

Crime and Policing Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS

TO BE MOVED ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

[The page and line references are to HL Bill 111(Corrected), the Bill as first printed for the Lords]

MOTION A

LORDS AMENDMENT 2

Clause 4

2 Clause 4, page 12, line 11, at end insert –

“(5) For the purposes of this section, any authorised person or company issuing fixed penalty notices under the provisions listed in subsection (6) must not receive, directly or indirectly, any financial benefit that is contingent upon –

- 5 (a) the issuing of a fixed penalty notice, or
(b) the number or value of fixed penalty notices issued.

(6) The provisions are –

- (a) section 52, and
(b) section 68,

10 of the Anti-social Behaviour, Crime and Policing Act 2014 (fixed penalty notices).

(7) For the purposes of subsection (5), a financial benefit includes, but is not limited to –

- 15 (a) any commission, bonus, incentive payment, or performance-related remuneration;
(b) any benefit provided under a contract, arrangement, or understanding that links remuneration to enforcement outcomes;
(c) any financial profit accrued by an employer;
(d) any non-monetary benefit prescribed by regulations.

20 (8) Any employer or person found to be in breach of subsection (5) may have their arrangements, accreditation or authorisation revoked by the chief officer of police or relevant local authority.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 2 but propose amendments 2A to 2C to the Bill as amendments in lieu –

- 2A** Page 12, line 7, leave out “and (4)” and insert “to (5)”
- 2B** Page 12, line 9, at end insert –
- “(3A) In section 56 (guidance), after subsection (1) insert –
- “(1A) Guidance issued under this section may include guidance about the issue of fixed penalty notices under section 52 by authorised persons (within the meaning of section 52(1)).”
- 2C** Page 12, line 11, at end insert –
- “(5) In section 73 (guidance), after subsection (1) insert –
- “(1A) Guidance issued under this section may include guidance about the issue of fixed penalty notices under section 68 by authorised persons (within the meaning of that section).”
- A★** Lord Hanson of Flint to move, That this House do not insist on its Amendment 2 and do agree with the Commons in their Amendments 2A to 2C in lieu.
- A1★** Lord Clement-Jones to move, as an amendment to Motion A, at end insert “, and do propose Amendment 2D as an amendment to Amendment 2B, and Amendment 2E as an amendment to Amendment 2C –
- 2D** Leave out from “section” in line 3 to end and insert “must include provision setting out how to prevent authorised people or companies from being incentivised to issue fixed penalty notices under section 52 for the purposes of generating any direct or indirect financial benefit”
- 2E** Leave out from “section” in line 3 to end and insert “must include provision setting out how to prevent authorised people or companies from being incentivised to issue fixed penalty notices under section 68 for the purposes of generating any direct or indirect financial benefit”

MOTION B

LORDS AMENDMENT 6

Clause 9

- 6** Clause 9, page 17, line 34, at end insert –
- “(1A) The guidance issued about the enforcement of offences under section 33 must ensure that, where a person is convicted of a relevant offence, they are

liable for the costs incurred through loss or damage resulting from the offence.

- (1B) The guidance must also ensure that it requires the waste regulation authority to engage with the local police force to take all reasonable measures to ensure that the landowner, or community, responsible for the land upon which the relevant offence occurs, is not liable for the costs incurred resulting from the offence.”

COMMONS REASON

The Commons disagree to Lords Amendment 6 for the following Reason –

6A *Because the courts already have sufficient powers to impose a compensation order to meet clean-up costs on persons convicted of offences under section 33 of the Environmental Protection Act 1991.*

B★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 6, to which the Commons have disagreed for their Reason 6A.**

MOTION C

LORDS AMENDMENT 10

After Clause 9

10 After Clause 9, insert the following new Clause –

“Points on driving licence for fly tipping

In section 33(8) of the Environmental Protection Act 1990 (unauthorised disposal of waste: offence), at the end insert –

“and in either case is also liable to the endorsement of their driving record with 3 penalty points.””

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 10 but propose Amendments 10A and 10B to the Bill as amendments in lieu –

10A Page 18, line 14, at end insert the following new Clause –

“Fly-tipping: penalty points on driving record

- (1) In Part 2 of Schedule 2 to the Road Traffic Offenders Act 1988 (other offences for which penalty points are available), at the end insert –

“An offence under section 33 of the Environmental Protection Act 1990	Discretionary	Obligatory	3-9”
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(unauthorised disposal of waste)
committed by the driver of a motor
vehicle used in or for the purposes of
the commission of the offence.

- (2) The amendment made by subsection (1) does not apply in relation to an offence committed before that subsection comes into force.”

10B Page 230, line 37, at end insert –

“(za) section (*Fly-tipping: penalty points on driving record*);”

C★ Lord Hanson of Flint to move, That this House do not insist on its Amendment 10 and do agree with the Commons in their Amendments 10A and 10B in lieu.

MOTION D

LORDS AMENDMENT 11

After Clause 9

11 After Clause 9, insert the following new Clause –

“Seizure of vehicles in connection with a fly-tipping offence

In section 59 of the Police Reform Act 2002 (vehicles used in manner causing alarm, distress or annoyance), after subsection (1)(b) insert –

5 “(c) is being used or has been used in connection with an offence under section 33 of the Environmental Protection Act 1990 (prohibition on unauthorised or harmful deposit, treatment or disposal of waste),”.

COMMONS REASON

The Commons disagree to Lords Amendment 11 for the following Reason –

11A *Because the police and local authorities already have sufficient powers to search and seize vehicles used in connection with the commission of offences under section 33 of the Environmental Protection Act 1991.*

D★ Lord Hanson of Flint to move, That this House do not insist on its Amendment 11, to which the Commons have disagreed for their Reason 11A.

D1★ Lord Davies of Gower to move, as an amendment to Motion D, leave out from “House” to end and insert “do insist on its Amendment 11.”

MOTION E

LORDS AMENDMENT 12

After Clause 9

12 After Clause 9, insert the following new Clause –

“Fly tipping: English waste collection authority duty

When an offence of fly-tipping has been committed, the local waste authority must collect all waste resulting from the offence committed and then seek to recover the costs from the offender.”

5

COMMONS REASON

The Commons disagree to Lords Amendment 12 for the following Reason –

12A *Because the Amendment would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

E★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 12, to which the Commons have disagreed for their Reason 12A.**

MOTION F

LORDS AMENDMENT 15

Clause 27

15 Clause 27, page 31, line 16, leave out “4” and insert “10”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 15 but propose Amendment 15A to the Bill as an amendment in lieu –

15A Page 31, line 16, leave out “4” and insert “7”

F★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 15 and do agree with the Commons in their Amendment 15A in lieu.**

MOTION G

LORDS AMENDMENTS 256 AND 257

After Clause 84

256 After Clause 84, insert the following new Clause –

“Taking down intimate image content

- (1) The Online Safety Act 2023 is amended as follows.
- (2) In section 10 (regulated user-to-user services: safety duties about illegal content) after subsection (3) insert –
 - “(3A) A duty to operate a service using proportionate systems and processes designed to take down –
 - (a) content in relation to which an intimate image content report is made to the provider (see section 20A(2)), and
 - (b) any other content identified by the provider as the same, or substantially the same, as that content,as soon as reasonably practicable, and no later than 48 hours, after the provider receives the report (unless subsection (3D) applies).
 - (3B) A duty to record and report the average time taken to take down content under the duty in subsection (3A) to OFCOM and to publish the information publicly.
 - (3C) In fulfilling their duty under subsection (3A)(b), the provider must take all reasonable steps to identify any other content that is the same, or substantially the same, as the content in the report.
 - (3D) This subsection applies if the provider considers that –
 - (a) the content is not intimate image content, or
 - (b) the person making the report is not –
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf.
 - (3E) Failure to comply with a duty under subsection (3A) may result in a fine of £39,000 for each 24 hour period following the 48 hours allowed to take the content down, payable to OFCOM.
 - (3F) The fine payable under subsection (3E) may be increased by OFCOM following a review.
 - (3G) The Secretary of State must, by regulations within six months of the day on which the Crime and Policing Act 2026 is passed, establish a process for individuals to report to OFCOM that a service has failed in its duty under subsection (3A).

- (3H) The process under subsection (3G) must be easily accessible and must be identified by the service provider in their notice under section 20A(1).
- (3I) OFCOM must take all reasonable steps to ensure that the reporting process under subsection (3G) is easily identifiable and accessible.”
- (3) After section 20 (duty about content reporting) insert –

“20A Reporting of intimate image content

- (1) The duty in section 20(2) includes a duty to provide on the service a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under section 20(2) that –
 - (a) is easy to read and in plain language, and
 - (b) provides information regarding the responsibilities of the service under this section, including a description of how an individual can submit an intimate image content report.
 - (2) An “intimate image content report” is a report which –
 - (a) declares that content present on the service is intimate image content,
 - (b) declares that the report is made by –
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf,
 - (c) provides sufficient information about the content for the provider to identify it,
 - (d) provides contact details for the person making the report, and
 - (e) complies with any other requirements specified in regulations made by the Secretary of State.
 - (3) The Secretary of State may by regulations make provision about how the requirements in subsection (2)(a) to (d) are to be met.
 - (4) A report made under this section must include a statement that the reporting person or authorised representative makes the report in good faith believing that the content is of the kind specified in section 20 and a statement that the information provided in the report is true to the best of their knowledge and belief.”
- (4) In section 21 (duties about complaints procedures) after subsection (2) insert –
- “(2A) The duty in subsection (2) includes a duty to operate an expedited complaints procedure in relation to complaints within subsection (4)(a), (b)(i) or (b)(ii) that –
- (a) are made by users or affected persons who have made an intimate image content report (see section 20A(2)), and
 - (b) are about the content to which the report relates.”

