clinical commissioning groups, and other relevant health and social care bodies,
 - (b) reflect the principles of the Right Care, Right Person approach,
 - (c) include instruction in de-escalation techniques, legal obligations under the Mental Health Act 1983, communication with vulnerable persons, and referral pathways to appropriate healthcare services, and
 - (d) be trauma-informed and culturally competent.
- (3) Initial training must be completed within six months of an officer’s commencement of frontline duties.
- (4) Refresher training must be undertaken at least once every two years.
- (5) Each police force must publish an annual statement on compliance with this section, including the number of officers trained and steps taken to evaluate the effectiveness of the training.
- (6) The Secretary of State must by regulations make provision for –
 - (a) minimum standards for training content and delivery,
 - (b) procedures for monitoring and enforcement, and
 - (c) sanctions for non-compliance.”

Member's explanatory statement

This new clause would require every police force in England and Wales to ensure that all frontline police officers receive regular training in dealing with incidents involving individuals experiencing mental health crises.

BARONESS DOOCEY
LORD CLEMENT-JONES

400 After Clause 182, insert the following new Clause –

“Duty to record algorithmic tools

- (1) Each police force in England and Wales must disclose its use of any algorithmic tool used in the exercise of its functions that may affect the rights, entitlements or obligations of individuals by completing entries in the Algorithmic Transparency Recording Standard (ATRS).

- (2) Under subsection (1) “algorithmic tool” means a product, application or device that supports or solves a specific problem using complex algorithms.”

Member's explanatory statement

This amendment places a duty on police forces to disclose any algorithmic tool used in the exercise of its functions.

BARONESS DOOCEY
LORD CLEMENT-JONES

401

After Clause 182, insert the following new Clause –

“National plan on police data intelligence systems

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a national plan to modernise police data and intelligence systems in England and Wales.
- (2) The plan must include steps to be taken to further the aims of –
 - (a) replacing any antiquated police technology;
 - (b) closing capability gaps identified in the National Audit on Group-Based Child Sexual Exploitation and Abuse;
 - (c) enabling real-time secure information exchange between police forces and partner agencies;
 - (d) supporting improved –
 - (i) risk identification,
 - (ii) early intervention, and
 - (iii) co-ordinated action,
 to protect children.
- (3) The national plan must set out clear milestones of how to achieve the aims set out in subsection (2) within five years of the plan being published.
- (4) Every 12 months after publication of the plan under subsection (1), the Secretary of State must lay a further report before Parliament outlining the progress to date in achieving the aims set out in subsection (2), until those aims have been completed.”

Member's explanatory statement

This amendment aims to take forward part of Recommendation 7 of Baroness Casey’s National Audit on Group-Based Child Sexual Exploitation and Abuse, relating to updating police information systems.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
BARONESS FOX OF BUCKLEY

402 After Clause 182, insert the following new Clause –

“Exception of the police from the public sector equality duty

In schedule 18 (public sector equality duty: exceptions) of the Equality Act 2010, after paragraph 3 insert –

“The Police

- 3A (1) Section 149 does not apply to any police force when exercising policing or law enforcement functions.
- (2) For the purposes of this paragraph, “police force” includes –
- (a) a police force maintained by a local policing body,
 - (b) the British Transport Police,
 - (c) the Civil Nuclear Constabulary, and
 - (d) the Ministry of Defence Police.”

Member's explanatory statement

This amendment seeks to exempt the police from the public sector equality duty under the Equality Act 2010, so as to ensure they are solely committed to effectively carrying out their policing functions.

LORD CARTER OF HASLEMERE

403 After Clause 182, insert the following new Clause –

“Authorised firearms officers charged with murder

- (1) Where subsection (2) applies, an authorised firearms officer who kills a person shall not be convicted of murder but shall be convicted of manslaughter.
- (2) This subsection applies where the authorised firearms officer has an honest but mistaken belief that the amount of force used was necessary and reasonable –
- (a) in defence of himself or others,
 - (b) in the prevention of crime, or
 - (c) in effecting or assisting in the lawful arrest of offenders or suspected offenders, or persons unlawfully at large.
- (3) In this section, “authorised firearms officer” has the same meaning as in section 152 (6).”

BARONESS KIDRON
 LORD CLEMENT-JONES
 BARONESS BARRAN
 BARONESS MORGAN OF COTES

404 After Clause 182, insert the following new Clause —

“Police protocols when investigating the death of a child

- (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.
- (2) After section 27 (common law rules as to criminal investigations), insert —

“27A Inclusion of guidance on collecting digital data when investigating the death of a child

- (1) Within six months of the day on which the Crime and Policing Act 2026 is passed, the code of practice under section 23 must include protocols that a person must adhere to when investigating the death of a child.
- (2) These protocols must include the treatment of potential online harm as a primary line of enquiry.
- (3) In order to treat a potential online harm as a primary line of enquiry, an investigating person must —
 - (a) seize and forensically examine digital devices as soon as is reasonably possible;
 - (b) take all reasonable steps to capture early digital evidence and account data, taking into account that online services delete user data after a short period of inactivity;
 - (c) document a child’s activity on all known online services, including recommended content, interactions with other users, content viewed, content uploaded, and any relevant metadata.
- (4) Where an investigation gives evidence that a service regulated by the Online Safety Act 2023 may have breached the terms of that Act, OFCOM must be notified and supplied with the evidence.””

Member’s explanatory statement

This amendment seeks to update statutory guidance issued to police to include guidance on effective evidence-collecting related to potential digital harm during an investigation into the death of a child. Currently, there is no statutory guidance for police to follow regarding investigating digital harm.

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS BARRAN
BARONESS MORGAN OF COTES

405 After Clause 182, insert the following new Clause —

“Awareness of police protocols when investigating the death of a child

- (1) Within six months of the day on which this Act is passed, the Secretary of State must write a letter setting out the steps that police are expected to take during an investigation into the death of a child.
- (2) The letter must include —
 - (a) reference to any relevant information, including any changes to the Criminal Procedure and Investigations Code of Practice;
 - (b) guidance on the immediate seizure and preservation of all relevant devices, including but not limited to phones, tablets, laptops, wearable technological devices, and routers;
 - (c) guidance on the rapid identification of online accounts, handles, email addresses, and contact lists;
 - (d) guidance on early engagement with coroners to enable OFCOM to issue data preservation notices;
 - (e) a requirement for the establishment of a digital specialist and point of contact for coordination with OFCOM in every force.
- (3) The letter must be addressed to —
 - (a) Police and Crime Commissioners;
 - (b) Chief Constables;
 - (c) the Commissioner of the Metropolitan Police;
 - (d) the College of Policing;
 - (e) relevant non-governmental organisations and parent groups;
 - (f) any other persons the Secretary of State deems relevant.”

Member's explanatory statement

This amendment, consequential on another amendment in the name of Baroness Kidron, seeks to require the Secretary of State to take steps to raise awareness of the consequences of that amendment and wider expectations of police forces to investigate digital harm when conducting an investigation into a child's death.

