

Crime and Policing Bill

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Second Marshalled List]

Amendment
No.

After Clause 76

LORD NASH
BARONESS BENJAMIN
BARONESS CASS

This amendment is intended to replace Amendment 239

239A★ 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 passing of this Act 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—
 - (a) 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, and
 - (b) protect the privacy of the users of relevant devices through making provision to ensure that software of the kind required by subsection (2) does not, and cannot be used to, collect, retain, copy or transmit any data outside of the relevant device on which it is operating, or determine by

any means the identity of the user of the relevant device on which it is operating.

- (5) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) 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.

After Clause 77

BARONESS GREY-THOMPSON

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

“Penalty for failure to uphold duty to report suspected child sex offences

- (1) The Secretary of State may give a person who acts contrary to section 77 (duty to report suspected child sex offences) a notice requiring them to pay a penalty of a specified amount not exceeding the prescribed maximum.
- (2) The Secretary of State must issue, and from time to time revise and re-issue, a code of practice specifying factors to be considered by them in determining the amount of a penalty imposed under this section, as well as factors which they will use to assess if the issuance of a penalty would be in the public interest.
- (3) A penalty notice must –
 - (a) state why the Secretary of State thinks the person is liable to the penalty,
 - (b) state the amount of the penalty,
 - (c) specify a date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,

- (d) specify how the penalty must be paid,
 - (e) explain how the person may make an appeal against the penalty, and
 - (f) explain how the Secretary of State may enforce the penalty.
- (4) Any person in receipt of a penalty notice under this section may appeal to the county court on the ground that they are not liable to the imposition of a penalty because –
 - (a) they are not required to comply with the duty to report child sex offences under section 77,
 - (b) a relevant exemption from that section applies,
 - (c) a report under the duty was made and therefore the penalty was issued in error, or
 - (d) the amount of the penalty is too high.
- (5) The court may –
 - (a) allow the appeal and cancel the penalty,
 - (b) allow the appeal and reduce the penalty, or
 - (c) dismiss the appeal.
- (6) An appeal shall be a re-hearing of the Secretary of State's decision to impose a penalty, and shall be determined having regard to –
 - (a) the code of practice under this section that has effect at the time of the appeal, and
 - (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware).
- (7) An appeal must be brought within 28 days of the date the notice was received by the person upon whom it was issued.
- (8) A penalty under this section is recoverable as if it were payable under an order of the county court. Where action is taken to recover a penalty under this section, the penalty is to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court.
- (9) Money paid to the Secretary of State by way of penalty must be paid into the Consolidated Fund.”

Member's explanatory statement

This amendment seeks to ensure that civil sanctions can be imposed for failure to comply with the duty to report suspected child sex offences.

After Clause 97**LORD HACKING**

306A★ 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 United Kingdom.
- (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 amendment seeks to make it a criminal offence to enable or profit from the prostitution of another person, including by operating a website hosting adverts for prostitution.

LORD HACKING

306B★ After Clause 97, insert the following new Clause—

“Power of Secretary of State to disregard convictions or cautions

In section 92 of the Protection of Freedoms Act 2012 (Power of Secretary of State to disregard convictions or cautions)—

- (a) in subsection (1) after “sex” insert “, or was an offence committed under section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution)”;
- (b) in subsection (2) at end insert, “or, for a conviction or caution for an offence committed under section 1 of the Street Offences Act 1959, condition B alone is met”.”

Member's explanatory statement

This amendment seeks to disregard historical cautions or convictions against victims of commercial sexual exploitation for loitering or soliciting for the purpose of prostitution.

After Clause 124

BARONESS BRINTON
BARONESS DOOCEY

361A★ After Clause 124, insert the following new Clause —

“Suicide and domestic abuse: investigation

Where there is reasonable suspicion that a death by suicide has been preceded by a history of domestic abuse committed against the person by another person, the relevant police force must investigate that suicide as if it were a potential homicide.”

Member's explanatory statement

This amendment ensures that all suicides where domestic abuse is suspected are investigated as potential homicides from the outset, in order to ensure the best evidence is collected and preserved.

After Clause 213

BARONESS KIDRON

441A★ After Clause 213, insert the following new Clause —

“AI search services safety: offence

- (1) It is an offence for the provider of a generative AI search service to allow the creation, viewing, listening to, sharing, broadcasting or storing, using that service, of content —
 - (a) that would be illegal content, as defined by section 59 of the Online Safety Act 2023 (“illegal content” etc),
 - (b) that would be content that is harmful to children, as defined by section 60 of that Act (“content that is harmful to children”), if the user is a child,
 - (c) that has an exploitative design, such that it —
 - (i) is presented with the intent, or
 - (ii) has the effect,
 of detrimentally or coercively extending the user’s engagement with the service, if the user is a child, or
 - (d) that is a photograph or film covered by section 66A of the Sexual Offences Act 2003 (sending etc photograph or film of genitals), that is based on a real person, and could reasonably be assumed to be sexual in nature and likely to demean or humiliate the featured person.
- (2) For the purposes of this section, a generative AI search service means a deep or large language model able to generate text, images and other content based on the data on which they were trained and user prompts.
- (3) For the purposes of this section, “content” has the meaning given in section 236 (interpretation: general) of the Online Safety Act 2023, and includes both content generated by an AI search service and content generated by a user.

- (4) A provider which commits an offence under this section is liable –
- (a) to the application of the enforcement powers set out in Part 7, Chapter 6 (enforcement powers) of the Online Safety Act 2023, where the provider is a regulated service under section 4 of the Online Safety Act 2023 (“regulated service”, “Part 3 service” etc.);
 - (b) to a penalty notice, issued by the National Crime Agency and not exceeding £18 million, where the provider is not a regulated service under section 4 of that Act.”

Member's explanatory statement

This amendment is intended to ensure that all generative AI large language models do not produce illegal content, and are under duties to keep their users safe.

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27 February 2026