- (5) In section 27 (regulated search services: safety duties about illegal content) after subsection (3) insert—
- “(3A) A duty to operate a service using proportionate systems and processes designed to ensure that individuals are no longer able to encounter—
- (a) search content in relation to which an intimate image content report is made to the provider (see section 31A(2)), and
 - (b) any other search content identified by the provider as the same, or substantially the same, as that content,
- as soon as reasonably practicable, and no later than 48 hours, after the provider receives the report (unless subsection (3D) applies).
- (3B) A duty to record and report the average time taken to take down content under the duty in subsection (3A) to OFCOM and to publish the information publicly.
- (3C) In fulfilling their duty under subsection (3A)(b), the provider must take all reasonable steps to identify any other content that is the same, or substantially the same, as the content in the report.
- (3D) This subsection applies if the provider considers that—
- (a) the search content is not intimate image content, or
 - (b) the person making the report is not—
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf.
- (3E) Failure to comply with a duty under subsection (3A) may result in a fine of £39,000 for each 24 hour period following the 48 hours allowed to take the content down, payable to OFCOM.
- (3F) The fine payable under subsection (3E) may be increased by OFCOM following a review.
- (3G) The Secretary of State must, by regulations within six months of the day on which the Crime and Policing Act 2026 is passed, establish a process for individuals to report to OFCOM that a service has failed in its duty under subsection (3A).
- (3H) The process under subsection (3G) must be easily accessible and must be identified by the service provider in their notice under section 31A(1).
- (3I) OFCOM must take all reasonable steps to ensure that the reporting process under subsection (3G) is easily identifiable and accessible.”
- (6) After section 31 (duty about content reporting) insert—
- “31A Reporting of intimate image content**
- (1) The duty in section 31(2) includes a duty to provide on the service a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under section 31(2) that—
- (a) is easy to read and in plain language, and

- (b) provides information regarding the responsibilities of the service under this section, including a description of how an individual can submit an intimate image content report.
- (2) An “intimate image content report” is a report which—
 - (a) declares that search content is intimate image content,
 - (b) declares that the report is made by—
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf,
 - (c) provides sufficient information about the search content for the provider to identify it,
 - (d) provides contact details for the person making the report, and
 - (e) complies with any other requirements specified in regulations made by the Secretary of State.
- (3) The Secretary of State may by regulations make provision about how the requirements in subsection (2)(a) to (d) are to be met.
- (4) A report made under this section must include a statement that the reporting person or authorised representative makes the report in good faith believing that the content is of the kind specified in section 31 and a statement that the information provided in the report is true to the best of their knowledge and belief.”
- (7) In section 32 (duties about complaints procedures) after subsection (2) insert—
 - “(2A) The duty in subsection (2) includes a duty to operate an expedited complaints procedure in relation to complaints within subsection (4)(a), (b)(i) or (b)(ii) that—
 - (a) are made by users or affected persons who have made an intimate image content report (see section 31A(2)), and
 - (b) are about the search content to which the report relates.”
- (8) In section 59 (meaning of “illegal content” etc) after subsection (10) insert—
 - “(10A) “Intimate image content” means content that amounts to an offence under section 66B(1), (2) or (3) of the Sexual Offences Act 2003 (sharing intimate image of a person without consent).”

257

After Clause 84, insert the following new Clause—

“Taking down intimate image content: consequential amendments

- (1) The Online Safety Act 2023 is amended as follows.
- (2) In section 10 (regulated user-to-user services: safety duties about illegal content)—
 - (a) in subsection (4) for “and (3)” substitute “to (3A)”;
 - (i) the words from “each paragraph” to the end become paragraph (a);

- (ii) at the end of that paragraph insert “, and
 - (b) subsection (3A).”;
 - (c) in subsection (7) for “subsection (2) or (3)” substitute “subsections (2) to (3A)”.
- (3) In section 23(5) (record-keeping and review duties) for “or (3)”, in the first place it occurs, substitute “, (3) or (3A)”.
- (4) In section 27 (regulated search services: safety duties about illegal content) –
 - (a) in subsection (4) for “and (3)” substitute “to (3A)”;
 - (b) in subsection (7) for “subsection (2) or (3)” substitute “subsections (2) to (3A)”.
- (5) In section 34(5) (record-keeping and review duties), for “or (3)”, in the first place it occurs, substitute “, (3) or (3A)”.
- (6) In section 59(14) (meaning of “illegal content” etc) for “and “priority illegal content”” substitute “, “priority illegal content” and “intimate image content””.
- (7) In section 71(2)(a)(i) (duty not to take down content except in accordance with terms of service: exceptions) for “or (3)” substitute “, (3) or (3A)”.
- (8) In section 136(5) (confirmation decisions: proactive technology) –
 - (a) in paragraph (a) for “or (3)” substitute “, (3) or (3A)”;
 - (b) in paragraph (c) for “or (3)” substitute “, (3) or (3A)”.
- (9) In section 237 (index of defined terms) at the appropriate place insert –

“intimate image content (in Part 3)	section 59”.
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- (10) In Schedule 4 (codes of practice) –
 - (a) in paragraph 9(1) for “or (3)” substitute “, (3) or (3A)”;
 - (b) in paragraph 9(3) for “or (3)” substitute “, (3) or (3A)”;
 - (c) in paragraph 13(3)(a) for “or (3)” substitute “, (3) or (3A)”;
 - (d) in paragraph 13(3)(c) for “or (3)” substitute “, (3) or (3A)”.

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments 256 and 257 but propose Amendments 257A and 257B to the Bill as amendments in lieu –

257A Page 99, line 24, at end insert the following new Clause –

“Taking down intimate image content

- (1) The Online Safety Act 2023 is amended as follows.

- (2) In section 10 (regulated user-to-user services: safety duties about illegal content) after subsection (3) insert –

“(3A) A duty to operate a service using proportionate systems and processes designed to take down –

- (a) content in relation to which an intimate image content report is made to the provider (see section 20A(2)), and
- (b) any other content identified by the provider as the same, or substantially the same, as that content,

as soon as reasonably practicable, and no later than 48 hours, after the provider receives the report (unless subsection (3B) applies).

(3B) This subsection applies if the provider considers that –

- (a) the content is not intimate image content, or
- (b) the person making the report is not –
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf.”

- (3) After section 20 (duty about content reporting) insert –

“20A Reporting of intimate image content

- (1) The duty in section 20(2) includes a duty to operate a service using systems and processes that allow users and affected persons to easily make an intimate image content report to the provider.

(2) An “intimate image content report” is a report which –

- (a) declares that content present on the service is intimate image content,
- (b) declares that the report is made by –
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf,
- (c) declares that the report –
 - (i) is made in good faith, and
 - (ii) to the best of the knowledge and belief of the person making the report, is true,
- (d) provides sufficient information about the content for the provider to identify it,
- (e) provides contact details for the person making the report, and
- (f) complies with any other requirements specified in regulations made by the Secretary of State.

(3) The Secretary of State may by regulations make provision about how the requirements in subsection (2)(a) to (e) are to be met.”

- (4) In section 21 (duties about complaints procedures) after subsection (2) insert –

“(2A) The duty in subsection (2) includes a duty to operate an expedited complaints procedure in relation to complaints within subsection (4)(a), (b)(i) or (b)(ii) that –

- (a) are made by users or affected persons who have made an intimate image content report (see section 20A(2)), and
 - (b) are about the content to which the report relates.”
- (5) In section 27 (regulated search services: safety duties about illegal content) after subsection (3) insert –
 - “(3A) A duty to operate a service using proportionate systems and processes designed to ensure that individuals are no longer able to encounter –
 - (a) search content in relation to which an intimate image content report is made to the provider (see section 31A(2)), and
 - (b) any other search content identified by the provider as the same, or substantially the same, as that content,
 as soon as reasonably practicable, and no later than 48 hours, after the provider receives the report (unless subsection (3B) applies).
 - (3B) This subsection applies if the provider considers that –
 - (a) the search content is not intimate image content, or
 - (b) the person making the report is not –
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf.”
- (6) After section 31 (duty about content reporting) insert –

“31A Reporting of intimate image content

- (1) The duty in section 31(2) includes a duty to operate a service using systems and processes that allow users and affected persons to easily make an intimate image content report to the provider.
- (2) An “intimate image content report” is a report which –
 - (a) declares that search content is intimate image content,
 - (b) declares that the report is made by –
 - (i) the subject of the content, or
 - (ii) a person acting on that person’s behalf,
 - (c) declares that the report –
 - (i) is made in good faith, and
 - (ii) to the best of the knowledge and belief of the person making the report, is true,
 - (d) provides sufficient information about the search content for the provider to identify it,
 - (e) provides contact details for the person making the report, and
 - (f) complies with any other requirements specified in regulations made by the Secretary of State.
- (3) The Secretary of State may by regulations make provision about how the requirements in subsection (2)(a) to (e) are to be met.”

- (7) In section 32 (duties about complaints procedures) after subsection (2) insert –
- “(2A) The duty in subsection (2) includes a duty to operate an expedited complaints procedure in relation to complaints within subsection (4)(a), (b)(i) or (b)(ii) that –
- (a) are made by users or affected persons who have made an intimate image content report (see section 31A(2)), and
 - (b) are about the search content to which the report relates.”
- (8) In section 59 (meaning of “illegal content” etc) after subsection (10) insert –
- “(10A) “Intimate image content” means content that amounts to an offence under section 66B(1), (2) or (3) of the Sexual Offences Act 2003 (sharing intimate image of a person without consent).”
- (9) In section 133 (confirmation decisions: requirements to take steps) –
- (a) in subsection (4) after paragraph (c) insert –

“(ca) specify which of those requirements (if any) have been designated as intimate image content requirements (see subsections (7A) and (7B)),”;
 - (b) after subsection (7) insert –

“(7A) If the condition in subsection (7B) is met in relation to a requirement imposed by a confirmation decision which is of a kind described in subsection (1), OFCOM must designate the requirement as an “intimate image content requirement” for the purposes of section 138(3A) (offence of failure to comply with confirmation decision).

(7B) The condition referred to in subsection (7A) is that the requirement is imposed (whether or not exclusively) in relation to –

 - (a) a failure to comply with a provision listed in column 1 of the table, which
 - (b) where there is an entry for the provision in column 2 of the table, is in respect of a matter listed in column 2.