BARONESS CASH
LORD WALNEY
LORD GOODMAN OF WYCOMBE

406 After Clause 182, insert the following new Clause –

“Recording of ethnicity in police crime data

- (1) The chief officer of police of each police force in England and Wales must ensure that the ethnicity of each person to whom this section applies is recorded in accordance with this section.
- (2) This section applies to any person who –
 - (a) is recorded as a victim of a notifiable offence, or
 - (b) is arrested, charged, cautioned (including conditionally cautioned), issued with a penalty notice for disorder, or otherwise recorded as a suspect or offender in relation to a notifiable offence.
- (3) The record must include the person’s ethnicity as self-identified by that person, determined by reference to the 18-category ethnicity classification used in the most recent Census for England and Wales.
- (4) Where –
 - (a) the person declines, or is unable, to state their ethnicity, or
 - (b) a constable considers that the person’s observed ethnicity differs from that recorded under subsection (3),
 the record must also include the observed ethnicity, recorded separately and identified as such.
- (5) Ethnicity recorded under subsection (4) must not replace or be treated as ethnicity recorded under subsection (3) for statistical or reporting purposes.
- (6) The Secretary of State may by regulations amend subsection (3) so as to refer to a revised classification published by the Office for National Statistics.”

Member’s explanatory statement

This amendment requires police forces to record self-identified ethnicity, using the ONS census classification, for victims as well as suspects and offenders, with any officer-observed ethnicity recorded separately, to ensure consistent and comparable crime data.

BARONESS CASH
LORD STRASBURGER

407 After Clause 182, insert the following new Clause –

“Recording of sex in police data

- (1) Every police force in England and Wales must record the sex of each individual in respect of whom it collects personal data for policing purposes as a suspect, arrested person, charged person, cautioned person, convicted offender or victim.

- (2) For the purposes of this section, “sex” means biological sex, being male or female only, as determined by sex at birth.
- (3) If official documents proffered at the point of arrest do not reflect the sex of the individual as defined in subsection (2), the discrepancy may be noted separately but should not alter the data recorded under subsection (2).
- (4) The Secretary of State must issue guidance to ensure consistency of recording sex and to prevent reliance on data from administrative records or documents that have been altered to show the person as the opposite sex to their sex as defined by subsection (2).”

LORD BAILEY OF PADDINGTON

408 After Clause 182, insert the following new Clause —

“Police covenant: mandatory reporting on suicide and attempted suicide

- (1) The Secretary of State must ensure the collection and publication of data on suicide and attempted suicide among police officers and police staff for the purposes of supporting mental health and wellbeing under the police covenant (see section 1 of the Police, Crime, Sentencing and Courts Act 2022).
- (2) Each police force in England and Wales must collect and submit annually to the Secretary of State —
 - (a) the number of confirmed suicides by serving police officers and police staff;
 - (b) the number of attempted suicides by serving police officers and police staff;
 - (c) contextual information, where reasonably available, including duty status, length of service, role, rank, known occupational stressors, and access to mental health support.
- (3) The Secretary of State must, within 12 months of the day on which this Act is passed, and annually thereafter, lay a report before Parliament (to be known as the “Police Covenant Mental Health Report”) which must include, but is not limited to —
 - (a) national and force-level data trends,
 - (b) analysis of occupational contributory factors,
 - (c) assessment of the adequacy, usage and evidence-based outcomes of mental health and suicide prevention provisions under the police covenant,
 - (d) recommendations to address identified risks, and
 - (e) a statement from the Chief Medical Officer for England.
- (4) The report under subsection (3) must —
 - (a) be published and disseminated to all police personnel;
 - (b) include commentary from the College of Policing on compliance, data quality and best practice at force level;
 - (c) include contributions from staff representative bodies and trade unions.

- (5) Anonymised data, disaggregated by force area, must be published, subject to data protection and safeguarding.
- (6) Each Chief Constable must, at the end of every calendar year, provide a statement to the Secretary of State certifying that the requirements under this section have been met by their police force.
- (7) Where a Chief Constable fails to provide a certification under subsection (6) without reasonable excuse, the Secretary of State must notify HM Inspectorate of Constabulary and Fire & Rescue Services.
- (8) The Inspectorate must have regard to a notification under subsection (7) in the course of its inspection of that police force under the police effectiveness, efficiency and legitimacy (PEEL) programme.
- (9) The Secretary of State must establish an independent advisory board, to be known as the “Police Suicide Prevention and Mental Health Advisory Board”.
- (10) The Board must consist of persons with expertise in clinical care, occupational health, staff representation and academic research.
- (11) The functions of the Board are to —
 - (a) advise the Secretary of State on guidance relating to suicide prevention and mental health in the police workforce,
 - (b) set standards for the collection and reporting of relevant data, and
 - (c) review and make recommendations on force-level responses to risks identified through data and inspections.
- (12) The Secretary of State may by regulations make provision about the operation of the Police Suicide Prevention and Mental Health Advisory Board, including provision about —
 - (a) the Board’s procedures,
 - (b) its terms of reference, and
 - (c) its reporting duties.
- (13) The Secretary of State may by regulations make provision about —
 - (a) data collection standards,
 - (b) statutory guidance,
 - (c) audit mechanisms, and
 - (d) such further oversight as may be considered necessary.
- (14) In this section, “police officer” and “police staff” have the same meanings as in section 1 of the Police, Crime, Sentencing and Courts Act 2022.”

LORD HOGAN-HOWE

409

After Clause 182, insert the following new Clause —

“Police data: suicide

Police forces in England and Wales must —

- (a) collect,
 - (b) share with the Home Office, and
 - (c) publish,
- annual data on suicides and suicide attempts by police officers and police support staff.”

BARONESS SMITH OF LLANFAES

409A After Clause 182, insert the following new Clause –

Policing: devolution to Wales

- (1) Schedule 7A of the Government of Wales Act 2006 is amended as follows.
- (2) In section B5 (crime, public order and policing) –
 - (a) omit “and policing”, and
 - (b) omit line 41 “policing”.
- (3) The Secretary of State may by regulations make further provision under this section.”

Member's explanatory statement

This new clause seeks to devolve policing to Wales, by removing it from the list of reserved matters in the Government of Wales Act 2006.

BARONESS SMITH OF LLANFAES

409B After Clause 182, insert the following new Clause –

“Youth justice: devolution to Wales

- (1) Schedule 7A of the Government of Wales Act 2006 (reserved matters) is amended as set out in subsection (2).
- (2) In paragraph 175 (prisons and offender management), omit sub-paragraph (2)(b).
- (3) The Secretary of State may by regulations make further provision under this section.”

Member's explanatory statement

This new clause seeks to devolve youth justice to Wales, by removing it from the list of reserved matters in the Government of Wales Act 2006.

Clause 186

LORD HANSON OF FLINT

410 Clause 186, page 238, line 40, leave out “which made the order” and insert “to which the application under section 183 was made”

Member's explanatory statement

This amendment clarifies that the relevant court for determining the police area is the one to which the application for a youth diversion order was made.

Clause 193

LORD HANSON OF FLINT

- 411** Clause 193, page 242, line 25, leave out “a youth court made the youth diversion order” and insert “the respondent was under the age of 18 when the application under section 183 was made”

Member's explanatory statement

This amendment clarifies which court an application for variation should be made to.

LORD HANSON OF FLINT

- 412** Clause 193, page 242, line 27, leave out from first “court” to end of line 28 and insert “in any other case;”

Member's explanatory statement

This amendment clarifies which court an application for variation should be made to.

