

Crime and Policing Bill

COMMONS DISAGREEMENT, AMENDMENTS IN LIEU, AMENDMENTS TO THE COMMONS AMENDMENTS AS AMENDMENTS IN LIEU, INSISTENCE, AND NON-INSISTENCE

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

Clause 4

LORDS AMENDMENT 2

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 –
- (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,
- 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 –
- (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.
- (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).”

LORDS NON-INSISTENCE AND AMENDMENTS TO AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 2, to which the Commons have disagreed, agree with the Commons Amendments 2A to 2C in lieu and do propose Amendment 2D as an amendment to Commons Amendment 2B and Amendment 2E as an amendment to Commons 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”

COMMONS DISAGREEMENT AND AMENDMENTS TO THE COMMONS AMENDMENTS AS AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments 2D and 2E but propose Amendment 2F to Commons Amendment 2B and Amendment 2G to Commons Amendment 2C as amendments in lieu –

- 2F** Line 2, leave out from “guidance)” to end of line 5 and insert –
- “(a) at the beginning insert –
- “(A1) The Secretary of State must issue –
- (a) guidance to chief officers of police about the issue of fixed penalty notices under section 52 by officers under their direction or control, and

- (b) guidance to local authorities about the issue of fixed penalty notices under section 52 by local authorities and persons designated under section 53(1)(c).”;
 - (b) in subsection (1)(a), after “those officers” insert “other”;
 - (c) in subsection (1)(b) –
 - (i) after “their” insert “other”;
 - (ii) for “those” substitute “other functions”.

2G Line 2, leave out from “guidance)” to end of line 5 and insert –

- “(a) at the beginning insert –
 - “(A1) The Secretary of State must issue guidance to local authorities about the issue of fixed penalty notices under section 68 by persons authorised by local authorities under that section.”;
- (b) in subsection (1)(a), for “those” substitute “other functions”.

After Clause 9

LORDS AMENDMENT 11

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 –

- “(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.*

LORDS INSISTENCE

The Lords do insist on their Amendment 11 for Reason 11B.

11B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendment 11, but propose the following Amendments to the Bill in lieu of the Lords Amendment –

- 11C** Page 17, line 28, leave out “may” and insert “must”
- 11D** Page 17, line 29, after “about” insert –
- “(a) the collection by those authorities of evidence to support representations to the court about an order under section 33C (forfeiture of vehicles), and
 - (b) the exercise by authorised officers of their powers under section 34B (search and seizure of vehicles).
- (1A) The Secretary of State may issue guidance to English waste collection authorities about”
- 11E** Page 17, line 29, after first “their” insert “other”
- 11F** Page 17, line 29, leave out “those” and insert “other functions”

Clause 167

LORDS AMENDMENT 342

- 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.”

LORDS INSISTENCE AND DISAGREEMENT

The Lords do insist on their Amendment 342 for Reason 342B, and do disagree with the Commons in their Amendment 342A.

- 342B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendment 342, but do not insist on their Amendment 342A and propose the following Amendments to the Bill in lieu of Lords Amendment 342 –

342C Page 215, line 1, at end insert –

- “(A1) The Secretary of State must issue guidance to chief officers of police 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, and
 - (c) the circumstances in which it may be appropriate for chief officers of police to consult persons other than those mentioned in section 174 before making an application for a youth diversion order or the variation or discharge of such an order.”

342D Page 215, line 3, after “their” insert “other”

After Clause 190

LORDS AMENDMENTS 359 AND 439

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.*

LORDS INSISTENCE

The Lords do insist on their Amendment 359 for Reason 359B.

359B *Because the Lords wish the Commons to consider the matter again.*

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.*

LORDS INSISTENCE

The Lords do insist on their Amendment 439 for Reason 439B.

439B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments 359 and 439, but propose the following Amendments to the Bill in lieu of the Lords Amendments –

439C Page 223, line 6, at end insert the following new Clause –

“Duty to make statement about proscription regime

- (1) The Secretary of State must lay before Parliament, and publish, a statement about the general policies and procedures of the Secretary of State in relation to the Secretary of State’s powers under section 3 of the Terrorism Act 2000 (power to amend list of proscribed organisations).
- (2) The Secretary of State must comply with subsection (1) within six months of the day on which this Act is passed.”

439D Page 232, line 1, at end insert –

“(ca) section (*Duty to make statement about proscription regime*);”

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