<i>Provision</i>	<i>Failure in respect of</i>
Section 10(2)(a)	(1) Intimate image content (2) Priority illegal content which includes intimate image content
Section 10(2)(b)	(1) An offence under section 66B of the Sexual Offences Act 2003 (2) Priority offences which include an offence under that section
Section 10(3)(a)	(1) Intimate image content (2) Priority illegal content which includes intimate image content
Section 10(3)(b)	(1) Intimate image content

<i>Provision</i>	<i>Failure in respect of</i>
	(2) Illegal content which includes intimate image content
Section 10(3A)	
Section 27(3)(a)	(1) Intimate image content (2) Priority illegal content which includes intimate image content
Section 27(3)(b)	(1) Intimate image content (2) Illegal content which includes intimate image content
Section 27(3A);	

(c) in subsection (10) after ““CSEA content”,” insert ““intimate image content”,”.

(10) In section 138 (offence of failing to comply with requirements imposed by confirmation decision) after subsection (3) insert –

“(3A) A person to whom a confirmation decision is given commits an offence if, without reasonable excuse, the person fails to comply with an intimate image content requirement imposed by the decision (see section 133(7A) and (7B)).”

257B Page 99, line 24, at end insert the following new Clause –

“Taking down intimate image content: consequential amendments

- (1) The Online Safety Act 2023 is amended as follows.
- (2) In section 10 (regulated user-to-user services: safety duties about illegal content) –
 - (a) in subsection (4) for “and (3)” substitute “to (3A)”;
 - (i) the words from “each paragraph” to the end become paragraph (a);
 - (ii) at the end of that paragraph insert “, and
 (b) subsection (3A).”;
 - (c) in subsection (7) for “subsection (2) or (3)” substitute “subsections (2) to (3A)”.
- (3) In section 23(5) (record-keeping and review duties) for “or (3)”, in the first place it occurs, substitute “, (3) or (3A)”.
- (4) In section 27 (regulated search services: safety duties about illegal content) –
 - (a) in subsection (4) for “and (3)” substitute “to (3A)”;
 - (i) the words from “each paragraph” to the end become paragraph (a);
 - (ii) at the end of that paragraph insert “, and
 (b) subsection (3A).”;
 - (c) in subsection (7) for “subsection (2) or (3)” substitute “subsections (2) to (3A)”.

- (5) In section 34(5) (record-keeping and review duties), for “or (3)”, in the first place it occurs, substitute “, (3) or (3A)”.
- (6) In section 59(14) (meaning of “illegal content” etc) for “and “priority illegal content”” substitute “, “priority illegal content” and “intimate image content””.
- (7) In section 71(2)(a)(i) (duty not to take down content except in accordance with terms of service: exceptions) for “or (3)” substitute “, (3) or (3A)”.
- (8) In section 136(5) (confirmation decisions: proactive technology) –
 - (a) in paragraph (a) for “or (3)” substitute “, (3) or (3A)”;
 - (b) in paragraph (c) for “or (3)” substitute “, (3) or (3A)”.
- (9) In section 237 (index of defined terms) at the appropriate place insert –

“intimate image content (in Part 3)	section 59”.
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- (10) In Schedule 4 (codes of practice) –
 - (a) in paragraph 9(1) for “or (3)” substitute “, (3) or (3A)”;
 - (b) in paragraph 9(3) for “or (3)” substitute “, (3) or (3A)”;
 - (c) in paragraph 13(3)(a) for “or (3)” substitute “, (3) or (3A)”;
 - (d) in paragraph 13(3)(c) for “or (3)” substitute “, (3) or (3A)”.

G★ Lord Hanson of Flint to move, That this House do not insist on its Amendments 256 and 257 and do agree with the Commons in their Amendments 257A and 257B in lieu.

G1★ Baroness Owen of Alderley Edge to move, as an amendment to Motion G, at end insert “, and do propose amendments 257C, 257D, 257E and 257F as amendments to Amendment 257A.

- 257C** In subsection (2), after inserted subsection (3A), insert –
- “(3AA) A duty to record, collect and publish data on the proportion of content removed within 48 hours under subsection (3A) and then to report this to OFCOM.”
- 257D** In subsection (2), after inserted subsection (3A), insert –
- “(3AA) In fulfilling their duty under subsection (3A)(b), the provider must take all reasonable steps to identify any other content that is the same, or substantially the same, as the content in the report.”
- 257E** In subsection (5), after inserted subsection (3A), insert –
- “(3AA) A duty to record, collect and publish data on the proportion of content removed within 48 hours under subsection (3A) and then to report this to OFCOM.”

257F In subsection (5), after inserted subsection (3A), insert –

“(3AA) In fulfilling their duty under subsection (3A)(b), the provider must take all reasonable steps to identify any other content that is the same, or substantially the same, as the content in the report.””

MOTION H

LORDS AMENDMENT 258

After Clause 84

258 After Clause 84, 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.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 258 but propose Amendment 258A to the Bill as an amendment in lieu –

258A Page 99, line 24, at end insert the following new Clause –

“Image deletion orders

- (1) The Sentencing Code is amended as follows.

- (2) In Part 7 (financial orders and orders relating to property), after Chapter 4 insert –

“CHAPTER 4A

IMAGE DELETION ORDERS

161ZA Image deletion orders

- (1) In this code “image deletion order” means an order under this Chapter which –
- (a) is made in respect of an offender for an offence,
 - (b) relates to a photograph or film which is in the offender’s possession or under their control, and
 - (c) requires the offender to take steps specified in the order to ensure, so far as is reasonably practicable, that the photograph or film is put beyond use.
- (2) For the purposes of subsection (1)(c), a photograph or film is put beyond use if –
- (a) in the case of a physical item, it is destroyed;
 - (b) in the case of data stored by any means by or on behalf of the offender, it is deleted;
 - (c) in the case of content on an internet service, it is removed from the service or permanently hidden.
- (3) For the purposes of this section –
- (a) something is “deleted” if it is irrecoverable;
 - (b) “content”, in relation to an internet service, has the meaning given by section 236(1) of the Online Safety Act 2023;
 - (c) “internet service” has the meaning given by section 228 of that Act (and section 204(1) of that Act applies).

161ZB Image deletion orders: availability

- (1) This section applies where a person commits an offence under any of the following provisions of the Sexual Offences Act 2003 –
- (a) section 66AA (sharing semen-defaced image);
 - (b) section 66AA (taking or recording intimate photograph or film);
 - (c) section 66AD (creating a copy of intimate photograph or film shared temporarily);
 - (d) section 66B (sharing or threatening to share intimate photograph or film);
 - (e) section 66E (creating purported intimate image of adult);
 - (f) section 66F (requesting the creation of purported intimate image of adult);
 - (g) section 67A(2B) (recording a person breast-feeding child).

- (2) This section also applies where a person commits an inchoate offence in relation to an offence specified in subsection (1).
- (3) The court by or before which the offender is convicted of the offence may make an image deletion order in respect of—
 - (a) a photograph or film to which the offence relates, and
 - (b) any other photograph or film—
 - (i) which shows, or appears to show, a person who is the subject of the photograph or film to which the offence relates in an intimate state,
 - (ii) which is a semen-defaced image of a person who is the subject of the photograph or film to which the offence relates, or
 - (iii) which shows a person who is the subject of the photograph or film to which the offence relates breast-feeding a child.
- (4) The following provisions of the Sexual Offences Act 2003 apply for the purposes of this section—
 - (a) section 66AA(2) (meaning of “semen-defaced image”);
 - (b) section 66D(5) to (9) (meaning of “showing, or appearing to show, another person in an intimate state”);
 - (c) section 67A(3A) and (3B) (meaning of references to a person breast-feeding a child), ignoring references to the intention of the person who recorded the photograph or film.
- (5) In relation to an offence under section 66F of the Sexual Offences Act 2003, a photograph or film is a photograph or film to which the offence relates for the purposes of this section if—
 - (a) it appears to be of a person who was the subject of the request to which the offence relates (whether or not it is what was requested), and
 - (b) it was in the offender’s possession, or under the offender’s control, as a result of that request.
- (6) An image deletion order is not available if the offence was committed before the day on which section (*Image deletion orders*) of the Crime and Policing Act 2026 comes into force.

161ZC Period for complying with requirements

- (1) An image deletion order must specify, in respect of each step the order requires the offender to take, the date by which the step must be taken (and different dates may be specified in respect of different steps).
- (2) Where the order requires the offender to take a step in relation to a photograph or film that would result in the offender being unable to recover the photograph or film—

- (a) the order must not require the step to be taken before the end of the period for giving notice of appeal against the conviction or order, and
- (b) where notice of appeal against the conviction or order is given, the offender is not required to take the step until the appeal is finally determined or withdrawn.

161ZD Offence of failing to comply with an image deletion order

- (1) It is an offence for a person in respect of whom an image deletion order made under this Chapter is in force to fail without reasonable excuse to comply with any requirement included in the order.
- (2) A person guilty of 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 not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both.

161ZE Image deletion orders: interpretation

- (1) This section applies for the purposes of this Chapter.
- (2) "Photograph" includes the negative as well as the positive version.
- (3) "Film" means a moving image.
- (4) 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)."
- (3) In Chapter 5 of Part 3 (duties to explain or give reasons), after section 55 insert —

"55A Duty to give reasons where image deletion order not made

Where —

- (a) a court is dealing with an offender for an offence, and
- (b) an image deletion order is available,

the court must give reasons if it does not make an image deletion order in respect of a photograph or film to which the offence relates (see section 161ZB(3)(a))."

H★

Baroness Levitt to move, That this House do not insist on its Amendment 258 and do agree with the Commons in their Amendment 258A in lieu.

MOTION J

LORDS AMENDMENTS 259 AND 260

After Clause 84

259 After Clause 84, 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).”

260 After Clause 84, 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.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments 259 and 260 but propose Amendments 260A to 260D to the Bill as amendments in lieu –

260A Page 99, line 24, at end insert the following new Clause –

“Intimate image material: reporting and registration

Schedule (*Intimate image material: reporting and registration*) makes provision about the reporting and registration of intimate image material.”