Clause 194

LORD HANSON OF FLINT

- 413** Clause 194, page 243, line 25, leave out subsections (3) and (4)

Member's explanatory statement

This amendment removes provision for an appeal to the Court of Appeal from a decision made by the Crown Court on an appeal under clause 194(1). The effect is that there will be an appeal by way of case stated to the High Court under section 28 of the Senior Courts Act 1981.

LORD HANSON OF FLINT

- 414** Clause 194, page 243, line 35, leave out subsection (6)

Member's explanatory statement

This amendment removes provision which is superseded by my amendments to clauses 186 and 193.

Clause 196

LORD HANSON OF FLINT

- 415** Clause 196, page 245, line 29, leave out subsection (4)

Member's explanatory statement

This amendment removes provision that is superseded by the new subsection inserted by my amendment to clause 196, page 245, line 34.

LORD HANSON OF FLINT

- 416** Clause 196, page 245, line 33, leave out first “to” and insert “and”

Member's explanatory statement

This amendment is consequential on my amendment to clause 196, page 245, line 29.

LORD HANSON OF FLINT

- 417** Clause 196, page 245, line 34, at end insert –

“(6A) The Secretary of State must lay before Parliament –

- (a) any guidance or revisions issued under this section, and
- (b) in the case of revisions, a statement of whether the Secretary of State considers them to be substantial and, if not, of the reasons why.”

Member's explanatory statement

This amendment requires the Secretary of State to lay all revisions of guidance before Parliament, even where the revisions are not considered to be substantial.

After Clause 201

BARONESS FOSTER OF AGHADRUMSEE

- 418** After Clause 201, insert the following new Clause –

“Glorification of terrorism: removal of emulation requirement

- (1) Section 1 (encouragement of terrorism) of the Terrorism Act 2006 is amended as follows.
- (2) In subsection (3), before paragraph (a) insert –
 - “(za) relates to one or more organisations which are at the time of the statement proscribed as terrorist organisations, and”.
- (3) Omit subsection (3)(b) and the “and” before it.”

After Clause 207

LORD GOODMAN OF WYCOMBE
BARONESS DEECH
LORD MENDELSON

419 After Clause 207, insert the following new Clause —

“Counter-extremism strategy

Within six months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a counter-extremism strategy which must thereafter be published annually.”

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM

420 After Clause 207, insert the following new Clause —

“Amendment of section 3 (proscription) of the Terrorism Act 2000

In section 3(3)(a) of the Terrorism Act 2000, at end insert “, provided that only one organisation per order may be added”.

Member's explanatory statement

This new clause would require that any order made under section 3 of the Terrorism Act 2000 relates to a single organisation. This would enhance the ability of both Houses of Parliament to scrutinise the proscription process by allowing the possibility of voting against some Secretary of State proscription decisions, without jeopardising others.

LORD BLENCATHRA

421 After Clause 207, insert the following new Clause —

“Limits on court's power to allow appeals against proscription

After section 6 of the Terrorism Act 2000 (further appeal), insert —

“6A Limits on court's power to allow appeals against proscription

- (1) This section applies where —
 - (a) the Secretary of State decides to make a proscription order under section 3 in respect of an organisation (“O”), and
 - (b) O appeals that proscription to the relevant tribunal under section 6.
- (2) So far as the appeal is by reference to the right to a fair trial, the relevant tribunal must dismiss the appeal unless it considers that proscribing O as a terrorist organisation would result in a breach of the right to a fair trial so fundamental as to amount to a nullification of that right.”

Member's explanatory statement

This amendment would insert an “ouster clause” into the Terrorism Act 2000, requiring the courts to dismiss all appeals against proscription orders issued by the Secretary of State under section 3 of that Act, unless the court considers that the order would result in a breach of the right to a fair trial so fundamental as to amount to a nullification of that right.

LORD BLENCATHRA

422 After Clause 207, insert the following new Clause –

“Prosecution of terrorism offences where an organisation is later de-proscribed

After section 13 of the Terrorism Act 2000 (uniform and publication of images), insert –

“13A Prosecution of offences where an organisation is later de-proscribed

A person arrested on suspicion of committing an offence under this Act in relation to acting on behalf of an organisation which was proscribed at the time of the alleged offence, but de-proscribed after the alleged offence was committed, shall be treated as having acted on behalf of a proscribed organisation for the purposes of prosecution.””

Member's explanatory statement

This amendment seeks to ensure that supporters of any proscribed group who were arrested after that group was proscribed and before it was de-proscribed can be prosecuted for such an offence.

VISCOUNT HAILSHAM

422A After Clause 207, insert the following new Clause –

“Support for terrorism: intention

- (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 12 (support) after subsection (4), insert –
 - “(4A) A person is not guilty of an offence under this section unless the conduct alleged was done by that person with the intent of encouraging, inciting, facilitating or enabling another to commit an act of terrorism.”
- (3) In section 13 (uniform and publication of images), after subsection (1B), insert –
 - “(1C) A person is not guilty of an offence under this section unless the conduct alleged was done by that person with the intent of encouraging, inciting, facilitating or enabling another to commit an act of terrorism.”
- (4) Subject to subsection (5) a person may not be arrested in respect of an offence alleged to have been committed under sections 12 and 13 of the Terrorism Act 2000, unless that arrest has been authorised by a police officer of the rank of superintendent or above.

- (5) When determining whether to authorise the arrest under subsection (4), that police officer must have regard to the provisions of sections 12(4A) and 13(1C) of that Act.
- (6) Subject to subsection (7), subsections (4) and (5) of this section shall not apply where an arrest has not been authorised by a police officer of the rank of superintendent or above, but a police officer, having regard to the urgency or gravity of the relevant circumstances, reasonably believes that it is necessary to arrest a person in respect of an offence alleged to have been committed under sections 12 and 13 of the Terrorism Act 2000.
- (7) When determining whether to make an arrest under subsection (6), that police officer must have regard to the provisions of sections 12(4A) and 13(1C) of that Act.”

Member's explanatory statement

The amendments are designed to ensure that arrests under sections 12 and 13 of the Terrorism Act are in general confined to cases where a person is reasonably suspected of encouraging, inciting, facilitating or enabling another to commit an act of terrorism.

VISCOUNT HAILSHAM

422B

After Clause 207, insert the following new Clause —

“Proscription process: parliamentary involvement

- (1) Section 3 of the Terrorism Act 2000 (proscription) is amended as follows.
- (2) After subsection (3), insert —
 - “(3A) Subject to subsection (3B) the Secretary of State may not make an order under subsection (3) unless prior to making such an order, the Secretary of State has placed before the Intelligence and Security Committee (the ISC) or any committee which by statute may have replaced the ISC (the replacement committee), a statement of the reasons for making the order and the ISC or the replacement committee has published a report regarding that order.
 - (3B) Subsection (3A) does not apply if the Secretary of State is of the opinion that by reason of urgency the requirements of subsection (3A) cannot reasonably be complied with and the Secretary of State has made a statement to Parliament to that effect.
 - (3C) If subsection (3B) applies, the Secretary of State must within seven days of the making of the order, place before the ISC or the replacement committee, a statement of the reasons for making the order and within a reasonable period thereafter, the ISC or the replacement committee must make a report to Parliament.””

Member's explanatory statement

This amendment and another in name of Viscount Hailsham are designed to ensure that the Secretary of State informs the Intelligence and Security Committee of the facts that justify making

a proscription order and the Intelligence and Security Committee is in a position to publish a relevant report for the assistance of Parliament.