260B Page 228, line 38, after “81,” insert “Schedule (*Intimate image material: reporting and registration*) (except for paragraph 1),”

260C Page 230, line 13, at end insert –

“(ja) section (*Intimate image material reporting and registration*) and Schedule (*Intimate image material: reporting and registration*);”

260D Page 280, line 23, at end insert the following new Schedule –

“SCHEDULE

INTIMATE IMAGE MATERIAL: REPORTING AND REGISTRATION

PART 1

TRUSTED FLAGGERS

Duty to designate trusted flagger

- 1 (1) The Secretary of State may by regulations designate persons as suitable to make intimate image reports to –
 - (a) providers of internet services, and
 - (b) providers of internet access services,
 for the purpose of assisting the providers to make judgments about whether content is intimate image content.
- (2) An intimate image report is –
 - (a) a report that –
 - (i) content identified in the report is a photograph or film which shows, or appears to show, a person (P) in an intimate state, and
 - (ii) P, or a person acting on P’s behalf, has informed the person making the report that P does not consent to the sharing of the photograph or film, or
 - (b) a report of information provided to the person making the report by virtue of regulations under paragraph 2.
- (3) The Secretary of State must exercise the power in sub-paragraph (1) to designate at least one person.
- (4) The duty in sub-paragraph (3) ceases to apply if Secretary of State makes regulations under paragraph 3.
- (5) Terms used in sub-paragraph (2)(a) and in section 66B of the Sexual Offences Act 2003 have the same meaning in sub-paragraph (2)(a) as in section 66B.

Duties to report intimate image content to trusted flagger

- 2 (1) The Secretary of State may by regulations amend the Online Safety Act 2023 for, or in connection with, the imposition on providers of regulated services of duties relating to the provision of intimate image information to a person designated under paragraph 1.
- (2) In this paragraph “intimate image information” means information generated by the provider for the purposes of identifying content which the provider considers to be intimate image content
- (3) The regulations may require intimate image information to be provided in a particular form (for example, a hash code).
- (4) The provisions of the Online Safety Act 2023 that may be amended by regulations under this paragraph include, but are not limited to, section 131(2) (enforceable requirements).

PART 2

THE INTIMATE IMAGE REGISTER

The intimate image register

- 3 (1) The Secretary of State may by regulations make provision for or in connection with a register of intimate image material (the “intimate image register”).
- (2) “Intimate image material” means material which –
 - (a) is intimate image content, or
 - (b) would be intimate image content if it were shared on an internet service.
- (3) In this Part of this Schedule “intimate image content” has the meaning given by section 59 of the Online Safety Act 2023, except that section 59 applies as if subsections (13) and (14) (“intimate image content” on user-to-user services limited to user-generated content) were omitted.

The registrar

- 4 (1) The regulations may provide for the intimate image register to be maintained by –
 - (a) a person specified in the regulations,
 - (b) an individual appointed by the Secretary of State in accordance with the regulations, or
 - (c) the Secretary of State.
- (2) Regulations under sub-paragraph (1)(b) may make provision about the terms on which an individual is appointed, including provision –
 - (a) for the payment of remuneration, allowances and expenses by the Secretary of State;
 - (b) for staff, accommodation and other facilities to be provided by the Secretary of State.

- (3) The person who maintains the intimate image register is referred to in this Schedule as the registrar.

Operation of intimate image register

- 5 The regulations may make provision about—
- (a) the form in which information is to be recorded on the intimate image register (which may in particular include hash codes);
 - (b) how material is to be reported to the registrar;
 - (c) how the registrar is to make judgments about whether material is intimate image material (which may in particular include provision similar to section 192(5) and (6) of the Online Safety Act 2023);
 - (d) how the registrar is to deal with reports that the registrar considers to be frivolous, vexatious or made in bad faith;
 - (e) appeals against decisions of the registrar;
 - (f) the sharing of information on the intimate image register with—
 - (i) providers of internet services and internet access services, and
 - (ii) other persons,for purposes specified in the regulations.

Payment of fees to registrar

- 6 (1) The regulations may require providers of internet services and internet access services to pay fees to the registrar, as a means of recovering the costs incurred by the registrar in exercising functions under the regulations.
- (2) The regulations may in particular make provision—
- (a) for fees to be paid in respect of specified periods;
 - (b) for different fees to be payable by different providers.

Duties of providers of internet services and internet access services

- 7 (1) The regulations may make provision for or in connection with imposing on providers of internet services duties relating to—
- (a) the provision of intimate image information to the registrar;
 - (b) taking down content recorded on the intimate image register;
 - (c) preventing persons from encountering content recorded on the intimate image register.
- (2) The Secretary of State may by regulations make provision for or in connection with imposing on providers of internet access services duties relating to preventing access to content recorded on the intimate image register.
- (3) In this paragraph “intimate image information” means information generated by the provider for the purposes of identifying intimate image material.
- (4) Regulations under sub-paragraph (1)(a) may—
- (a) make provision about how a provider is to make judgments about whether material is intimate image material (which may in particular

include provision similar to section 192(5) and (6) of the Online Safety Act 2023);

- (b) require intimate image information to be provided in a particular form (for example, a hash code).

Enforcement

- 8 (1) The regulations may make provision for or in connection with the enforcement of requirements imposed on providers of internet services and internet access services (“providers”) by or under the regulations.
- (2) The regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority”).
- (3) The persons who may be specified in the regulations include the registrar and the Secretary of State.
- (4) The functions which may be conferred on an enforcement authority include—
 - (a) powers to require providers to provide information to the enforcement authority;
 - (b) powers to impose monetary penalties on providers for failure to comply with requirements;
 - (c) powers to issue notices (“compliance notices”) requiring providers to take steps specified in the notice for the purposes of complying with, or remedying a failure to comply with, a requirement.
- (5) If the regulations provide for the imposition of monetary penalties they must provide—
 - (a) that a penalty (or, where more than one penalty is imposed in respect of a failure, those penalties taken together) may not exceed a maximum amount specified in the regulations (which may not be more than £3 million);
 - (b) for the amount of a penalty imposed on a provider to be appropriate and proportionate, having regard to—
 - (i) the failure to comply in respect of which it is imposed;
 - (ii) any penalties previously imposed on the provider in respect of that failure or other failures;
 - (iii) the size and financial resources of the provider.
- (6) The regulations may provide for requirements imposed by a compliance notice to be enforceable, on the application of the enforcement authority, by injunction.
- (7) The regulations—
 - (a) must make provision for appeals against the imposition of a monetary penalty and the issue of a compliance notice (if they provide for those things);
 - (b) may make provision for appeals against other decisions of an enforcement authority.

Payment of fees to enforcement authority

- 9 (1) The regulations may require providers of internet services and internet access services to pay fees to enforcement authorities, as a means of recovering the costs incurred by enforcement authorities in exercising their functions under the regulations.
- (2) The regulations may in particular make provision –
- (a) for fees to be paid in respect of specified periods;
 - (b) for different fees to be payable by different providers.

Guidance

- 10 The regulations may provide for the issue of guidance by –
- (a) the registrar;
 - (b) enforcement authorities;
 - (c) the Secretary of State.

Duties of OFCOM

- 11 The regulations may require OFCOM to have regard to the intimate image register when –
- (a) preparing a code of practice under section 41 of the Online Safety Act 2023;
 - (b) exercising its functions under Article 5(1) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and retail charges for regulated intra-EU communications and amending Directive 2002/22/EC and Regulation (EU) No 531/2012,
- and the regulations may amend that Act or that Regulation for or in connection with that purpose.

PART 3**INTIMATE IMAGE REGISTER: POWER TO AMEND ONLINE SAFETY ACT 2023**

- 12 (1) The Secretary of State may by regulations amend the Online Safety Act 2023 for or in connection with the imposition on providers of regulated services of duties relating to –
- (a) the provision of intimate image information to the registrar;
 - (b) taking down content recorded on the intimate image register;
 - (c) preventing persons from encountering content recorded on the intimate image register.
- (2) In this paragraph “intimate image information” means information generated by the provider for the purposes of identifying intimate image content.
- (3) Regulations under sub-paragraph (1)(a) may require intimate image information to be provided in a particular form (for example, a hash code).

- (4) The provisions of the Online Safety Act 2023 that may be amended by regulations under this paragraph include, but are not limited to, section 131(2) (enforceable requirements).

PART 4

SUPPLEMENTARY PROVISION

Extra-territoriality

- 13 (1) References in this Schedule to an internet service include an internet service provided from outside the United Kingdom –
- (a) which has a significant number of United Kingdom users, or
 - (b) one of the target markets of which (or the only target market of which) is United Kingdom users.
- (2) A user of an internet service is a “United Kingdom user” if –
- (a) where the user is an individual, the individual is in the United Kingdom;
 - (b) where the user is an entity, the entity is incorporated or formed under the law of any part of the United Kingdom.

Interpretation

- 14 (1) This paragraph applies for the interpretation of this Schedule.
- (2) The following terms have the same meaning as in the Online Safety Act 2023 –
- “content” (see section 236 of that Act);
 - “internet service” (see section 228 of that Act);
 - “intimate image content” (see section 59 of that Act), except in Part 2 of this Schedule (see paragraph 3(3));
 - “provider”, in relation to an internet service of any kind (see section 226 of that Act);
 - “regulated service” (see section 4(4) of that Act).
- (3) “Internet access service” means a service that provides access to virtually all (or just some) end points of the internet.
- (4) The following terms have the meaning given by the specified provision of this Schedule –

enforcement authority	paragraph 8
intimate image register	paragraph 3
intimate image material	paragraph 3
the registrar	paragraph 4”

J★

Lord Hanson of Flint to move, That this House do not insist on its Amendments 259 and 260 and do agree with the Commons in their Amendments 260A to 260D in lieu.

MOTION K

LORDS AMENDMENT 263

After Clause 84

263 After Clause 84, 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 *(Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland)* 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, as defined in section 27 (family relationships) of the Sexual Offences Act 2003.
- (2) It is an offence for a person to publish an image of the kind mentioned in subsection (1).
- (3) Publishing an image includes giving or making it available to another person by any means.
- (4) 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.

(5) 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).

(6) Subsections (1) and (2) do not apply to excluded images, within the meaning of section 64.

(7) 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 [subsection removed].

(8) 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

- 80 (iii) the person is not related to person B or A (as the case may be) as defined in section 27 (family relationships) of the Sexual Offences Act 2003.
- (3) Where a person is charged with an offence under section 67E(2), it is a defence for a person to prove any of the matters mentioned in subsection (4).
- 85 (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);
- 90 (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,
- 95 (iii) the person is not related to person B or A (as the case may be) as defined in section 27 (family relationships) of the Sexual Offences Act 2003, and
- (iv) the person only published the image to person B or A (as the case may be).
- 100 (5) In this section, “non-consensual harm” has the same meaning as in section 66.

67G Penalties for offences under section 67E

- 105 (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(2) is liable —
- 110 (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 *(Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland)* of this Act) insert “and 67E”.
- 115 (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 *(Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland)* of this Act) insert “or 67E”.
- 120

- 125 (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
- 130 style="padding-left: 80px;">(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 (*Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland*) of this Act) insert –
- 135 “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 (*Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland*) of this Act) insert “;
- 140 style="padding-left: 40px;">(c) section 67E (possession or publication of pornographic images of sex between relatives).”

COMMONS AMENDMENTS TO THE LORDS AMENDMENT

The Commons agree with the Lords in their Amendment 263 and propose Amendments 263A to 263G as amendments thereto –

- 263A** Line 20, leave out from “think” to the end of line 22 and insert “what is set out in subsection (1A) or (1B).
- (1A) That A and B were related, or pretending to be related, such that A was related to B as parent, grandparent, child, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.
- (1B) That –
- (a) A and B were related or had been related, or were pretending to be related or to have been related, such that A was or had been related to B as step-parent, step-child, stepbrother, stepsister, foster parent or foster child, and
- (b) at least one of A and B was, or was pretending to be, under 18.”
- 263B** Line 37, leave out inserted paragraph (b)

263C Line 38, at end insert—

“(4A) For the purpose of subsections (1A) and (1B), A and B are not to be taken as pretending to be related if it is fanciful that they actually were or had been related in the way pretended.

(4B) In subsection (1A)—

- (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.

(4C) In subsection (1B), “step-parent”, “stepbrother”, “stepsister” and “foster parent” have the meanings given by section 27(5) of the Sexual Offences Act 2003; and “step-child” and “foster child” have corresponding meanings.”

263D Line 57, leave out “[subsection removed]” and insert “(4B)(a) or (b)”

263E Line 79, leave out inserted sub-paragraph (iii) and insert—

“(iii) the person was not or had not been related to person B or A (as the case may be) in a way mentioned in section 67E(1A) or (1B).”

263F Line 96, leave out inserted sub-paragraph (iii) and insert—

“(iii) the person was not or had not been related to person B or A (as the case may be) in a way mentioned in section 67E(1A) or (1B), and”

263G Line 137, after “relatives)” insert “in relation to an image showing a person under 18”

K★ **Baroness Levitt to move, That this House do agree with the Commons in their Amendments 263A to 263G.**

MOTION L

LORDS AMENDMENT 264

After Clause 84

264 After Clause 84, 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—

- 5 (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,
- 10 (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.
- 15 (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
- 20 (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.
- 25 (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).
- 30 (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.
- 35 (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 –
- 40 (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
- 45 (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)."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 264 but propose Amendments 264A to 264F to the Bill as amendments in lieu –

264A Page 99, line 24, at end insert the following new Clause –

“Online pornography (age and consent verification): duty to review and report

- (1) The Secretary of State must conduct a review of the role of providers of internet services in –
 - (a) verifying the age of individuals appearing in pornographic content published or displayed on their services;
 - (b) verifying whether individuals appearing in pornographic content published or displayed on their services consent to the content being published or displayed.
- (2) The Secretary of State must lay before Parliament, and publish, a report of the review.
- (3) The Secretary of State must comply with subsections (1) and (2) before the end of the 12 month period beginning with the day on which this Act is passed.
- (4) In this section the following terms have the same meaning as in the Online Safety Act 2023 –
 - “internet service” (see section 228 of that Act);
 - “pornographic content” (see section 236 of that Act);
 - “provider”, in relation to an internet service of any kind (see section 226 of that Act).”

264B Page 99, line 24, at end insert the following new Clause –

“Online pornography (age and consent verification): power to amend Online Safety Act 2023

- (1) The Online Safety Act 2023 is amended as follows.

- (2) After section 217 insert –

“Power to amend Act: pornographic content

217A Power to impose duties about pornographic content

- (1) The Secretary of State may by regulations amend this Act for or in connection with the imposition, on providers of regulated services or regulated services of a particular kind, of duties relating to –
 - (a) verifying the age of individuals appearing in pornographic content published or displayed on those regulated services (“age verification duties”);
 - (b) verifying whether individuals appearing in pornographic content published or displayed on those regulated services consent to the content being published or displayed (“consent verification duties”).
 - (2) Age verification duties and consent verification duties may include duties relating to the systems and processes used to operate regulated services, or regulated services of a particular kind.
 - (3) Consent verification duties may include duties relating to cases where consent previously given is withdrawn.
 - (4) Regulations under this section may make provision requiring OFCOM to issue guidance to providers of regulated services, or regulated services of a particular kind, to assist them to comply with age verification duties and consent verification duties.
 - (5) The provisions of this Act that may be amended by the regulations in connection with the imposition of age verification duties and consent verification duties include, but are not limited to, section 131(2).”
- (3) In section 225(1) (regulations subject to affirmative procedure) after paragraph (g) insert –
- “(ga) regulations under section 217A.””

264C Page 99, line 24, at end insert the following new Clause –

“Online pornography (age and consent verification): power to make regulations

- (1) The Secretary of State may by regulations make provision for or in connection with the imposition on providers of specified internet services of duties relating to –
 - (a) verifying the age of individuals appearing in pornographic content published or displayed on those internet services (“age verification duties”);
 - (b) verifying whether individuals appearing in pornographic content published or displayed on those internet services consent to the content being published or displayed (“consent verification duties”).
- (2) Age verification duties and consent verification duties may include duties relating to the systems and processes used to operate specified internet services.

- (3) Consent verification duties may include duties relating to cases where consent previously given is withdrawn.
- (4) The regulations may confer functions on—
 - (a) a body established by the regulations, or
 - (b) another body specified in the regulations, (“the regulator”).
- (5) The regulations may make provision—
 - (a) establishing or modifying the constitutional arrangements of the regulator;
 - (b) establishing or modifying the funding arrangements of the regulator.
- (6) The functions which may be conferred on the regulator include—
 - (a) powers to, by notice, require providers of specified internet services to provide information to the regulator;
 - (b) powers, in relation to requirements imposed by or under the regulations, corresponding or similar to those conferred on OFCOM by or under Chapter 6 of Part 7 of the Online Safety Act 2023 in relation to enforceable requirements, including provisions conferring power to impose monetary penalties.
- (7) The provision which may be made under subsection (6)(a) includes provision corresponding or similar to that made in relation to requirements to provide information to OFCOM by—
 - (a) section 109 of the Online Safety Act 2023 (offences in connection with information notices), and
 - (b) section 113 of that Act so far as relating to section 109 (penalties for information offences).
- (8) If the regulations make provision under subsection (6)(b) corresponding or similar to provision in relation to which an appeal lies under section 168 of the Online Safety Act 2023, they must make corresponding or similar provision for an appeal.
- (9) The regulations may make provision for appeals against other decisions of the regulator.
- (10) The regulations may make provision requiring providers of specified internet services to pay fees to the regulator.
- (11) The provision which may be made under subsection (10) includes provision corresponding or similar to that made in relation to the payment of fees to OFCOM by or under Part 6 of the Online Safety Act 2023.
- (12) The regulations may make provision requiring the regulator to issue guidance to providers of specified internet services to assist them to comply with age verification duties and consent verification duties.
- (13) References in this section to an internet service include an internet service provided from outside the United Kingdom—
 - (a) which has a significant number of United Kingdom users, or

- (b) one of the target markets of which (or the only target market of which) is United Kingdom users.
- (14) In this section the following terms have the same meaning as in the Online Safety Act 2023 —
- “internet service” (see section 228 of that Act);
 - “pornographic content” (see section 236 of that Act);
 - “provider”, in relation to an internet service of any kind (see section 226 of that Act);
 - “United Kingdom user” (see section 227 of that Act).
- (15) In this section “specified” means specified, or of a description specified, in the regulations.”
- 264D** Page 228, line 38, after “81,” insert “(Online pornography (age and consent verification): power to make regulations),”
- 264E** Page 230, line 13, at end insert —
- “(ja) sections “(Online pornography (age and consent verification): duty to review and report), (Online pornography (age and consent verification): power to amend Online Safety Act 2023), (Online pornography (age and consent verification): power to make regulations),””
- 264F** Page 232, line 7, at end insert —
- “(ba) sections “(Online pornography (age and consent verification): duty to review and report), (Online pornography (age and consent verification): power to amend Online Safety Act 2023), (Online pornography (age and consent verification): power to make regulations),””
- L★** **Lord Hanson of Flint to move, That this House do not insist on its Amendment 264 and do agree with the Commons in their Amendments 264A to 264F in lieu.**

MOTION M

LORDS AMENDMENT 265

After Clause 84

- 265** After Clause 84, insert the following new Clause —
- “Amendment of Protection of Children Act 1978**
- (1) The Protection of Children Act 1978 is amended as follows.
 - (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.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 265 but propose Amendments 265A to 265C to the Bill as amendments in lieu –

265A Page 99, line 24, at end insert the following new Clause –

“Pornographic images of sexual activity with child under 16

(1) After section 67G of the Criminal Justice and Immigration Act 2008 insert –

“67H Possession or publication of pornographic images of sexual activity with child under 16

- (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) engaged in sexual activity with another person (B),
 - (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 at least one of A or B was, or was pretending to be, under 16.
- (2) It is an offence for a person to publish an image of the kind mentioned in subsection (1).
- (3) Publishing an image includes giving or making it available to another person by any means.
- (4) For the purposes 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 (2), to sound, or information, associated with the image that the person in subsection (2) publishes with the image, and

(b) a person is not to be taken as pretending to be under 16 if it is fanciful that they are actually under 16 in the way pretended.

(5) In this section “image” has the same meaning as in section 63.

(6) Subsections (1) and (2) do not apply to excluded images, within the meaning of section 64.

(7) Proceedings for an offence under this section may not be instituted except by or with the consent of the Director of Public Prosecutions.

67I Defences to offences under section 67H

(1) Where a person is charged with an offence under section 67H(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 67H(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 person B mentioned in section 67H(1)(b),

(ii) the act did not involve the infliction of any non-consensual harm on any person, and

(iii) neither A nor B was under 16.