Clause 208

VISCOUNT HAILSHAM

- 423 Clause 208, page 254, line 26, at end insert “provided that at the time of her actions –
- (a) the balance of the woman’s mind was then disturbed by reason of her pregnancy, or
 - (b) the woman was the victim of domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2021 (definition of “domestic abuse”) and such abuse contributed to her actions.
- (2) Where evidence is adduced by or on behalf of the woman, which is capable of providing a defence under either or both of subsection (1)(a) and (b), it shall be for the prosecution to disprove that defence beyond a reasonable doubt.
- (3) An investigation into an allegation that an offence has been committed by a woman acting in relation to her own pregnancy, shall only be undertaken in accordance with an authorisation, issued or renewed under the provisions of subsections (4) and (5).
- (4) A police officer of the rank of superintendent or above may issue an authorisation for investigation into an allegation that an offence has been committed for a period not exceeding 14 days.
- (5) The authorisation may be renewed, by a police officer of the rank of superintendent or above, for two further periods, each not exceeding seven days.
- (6) When issuing or renewing an authorisation under this section, the police officer must take account of the provisions of subsections (1) and (2).”

BARONESS MONCKTON OF DALLINGTON FOREST

- 424 Leave out Clause 208

After Clause 208

BARONESS STROUD

- 425 After Clause 208, insert the following new Clause –
- “Abortion: requirement for in-person consultation**
- In section 1(3D) of the Abortion Act 1967 (medical termination of pregnancy), omit “, by telephone or by electronic means”.”

Member's explanatory statement

This new clause would mean that a pregnant woman would need to have an in-person consultation before lawfully being prescribed medicine for the termination of a pregnancy.

LORD BAILEY OF PADDINGTON

426

After Clause 208, insert the following new Clause —

“Mandatory investigation of abortions performed on females under the age of 16

- (1) Where a termination of pregnancy is performed or facilitated in respect of a female under the age of 16, the relevant authority must initiate a mandatory investigation to determine —
 - (a) whether the pregnancy resulted from criminal conduct, including but not limited to sexual offences under the Sexual Offences Act 2003,
 - (b) whether the female was subject to coercion, exploitation, or abuse,
 - (c) whether appropriate safeguarding measures were taken prior to and following the termination, and
 - (d) whether any person involved in the pregnancy or termination may be liable for prosecution under applicable criminal law.
- (2) For the purposes of subsection (1), “relevant authority” means —
 - (a) the police force for the area in which the termination was performed,
 - (b) any safeguarding board or child protection agency with jurisdiction over the female concerned, and
 - (c) any other body designated by the Secretary of State.
- (3) The investigation shall be initiated within 7 days of notification of the termination and shall be conducted in accordance with safeguarding protocols and the welfare interests of the female concerned.
- (4) Nothing in this section shall prevent the provision of medical care or termination services in accordance with existing legal and medical standards.
- (5) Any registered medical practitioner or healthcare provider who performs or facilitates a termination of pregnancy in respect of a female under the age of 16 shall, within 48 hours, notify the relevant authority.
- (6) Failure by a relevant authority to initiate an investigation under subsection (1), or failure by a medical professional to report under subsection (5), may constitute misconduct and shall be subject to disciplinary proceedings or other sanctions as prescribed by regulations made by the Secretary of State.
- (7) All investigations conducted under this section shall ensure the confidentiality, dignity, and welfare of the female concerned, and shall be carried out in a trauma-informed manner.”

Member's explanatory statement

Under UK law, abortion is regulated by the Abortion Act 1967, which outlines the conditions under which a pregnancy may be legally terminated. While abortion is legal under specific criteria, the involvement of minors – particularly those under 16 – raises additional legal and safeguarding concerns.

LORD FALCONER OF THOROTON

426A★ After Clause 208, insert the following new Clause –

“Providing assistance under assisted dying legislation in Crown Dependencies: criminal liability

In the Suicide Act 1961, after section 2A (acts capable of encouraging or assisting suicide) insert –

“2AA Assistance provided in Crown Dependencies

- (1) In sections 2(1) and 2A(1), a reference to an act that is capable of encouraging or assisting suicide or attempted suicide does not include –
 - (a) participating in acts that facilitate the provision of a medically assisted death in Scotland or the Crown Dependencies (the “jurisdictions”) under or in connection with legislation in those jurisdictions (“relevant legislation”),
 - (b) performing any other function under that relevant legislation in accordance with that relevant legislation, or
 - (c) assisting a person seeking to end their own life in accordance with that relevant legislation to access that relevant legislation.
- (2) It is a defence for a person charged with an offence under section 2 to prove that they –
 - (a) reasonably believed they were acting in accordance with relevant legislation in those jurisdictions, and
 - (b) took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.””

Clause 209

LORD CLEMENT-JONES
BARONESS DOOCEY

427 Clause 209, page 255, line 8, at end insert –

- “(3A) Before the appropriate national authority makes regulations under subsection (1) for the purpose of implementing a new international agreement, or significantly altering an existing agreement, the authority must conduct and publish a comprehensive Privacy Impact Assessment.

- (3B) The Privacy Impact Assessment required under subsection (3A) must analyse and report on –
 - (a) the necessity and proportionality of the information sharing arrangements,
 - (b) the mechanism by which individual rights, including those under Article 8 of the Human Rights Act 1998, will be safeguarded,
 - (c) the risks of non-compliance with the data protection legislation or of unintended consequences arising from the sharing of personal data, and
 - (d) the nature and volume of personal data intended to be shared or accessed under the agreement.
- (3C) The appropriate national authority must lay before Parliament, no later than 12 months after the first regulations are made under this section, and annually thereafter, a report on the operation of regulations made under this section.
- (3D) The annual report required under subsection (3C) must include, in particular –
 - (a) an assessment of the overall volume and categories of information shared under the regulations,
 - (b) a detailed analysis of the impact of the regulations on the privacy and data protection rights of individuals, and
 - (c) a summary of any internal reviews, audits, or legal challenges relating to information sharing under the agreements implemented by the regulations.”

Member's explanatory statement

This amendment requires a privacy impact assessment to be carried out before regulations are made under this section.

After Clause 211

LORD CLEMENT-JONES
BARONESS DOOCEY

428

After Clause 211, insert the following new Clause –

“Enhanced protective measures for sensitive data transfers

- (1) Where regulations under section 209 authorise the transfer or processing of highly sensitive personal data, the regulations must include enhanced protective measures.
- (2) For the purposes of this section, “highly sensitive personal data” includes, but is not limited to, information concerning an individual’s –
 - (a) racial or ethnic origin;
 - (b) biometric data processed for the purpose of unique identification;
 - (c) genetic data;
 - (d) physical or mental health conditions or data related to sexual life;
 - (e) political, philosophical, or religious opinions or beliefs.

- (3) Enhanced protective measures under subsection (1) must include provisions which ensure that—
 - (a) the international transfer has an explicit legal basis set out in the regulations, which is demonstrated to be strictly necessary and proportionate for the stated law enforcement purpose;
 - (b) a comprehensive assessment of the risk to the fundamental rights and freedoms of the data subjects (a Privacy Impact Assessment) has been completed for the specific transfer arrangement;
 - (c) the recipient country or international organisation is legally and technically capable of ensuring a standard of protection for the data equivalent to that afforded by the data protection legislation.
- (4) The Secretary of State must lay before Parliament the Privacy Impact Assessment required by subsection (3)(b) prior to the relevant regulations being made.”

Member's explanatory statement

This amendment requires enhanced protective measures to be used when highly sensitive data is transferred or processed under Clause 209.

LORD CLEMENT-JONES
BARONESS DOOCEY

429

After Clause 211, insert the following new Clause—

“Annual report on international law enforcement information-sharing

- (1) The Secretary of State must, in relation to each calendar year, prepare a report on the operation of international information-sharing agreements implemented by regulations made under section 209.
- (2) The report must detail the effectiveness and impact of information sharing including, but not limited to, the following information—
 - (a) the number of international agreements in operation and the total volume of information exchanged under section 209;
 - (b) an assessment of the effectiveness of the information sharing in achieving law enforcement purposes (being the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including safeguarding against, and the prevention of, threats to public security);
 - (c) a comprehensive analysis of the impact of the transfer and processing of personal data on the privacy and civil liberties of individuals, including any disproportionate application on the basis of protected characteristics;
 - (d) details of any findings that information sharing under section 209 has contravened the data protection legislation.
- (3) The Secretary of State must publish each report and lay a copy before Parliament no later than 1 July in the year following the year to which the report relates.”

Member's explanatory statement

This amendment requires an annual report to be produced on international law enforcement information sharing.

After Clause 213

LORD CLEMENT-JONES
BARONESS DOOCEY

430

After Clause 213, insert the following new Clause –

“Safeguards for the use of facial recognition technology in public spaces

- (1) The use of live facial recognition technology for real-time biometric identification, by any public or private authorities, shall be prohibited unless one or more of the following conditions are met –
 - (a) it is used for the purpose of preventing, detecting, or investigating serious crimes as defined under the Serious Crime Act 2007,
 - (b) the deployment has received prior judicial authorisation specifying the scope, duration, and purpose of its use,
 - (c) it is necessary and proportionate for preventing an imminent and substantial threat to public safety, such as a terrorist attack, or
 - (d) it is deployed for the purpose of locating missing persons or vulnerable individuals at risk.
- (2) Any public authority deploying live facial recognition technology must –
 - (a) conduct and publish a Data Protection Impact Assessment before deployment,
 - (b) ensure that use is compliant with the principles of necessity and proportionality as outlined in the Human Rights Act 1998,
 - (c) maintain clear and publicly available records of deployments, including justification for use and any safeguards implemented,
 - (d) inform the public of deployments, unless exceptional circumstances apply, and
 - (e) create, implement and follow nationwide statutory guidance for using the technology.
- (3) The use of live facial recognition technology for mass surveillance, profiling, or automated decision-making without human oversight, is an offence.
- (4) The Information Commissioner’s Office and an independent oversight body shall be responsible for monitoring compliance with the provisions of this section, conducting audits, and investigating complaints.
- (5) Within six months of the passing of this Act, the Secretary of State must ensure that a motion is tabled, and moved, in each House of Parliament to approve the appointment of the independent oversight body specified in subsection (4).

- (6) A public authority or private entity guilty of an offence under this section will be liable –
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine.
- (7) A private individual found guilty of an offence under this section will be liable –
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine or imprisonment (or both).
- (8) The Secretary of State must lay before both Houses of Parliament an annual report detailing the use of live facial recognition technology, including instances of authorisation and compliance measures undertaken, and ensure that a motion is tabled, and moved, in each House to approve the report.
- (9) The motion specified in subsection (8) must include proposals to strengthen the role of the Office of the Biometrics and Surveillance Camera Commissioner in overseeing the impact of relevant emerging technology such as facial recognition and its impact on civil liberties.”

Member's explanatory statement

This new clause limits the use of live facial recognition in public to serious cases like preventing major crimes, finding missing people, or responding to threats and requires prior judicial approval.

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS BARRAN
BARONESS MORGAN OF COTES

431 After Clause 213, insert the following new Clause –

“Awareness of information in connection with an investigation into the death of a child

- (1) The Secretary of State must, within three months of the day on which this Act is passed, write a letter setting out the powers of coroners to request Data Preservation Notices and Coroner Information Notices under section 101 of the Online Safety Act 2023 (information in connection with an investigation into the death of a child) in order to support the investigation of any potential related crime.
- (2) The letter must set out –
 - (a) the requirement of the coroner to inform OFCOM when a child has died, in accordance with section 101 of that Act;
 - (b) the powers a coroner has to request the preservation of data in connection with an investigation into the death of a child, as set out in section 101 of that Act;
 - (c) the powers a coroner has to request information in connection with the death of a child, as set out in section 101 of that Act;

- (d) an example of the template setting out the scope and range of information that may be relevant to the death of a child, in accordance with section 101 of that Act.
- (3) The letter must be addressed to —
 - (a) the Chief Coroner;
 - (b) the Coroners' Society of England and Wales;
 - (c) area coroners;
 - (d) Police and Crime Commissioners;
 - (e) Chief Constables;
 - (f) the Commissioner of the Metropolitan Police;
 - (g) the College of Policing;
 - (h) relevant non-governmental organisations and parent groups;
 - (i) any other persons the Secretary of State deems relevant."

Member's explanatory statement

This is an amendment consequential on another amendment in the name of Baroness Kidron which seeks to require the Secretary of State to ensure that all coroners and the police are aware of their new responsibilities under the other amendment, and their broader powers for data collection under section 101 of the Online Safety Act.

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS BARRAN
BARONESS MORGAN OF COTES

432 After Clause 213, insert the following new Clause —

“Regulation of information retained by providers of internet services in connection with death of child

- (1) Section 101 of the Online Safety Act 2023 (information in connection with an investigation into the death of a child) is amended as follows.
- (2) Before subsection (A1), insert —
 - “(ZA1) A senior coroner (in England and Wales), a procurator fiscal (in Scotland) or a coroner (in Northern Ireland) must, when notified of the death of a child aged five to seventeen years, inform OFCOM no more than five working days after such a notification, to enable OFCOM to require the retention of information to enable the investigating authority to —
 - (a) detect whether a crime may have been committed, or
 - (b) establish information and activities relevant to the circumstances of a child's death.”
- (3) In subsection (A1)(a), omit “that they are conducting an investigation in connection with” and insert “of”.
- (4) In subsection (A1)(b), after “with” insert “one or more of”.

(5) At the end of subsection (B1), insert –

“(e) anything else that the investigating authority deems relevant.”

(6) In subsection (C1), after “OFCOM” insert “must promptly return to the investigating authority a standard template, for completion by that authority, covering what data the authority may require in relation to the death of the child, and then, using the information provided by the investigating authority in the template –”.