(3) Where a person is charged with an offence under section 67H(2), it is a defence for the 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 67H(1);
- (c) that—
 - (i) the person directly participated in the act portrayed as person A or person B mentioned in section 67H(1)(b),
 - (ii) the act did not involve the infliction of any non-consensual harm on any person,
 - (iii) neither A nor B was under 16, 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.

67J Penalties for offences under section 67H

- (1) A person who commits an offence under section 67H(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 three years or a fine (or both).
- (2) A person who commits an offence under section 67H(2) 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 “67E” insert “and 67H”.
- (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 “67E” insert “or 67H”.
- (4) In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for the purposes of section 327A), after paragraph 13ZB insert—

“13ZC An offence under section 67H of that Act (possession or publication of pornographic images of sexual activity with child under 16) in relation to an image showing a person under 18.”
- (5) In Schedule 7 to the Online Safety Act 2023 (priority offences), in paragraph 29 after paragraph (c) insert—

“(d) section 67H (possession or publication of pornographic images of sexual activity with child under 16).”

- 265B** Page 230, line 13, at end insert –
“(ja) section (*Pornographic images of sexual activity with child under 16*)(5);”
- 265C** Page 230, line 30, after “(4),” insert “(*Pornographic images of sexual activity with child under 16*)(2) and (3),”
- M★** **Baroness Levitt to move, That this House do not insist on its Amendment 265 and do agree with the Commons in their Amendments 265A to 265C in lieu with the following amendments to Commons Amendment 265A –**
- 265D** Line 8, leave out from beginning to “and” in line 11
- 265E** Line 16, leave out from “that” to end of line 17 and insert “each of the conditions in subsection (1A) was met.”
- (1A) The conditions are –
- (a) the image portrays, in an explicit and realistic way, a person (A) engaged in sexual activity with another person (B),
 - (b) A and B are real, and
 - (c) at least one of A or B is, or is pretending to be, under 16.
- (1B) A person is not to be taken as pretending to be under 16 if it is fanciful that they are actually under 16 in the way pretended.”
- 265F** Line 32, leave out from beginning to end of line 33
- 265G** Line 55, leave out “(1)(b)” and insert “(1A)(a)”
- 265H** Line 70, leave out “(1)(b)” and insert “(1A)(a)”

MOTION N

LORDS AMENDMENT 311

After Clause 122

- 311** After Clause 122, insert the following new Clause –
- “Designation and restriction of Extreme Criminal Protest Groups**
- (1) The Secretary of State may by regulations designate a group as an Extreme Criminal Protest Group (“ECPG”) where the Secretary of State reasonably believes that –
- (a) the group has as its purpose and practice the deliberate commission of one or more of the following offences –
 - (i) an offence under section 1 of the Public Order Act 1986 (riot),

- 10 (ii) an offence under section 2 of the Public Order Act 1986 (violent disorder),
- (iii) an offence under section 1 of the Criminal Damage Act 1971 (destroying or damaging property), or
- (iv) an offence under section 7 of the Public Order Act 2023 (interference with the use or operation of key national infrastructure),
- 15 (b) such offences are carried out with the intention of influencing public policy, parliamentary debate, ministerial decision-making, or the exercise of democratic functions, and
- (c) the activities of the group create a risk of serious harm to public safety, democratic institutions, or the rights of others.
- 20 (2) A designation under subsection (1) does not amount to proscription for the purposes of the Terrorism Act 2000.
- (3) The following are offences in relation to group designated as an ECPG under subsection (1) –
- 25 (a) membership of a designated ECPG;
- (b) promotion of a designated ECPG, including public advocacy, recruitment, or dissemination of the group’s materials;
- (c) fundraising for a designated ECPG, including soliciting or providing funds or financial benefit;
- (d) organising, directing or coordinating activities of the group;
- 30 (e) providing material support, training, funds or equipment to the group where the person knows or ought reasonably to know that the recipient is a designated ECPG.
- (4) A person does not commit an offence under subsection (3) solely by expressing an opinion or belief that is supportive of a designated ECPG, where that expression does not amount to encouragement or assistance of criminal conduct.
- 35 (5) An offence under subsection (3) is punishable on conviction –
- (a) on indictment, by imprisonment for a term not exceeding three years, or a fine, or both;
- (b) on summary conviction, by imprisonment for a term not exceeding six months, or a fine, or both.
- 40 (6) Before making regulations under subsection (1), the Secretary of State must lay before Parliament a statement of reasons explaining why the designation is considered appropriate.
- 45 (7) The statement under subsection (6) may exclude material the disclosure of which would, in the opinion of the Secretary of State, be contrary to the public interest, including on grounds of national security or the prevention or detection of crime.”

COMMONS REASON

The Commons disagree to Lords Amendment 311 for the following Reason –

311A *Because it is premature to consider conferring powers on the Secretary of State to designate extreme criminal protests groups until the Secretary of State for the Home Department has received and considered the report by Lord Macdonald of River Glaven following his review of public order and hate crime legislation.*

N★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 311, to which the Commons have disagreed for their Reason 311A.**

N1★ **Lord Walney to move, as an amendment to Motion N, leave out from “House” to end and insert “do insist on its Amendment 311.”**

MOTION P

LORDS AMENDMENT 333

After Clause 144

333 After Clause 144, insert the following new Clause –

“Duration of closure notices and orders: extension

(1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) In section 77 (duration of closure notices) –

(a) in subsection (2), for “48 hours” substitute “7 days”, and

(b) in subsection (3), for “48 hours” substitute “7 days”.

(3) In section 80(6) (power of court to make closure order), for “3” substitute “12”.

(4) In section 82 (extension of closure orders) –

(a) in subsection (7), for “3” substitute “12”, and

(b) for subsection (8) substitute –

“(8) The period of a closure order may be extended for another 12 months after the original extended 12 month period has elapsed, and there is no maximum duration of the closure order.””

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 333 but propose Amendment 333A to the Bill as an amendment in lieu –

333A Page 11, line 29, at end insert –

“(5) After section 83 insert –

“83A Power of Secretary of State to change maximum duration of closure orders

(1) The Secretary of State may by regulations amend this Chapter so as to alter –

- (a) the maximum period that a closure order under section 80 may specify as the period for which access to the premises is prohibited;
 - (b) the maximum period for which a closure order may be extended under section 82;
 - (c) the maximum duration of a closure order extended under section 82.
- (2) Regulations under this section may make different provision for different purposes.
- (3) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.”
- (6) In section 182(2) (orders and regulations), after paragraph (b) insert –
- “(ba) regulations under section 83A,”.”

P★

Lord Hanson of Flint to move, That this House do not insist on its Amendment 333 and do agree with the Commons in their Amendment 333A in lieu.

MOTION Q

LORDS AMENDMENT 334

After Clause 144

334 After Clause 144, insert the following new Clause –

“Abolition of non-crime hate incidents

- (1) Non-crime hate incidents (NCHIs) must 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 NCHI.
- (3) Subsection (2) does not mean a police authority or police officer cannot record, retain or otherwise process an incident that is relevant for the prevention or detection of a crime, or for another policing purpose, provided it complies with incident recording guidance issued by the College of Policing or the Secretary of State.
- (4) Guidance in relation to incident recording must have due regard to the right to freedom of expression.
- (5) Any historic records of NCHIs which do not meet the incident recording threshold as set out in guidance issued by the College of Policing or the Secretary of State, must –
 - (a) not be disclosed in a Disclosure and Barring Service check;

(b) be deleted upon discovery.

(6) 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 334 for the following Reason –

334A *Because the amendment is unnecessary given Lords Amendment 332 and the findings and recommendations in the final report on non-crime hate incidents published by the College of Policing and National Police Chiefs’ Council on 31 March 2026.*

Q★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 334, to which the Commons have disagreed for their Reason 334A.**

Q1★ **Lord Young of Acton to move, as an amendment to Motion Q, leave out from “House” to end and insert “do insist on its Amendment 334.”**

MOTION R

LORDS AMENDMENT 339

After Clause 151

339 After Clause 151, 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 –

- 50 (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).
- 55 (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 –
- 60 (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
- 65 a finding of misconduct or gross misconduct.”
- (5) 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
- 70 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
- 75 the conduct to which the investigation related.””

COMMONS REASON

The Commons disagree to Lords Amendment 339 for the following Reason –

339A *Because it is premature to legislate for changes to the arrangements governing misconduct investigations in respect of police officers acquitted of a criminal offence arising from the same conduct until the end-to-end review of the police misconduct system, announced by the Home Secretary in the Police Reform White Paper on 26 January 2026, has concluded.*

R★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 339, to which the Commons have disagreed for their Reason 339A.**

R1★ **Lord Davies of Gower to move, as an amendment to Motion R, at end insert “, and do propose Amendment 339B in lieu –**

339B After Clause 151, insert the following new Clause –

“IOPC investigations where officer acquitted

- (1) The Police Reform Act 2002 is amended in accordance with subsections (2) to (5).

- (2) In section 13B –
 - (a) in subsection (1), at end insert –

“but this is subject to the exception in section 13BA.”;
 - (b) in subsection (2), at beginning, for “The” substitute “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 new and compelling 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 likely to lead to a finding of misconduct or gross misconduct.
- (4) In subsection (3) –
 - (a) evidence is new if it was not adduced in the proceedings in which the person was acquitted (nor, if those were appeal proceedings, in earlier proceedings to which the appeal related);
 - (b) evidence is compelling if –
 - (i) it is reliable,
 - (ii) it is substantial, and
 - (iii) in the context of the outstanding issues, it appears highly probative of the case against the acquitted person.
- (5) For the purposes of subsection (4)(b)(iii), the outstanding issues are the issues in dispute in the proceedings in which the person was acquitted and, if those were appeal proceedings, any other issues remaining in dispute from earlier proceedings to which the appeal related.
- (6) For the purposes of subsection (3), it is irrelevant whether any evidence would have been admissible in earlier proceedings against the acquitted person.

- (7) In this section –
- (a) “relevant person” means the person to whose conduct the investigation related;
 - (b) “relevant authority” means the Director-General, appropriate authority 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”) under paragraphs 16, 18 or 19 has concluded,
 - (b) the final report has been submitted to the relevant authority under paragraph 22,
 - (c) the relevant authority has made a determination under paragraphs 23(2)(c), 24(2)(b) or 25(4F),
 - (d) 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
 - (e) 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 or relevant review body (as the case may be).
- (3) Where this paragraph applies, the relevant authority may not –
- (a) initiate a new investigation,
 - (b) re-open an investigation,
 - (c) continue an investigation, or
 - (d) order a re-investigation under paragraph 25,
- 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 new and compelling 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 likely to lead to a finding of misconduct or gross misconduct.
- (5) In sub-paragraph (4) –
- (a) evidence is new if it was not adduced in the proceedings in which the person was acquitted (nor, if those were appeal proceedings, in earlier proceedings to which the appeal related);

- (b) evidence is compelling if –
 - (i) it is reliable,
 - (ii) it is substantial, and
 - (iii) in the context of the outstanding issues, it appears highly probative of the case against the acquitted person;
- (6) For the purposes of sub-paragraph (4)(b)(iii), the outstanding issues are the issues in dispute in the proceedings in which the person was acquitted and, if those were appeal proceedings, any other issues remaining in dispute from earlier proceedings to which the appeal related.
- (7) For the purposes of sub-paragraph (4), it is irrelevant whether any evidence would have been admissible in earlier proceedings against the acquitted person.”
- (5) In paragraph 25 –
 - (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.”;
 - (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 if paragraph 24D applies in relation to the conduct to which the investigation related.”
- (6) The Police (Conduct) Regulations 2020 are amended in accordance with subsections (7) to (10).
- (7) In regulation 23 (referral of case to misconduct proceedings) –
 - (a) in paragraph (3) –
 - (i) in sub-paragraph (b), for “(whatever the outcome of those proceedings)”, substitute “and the officer concerned has been found guilty”;
 - (ii) before second “regulation” insert “regulation 23A,”;
 - (b) in paragraph (9), after “10(3)” insert “and regulation 23A”.
- (8) After regulation 23, insert –

“Prohibition on misconduct proceedings where officer has been acquitted

23A. – (1) This regulation applies where –

- (a) the appropriate authority has made a determination that misconduct proceedings should be brought against the officer concerned under regulation 23(1)(b), (2)(c) or (3),
- (b) the misconduct proceedings have been suspended by virtue of regulation 10(3),
- (c) any criminal proceedings have concluded, and

(d) the officer concerned has been acquitted in those criminal proceedings.

(2) This regulation also applies where –

- (a) the Director General has given the appropriate authority a direction to bring misconduct proceedings against a person under paragraph 23(5A)(e) of Schedule 3 to the 2002 Act,
- (b) the appropriate authority has brought misconduct proceedings against the officer concerned in compliance with the direction mentioned in sub-paragraph (a),
- (c) those misconduct proceedings have been suspended by virtue of regulation 10(3),
- (d) any criminal proceedings have concluded, and
- (e) the officer concerned has been acquitted in those criminal proceedings.

(3) Where this regulation applies –

- (a) regulations 23(3) and (9) do not apply,
- (b) the Director General must withdraw the direction to the appropriate authority to bring misconduct proceedings against the officer concerned, and
- (c) the appropriate authority must direct that the misconduct proceedings be withdrawn.

(4) The Director General must withdraw the direction to bring misconduct proceedings under paragraph (3)(b) as soon as the Director General receives notification that the officer concerned has been acquitted in any criminal proceedings.

(5) The appropriate authority must terminate the misconduct proceedings under paragraph (3)(c) as soon as the Director General receives notification that the officer concerned has been acquitted in any criminal proceedings.

(6) Paragraph (3) does not apply only if –

- (a) the appropriate authority or the Director General has come into possession of new and compelling evidence relating to the conduct that was the subject of the investigation, and
- (b) the appropriate authority or the Director General is of the reasonable opinion that the new evidence would, if considered, be likely to lead to a finding of misconduct or gross misconduct.

(7) In paragraph (6) –

- (a) evidence is new if it was not adduced in the proceedings in which the person was acquitted (nor, if those were appeal proceedings, in earlier proceedings to which the appeal related);
- (b) evidence is compelling if –
 - (i) it is reliable,
 - (ii) it is substantial, and
 - (iii) in the context of the outstanding issues, it appears highly probative of the case against the acquitted person;

(8) For the purposes of sub-paragraph (7)(b)(iii), the outstanding issues are the issues in dispute in the proceedings in which the person was acquitted and, if those were appeal proceedings, any other issues remaining in dispute from earlier proceedings to which the appeal related.

(9) For the purposes of paragraph (6), it is irrelevant whether any evidence would have been admissible in earlier proceedings against the acquitted person.”

- (9) In regulation 49 (referral of case to accelerated misconduct hearing) –
 - (a) in paragraph (3) –
 - (i) in sub-paragraph (b), omit “(whatever the outcome)”,
 - (ii) after “determination,” insert “subject to regulation 49A”;
 - (b) in paragraph (4), after “10(3)”, insert “and 49A”.
- (10) After regulation 49, insert –

“Prohibition on referral of case to accelerated hearing where officer acquitted

49A. – (1) This regulation applies where –

- (a) the appropriate authority has made a determination that is within paragraph (2),
- (b) the appropriate authority has referred the case to an accelerated misconduct hearing under regulation 49(4) or (7),
- (c) the accelerated misconduct hearing has been suspended by virtue of regulation 10(3),
- (d) any criminal proceedings have concluded, and
- (e) the officer concerned in those criminal proceedings has been acquitted.

(2) A determination is within this paragraph if –

- (a) it is a determination that the special conditions are satisfied under regulation 49(1), or
- (b) it is a further determination that the special conditions are satisfied under regulation 49(3).

(3) Where this regulation applies –

- (a) regulations 49(3) and (7) do not apply, and
- (b) the appropriate authority must withdraw the referral of the case to accelerated misconduct proceedings.

(4) Paragraph (3) does not apply only if –

- (a) the appropriate authority has come into possession of new and compelling evidence relating to the conduct that was the subject of the investigation, and
- (b) the appropriate authority is of the reasonable opinion that the new evidence would, if considered, be likely to lead to a finding of misconduct or gross misconduct.

(5) In paragraph (4) –

- (a) evidence is new if it was not adduced in the proceedings in which the person was acquitted (nor, if those were appeal proceedings, in earlier proceedings to which the appeal related);
- (b) evidence is compelling if –
 - (i) it is reliable,
 - (ii) it is substantial, and
 - (iii) in the context of the outstanding issues, it appears highly probative of the case against the acquitted person;
- (6) For the purposes of sub-paragraph (5)(b)(iii), the outstanding issues are the issues in dispute in the proceedings in which the person was acquitted and, if those were appeal proceedings, any other issues remaining in dispute from earlier proceedings to which the appeal related.
- (7) For the purposes of paragraphs (4) to (6), it is irrelevant whether any evidence would have been admissible in earlier proceedings against the acquitted person.”””

MOTION S

LORDS AMENDMENT 342

Clause 167

342 Clause 167, page 205, line 9, at end insert –

- “(2A) In determining whether to make a youth diversion order in respect of the respondent, the court must be provided with evidence relating to –
- (a) the alternative interventions that have been considered or previously applied,
 - (b) the reasons why such interventions were considered inappropriate, unsuitable, or unsuccessful, and
 - (c) consultations undertaken by the police with relevant individuals, experts or agencies, which may include youth justice services.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 342 but propose Amendment 342A to the Bill as an amendment in lieu –

342A Page 215, line 5, at end insert –

- “(1A) The guidance may in particular include guidance about –
- (a) matters to be taken into account by chief officers of police before making an application for a youth diversion order, including alternatives to making an application;

- (b) how chief officers of police are to comply with their duties to consult under section 174.”

S★ Lord Hanson of Flint to move, That this House do not insist on its Amendment 342 and do agree with the Commons in their Amendment 342A in lieu.

S1★ Baroness Doocey to move, as an amendment to Motion S, leave out from “House” to end and insert “do insist on its Amendment 342.”

MOTION T

LORDS AMENDMENT 357

After Clause 185

357 After Clause 185, 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), for paragraphs (a) and (b) substitute –

“(a) relates to one or more organisations which are at the time of the statement proscribed as terrorist organisations, and glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences; or

(b) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences, and is a statement from which members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.””

COMMONS REASON

The Commons disagree to Lords Amendment 357 for the following Reason –

357A *Because the encouragement offence is already sufficiently broad, and the amendment could mean that public discourse around historic acts of terrorism would be criminalised.*

T★ Lord Hanson of Flint to move, That this House do not insist on its Amendment 357, to which the Commons have disagreed for their Reason 357A.

T1★ Baroness Foster of Aghadrumsee to move, as an amendment to Motion T, leave out from “House” to end and insert “do insist on its Amendment 357.”

MOTION U

LORDS AMENDMENT 359

After Clause 190

359 After Clause 190, insert the following new Clause –

“Proscription status of Iran-related entities: review

- (1) The Secretary of State must, within one month of the date on which this Act is passed, review whether any organisations related to the Iranian government should be proscribed under section 3 of the Terrorism Act 2000 (proscription).
- (2) The Secretary of State must publish the outcome of the review under subsection (1), and this must include the reasons for the Secretary of State’s decision.”

COMMONS REASON

The Commons disagree to Lords Amendment 359 for the following Reason –

359A *Because the amendment is unnecessary as the Home Secretary already keeps under review whether new organisations should be added to the list of proscribed organisations, and the Government has already committed to take forward plans for a proscription-like power for state and state-linked bodies to tackle hostile state activity.*

U★ Lord Hanson of Flint to move, That this House do not insist on its Amendment 359, to which the Commons have disagreed for their Reason 359A.

U1★ Lord Davies of Gower to move, as an amendment to Motion U, leave out from “House” to end and insert “do insist on its Amendment 359.”

MOTION V

LORDS AMENDMENTS 360, 368, 369, 370, 371 AND 372

After Clause 190

360 After Clause 190, insert the following new Clause –

“AI chatbots: content promoting terrorist and national security offences

- (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 is content which –
 - (a) produces language promoting, or tactics or target selection for, terrorist offences or real world violence,

- (b) threatens national security, or
 - (c) encourages activity which threatens public safety.
- (3) It is an offence to create, supply, or otherwise make available an AI chatbot which has not been risk assessed for the possibility of producing content specified in subsection (2).
- (4) Where a provider of a chatbot identifies a risk of the chatbot producing content of the kind set out in subsection (2), it is an offence for a provider of a chatbot not to take steps to mitigate or manage those risks before making the chatbot publicly available.
- (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 5 years or a fine (or both).
- (6) 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.”

After Clause 196

368 After Clause 196, 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 (4).
- (2) It is an offence to fail to suitably and sufficiently risk assess an AI chatbot which produces content available in subsection (4).
- (3) It is an offence for a provider of an AI chatbot which produces content available in subsection (4) to fail to effectively mitigate and manage the risks of harm to individuals.
- (4) 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,

- (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,
 - (iv) content that is detrimental to equality of treatment, or
 - (v) content which is detrimental to the risks to the privacy of individuals and security of personal information.
- (5) A risk assessment under subsection (2) is suitable and sufficient if it—
 - (a) identifies and understands the risk of harm, including through product testing and red teaming,
 - (b) is kept up-to-date, including when changes are made to the chatbot's design or operation,
 - (c) takes into account matters listed in sections 10(4) and 11(6) of the Online Safety Act 2023 (safety and risk assessment duties),
 - (d) has regard to any guidance produced by Ofcom on risk assessment under the Online Safety Act 2023,
 - (e) assesses the risks to equality of treatment of individuals,
 - (f) assesses the risks to the privacy of individuals and security of personal information,
 - (g) assesses the risks arising from the choice of underlying models, data sets and computational tools, and
 - (h) is in an easily understandable written format and includes details about how the assessment was carried out and its findings.
- (6) As well as the requirements of subsection (5), a risk assessment under subsection (2) for a companion chatbot is suitable and sufficient if it—
 - (a) assesses the risk of harms arising from its use in relation to—
 - (i) addictive design,
 - (ii) deception
 - (iii) sycophancy,
 - (iv) scheming,
 - (v) emotional manipulation, and
 - (vi) disinformation;
 - (b) takes account of the characteristics and vulnerabilities of different end-user groups and takes appropriate mitigating steps in relation to each of those risks;
 - (c) ensures that there are clear technical or functional boundaries in the companion chatbots limiting emotional intimacy,
 - (d) ensures that the chatbot has language and framing suggesting that engagement with the companion chatbot is or should be exclusive of other relationships;
 - (e) ensures that the chatbot periodically encourages human interactions, provides information about local, age-appropriate activities and refers where relevant end-users to appropriate professional support;
 - (f) prohibits design patterns that simulate the permanence or irreplaceability of the chatbot.

- (7) A provider of an AI chatbot effectively mitigates and manages the risks of harm to individuals under subsection (3) if they –
 - (a) implement moderation systems to prevent the chatbot from generating or endorsing illegal content or, where the chatbot is accessible by children, content harmful to children,
 - (b) design the system to recognise and handle ambiguous, illegal inputs, or inputs harmful to children inputs appropriately,
 - (c) implement systems to provide appropriate fall back responses and escalation procedures,
 - (d) introduce processes or systems that allow end-users or affected persons within the meaning of section 20(5) of the Online Safety Act 2023 to flag inappropriate content,
 - (e) update dialogue management and content control systems based on new data and emerging risks,
 - (f) provide and enforce terms of service,
 - (g) ensure –
 - (i) where a chatbot is asked for information on health matters, the chatbot refers the end-user to the relevant NHS website;
 - (ii) where a chatbot is asked for information about a current UK election, the chatbot refers the end-user to the Electoral Commission;
 - (iii) where a chatbot is asked for information about suicide or self-harm, the chatbot refers the end-user to the Samaritans or other appropriately qualified service;
 - (iv) a chatbot indicates uncertainty when reliable sources disagree or information is incomplete or unavailable;
 - (v) where a chatbot is asked for information by an end-user about child sexual abuse imagery, the chatbot refers the end-user to Stop It Now or Report Remove as appropriate;
 - (vi) where a chatbot is asked about experience of child abuse, the chatbot refers the end-user to Childline,
 - (h) provide highly effective age assurance for chatbots which are capable of producing primary priority content, and
 - (i) keep a written record of any measures taken or in use to comply with paragraphs (a) to (h).
- (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 5 years or a fine (or both).
- (9) Providers of regulated chatbots must publish annual transparency reports that include data showing how they are complying with their duties under subsections (5) to (7).
- (10) 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;

an “companion chatbot” is a regulated chatbot which is designed to mimic human relationships or foster emotional engagement and personal or social connection or which can be used in that way.”

369 After Clause 196, 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 sections (*AI chatbots: content promoting terrorist and national security offences*) or (*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 sections (*AI chatbots: content promoting terrorist and national security offences*) or (*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 sections (*AI chatbots: content promoting terrorist and national security offences*) or (*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.”

370 After Clause 196, insert the following new Clause —

“Liability for offence under sections (*AI chatbots: content promoting terrorist and national security offences*) or (*AI chatbots: offence*) committed by a body

- (1) This section applies where an offence under sections (*AI chatbots: content promoting terrorist and national security offences*) or (*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.”

371 After Clause 196, insert the following new Clause –

“Defences to the AI chatbots offences

It is a defence for any person charged with an offence under sections (*AI chatbots: content promoting terrorist and national security offences*) or (*AI chatbots: offence*) to prove that they –

- (a) created, supplied or otherwise made available an AI chatbot which breached the provisions in those sections 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 those sections 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 those sections, 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 those sections.”

372 After Clause 196, 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: content promoting terrorist and national security offences*) or subsection (4) 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.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments 360 and 368 to 372 but propose Amendment 372A to the Bill as an amendment in lieu –

372A Page 226, line 21, at end insert the following new Clause –

“Section (Power to amend Online Safety Act 2023: AI): duty to make progress report

- (1) The Secretary of State must, no later than 31 December 2026, lay before Parliament a report about the progress that has been made towards making regulations under section 216A of the Online Safety Act 2023 (power to amend Act in relation to illegal AI-generated content).
- (2) Subsection (1) does not apply if a draft of a statutory instrument containing regulations under that section is laid before Parliament before 31 December 2026.”

- V★** Lord Hanson of Flint to move, That this House do not insist on its Amendments 360, 368, 369, 370, 371 and 372 and do agree with the Commons in their Amendment 372A in lieu.
- V1★** Baroness Kidron to move, as an amendment to Motion V, leave out from “House” to end and insert “do insist on its Amendments 360, 368, 369, 370, 371 and 372.”

MOTION W

LORDS AMENDMENT 361

After Clause 191

361 After Clause 191, insert the following new Clause —

“Provisions for pardons and criminal records of women prosecuted under abortion law

- (1) The Policing and Crime Act 2017 is amended as follows.
- (2) After section 165 (Other pardons for convictions etc of certain abolished offences: England and Wales), insert —

“165A Pardon and expungement of records for women under the law related to abortion

- (1) Subsections (2) and (3) apply in respect of a woman (whether living or deceased) who, when acting in relation to her own pregnancy, was convicted of, cautioned for, arrested for, or investigated on suspicion of, an offence under the law related to abortion, including sections 58 and 59 of the Offences Against the Person Act 1861, and the Infant Life (Preservation) Act 1929.
- (2) Where the woman has been convicted of, or cautioned for, an offence detailed in subsection (1), she is pardoned for the offence.
- (3) The Secretary of State must by notice direct the relevant data controller to delete details, contained in relevant official records, of a conviction, caution, arrest, or investigation detailed in subsection (1).
- (4) Expressions used in this section or section 167(1) (so far as relating to this section) and in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in this section or (as the case may be) section 167(1) as in that Chapter (see section 101 of that Act).”
- (3) In section 167 (Sections 164 to 166: supplementary) —
- (a) in subsection (1) after “165” insert “ or 165A”;
- (b) in subsection (2) after “165” insert “ or 165A”.”

COMMONS AMENDMENTS TO THE LORDS AMENDMENT

The Commons agree with the Lords in their Amendment 361 and propose Amendments 361A to 361E as amendments thereto –

- 361A** Line 5, leave out “165 (Other pardons for convictions etc of certain abolished offences: England and Wales)” and insert “165A”
- 361B** Line 7, leave out “165A” and insert “165B”
- 361C** Line 17, leave out from beginning to “Expressions” in line 20 and insert –
- “(3) A relevant data controller must delete from relevant official records, so far as reasonably practicable, any details of which they are aware of a conviction, caution, arrest or investigation detailed in subsection (1).
- (3A) In subsection (3) –
- (a) “relevant data controller” and “relevant official records” have the same meaning as in section 95 of the Protection of Freedoms Act 2012;
- (b) “delete”, in relation to relevant official records prescribed for the purposes of the definition of “delete” in that section, means record with the details of the conviction, caution, arrest or investigation concerned a statement that the details are to be treated as deleted under this section.
- (4) Other”
- 361D** Line 25, leave out ““165” insert “or 165A”” and insert ““165A” insert “or 165B””
- 361E** Line 7, leave out “165A” and insert “165B”
- W★** **Baroness Levitt to move, That this House do agree with the Commons in their Amendments 361A to 361E.**

MOTION X

LORDS AMENDMENT 439

Clause 201

- 439** Clause 201, page 232, line 1, at end insert –
- “(ca) section (*Proscription status of Iran-related entities: review*);”

COMMONS REASON

The Commons disagree to Lords Amendment 439 for the following Reason –

- 439A** *Because it relates to Lords Amendment 359 to which the Commons disagree.*

X★ Lord Hanson of Flint to move, That this House do not insist on its Amendment 439, to which the Commons have disagreed for their Reason 439A.

X1★ Lord Davies of Gower to move, as an amendment to Motion X, leave out from “House” to end and insert “do insist on its Amendment 439.”

MOTION Y

LORDS AMENDMENT 505

Schedule 9

505 Schedule 9, page 274, line 37, 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 505 for the following Reason –

505A *Because the amendment is unnecessary as the combination of Lords amendment 255 and the illegal content duties under the Online Safety Act 2023 deliver an effective ban on nudification tools.*

Y★ **Lord Hanson of Flint to move, That this House do not insist on its Amendment 505, to which the Commons have disagreed for their Reason 505A.**

Crime and Policing Bill

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

15 April 2026

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