(7) After subsection (D1), insert –

“(D1A) The standard template mentioned in subsection (C1) must include sections providing suggestions on what information the investigating authority may require, including –

- (a) information from a list of common applications, services and online spaces likely to be accessed by a child as indicated by OFCOM’s research, including but not limited to the most recent Media Use and Attitudes reports,
- (b) content uploaded, generated, shared or viewed by the child online, including messages, comments, reactions, videos, pictures, or any other content that forms part of a child’s profile or activity,
- (c) content that a child had received online, including direct messages, comments, reactions, views, videos and pictures,
- (d) content recommended to a child online,
- (e) content stored by a child online,
- (f) content flagged for moderation either by the child or which the child had engaged with online, and any actions taken in response to that flagging,
- (g) metadata associated with the content set out in paragraphs (a) to (f), including time, data, account details of users who messaged a child or uploaded, generated or shared content encountered by a child, how long a child paused on content, how long a child spent on a service, and any other metadata that may be relevant,
- (h) online search requests entered by the child (and metadata associated with those requests such as date and time),
- (i) connection lists and channels that the child followed online,
- (j) online networks that the child was a part of,
- (k) any other content that OFCOM deems relevant for a coroner to consider, and
- (l) any data that is categorised or labelled differently but can be reasonably considered equivalent to data as set out in paragraphs (a) to (k) above and is necessary for the coroner to perform their duties,

and including an open box in which the coroner may formulate additional questions and requirements to be put to the provider of a service within subsection (E1).

- (D1B) The notice supplied under subsection (C1)(a) or (b), which will be a form based upon the template completed by the investigating authority, must stipulate—
- (a) that the service or person is expected to complete each section of the form,
 - (b) that it is permissible for an online service to complete a section of the form with a nil response if it does not have that information, and
 - (c) that the service or person should also supply any other information that they might consider would impact on the authority’s investigation.
- (D1C) The standard template must be updated every 24 months and shared with—
- (a) the Chief Coroner;
 - (b) the Coroners’ Society of England & Wales;
 - (c) Chief Constables;
 - (d) child safety experts;
 - (e) relevant non-governmental organisations and parent groups;
 - (f) any other persons OFCOM deem relevant.””

Member's explanatory statement

This amendment seeks to make data preservation notices automatic upon a child’s death and requires OFCOM to provide a template which includes basic data coroners will need, and allows a coroner to request any further information that they deem necessary to their investigation. This information is key to conducting an investigation into a child’s death and determining whether a criminal investigation is necessary. The amendment seeks to make data preservation notices fast, consistent and effective.

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS MORGAN OF COTES
VISCOUNT COLVILLE OF CULROSS

433

After Clause 213, insert the following new Clause—

“AI chatbots: offence

- (1) It is an offence to create, supply, or otherwise make available an AI chatbot which produces content specified in subsection (2).
- (2) Content is covered by this section if it consists of—
 - (a) illegal content, as defined by section 59 of the Online Safety Act 2023; or
 - (b) where the content is presented to a user aged under 18—
 - (i) content or activity which is harmful to children, as defined by section 60 of the Online Safety Act 2023;

- (ii) content or activity which is presented by an AI chatbot that mimics a human in a manner likely to mislead a child as to its non-human nature; or
 - (iii) content with an exploitative design, where content is presented with the intent or effect of detrimentally or coercively extending the user's engagement with the AI chatbot.
- (3) A person who commits an offence under this section is liable--
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (4) For the purposes of this Act, an AI chatbot is a generative AI system, including a deep or large language model, able to generate text, images and other content based on the data on which it was trained, and which has been designed to respond to user commands in a way that mimics a human, or engage in conversations with a user that mimic human conversations."

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS MORGAN OF COTES
VISCOUNT COLVILLE OF CULROSS

434 After Clause 213, insert the following new Clause —

“AI chatbots offence committed by provider of a regulated service under the Online Safety Act 2023

- (1) The condition in this subsection is met where an offence under section (*AI chatbots: offence*) is committed —
 - (a) by a provider of a regulated service as defined by section 4 of the Online Safety Act 2023; and
 - (b) materially in relation to the provision of that regulated service.
- (2) Where the condition in subsection (1) is met, the provider of the regulated service shall, in addition to being liable for the offence under section (*AI chatbots: offence*), be deemed to be in breach of an enforceable requirement for the purposes of Part 7, Chapter 6 of the Online Safety Act 2023.
- (3) Where the condition in subsection (1) is met and the AI chatbot which is the subject matter of the offence under section (*AI chatbots: offence*) is available to users in the United Kingdom, OFCOM may apply to the court for the business disruption measures listed in Part 7, Chapter 6 of the Online Safety Act 2023 in the relation to the AI chatbot which is the subject matter of the offence.
- (4) OFCOM must consider using its power under subsection (3) expeditiously where there is an imminent risk to life as a result of the ongoing availability of the AI chatbot in question to users in the United Kingdom."

BARONESS KIDRON
 LORD CLEMENT-JONES
 BARONESS MORGAN OF COTES
 VISCOUNT COLVILLE OF CULROSS

435 After Clause 213, insert the following new Clause —

“Liability for offence under section (*AI chatbots: offence*) committed by a body

- (1) This section applies where an offence under section (*AI chatbots: offence*) is committed by a body.
- (2) If the offence is committed with the consent or connivance of —
 - (a) a relevant person in relation to the body, or
 - (b) a person purporting to act in the capacity of a relevant person in relation to the body,
 the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) In this section —

“body” means a body corporate, a partnership or an unincorporated association other than a partnership;

“relevant person”, in relation to a body, means —

 - (a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;
 - (b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;
 - (c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);
 - (d) in the case of any other partnership, a partner;
 - (e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it.”

BARONESS KIDRON
 LORD CLEMENT-JONES
 BARONESS MORGAN OF COTES
 VISCOUNT COLVILLE OF CULROSS

436 After Clause 213, insert the following new Clause —

“Defences to the AI chatbots offence

It is a defence for any person charged with an offence under section (*AI chatbots: offence*) to prove that they —

- (a) created, supplied or otherwise made available an AI chatbot which breached the provisions in subsection (1) of that section for the purposes

- of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world,
- (b) were a member of, employed by, or engaged by OFCOM and created, supplied or otherwise made available an AI chatbot which breached the provisions in subsection (1) of that section in the exercise of OFCOM's online safety functions under the Online Safety Act 2023,
 - (c) were red-teaming or testing the product, for the purposes of ensuring its compatibility with applicable legislation or guidance, or
 - (d) both –
 - (i) took reasonable steps to avoid committing the offence, including conducting a written risk assessment on the likelihood of the AI chatbot in question producing content specified in subsection (2) of that section, and
 - (ii) provided accessible and transparent means with which users could report content produced by the AI chatbot in question of the kind specified in subsection (2) of that section.”

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS MORGAN OF COTES
VISCOUNT COLVILLE OF CULROSS

437 After Clause 213, insert the following new Clause –

“Right not to be subject to serious harm and injunctive relief

- (1) A person (“P”) has a right not to be subject to serious harm as a result of the making available to them, through an AI chatbot, of content of the type described in subsection (2) of section (*AI chatbots: offence*).
- (2) If, on an application by P, a court is satisfied that there has been, or there is a serious and imminent risk of, an infringement of their right under subsection (1), a court may make an order for the purposes of securing compliance with that right, which requires the provider of the AI chatbot in question –
 - (a) to take steps specified in the order, or
 - (b) to refrain from taking steps specified in the order.
- (3) The order may, in relation to each step, specify the time at which, or the period within which, it must be taken.
- (4) For the purposes of this section –
 - (a) the provider of an AI chatbot is the entity that has control over which content is published or displayed on or through it;
 - (b) if no entity has control over which content is published or displayed on or through the AI chatbot, but an individual or individuals have control over the same, the provider of the AI chatbot is that individual or those individuals;
 - (c) the provider of an AI chatbot that is generated by a machine is the entity that controls the machine (and that entity alone); and

- (d) if no entity controls the machine, but an individual or individuals control it, the provider of the AI chatbot is that individual or those individuals.”

BARONESS NEVILLE-ROLFE
EARL RUSSELL

438 After Clause 213, insert the following new Clause —

“Submarine Telegraph Act 1885: potential amendment of penalties

- (1) The Secretary of State may by regulations amend section 3(2)(a) of the Submarine Telegraph Act 1885 (punishment for violation of Article 2 of Convention) to substitute for the current penalty a term of imprisonment not exceeding 15 years and a fine at level 5 on the standard scale.
- (2) Regulations under subsection (1) may make such incidental, supplementary, consequential, transitional or saving provision as the Secretary of State considers appropriate.
- (3) The Secretary of State must, within one year of the day on which this Act is passed, lay before Parliament a report —
 - (a) assessing whether the penalties under section 3 of the Submarine Telegraph Act 1885 remain appropriate in light of the risk posed by sabotage of undersea cables forming part of the United Kingdom’s critical national infrastructure,
 - (b) setting out the government’s decision on whether to exercise the power under subsection (1), and
 - (c) if the government decides not to exercise that power, explaining whether it instead intends to bring forward alternative legislation to update the Submarine Telegraph Act 1885, including in relation to matters such as scope, extraterritorial application and interaction with other relevant enactments.”

Member's explanatory statement

This amendment targets serious sabotage of critical national infrastructure by conferring a power to increase Submarine Telegraph Act 1885 penalties to 15 years’ imprisonment and an unlimited fine, aligning penalties more closely to the parallel offences relating to power cables. It requires a one-year report to Parliament on exercising that power or instead to bring forward alternative legislation to modernise the 1885 Act more comprehensively.

EARL RUSSELL

439 After Clause 213, insert the following new Clause —

“Offence of failing to meet pollution performance commitment levels

- (1) A water or water and sewerage company (“C”) commits an offence where C has —
 - (a) failed to meet its pollution performance commitment level for three consecutive years, or

- (b) experienced an increase in serious pollution levels for three consecutive years.
- (2) For the purposes of this section –
 - “water or water and sewerage company” means companies which are responsible for the provision of water, or water and sewerage, services and which are regulated by Ofwat and the Environment Agency;
 - “pollution performance commitment level” means the level of performance on pollution that the company has committed to deliver, and which is reported against by Ofwat in its annual water company performance report;
 - “total pollution incidents per 10,000km²” and “serious pollution incidents” mean the relevant figures under those headings reported by the Environment Agency in its annual environmental performance report.
- (3) If guilty of an offence under this section, C is liable –
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine.”

Member's explanatory statement

This new clause creates an offence of failing to meet pollution performance commitment levels.

EARL RUSSELL

440

After Clause 213, insert the following new Clause –

“Senior manager liability for failure to meet pollution performance commitment levels

- (1) A person (“P”) commits an offence where –
 - (a) P is a senior manager of a water or water and sewerage company (“C”),
 - (b) C commits an offence under section (*Offence of failing to meet pollution performance commitment levels*), and
 - (c) P has failed to take all reasonable steps to prevent that offence being committed by C.
- (2) For the purposes of this section, “senior manager” means an individual who plays a significant role in –
 - (a) the making of decisions about how C’s relevant activities are to be managed or organised, or
 - (b) the actual managing or organising of C’s relevant activities.
- (3) Where P is charged with an offence under this section, it is a defence for P to show that P was a senior manager of C for such a short time during the relevant period that P could not reasonably have been expected to take steps to prevent that offence being committed by C.
- (4) Where P is guilty of an offence under this section, P is liable –
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine.”

Member's explanatory statement

This new Clause creates senior manager liability for failure to meet pollution performance commitment levels.

BARONESS CHAKRABARTI
THE LORD BISHOP OF MANCHESTER
BARONESS BUTLER-SLOSS
LORD BURNETT OF MALDON

441 After Clause 213, insert the following Clause –

“Age of criminal responsibility

In section 50 of the Children and Young Persons Act 1933 (age of criminal responsibility), for “ten” substitute “12”.

Member's explanatory statement

This new clause would raise the age of criminal responsibility in England and Wales from ten to 12 years so that no child under that age could be tried for or convicted of a criminal offence.

Clause 214

LORD HANSON OF FLINT

442 Clause 214, page 259, line 23, at end insert –

“(za) section (Remote sale of knives etc: Northern Ireland);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to make regulations containing amendments consequential on my new clause, (Remote sale of knives etc: Northern Ireland), inserted after clause 31.

LORD HANSON OF FLINT

443 Clause 214, page 259, line 23, at end insert –

“(za) sections (Remote sale and letting of crossbows: Northern Ireland), (Delivery of crossbows: Northern Ireland), and (Sale and delivery of crossbows: Northern Ireland: supplementary provision);”

Member's explanatory statement

This amendment gives the Department of Justice power to make regulations containing provision consequential on the specified new clauses, inserted after clause 35.

Clause 215

LORD NASH

- 444** Clause 215, page 260, line 13, after “70(6),” insert “(Action to forestall the sexual exploitation of children by combating CSAM),”

Member's explanatory statement

This amendment is connected with another in the name of Lord Nash. It would require the Secretary of State to take action to forestall the sexual exploitation of children by mandating the installation of software which prevents the creation, viewing and sharing of child sexual abuse material on smartphones, tablets, and subsequently other devices, which are supplied for use in the UK.

LORD CLEMENT-JONES
BARONESS DOOCEY

- 445** Clause 215, page 260, line 14, at end insert “or 209”

Member's explanatory statement

This amendment requires regulations under section 209 of the Bill to be made by the affirmative procedure.

BARONESS NEVILLE-ROLFE

- 446** Clause 215, page 260, line 14, at end insert “or (Submarine Telegraph Act 1885: potential amendment of penalties)”

Clause 217

LORD HANSON OF FLINT

- 447** Clause 217, page 261, line 30, at end insert –
“(fa) section 65(3);”

Member's explanatory statement

This amendment gives the specified provision (which amends Schedule 3 to the Sexual Offences Act 2003) UK extent.

BARONESS LEVITT

- 448** Clause 217, page 261, line 31, at end insert –
“(ga) section (Sexual offences against children under 16)(4);”

Member's explanatory statement

This amendment provides for the specified provision to have UK extent.

LORD HANSON OF FLINT

449 Clause 217, page 261, line 34, at end insert –

“(ja) section (*Purported intimate image generators*)(5);”

Member's explanatory statement

The amendment gives the specified provision (which amends Schedule 3 to the Sexual Offences Act 2003) UK extent.

BARONESS LEVITT

450 Clause 217, page 261, line 35, at end insert –

“(ka) section (*Pornographic images of sex between relatives*)(7);”

Member's explanatory statement

This amendment gives the specified provision (which amends the Online Safety Act 2023) UK extent.

BARONESS LEVITT

451 Clause 217, page 261, line 36, at end insert –

“(la) section (*Sexual activity with an animal*)(5);”

Member's explanatory statement

This amendment gives the specified provision (which amends Schedule 3 to the Sexual Offences Act 2003) UK extent.

LORD HANSON OF FLINT

452 Clause 217, page 262, line 1, at end insert –

“(qa) section (*Aggravated Offences*)(9);”

Member's explanatory statement

This amendment provides that the specified provision (inserted after clause 121) extends to the UK.

LORD HANSON OF FLINT

453 Clause 217, page 262, line 7, after “162(2)” insert “to (4)”

Member's explanatory statement

This amendment provides for clause 162(3) and (4) to have UK extent.

LORD HANSON OF FLINT

454 Clause 217, page 262, line 7, at end insert —

“(wa) sections 168 to 171;”

Member's explanatory statement

This amendment provides for clauses 168 to 171 to have UK extent.

BARONESS LEVITT

455 Clause 217, page 262, line 11, leave out “paragraph” and insert “paragraphs 15,”

Member's explanatory statement

This amendment gives paragraph 15 of Schedule 11 (which amends Schedule 3 to the Sexual Offences Act 2003) UK extent.

BARONESS LEVITT

456 Clause 217, page 262, line 11, after “19” insert “and 23”

Member's explanatory statement

This amendment gives the new paragraph of Schedule 11 inserted by my amendment to Schedule 11, page 330, line 21 (which amends the Online Safety Act 2023) UK extent.

LORD HANSON OF FLINT

457 Clause 217, page 262, line 12, after “Sections” insert “33(1), (2A) and (3), 34, 35(1) and (2),”

Member's explanatory statement

This amendment provides for the specified provisions to extend to England and Wales, and Scotland.

BARONESS LEVITT

458 Clause 217, page 262, line 13, after “90(1) to (3),” insert “(Pornographic images of sex between relatives)(2) and (3),”

Member's explanatory statement

This amendment provides that the specified provisions (which amend the Criminal Justice and Immigration Act 2008) extend to England and Wales and Northern Ireland.

LORD HANSON OF FLINT

459 Clause 217, page 262, line 16, after “Sections” insert “(Remote sale of knives etc: Northern Ireland),”

Member's explanatory statement

This amendment provides for my new clause (Remote sale of knives etc: Northern Ireland), inserted after clause 31, to extend to Northern Ireland only.

LORD HANSON OF FLINT

- 460** Clause 217, page 262, line 16, after “Sections” insert “(Remote sale and letting of crossbows: Northern Ireland), (Delivery of crossbows: Northern Ireland), (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(1) to (3),”

Member's explanatory statement

This amendment provides for the specified provisions, inserted after clause 35, to extend to Northern Ireland only.

LORD HANSON OF FLINT

- 461** Clause 217, page 262, line 19, after “Sections” insert “(Remote sale or letting of knives etc: Scotland)”

Member's explanatory statement

This amendment provides for my new clause (Remote sale or letting of knives etc: Scotland), inserted after clause 31, to extend to Scotland only.

LORD HANSON OF FLINT

- 462** Clause 217, page 262, line 23, at end insert —
“(ba) sections 33(2B) and 35(3) and (4);”

Member's explanatory statement

This amendment provides for the specified provisions to have the same extent as the provisions they are amending.

LORD HANSON OF FLINT

- 463** Clause 217, page 262, line 23, at end insert —
“(ba) section (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(4);”

Member's explanatory statement

This amendment provides for the specified provision to have the same extent as the provision amended.

LORD HANSON OF FLINT

464 Clause 217, page 262, line 25, at end insert —

“(da) section (*Application of Firearms Acts to sound moderators etc*) and Schedule (*Sound moderators etc: exemptions*);”

Member's explanatory statement

This amendment gives the amendments made by the specified provisions the same extent as the provisions they amend.

BARONESS LEVITT

465 Clause 217, page 262, line 30, at end insert —

“(ia) section 95(2);”

Member's explanatory statement

This amendment provides for the amendments made by the specified provision to have the same extent as the provisions they amend.

LORD HANSON OF FLINT

466 Clause 217, page 262, line 37, at end insert —

“(pa) section (*Return to unauthorised encampments: prohibited period*);”

Member's explanatory statement

This amendment gives the amendments made by my new clause inserted after clause 142 the same extent as the provisions they amend.

BARONESS LEVITT

467 Clause 217, page 263, line 3, at end insert —

“(va) Schedule (*Sexual offences against children under 16: consequential amendments*);”

Member's explanatory statement

This amendment provides for amendments made by the specified new Schedule to have the same extent as the provisions they amend.

Clause 218

BARONESS BERTIN
LORD CLEMENT-JONES
BARONESS KIDRON

467A★ Clause 218, page 263, line 27, leave out “and 76” and insert “, 76, 89, (*Amendment of possession of extreme pornographic images provision to cover incest*), (*Pornographic content:*

online harmful content), (Pornographic content: duty to verify age), (Amendment of Protection of Children Act 1978), (Pornographic images of sex between relatives), and (Offences relating to intimate photographs or films and voyeurism)."

BARONESS BERTIN
LORD CLEMENT-JONES
BARONESS KIDRON

467B★ Clause 218, page 263, line 31, at end insert—

“(f) schedule 11.”

Member's explanatory statement

This amendment seeks to ensure that various provisions related to sexual offences and online harms come into force on the day on which the Act is passed. These provisions are included in (1) some existing clauses in the Bill, (2) amendments in the name of Baroness Bertin, and (3) an amendment in the name of Baroness Levitt.

LORD HANSON OF FLINT

468 Clause 218, page 263, line 38, at end insert—

“(ea) section (Return to unauthorised encampments: prohibited period);”

Member's explanatory statement

This amendment makes my new clause inserted after clause 142 commence 2 months after Royal Assent.

LORD HANSON OF FLINT

469 Clause 218, page 264, line 11, after “Sections” insert “32,”

Member's explanatory statement

This amendment provides for the specified provision to be commenced by the Scottish Ministers so far as extending to Scotland, and the Department of Justice so far as extending to Northern Ireland.

LORD HANSON OF FLINT

470 Clause 218, page 264, line 18, at end insert—

“(za) section (Remote sale of knives etc: Northern Ireland);”

Member's explanatory statement

This amendment provides for my new clause (Remote sale of knives etc: Northern Ireland), inserted after clause 31, to be commenced by order made by the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

471 Clause 218, page 264, line 18, at end insert –

- “(za) sections (*Remote sale and letting of crossbows: Northern Ireland*) and (*Delivery of crossbows: Northern Ireland*);
- (zb) section (*Sale and delivery of crossbows: Northern Ireland: supplementary provision*)(1) to (3), and section (*Sale and delivery of crossbows: Northern Ireland: supplementary provision*)(4) so far as extending to Northern Ireland;”

Member's explanatory statement

This amendment provides for the specified provisions, inserted after clause 35, to be commenced by an order made by the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

472 Clause 218, page 264, line 34, at end insert –

- “(za) section (*Remote sale or letting of knives etc: Scotland*);”

Member's explanatory statement

*This amendment provides for my new clause (*Remote sale or letting of knives etc: Scotland*), inserted after clause 31, to be commenced by regulations made by the Scottish Ministers.*

LORD HANSON OF FLINT

473 Clause 218, page 264, line 34, at end insert –

- “(za) sections 33 to 35, so far as extending to Scotland;”

Member's explanatory statement

This amendment provides for the specified provisions to be commenced by regulations made by the Scottish Ministers so far as extending to Scotland.

Crime and Policing Bill

SECOND MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

26 February 2026

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS