

Crime and Policing Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

3 November 2025

The amendments are listed in accordance with the following Instruction –

Clauses 1 and 2	Clauses 97 to 117
Schedule 1	Schedule 11
Clauses 3 to 5	Clauses 118 to 122
Schedule 2	Schedule 12
Clause 6	Clauses 123 to 127
Schedule 3	Schedule 13
Clauses 7 to 18	Clauses 128 to 136
Schedule 4	Schedule 14
Clauses 19 to 55	Clauses 137 to 139
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Clause 56	Clauses 140 to 145
Schedule 6	Schedules 16 to 18
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Schedule 7	Schedule 19
Clauses 66 to 72	Clauses 165 to 186
Schedule 8	Schedule 20
Clauses 73 to 84	Clause 187
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Clauses 85 to 96	Clauses 188 to 203
Schedule 10	Title

[Amendments marked ★ are new or have been altered]

Clause 1

LORD CLEMENT-JONES
BARONESS DOOCEY
BARONESS FOX OF BUCKLEY

Clause 1, page 1, line 6, at beginning insert “Subject to a review of existing anti-social behaviour powers under the Anti-social Behaviour Act 2014 being conducted and completed by an independent person appointed by the Secretary of State within six months of this Act receiving Royal Assent,”

Member's explanatory statement

This amendment requires the Government to review current anti-social behaviour powers within six months of the Bill becoming law, before the new measures proposed in the Bill take effect.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

Clause 1, page 1, line 13, leave out “18” and insert “16”

Member's explanatory statement

This amendment would lower the age at which a person could be given a respect order from 18 to 16.

BARONESS DOOCEY
LORD CLEMENT-JONES

Clause 1, page 2, line 2, leave out “or threatens to engage in”

Member's explanatory statement

This amendment is intended to probe how respect orders will be granted in practice when considering whether a person might, in future, engage in anti-social behaviour.

BARONESS DOOCEY
LORD CLEMENT-JONES

Clause 1, page 2, line 4, leave out “just and convenient” and insert “necessary and proportionate”

Member's explanatory statement

This amendment amends the test for imposing a respect order to require the court to be satisfied that it is necessary and proportionate to make the order for the purpose of preventing the respondent from engaging in anti-social behaviour.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

Clause 1, page 2, line 11, at end insert —

“(2A) In subsection (2)(b) “require the respondent to do anything in the order” means any action that may be taken to either prohibit or restrain a future repeat of that which is described in the respect order.”

Member's explanatory statement

This amendment seeks to ensure requirements of action placed on the respondent in a respect order are restricted to those which would prevent a future breach of their order.

BARONESS DOOCEY
LORD CLEMENT-JONES

Clause 1, page 2, line 19, leave out from “effect” to end of line 20 and insert “, which must not exceed two years.

- (4A) At the end of the period for which a respect order has effect, the relevant authority may make an application to the court for a further respect order against the respondent.”

Member's explanatory statement

This amendment specifies the length of time that a respect order may be in effect. At the end of this period the relevant authority may apply for a further respect order.

LORD CLEMENT-JONES

Clause 1, page 2, line 29, at end insert —

- “(8A) A relevant authority may not make an application for a respect order under this section unless the relevant local authority has complied with the requirements set out in subsection (8B).

- (8B) The requirements are that —

- (a) the proposed terms of the order, including any prohibitions or requirements, and the evidence supporting the application, must have been subject to and approved by a vote of the Full Council of the local authority for the area to which the proposed order primarily relates, and
- (b) the local authority must have carried out a full public consultation regarding the proposed order, taking into account the representations received, before the application is made to the court.”

Member's explanatory statement

Many council areas have agreed that final approval for similar anti-social behaviour measures, such as public space protection orders, should be undertaken at Full Council level. This amendment is intended to add similar political accountability, scrutiny and sign-off for respect orders.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

Clause 1, page 3, line 30, leave out subsection (7)

Member's explanatory statement

This amendment seeks to remove the ability for the Secretary of State to alter the definitions of, and definitions within, respect orders.

LORD CLEMENT-JONES

Clause 1, page 3, line 34, leave out from beginning to end of line 18 on page 4

Member's explanatory statement

This amendment removes the power to exclude a person from their home as victims of domestic abuse may be wrongly held accountable for anti-social behaviour caused by their perpetrator, leading to eviction.

LORD CLEMENT-JONES

Clause 1, page 6, line 8, leave out from beginning to end of line 19

Member's explanatory statement

This amendment removes the provision creating interim respect orders and seeks to address any concerns about a lack of procedural safeguards.

LORD CLEMENT-JONES
BARONESS DOOCEY
BARONESS FOX OF BUCKLEY

Clause 1, page 9, line 35, at end insert –

“(4) Prior to issuing any guidance under this section, the Secretary of State must conduct a full public consultation exercise.”

Member's explanatory statement

This amendment requires the Secretary of State to carry out a full public consultation prior to issuing any guidance relating to those who are entitled to apply for respect orders.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.

Member's explanatory statement

This notice to oppose the Question that clause 1 stand part of the Bill is intended to probe the difference between respect orders and the current anti-social behaviour injunctions.

Clause 4

LORD CLEMENT-JONES

Clause 4, page 12, line 8, leave out subsections (3) and (4)

Member's explanatory statement

This amendment removes the subsections increasing the level of fines attached to FPNs, aiming to address concerns that existing notices and orders are being imposed in inappropriate circumstances.

BARONESS FOX OF BUCKLEY

- ★ *Baroness Fox of Buckley gives notice of her intention to oppose the Question that Clause 4 stand part of the Bill.*

Clause 6

LORD RUSSELL OF LIVERPOOL

Clause 6, page 12, line 18, at end insert –

- “(1A) In section 104 (review of response to complaints about anti-social behaviour), after subsection (1) insert –
- “(1A) Where a person has made at least three qualifying complaints about the anti-social behaviour and irrespective of whether the person applies for an ASB case review, the police must undertake an impact assessment which determines whether –
- (a) the alleged behaviour exceeds the threshold of criminality, irrespective of whether the police intend to pursue criminal charges, and
 - (b) the level of harm inflicted on the person is low, medium, or high.
- (1B) Following an impact assessment under subsection (1A), where the threshold for criminality has been met or exceeded and the level of harm is assessed as medium or high, the police must refer the person to local victim support services, pursuant to the Victim Code of Practice.””

Member's explanatory statement

This amendment requires police officers to undertake an anti-social behaviour impact assessment when a victim meets the trigger point for an Anti-Social Behaviour Case Review, so that those who are assessed as having experienced medium to high levels of harm can receive appropriate support.

LORD RUSSELL OF LIVERPOOL

Clause 6, page 12, line 18, at end insert –

- “(1A) Section 104 (review of response to complaints about anti-social behaviour) is amended as follows.
- (1B) In subsection (2)(b) after “published” insert “in their entirety”.
- (1C) After subsection (2) insert –
- “(2A) The relevant bodies in each local area have a duty to promote awareness of the case review and review procedures.
- (2B) The relevant bodies in each local area have a duty to publish the provision for victims dissatisfied with how the local bodies have dealt with or carried out the case review as per Schedule 4, Part 1(3).”

- (1D) In subsection (3)(b) after “area” insert “, and
 - (c) specify the threshold for the case review including any timeframes and additional requirements which apply to that threshold.”
- (1E) In subsection (4)(b) for “at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates, the relevant bodies must decide that the threshold for a review is met” substitute “at least three qualifying complaints have been made about the anti-social behaviour to which the application relates, the relevant bodies must decide that the threshold for a review is met”.
- (1F) In subsection (5) for “may” substitute “must”.
- (1G) In subsection (5) for “is framed by reference to any of these matters” substitute “is framed by reference to these matters”.
- (1H) In subsection (5)(c) for “the adequacy of the response to that behaviour” substitute “the vulnerability of the victim(s)”.
- (1J) In subsection (6) after “decision” insert “, and, where the threshold is not met, they must –
 - (a) provide that information in writing, and
 - (b) with reference to review procedures specify the reason(s) for their determination that the threshold is not met”.

Member's explanatory statement

This amendment, and another in the name of Lord Russell of Liverpool, seeks to establish a statutory threshold for convening an Anti-Social Behaviour Case Review, that considers the victims vulnerability and removes discretion for authorities to apply additional caveats.

LORD RUSSELL OF LIVERPOOL

Clause 6, page 12, line 18, at end insert –

- “(1A) In section 104 (review of response to complaints about anti-social behaviour), after subsection (6) insert –
 - “(6A) Where the threshold for an ASB case review has been met the relevant bodies must –
 - (a) invite the applicant to attend, in person or virtually, or if they so decide, to submit a written statement or be represented at the case review to explain the impact of the anti-social behaviour to the relevant bodies undertaking the review; and
 - (b) appoint an independent chair of the review who must be either –
 - (i) an elected representative of a local authority who has had no previous involvement in the matters under consideration,
 - (ii) a Police Officer of Inspector rank or above who has not been previously involved in the case, or

- (iii) a nominee of the local policing body (OPCC) who is not an employee of the relevant bodies undertaking the review, and must satisfy themselves that a person appointed pursuant to this subsection has sufficient current and working knowledge of ASB statutory provisions, practice and policy.”

Member's explanatory statement

This amendment seeks to give victims who meet the statutory threshold for an Anti-Social Behaviour Case Review the right to attend or be represented at the Review to explain the impact the behaviour is having on them. The amendment also requires the Review to be chaired by an independent person who has not been involved in the case to date. It sets out the criteria for appointing such a person.

LORD RUSSELL OF LIVERPOOL

Clause 6, page 12, line 23, at end insert –

- “(2A) In section 104 (review of response to complaints about anti-social behaviour), after subsection (9)(b) insert –
 - “(ba) in relation to each case counted for the purposes of subsection (b), and with reference to review procedures, the specific reason(s) the threshold was not met;”.

Member's explanatory statement

This amendment requires authorities to publish the reasons for determining that the threshold for an Anti-Social Behaviour Case Review has not been met, with reference to the review procedures. This would increase transparency and help identify any additional caveats being applied, ensuring accountability in decision-making.

LORD RUSSELL OF LIVERPOOL

Clause 6, page 12, line 23, at end insert –

- “(2A) Section 104 (review of response to complaints about anti-social behaviour) is amended as follows.
- (2B) For subsection (11) substitute –
 - “(11) A complaint about anti-social behaviour is a qualifying complaint if –
 - (a) the complaint is about anti-social behaviour, that is behaviour that has subjectively caused that individual harassment, alarm or distress as per section 105,
 - (b) relevant bodies should assume that where a complaint has been made, the behaviour alleged has caused the complainant harassment, alarm or distress,
 - (c) the complaint is made within the period of one month (or, if a different period of no less than one month is specified in the review procedures, that period) beginning with the date on which the behaviour is alleged to have occurred. This timeframe is to apply to each complaint of anti –social behaviour, and

- (d) the application for the ASB case review is made within the period of six months (or, if a different period of no less than six months is specified in the review procedures, that period) beginning with the date on which the complaint is made.
- (11A) For the purposes of the threshold in subsection (4) where three or more complaints of anti-social behaviour are made –
 - (a) the period of no less than six months in subsection (11(d)) begins with the date on which the most recent complaint was made, and
 - (b) all complaints must have been made within the preceding twelve months of the date of the application for the case review.”
- (2C) In subsection (12) omit “The procedures may, in particular, include provision for this purpose which is framed by reference to whether different complaints relate to different aspects of particular anti-social behaviour (including different incidents comprised in particular anti-social behaviour).”
- (2D) After subsection (12), insert –
 - “(12A) For the purpose in subsection (12) the procedures must, in particular, include provision for this purpose which stipulates that relevant bodies must not disqualify a complaint for the following reasons –
 - (a) the complaint is subject to ongoing investigation, or
 - (b) one or more of the relevant bodies have taken or are taking action to address the anti-social behaviour, or
 - (c) one or more of the relevant bodies have discharged their obligation to the complainant.
 - (12B) For the purpose in subsection (12) the procedures must, in particular, include provision for this purpose which is framed by reference to these matters –
 - (a) the persistence of the anti-social behaviour about which the original complaint was made,
 - (b) the harm caused, or the potential for harm to be caused, by that behaviour, and
 - (c) the vulnerability of the victim(s).””

Member's explanatory statement

This amendment, and another in the name of Lord Russell of Liverpool, seeks to establish a statutory threshold for convening an Anti-Social Behaviour Case Review, that considers the victims vulnerability and removes discretion for authorities to apply additional caveats.

Schedule 3

LORD HANSON OF FLINT



Schedule 3, page 248, leave out lines 27 to 30

Member's explanatory statement

This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

LORD HANSON OF FLINT

- ★ Schedule 3, page 248, leave out lines 33 and 34

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 3, page 248, leave out lines 27 to 30.

Clause 7

LORD HANSON OF FLINT

- ★ Clause 7, page 16, leave out lines 26 to 29

Member's explanatory statement

This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

LORD HANSON OF FLINT

- ★ Clause 7, page 17, leave out lines 6 and 7

Member's explanatory statement

This amendment is consequential on my amendment to clause 7, page 16, leave out lines 26 to 29.

After Clause 8

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 8, insert the following new Clause —

“Increased penalties for littering offences

- (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 88 (Fixed penalty notices for leaving litter) —
 - (a) in subsection (6A)(b)(i), for “£100” substitute “£125”;
 - (b) in subsection (6A)(b)(ii), for “£75” substitute “£94”;
 - (c) in subsection (8C) (England, Wales and Scotland versions), for “level 3” substitute “level 4”.

Member's explanatory statement

This amendment seeks to increase penalties for littering and related offences. It raises fixed penalties in England and Wales by 25 per cent and moves the maximum fine levels up one tier on the standard scale.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 8, insert the following new Clause –

“Increased penalties for littering offences on public transport

- (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 88 (fixed penalty notices for leaving litter) –
 - (a) in subsection (6A)(b)(i), for “£100” substitute “£125”;
 - (b) in subsection (6A)(b)(ii), for “£75” substitute “£94”;
 - (c) in subsection (8C) (England, Wales and Scotland versions), for “level 3” substitute “level 4”.
- (3) After section 88 insert –

“88A Littering on public transport

- (1) A person who deposits litter on any form of public transport shall be guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding Level 5 on the standard scale
- (3) Where an authorised officer of a litter or transport authority has reason to believe that a person has committed an offence under this section, the officer may issue a fixed penalty notice offering the person the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty
- (4) The amount of the fixed penalty under subsection (4) shall be –
 - (a) £250 in England and
 - (b) £200 in Wales
- (5) Sections 88(2) to (8) apply to a fixed penalty notice issued under this section as they apply to a notice issued under section 88.
- (6) In this section “public transport” includes any bus, coach, tram, underground train or rail vehicle operating as part of a public transport service.””

Member's explanatory statement

This amendment adds a new section to the Environmental Protection Act 1990 to define a specific offence and penalties for littering on public transport.

Clause 9

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

Clause 9, page 17, line 34, at end insert –

- “(1A) Guidance issued about the enforcement of section 33 offences 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.”

Member's explanatory statement

This amendment would ensure the Secretary of State's guidance on fly-tipping makes the person responsible for fly-tipping, rather than the landowner, liable for the costs of cleaning up.

After Clause 9

EARL RUSSELL
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

★

After Clause 9, insert the following new Clause –

“Serious and organised waste crime: national action plan

- (1) The Secretary of State must regard serious and organised waste crime as a strategic priority threat.
- (2) In furtherance of the strategic priority in subsection (1), the Joint Unit for Waste Crime (JUWC) must follow an approach based on reducing serious and organised waste crime.
- (3) The JUWC must establish a national action plan to further the priorities of –
 - (a) reducing the impact of waste criminality where it takes place,
 - (b) preventing people from engaging in serious and organised waste crime,
 - (c) protecting the UK's critical infrastructure, environment, and communities, and
 - (d) prosecuting and disrupting people engaged in serious and organised waste criminality.
- (4) JUWC partners must use all their relevant specialist skills, experience and investigative and intelligence in furtherance of the priorities in subsection (3).
- (5) A relevant person must, so far as appropriate and reasonably practical, cooperate with the JUWC to further the priorities in subsection (3), including by –
 - (a) sharing intelligence on waste crime,
 - (b) reporting incidents of waste crime, and
 - (c) sharing connections between waste crime and other forms of serious and organised crime.
- (6) The national action plan may include a single point for receiving and disseminating reports of waste crime.

- (7) In this section—
- (a) “JUWC partners” means—
- (i) Environment Agency;
 - (ii) National Resources Wales;
 - (iii) Scottish Environmental Protection Agency;
 - (iv) Northern Ireland Environment Agency;
 - (v) His Majesty’s Revenue and Customs;
 - (vi) Police;
 - (vii) National Fire Chiefs Council;
 - (viii) British Transport Police;
 - (ix) National Crime Agency;
 - (x) Revenue Scotland;
 - (xi) Welsh Revenue Authority;
 - (xii) Environmental Services Association;
 - (xiii) Chartered Institute for Waste management.
- (b) a “relevant person” means—
- (i) regional organised crime units,
 - (ii) local police forces in England and Wales, and
 - (iii) local authorities.”

Member’s explanatory statement

This amendment takes forward recommendations of House of Lords Environment and Climate Change Committee. It requires the Secretary of State to designate serious and organised waste crime as a strategic priority threat. It also requires the Joint Unit on Waste Crime to establish a national action plan and places a duty on relevant persons to cooperate with the JUWC in furtherance of the plan’s priorities.

EARL RUSSELL
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

★

After Clause 9, insert the following new Clause—

“Serious and organised waste crime: publication of data

- (1) Every three months the Secretary of State must collect and publish data on waste crime.
- (2) The data in subsection (1) must include—
 - (a) the number of large-scale waste crimes reported, including—
 - (i) incidents of fly-tipping;
 - (ii) unauthorised waste carries;
 - (iii) illegal exports;
 - (b) the number of illegal waste sites in England and Wales, including—
 - (i) the date the site was first known,
 - (ii) the location of the site, and
 - (iii) the type of waste disposed of at the site;

- (c) the number of waste crime incidents identified and cleared by local authorities;
- (d) the number of prosecutions for waste crime in England and Wales;
- (e) the number of convictions for waste crime in England and Wales.”

Member's explanatory statement

This amendment requires the Secretary of State to collect and publish information on waste crime on a quarterly basis. This is based on a recommendation of the House of Lords Environment and Climate Change Committee.

EARL RUSSELL
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

★ After Clause 9, insert the following new Clause –

“Serious and organised waste crime: independent review

- (1) Within three months of the day on which this Act is passed, the Secretary of State must establish an independent review into serious and organised waste crime.
- (2) The review must consider –
 - (a) the extent and effectiveness of integrated working between the Environment Agency, HMRC, the National Crime Agency, local police forces in England and Wales, and local authorities, and
 - (b) the benefits of diverting resources for regulatory work to crime enforcement.
- (3) The review must include an investigation into the intelligence received and action taken in relation to the dumping of illegal waste at Hoad’s Wood Site of Special Scientific Interest and any other large illegal waste sites of a similar size.
- (4) The review established under subsection (1) must complete its work no later than 31 March 2027.
- (5) No later than 31 May 2027, the Secretary of State must lay a copy of the report, and their response to it, before both Houses of Parliament.
- (6) The Government must make time in both Houses of Parliament for a debate on a substantive motion relating to the report.”

Member's explanatory statement

This amendment requires the Secretary of State to establish an independent review into serious and organised waste crime, as recommended by the House of Lords Environment and Climate Change Committee.

After Clause 11

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 11, insert the following new Clause –

“Repeal of Part 8 of the Anti-Social Behaviour Act 2003

- (1) Part 8 of the Anti-social Behaviour Act 2003 (High Hedges) is repealed.
- (2) In schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, omit paragraph 47A.”

Member's explanatory statement

This amendment would repeal provisions of the Anti-Social Behaviour Act 2003 that permit the local authority to enter a person's property without their consent to investigate complaints about high hedges.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 11, insert the following new Clause –

“Gang-related graffiti

- (1) A person commits an offence if –
 - (a) the person defaces a relevant surface with graffiti, and
 - (b) the graffiti is gang-related.
- (2) Graffiti is gang-related if –
 - (a) the graffiti contains any symbol, sign, mark or slogan that is associated with, or is an identifiable marker of, a gang or gang activity,
 - (b) the graffiti contains any symbol, sign, mark or slogan that a reasonable person would associate with a gang or gang activity, or
 - (c) the person who defaced the relevant surface with the graffiti is part of a gang.
- (3) In this section a “relevant surface” is any of the following surfaces, whether internal or external or open to the air or not –
 - (a) the surface of any street or of any building, structure, apparatus, plant or other object in or on any street;
 - (b) the surface of any land owned, occupied or controlled by a statutory undertaker or of any building, structure, apparatus, plant or other object in or on any such land;
 - (c) the surface of any land owned, occupied or controlled by an educational institution (including its governing body) or of any building, structure, apparatus, plant or other object in or on any such land.
- (4) 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 magistrates' court or a fine (or both);
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years.
- (5) In this section –
- (a) “gang” means the activities of a group that –
 - (i) consists of at least three people, and
 - (ii) has one or more characteristics that enable its members to be identified by others as a group;
 - (b) “graffiti” includes painting, writing, soiling, marking or other defacing by whatever means.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 11, insert the following new Clause –

“Offences aggravated by gang involvement

After section 72 of the Sentencing Code insert –

“Gang connection

- (1) This section applies where –
 - (a) a court is considering the seriousness of an offence, and
 - (b) the offence is aggravated by being gang-related.
- (2) The court –
 - (a) must treat the fact that the offence is aggravated by being gang-related, and
 - (b) must state in open court that the offence is so aggravated.
- (3) For the purposes of this section, an offence is “gang-related” if the offence was committed in the course of, or is otherwise related to, the activities of a gang.
- (4) In this section, “gang” means a group that –
 - (a) consists of at least three people, and
 - (b) has one or more characteristics that enable its members to be identified by others as a group.””

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

★

After Clause 11, insert the following new Clause –

“Offence of engaging in nuisance begging

- (1) A person aged 18 or over who engages in nuisance begging commits an offence.

- (2) Where a constable has reasonable cause to believe that a person is engaging or has engaged in nuisance begging, the constable may require the person to leave a relevant location as soon as reasonably practicable.
- (3) Where a person has been required to leave a relevant location by a constable, the person commits an offence if the person does not comply with the requirement.
- (4) A person who commits an offence under subsections (1) or (3) is liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 4 on the standard scale.
- (5) For the purposes of this section, a person engages in “nuisance begging” if subsections (6) or (7) applies.
- (6) This subsection applies if the person begs –
 - (a) on public transport,
 - (b) in a station or any form of public transport, or at an entrance to or an exit from any such station,
 - (c) at a bus stop, tram stop or other place where members of the public get on to, or alight from, any form of public transport,
 - (d) at a taxi rank,
 - (e) on a carriageway or cycle track,
 - (f) in any area outside business premises (whether or not the area forms part of a highway) where people are consuming food or drinks supplied by the business,
 - (g) within 10 metres of an automated teller machine or night safe,
 - (h) within 10 metres of a ticket machine, a vending machine or any other device through which members of the public obtain goods or services by making payments,
 - (i) in, or within five metres of, the entrance to, or exit from, retail premises, or
 - (j) in the common parts of any building containing two or more dwellings.
- (7) This subsection applies if the person begs in a way that has caused, or is likely to cause –
 - (a) harassment, alarm or distress to another person,
 - (b) a person reasonably to believe that –
 - (i) they, or any other person, may be harmed, or
 - (ii) any property (except property belonging to the person begging) may be damaged,
 - (c) disorder, or
 - (d) a risk to the health or safety of any person except the person begging.
- (8) In this section –
 - “carriageway” and “cycle track” have the meaning given by section 329(1) of the Highway Act 1980;
 - “distress” includes distress caused by –
 - (a) the use of threatening, intimidating or abusive words or behaviour, or disorderly behaviour, or

- (b) the display of any writing, sign, or other visible representation that is threatening, intimidating or abusive;
- “relevant location” means a location where the person is engaging or has engaged in nuisance begging;
- “retail premises” means premises used wholly or mainly for the purposes of the sale of anything by retail.”

Member's explanatory statement

This amendment would introduce the offence of nuisance begging and permit a constable to move on a person engaging in nuisance begging.

Clause 28

LORD HANSON OF FLINT

Clause 28, page 32, line 7, leave out “6” and insert “12”

Member's explanatory statement

This amendment increases the maximum term of imprisonment on summary conviction in Scotland for an offence under section 141(1) of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 28, page 32, line 8, leave out “level 5 on the standard scale” and insert “the statutory maximum”

Member's explanatory statement

This amendment increases the maximum fine on summary conviction in Scotland for an offence under section 141(1) of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 28, page 32, line 14, at end insert —

- “(da) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both);”

Member's explanatory statement

This amendment allows trial on indictment in Scotland for an offence under section 141(1) of the Criminal Justice Act 1988, and provides for the penalties available.

LORD HANSON OF FLINT

Clause 28, page 32, line 20, at end insert —

- “(ia) in paragraph (b) for “6 months, to a fine not exceeding level 5 on the standard scale” substitute “12 months, to a fine not exceeding the statutory maximum”;”

Member's explanatory statement

This amendment increases the maximum term of imprisonment and maximum fine on summary conviction in Scotland for an offence under section 141(1A) of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 28, page 32, line 24, at end insert –

“(cb) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both);”

Member's explanatory statement

This amendment allows trial on indictment in Scotland for an offence under section 141(1A) of the Criminal Justice Act 1988, and provides for the penalties available.

LORD HANSON OF FLINT

Clause 28, page 32, line 28, after “conviction” insert “in England and Wales”

Member's explanatory statement

This amendment is consequential on my amendment to penalties for a conviction in Scotland for an offence under section 141A of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 28, page 32, line 30, at end insert –

“(aa) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);”

Member's explanatory statement

This amendment increases the maximum term of imprisonment and maximum fine on summary conviction in Scotland for an offence under section 141A of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 28, page 32, line 31, after “indictment” insert “in England and Wales”

Member's explanatory statement

This amendment is consequential on my amendment to penalties for a conviction in Scotland for an offence under section 141A of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 28, page 32, line 32, at end insert —

“(c) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both).”

Member's explanatory statement

This amendment allows trial on indictment in Scotland for an offence under section 141A of the Criminal Justice Act 1988, and provides for the penalties available.

LORD HANSON OF FLINT

Clause 28, page 32, line 41, leave out “6” and insert “12”

Member's explanatory statement

This amendment increases the maximum term of imprisonment on summary conviction in Scotland for an offence under section 1(1) of the Restriction of Offensive Weapons Act 1959.

LORD HANSON OF FLINT

Clause 28, page 32, line 42, leave out “level 4 on the standard scale” and insert “the statutory maximum”

Member's explanatory statement

This amendment increases the maximum fine on summary conviction in Scotland for an offence under section 1(1) of the Restriction of Offensive Weapons Act 1959.

LORD HANSON OF FLINT

Clause 28, page 33, line 3, at end insert —

“(d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both).”

Member's explanatory statement

This amendment allows trial on indictment in Scotland for an offence under section 1(1) of the Restriction of Offensive Weapons Act 1959, and provides for the penalties available.

LORD HANSON OF FLINT

Clause 28, page 33, line 6, at end insert —

“(ia) in paragraph (b) for “6 months, to a fine not exceeding level 4 on the standard scale” substitute “12 months, to a fine not exceeding the statutory maximum”;

Member's explanatory statement

This amendment increases the maximum term of imprisonment and maximum fine on summary conviction in Scotland for an offence under section 1(1A) of the Restriction of Offensive Weapons Act 1959.

LORD HANSON OF FLINT

Clause 28, page 33, line 10, at end insert –

- “(d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 2 years or a fine (or both).”

Member's explanatory statement

This amendment allows trial on indictment in Scotland for an offence under section 1(1A) of the Restriction of Offensive Weapons Act 1959, and provides for the penalties available.

Clause 31

LORD HANSON OF FLINT

Clause 31, page 36, line 12, leave out from “seller” to “and” in line 15 and insert “either –

- (i) obtained from the buyer a copy of an identity document issued to the buyer in a physical form and a photograph of the buyer, or
- (ii) took such steps to verify the buyer’s age as may be prescribed in regulations made by the Secretary of State,”

Member's explanatory statement

This amendment adds a requirement to section 141B of the Criminal Justice Act 1988 for a passport or driving licence used as proof of age on a remote sale of a knife to be a physical version, and allows the Secretary of State to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

Clause 31, page 36, line 16, leave out “the things obtained under paragraph (a)” and insert “that copy and photograph or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 31, page 36, line 12.

LORD HANSON OF FLINT

Clause 31, page 36, line 36, at end insert –

- “(10A) A statutory instrument containing (whether alone or with other provision) regulations under subsection (4)(a)(ii) may not be made unless a draft of

the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment provides for regulations prescribing the steps that may be taken to verify a buyer's age to be subject to the affirmative procedure.

LORD HANSON OF FLINT

Clause 31, page 36, line 37, leave out “A” and insert “Any other”

Member's explanatory statement

This amendment is consequential on my amendment to clause 31, page 36, line 36.

After Clause 31

LORD HANSON OF FLINT

After Clause 31, insert the following new Clause —

“Remote sale or letting of knives etc: Scotland

- (1) Section 141C of the Criminal Justice Act 1988 (remote sales and lettings of knives) is amended as follows.
- (2) For subsection (5) substitute —
 - “(5) Condition A is that, before the sale or letting on hire —
 - (a) the accused either —
 - (i) obtained from the recipient a copy of an identity document issued to the recipient in a physical form and a photograph of the recipient, or
 - (ii) took such steps to verify the recipient's age as may be prescribed in regulations made by the Scottish Ministers, and
 - (b) on the basis of that copy and photograph or those steps, a reasonable person would have been satisfied that the recipient was aged 18 or over.
- (5A) For the purposes of subsection (5) an “identity document” means —
 - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (c) a licence to drive a motor vehicle —
 - (i) granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or

- (ii) issued in the form of a photocard by a member State;
- (d) any other document specified in regulations made by the Scottish Ministers.”
- (3) In subsection (6)(b) for “a person aged 18 or over” substitute “the recipient”.
- (4) In subsection (7) for “a person aged 18 or over” substitute “the recipient”.
- (5) In subsection (9) omit “or a person acting on behalf of the recipient” in both places it occurs.
- (6) After subsection (10) insert —
 - “(11) Regulations made by the Scottish Ministers under subsection (5)(a)(ii) are subject to the affirmative procedure.
 - (12) Regulations made by the Scottish Ministers under subsection (5A)(d) are subject to the negative procedure.
 - (13) For the meaning of “affirmative procedure” and “negative procedure” see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).”
- (7) In section 141A(4B) of the Criminal Justice Act 1988 (sale of knives to persons under 18: Scotland) for paragraphs (a) to (b) substitute —
 - “(a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (aa) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (b) a licence to drive a motor vehicle —
 - (i) granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State;”.

Member's explanatory statement

This new clause makes provision for Scotland equivalent to that made for England and Wales by clause 31 (as amended by my amendments to that clause).

LORD HANSON OF FLINT

After Clause 31, insert the following new Clause —

“Remote sale of knives etc: Northern Ireland

- (1) Article 54A of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (remote sale of knives) is amended as follows.
- (2) For paragraph (4) substitute —
 - “(4) Condition A is that, before the sale —

- (a) the seller either –
 - (i) obtained from the buyer a copy of an identity document issued to the buyer in a physical form and a photograph of the buyer, or
 - (ii) took such steps to verify the buyer’s age as may be prescribed in an order made by the Department of Justice, and
 - (b) on the basis of that copy and photograph or those steps, a reasonable person would have been satisfied that the buyer was aged 18 or over.
- (4A) For the purposes of paragraph (4) an “identity document” means –
- (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (c) a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) or Part 3 of the Road Traffic Act 1988;
 - (d) any other document specified in an order made by the Department of Justice.”
- (3) In paragraph (5)(b), for “a person aged 18 or over” substitute “the buyer”.
- (4) In paragraph (6), for “a person aged 18 or over” substitute “the buyer”.
- (5) In paragraph (8), omit “or a person acting on behalf of the buyer”, in both places it occurs.
- (6) In Article 57 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (rules and orders) –
- (a) the existing text becomes paragraph (1);
 - (b) in that paragraph for “or 54(3)(c)” substitute “, 54(3)(c) or 54A(4A)(d)”;
 - (c) after that paragraph insert –
 - “(2) An order may not be made under Article 54A(4)(a)(ii) unless a draft of the order has been laid before and approved by a resolution of the Northern Ireland Assembly.””

Member's explanatory statement

This new clause makes provision for Northern Ireland equivalent to that made for England and Wales by clause 31 (as amended by my amendments to that clause).

Clause 32

LORD HANSON OF FLINT

Clause 32, page 37, line 2, at end insert –

- “(1A) In section 38 (delivery of bladed products to residential premises) –
- (a) omit subsection (4);
 - (b) in subsection (8) –
 - (i) in paragraph (b) omit “Scotland or”;
 - (ii) after paragraph (b) insert –
 - “(c) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;
 - (d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 6 months, to a fine or to both.”
- (1B) In section 39 (delivery of bladed products to persons under 18) –
- (a) in subsection (1)(c) for “who is a body corporate” substitute “(“the courier”);
 - (b) in subsection (1)(d) for “that person” substitute “the courier”;
 - (c) in subsection (1)(e) for “that person” substitute “the courier (or a person acting on the courier’s behalf) finally”;
 - (d) omit subsections (2) and (3);
 - (e) for subsection (6) substitute –
 - “(6) The courier commits an offence if, when the bladed product is finally delivered by the courier (or a person acting on the courier’s behalf) it is not delivered into the hands of a person who –
 - (a) is aged 18 or over, and
 - (b) if the buyer is an individual, is the buyer.
 - (6A) A person finally delivering the bladed product on the courier’s behalf commits an offence if, when they deliver it, they do not deliver it into the hands of a person who –
 - (a) is aged 18 or over, and
 - (b) if the buyer is an individual, is the buyer.”;
 - (g) in subsection (7) –
 - (i) for “subsection (6)” substitute “this section”;
 - (ii) in paragraph (b) omit “Scotland or”;
 - (iii) after paragraph (b) insert –
 - “(c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
 - (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

This amendment, together with other of my amendments to clause 32, extend the provision made by that clause to Scotland and Northern Ireland and make related drafting changes.

LORD HANSON OF FLINT

Clause 32, page 37, line 3, leave out “After section 39 insert” and insert “For section 40 substitute”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 4, leave out “39A” and insert “40”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 4, leave out “England and Wales” and insert “or 39”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 5, leave out “in England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 8, leave out “in England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 17, leave out “in England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 20, at end insert—

- “(3A) It is a defence for a person charged with an offence under section 39(6) to show that the delivery conditions were met.
- (3B) It is a defence for a person charged with an offence under section 39(6A) to show that—
 - (a) the delivery conditions were met, or
 - (b) the person did not know, and a reasonable person would not have known, that the person was delivering a bladed product.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, leave out lines 22 to 24 and insert—

- “(a) the person finally delivering the bladed product—
 - (i) was shown by the person (“P”) into whose hands it was finally delivered an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the appropriate national authority, and”

Member's explanatory statement

This amendment provides that an identity document shown to a person delivering a bladed product must be a physical document. It also allows regulations to be made prescribing an alternative process for identity verification (such as digital ID).

LORD HANSON OF FLINT

Clause 32, page 37, line 25, after “document” insert “or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 32, page 37, lines 22 to 24.

LORD HANSON OF FLINT

Clause 32, page 37, line 35, leave out from first “a” to end of line 37 and insert “relevant driving licence”

Member's explanatory statement

This amendment, together with my second amendment to clause 32, page 37, line 39, provide for EU driving licences to count as an identity document in Scotland.

LORD HANSON OF FLINT

Clause 32, page 37, line 39, leave out “Secretary of State” and insert “appropriate national authority”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 37, line 39, at end insert –

“(5A) In subsection (5)(c) “relevant driving licence” means –

- (a) in relation to England and Wales and Northern Ireland, a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
- (b) in relation to Scotland, a licence to drive a motor vehicle –
 - (i) granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State.”

Member's explanatory statement

This amendment, together with my amendment to clause 32, page 37, line 35, provide for EU driving licences to count as an identity document in Scotland.

LORD HANSON OF FLINT

Clause 32, page 37, line 40, leave out from beginning to end of line 6 on page 38

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 42, lines 38 and the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 38, line 8, leave out from beginning to end of line 11 on page 39

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 42, line 38 and the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 39, leave out line 13

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 39, line 22, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 39, line 25, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 40, line 5, leave out “the seller” and insert “they”

Member's explanatory statement

This amendment makes a drafting change for consistency.

LORD HANSON OF FLINT

Clause 32, page 40, leave out lines 8 to 12

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 40, line 13, leave out “on summary conviction to a fine” and insert –

- “(a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 40, leave out lines 21 to 24

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 42, line 38 and the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 40, line 26, leave out “England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 40, line 38, after “they” insert “(or a person acting on their behalf)”

Member's explanatory statement

This amendment clarifies that inserted section 40C(2) applies where a bladed product is delivered by a person acting on the courier’s behalf.

LORD HANSON OF FLINT

Clause 32, page 40, line 39, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 41, leave out lines 13 to 17

Member's explanatory statement

This amendment removes a provision that is no longer needed because the matter is dealt with in the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 41, line 18, leave out “on summary conviction to a fine” and insert –

- “(a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 41, leave out lines 21 to 24

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 42, line 38 and the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 41, leave out line 26

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 41, line 33, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 42, line 6, leave out “of the collection point”

Member's explanatory statement

This amendment is a drafting change.

LORD HANSON OF FLINT

Clause 32, page 42, line 7, leave out from “if” to “into” in line 8 and insert “the operator (or a person acting on behalf of the operator) –

- (a) gives the bladed product to a person collecting it, but
- (b) does not give it”

Member's explanatory statement

This amendment clarifies that section 40D(4) applies where a bladed product is given to the person collecting it by a person acting on behalf of the operator.

LORD HANSON OF FLINT

Clause 32, page 42, line 10, leave out first “it” and insert “the bladed product”

Member's explanatory statement

This amendment makes a drafting change.

LORD HANSON OF FLINT

Clause 32, page 42, leave out lines 18 to 20 and insert –

- “(a) the individual giving the bladed product to the person (“P”) collecting it –
 - (i) was shown by P an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the appropriate national authority, and”

Member's explanatory statement

This amendment provides that an identity document shown to a person handing over a bladed product must be a physical document. It also allows regulations to be made prescribing an alternative process for identity verification (such as digital ID).

LORD HANSON OF FLINT

Clause 32, page 42, line 21, after “document” insert “or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 32, page 42, line 18.

LORD HANSON OF FLINT

Clause 32, page 42, leave out lines 28 to 32

Member's explanatory statement

This amendment removes a provision that is no longer needed because the matter is dealt with in the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 42, line 33, leave out “on summary conviction to a fine” and insert—

- “(a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 42, line 38, leave out from beginning to end of line 2 on page 43 and insert—

“40E Further defences to offences under sections 38 to 40D

The appropriate national authority may by regulations provide for other defences for a person charged with an offence under any of sections 38 to 40D.”

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by this amendment and the new section 42A inserted by my amendment to clause 32, page 45, line 2.

LORD HANSON OF FLINT

Clause 32, page 43, line 3, leave out subsections (4) to (7)

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 44, line 36, at end insert—

- “(d) in subsection (3), for “40” substitute “40D”;
- (e) in subsection (4) for “40” substitute “40D”.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 44, line 39, leave out paragraphs (a) to (e) and insert—

- “(a) in subsection (1)(c) for “who is a body corporate” substitute “(“the courier”);”;
- (b) in subsection (1)(d) for “that person” substitute “the courier”;
- (c) in subsection (1)(e) for “that person” substitute “the courier (or a person acting on the courier’s behalf) finally”;
- (d) omit subsections (2) and (3);
- (e) for subsections (4) to (9) substitute—
 - “(4) The courier commits an offence if, when the bladed article is finally delivered by the courier (or a person acting on the courier’s behalf), it is not delivered into the hands of a person who—
 - (a) is aged 18 or over, and
 - (b) if the buyer is an individual, is the buyer.
 - (4A) A person finally delivering the bladed article on behalf of the courier commits an offence if, when they deliver it, they do not deliver it into the hands of a person who—
 - (a) is aged 18 or over, and
 - (b) if the buyer is an individual, is the buyer.
 - (4B) It is a defence for a person charged with an offence under subsection (4) to show that the delivery conditions were met.
 - (4C) It is a defence for a person charged with an offence under subsection (4A) to show that—
 - (a) the delivery conditions were met, or
 - (b) the person did not know, and a reasonable person would not have known, that the person was delivering a bladed article.
 - (4D) In this section the “delivery conditions” has the meaning given by section 40(4).”;
- (h) in subsection (10)—
 - (i) for “subsection (4)” substitute “this section”;
 - (ii) in paragraph (b) omit “Scotland or”;
 - (iii) after paragraph (b) insert—
 - “(c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
 - (d) on conviction on indictment in Scotland, to a fine.””

Member's explanatory statement*See my amendment to clause 32, page 37, line 2.*

LORD HANSON OF FLINT

Clause 32, page 45, line 2, at end insert –

“(9A) After section 42 insert –

“42A Interpretation of sections 38 to 42

- (1) This section applies for the interpretation of sections 38 to 42.
- (2) A person (“A”) is not in the presence of another person (“B”) at any time if –
 - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) A person other than an individual –
 - (a) is within the United Kingdom at any time, if the person carries on a business of selling articles of any kind from premises in any part of the United Kingdom at that time;
 - (b) is outside the United Kingdom at any time, if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) The “appropriate national authority” is –
 - (a) in relation to England and Wales, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Justice in Northern Ireland.
- (5) A person charged with an offence is to be taken to have shown a matter if –
 - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.””

Member's explanatory statement*See my amendment to clause 32, page 37, line 2.*

LORD HANSON OF FLINT

Clause 32, page 45, line 3, leave out subsection (10)

Member's explanatory statement*See my amendment to clause 32, page 37, line 2.*

LORD HANSON OF FLINT

Clause 32, page 45, line 10, after “39A(5)(d)” insert “made by the Secretary of State”

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

LORD HANSON OF FLINT

Clause 32, page 45, line 11, at end insert —

- “(c) in subsection (3) —
 - (i) omit “, 40(10)(c)”;
 - (ii) after “is” insert “, and regulations made by the Scottish Ministers under section 40(5)(d) are,”;
- (d) in subsection (4) for “40(13)” substitute “40(4)(a)(ii), 40D(8)(a)(ii), 40E”;
- (e) in subsection (6) after “Act” insert “, except for regulations under section 40(5)(d),”;
- (f) after subsection (6) insert —
 - “(6A) Regulations made by the Department of Justice under section 40(5)(d) are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954.””

Member's explanatory statement

See my amendment to clause 32, page 37, line 2.

After Clause 32

LORD CLEMENT-JONES

★

After Clause 32, insert the following new Clause —

“Sale and delivery of knives: review

- (1) The Secretary of State must review the impact of sections 31 and 32 of this Act within two years of these sections coming into force.
- (2) A review under subsection (1) must consider —
 - (a) the effect of sections 31 and 32 in preventing the online sale of knives to those under the age of 18,
 - (b) whether safety design regulation would limit the availability of knives that may be used in violent offences, and
 - (c) what mechanisms could be used to improve data collection by the police of bladed articles used in all knife-related crimes.”

Member's explanatory statement

This amendment requires the Secretary of State to review the effectiveness of sections 31 and 32 in preventing the online sale of knives to under 18s, and requires the review to look at other measures that might limit the availability of knives that could be used in violent offences.

Clause 33

LORD HANSON OF FLINT

Clause 33, page 45, line 15, at end insert—

“(2A) After section 1 insert—

“1ZA Defence to offence under section 1: England and Wales

Except where section 1B applies, it is a defence for a person charged in England and Wales with an offence under section 1 to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”

(2B) In section 1A (defences: Scotland)—

(a) in subsection (1)—

- (i) for “It” substitute “Except where section 1B applies, it”;
- (ii) after “charged” insert “in Scotland”;

(b) in subsection (3) for paragraphs (a) to (b) substitute—

“(a) a United Kingdom passport (within the meaning of the Immigration Act 1971),

(aa) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation,

(b) a licence to drive a motor vehicle—

(i) granted under Part 3 of the Road Traffic 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or

(ii) issued in the form of a photocard by a member State, or”

(c) for the heading substitute “Defence to offence under section 1: Scotland”.”

Member's explanatory statement

This amendment, together with my other amendments to clauses 33 to 35, extend to Scotland the amendments made by those clauses to the Crossbows Act 1987, and make related changes.

LORD HANSON OF FLINT

Clause 33, page 45, line 17, leave out “England and Wales” and insert “remote sales etc”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 33, page 45, leave out lines 18 to 20

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 33, page 45, line 21, leave out “Subsection (3)” and insert “This section”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 33, page 45, line 26, leave out from beginning to “that” in line 28 and insert “It is a defence for A to show”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 33, page 45, line 31, leave out from “A” to “and” in line 33 and insert “either —

- (i) obtained from B a copy of an identity document issued to B in a physical form and a photograph of B, or
- (ii) took such steps to verify B’s age as may be prescribed in regulations made by the relevant national authority,”

Member's explanatory statement

This amendment requires a passport or driving licence used as proof of age on a remote sale or letting of a crossbow to be a physical document, and allows the Secretary of State or Scottish Ministers to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

Clause 33, page 45, line 34, leave out “the things obtained under paragraph (a)” and insert “that copy and photograph or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 33, page 45, line 31.

LORD HANSON OF FLINT

Clause 33, page 46, line 4, leave out from first “a” to end of line 6 and insert “relevant driving licence”

Member's explanatory statement

This amendment, together with my second amendment to clause 33, page 46, line 8, provide for EU driving licences to count as an identity document in Scotland (for consistency with the existing provision in section 1A(3) of the Crossbows Act 1987).

LORD HANSON OF FLINT

Clause 33, page 46, line 8, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 33, page 46, line 8, at end insert –

“(5A) In subsection (5)(c) a “relevant driving licence” means –

- (a) in relation to England and Wales, a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
- (b) in relation to Scotland, a licence to drive a motor vehicle –
 - (i) granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State.”

Member's explanatory statement

This amendment, together with my amendment to clause 33, page 46, line 4, provide for EU driving licences to count as an identity document in Scotland (for consistency with the existing provision in section 1A(3) of the Crossbows Act 1987).

Clause 34

LORD HANSON OF FLINT

Clause 34, page 46, line 31, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 46, line 39, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 46, line 40, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 47, line 3, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 47, line 5, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 47, line 11, after “conviction” insert “in England and Wales,”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 47, line 12, at end insert —

- “(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (c) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 6 months or a fine (or both).”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 47, line 34, leave out from “person” to “and” in line 36 and insert “finally delivering the crossbow or part of a crossbow –

- (i) was shown by the person “(P)” into whose hands it was finally delivered an identity document issued to P in a physical form, or
- (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the relevant national authority,”

Member's explanatory statement

This amendment requires a passport or driving licence used as proof of age on delivery of a crossbow to be a physical document, and allows the Secretary of State or Scottish Ministers to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

Clause 34, page 47, line 37, after “document” insert “or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 34, page 47, line 34.

LORD HANSON OF FLINT

Clause 34, page 48, line 5, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 48, line 8, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 48, line 21, after “C” insert “(or a person acting on behalf of C)”

Member's explanatory statement

This amendment clarifies that inserted section 1E(1)(e) applies to deliveries by a person acting on C’s behalf.

LORD HANSON OF FLINT

Clause 34, page 48, line 22, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 48, leave out lines 24 to 27

Member's explanatory statement

This amendment removes provision that is no longer needed because the point is now dealt with in section 1J(2A) (general interpretation) as inserted by my amendment to clause 35, page 54, line 13.

LORD HANSON OF FLINT

Clause 34, page 48, line 28, leave out from “when” to “into” in line 30 and insert “the crossbow or part of a crossbow is finally delivered to residential premises by C (or a person acting on behalf of C), it is not delivered”

Member's explanatory statement

This amendment clarifies that inserted section 1E(3) applies to deliveries by a person acting on C's behalf.

LORD HANSON OF FLINT

Clause 34, page 48, line 35, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 49, line 11, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 49, line 14, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 49, line 14, at end insert—

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 49, line 16, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 49, line 26, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 49, line 28, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 50, line 19, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 50, line 19, at end insert—

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 50, line 29, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 50, line 32, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 51, line 1, leave out “they deliver” and insert “C (or a person acting on behalf of C) delivers”

Member's explanatory statement

This amendment clarifies that inserted section 1G(2) applies to deliveries made by a person acting on C's behalf.

LORD HANSON OF FLINT

Clause 34, page 51, line 2, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 51, line 24, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 51, line 24, at end insert –

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 51, line 26, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 51, line 28, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 51, line 37, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 52, line 8, leave out “of the collection point”

Member's explanatory statement

This amendment is a drafting change.

LORD HANSON OF FLINT

Clause 34, page 52, line 9, leave out from “if” to “into” in line 10 and insert “the operator (or a person acting on behalf of the operator) –

- (a) gives the crossbow or part of a crossbow to a person collecting it, but
- (b) does not give it”

Member's explanatory statement

This amendment clarifies that section 1H(4) applies where the crossbow or part of a crossbow is given to the person collecting it by a person acting on behalf of the operator.

LORD HANSON OF FLINT

Clause 34, page 52, line 13, leave out first “it” and insert “the crossbow or part of a crossbow”

Member's explanatory statement

This amendment makes a drafting change.

LORD HANSON OF FLINT

Clause 34, page 52, line 22, leave out from first “the” to “and” in line 24 and insert “individual giving the crossbow of part of a crossbow to the person (“P”) collecting it —

- (i) was shown by P an identity document issued to P in a physical form, or
- (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the relevant national authority,”

Member's explanatory statement

This amendment requires a passport or driving licence used as proof of age on collection of a crossbow to be a physical document, and allows the Secretary of State or Scottish Ministers to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

Clause 34, page 52, line 25, after “document” insert “or those steps”

Member's explanatory statement

The amendment is consequential on my amendment to clause 34, page 52, line 22.

LORD HANSON OF FLINT

Clause 34, page 52, line 36, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 52, line 36, at end insert —

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;

(c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 52, line 40, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 53, line 2, leave out “to premises in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 53, line 15, after “C” insert “(or a person acting on behalf of C)”

Member's explanatory statement

This amendment clarifies that inserted section 11(1)(e) applies where a person delivers the item on C's behalf.

LORD HANSON OF FLINT

Clause 34, page 53, line 16, leave out “to premises in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 53, leave out lines 17 to 20

Member's explanatory statement

This amendment leave out provision that is no longer necessary because the point is now dealt with in section 1J(2A) (general interpretation) as inserted by my amendment to clause 35, page 54, line 13.

LORD HANSON OF FLINT

Clause 34, page 53, line 21, leave out from “when” to “into” in line 23 and insert “the crossbow or part of a crossbow is finally delivered by C (or a person acting on behalf of C), it is not delivered”

Member's explanatory statement

This amendment clarifies that inserted section 11(3) applies where the item is delivered by a person acting on C's behalf.

LORD HANSON OF FLINT

Clause 34, page 53, line 27, leave out “to premises in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 53, line 35, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 34, page 53, line 35, at end insert —

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

Clause 35

LORD HANSON OF FLINT

Clause 35, page 54, line 7, at end insert —

- “(1A) “Relevant national authority” means —
- (a) in relation to England and Wales, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 35, page 54, line 13, at end insert –

- “(2A) A person other than an individual –
- (a) is within the United Kingdom at any time, if the person carries on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time;
 - (b) is outside the United Kingdom at any time, if the person does not carry on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time.”

Member's explanatory statement

This amendment defines when a person is within or outside the United Kingdom for the purposes of the crossbow provisions.

LORD HANSON OF FLINT

Clause 35, page 54, line 28, leave out from beginning to “unless” in line 29 and insert “regulations under this Act, other than regulations under section 1B(5)(d),”

Member's explanatory statement

This amendment provides for regulations made by the Secretary of State prescribing the steps that may be taken to verify a buyer's age (as well as regulations under the provisions already specified in inserted section 6A(2)) to be subject to the affirmative procedure.

LORD HANSON OF FLINT

Clause 35, page 54, line 31, leave out “Any other” and insert “A”

Member's explanatory statement

This amendment is consequential on my amendment to clause 35, page 54, line 28.

LORD HANSON OF FLINT

Clause 35, page 54, line 32, leave out “this Act” and insert “section 1B(5)(d)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 35, page 54, line 28.

LORD HANSON OF FLINT

Clause 35, page 54, line 33, at end insert –

- “(4) Regulations made by the Scottish Ministers under this Act, other than regulations under section 1B(5)(d), are subject to the affirmative procedure.

- (5) Regulations made by the Scottish Ministers under section 1B(5)(d) are subject to the negative procedure.
- (6) For the meaning of “affirmative procedure” and “negative procedure” see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

LORD HANSON OF FLINT

Clause 35, page 55, line 6, at end insert –

“(4) In section 66(2) of that Act (guidance by Scottish Ministers), after paragraph (a) insert –

“(aa) any of sections 1 to 3 of the Crossbows Act 1987 as they have effect in relation to Scotland,”.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 15.

After Clause 35

LORD HANSON OF FLINT

After Clause 35, insert the following new Clause –

“Remote sale and letting of crossbows: Northern Ireland

- (1) The Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) is amended as follows.
- (2) In Article 3 omit “, unless he believes him to be eighteen years of age or older and has reasonable ground for the belief”.
- (3) After Article 3 insert –

“Defence to offence under Article 3

3A. Except where Article 3B applies, it is a defence for a person charged with an offence under Article 3 to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Defence to offence under Article 3: remote sales etc

3B. – (1) This Article applies if –

- (a) a person (“A”) is charged with an offence under Article 3, and

- (b) A was not in the presence of the person (“B”) to whom the crossbow or part of a crossbow was sold or let on hire at the time of the sale or letting on hire.
- (2) It is a defence for A to show that the following conditions are met.
- (3) Condition 1 is that, before the sale or letting on hire –
 - (a) A either –
 - (i) obtained from B a copy of an identity document issued to B in a physical form and a photograph of B, or
 - (ii) took such steps to verify B’s age as may be prescribed in regulations made by the Department of Justice, and
 - (b) on the basis of that copy and photograph or those steps, a reasonable person would have been satisfied that B was aged 18 or over.
- (4) For the purposes of paragraph (3) an “identity document” means –
 - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (c) a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) or Part 3 of the Road Traffic Act 1988;
 - (d) any other document specified in regulations made by the Department of Justice.
- (5) Condition 2 is that when the package containing the crossbow or part of a crossbow was dispatched by A, it was clearly marked to indicate –
 - (a) that it contained a crossbow or part of a crossbow, and
 - (b) that, when finally delivered, it should only be delivered into the hands of B.
- (6) Condition 3 is that A took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of B.
- (7) Condition 4 is that A did not deliver the package, or arrange for its delivery, to a locker.
- (8) Where the crossbow or part of a crossbow was dispatched by A to a place from which it was to be collected by B, references in paragraphs (5) and (6) to its final delivery are to be read as its supply to B from that place.
- (9) In paragraph (7) “locker” means a lockable container to which the package is delivered with a view to its collection by B, or a person acting on behalf of B, in accordance with arrangements made between A and B.””

Member’s explanatory statement

This amendment makes provision about crossbows for Northern Ireland similar to that made by clause 33 for England and Wales.

LORD HANSON OF FLINT

After Clause 35, insert the following new Clause —

“Delivery of crossbows: Northern Ireland

In the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)), after Article 3B (inserted by section (*Remote sale and letting of crossbows: Northern Ireland*)) insert —

“Offence of seller etc delivering crossbows or parts of crossbows to residential premises

3C. — (1) This Article applies if —

- (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”), and
- (b) A and B are not in each other's presence at the time of the sale.

(2) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A —

- (a) delivers the crossbow or part of a crossbow to residential premises, or
- (b) arranges for its delivery to residential premises.

(3) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A —

- (a) delivers the crossbow or part of a crossbow to a locker, or
- (b) arranges for its delivery to a locker.

(4) In paragraph (3) “locker” means a lockable container to which the crossbow or part of a crossbow is delivered with a view to its collection by B, or a person acting on behalf of B, in accordance with arrangements made between A and B.

Defences to offences under Article 3C

3D. — (1) It is a defence for a person charged with an offence under Article 3C(2)(a) to show that the delivery conditions were met.

(2) It is a defence for a person charged with an offence under Article 3C(2)(b) to show that —

- (a) the arrangement required the person with whom it was made not to finally deliver the crossbow or part of a crossbow unless the delivery conditions were met, and
- (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the crossbow or part of a crossbow would not be finally delivered unless the delivery conditions were met.

(3) It is a defence for a person charged with an offence under Article 3C(3) to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) For the purposes of this Article the delivery conditions are that —

- (a) the person finally delivering the crossbow or part of a crossbow –
 - (i) was shown by the person (“P”) into whose hands it was finally delivered an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the Department of Justice, and
 - (b) on the basis of that document or those steps, a reasonable person would have been satisfied –
 - (i) that P was aged 18 or over, and
 - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire was an individual, that P was that individual.
- (5) “Identity document” has the same meaning as in Article 3B(4).

Offence of delivery business delivering crossbows or parts of crossbows to residential premises on behalf of UK seller

3E. – (1) This Article applies if –

- (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”),
- (b) A and B are not in each other’s presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,
- (c) before the sale or letting on hire A entered into an arrangement with a person (“C”) by which C agreed to deliver crossbows or parts of crossbows for A,
- (d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows, and
- (e) pursuant to the arrangement, C (or a person acting on behalf of C) finally delivers the crossbow or part of a crossbow to residential premises.

(2) C commits an offence if, when the crossbow or part of a crossbow is finally delivered to residential premises by C (or a person acting on behalf of C), it is not delivered into the hands of a person who –

- (a) is aged 18 or over, and
- (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.

(3) A person finally delivering the crossbow or part of a crossbow to residential premises on behalf of C commits an offence if, when they deliver it, they do not deliver it into the hands of a person who –

- (a) is aged 18 or over, and
- (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.

(4) It is a defence for a person charged with an offence under paragraph (2) to show that the delivery conditions (within the meaning of Article 3D(4)) were met.

(5) It is a defence for a person charged with an offence under paragraph (3) to show that –

- (a) the delivery conditions (within the meaning of Article 3D(4)) were met, or
- (b) the person did not know, and a reasonable person would not have known, that the person was delivering a crossbow or part of a crossbow.

Offence of UK seller delivering crossbows or parts of crossbows to collection point

3F.—(1) This Article applies if —

- (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”), and
- (b) A and B are not in each other’s presence at the time of the sale or letting on hire and A is within the United Kingdom at that time.

(2) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A —

- (a) delivers the crossbow or part of a crossbow to a collection point, or
- (b) arranges for the crossbow or part of a crossbow to be delivered to a collection point.

(3) It is a defence for a person charged with an offence under paragraph (2)(a) to show that —

- (a) when the package containing the crossbow or part of a crossbow was delivered to the collection point, it was clearly marked to indicate that it contained a crossbow or part of a crossbow and should only be given into the hands of a person who —
 - (i) is aged 18 or over, and
 - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and
- (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.

(4) It is a defence for a person charged with an offence under paragraph (2)(b) to show that —

- (a) when the package containing the crossbow or part of a crossbow was given to the person with whom the arrangement was made, it was clearly marked to indicate that it contained a crossbow or part of a crossbow and should only be given into the hands of a person who —
 - (i) is aged 18 or over, and
 - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and
- (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.

(5) “Collection point” means a place —

- (a) from which the crossbow or part of a crossbow may be collected by the person to whom the crossbow or part of a crossbow was sold or let on hire or a person acting on behalf of that person, and
- (b) where on collection the crossbow or part of a crossbow is given by an individual to the person to whom the crossbow or part of a crossbow was sold or let on hire, or a person acting on behalf of that person.

Offence of delivery business delivering crossbows or parts of crossbows to collection point

3G.—(1) This Article applies if —

- (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”),
- (b) A and B are not in each other’s presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,
- (c) before the sale or letting on hire A entered into an arrangement with a person (“C”) by which C agreed to deliver crossbows or parts of crossbows for A, and
- (d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows.

(2) C commits an offence if, pursuant to the arrangement, C (or a person acting on behalf of C) delivers a crossbow or part of a crossbow to a collection point.

(3) It is a defence for a person charged with an offence under this Article to show that —

- (a) when the package containing the crossbow or part of a crossbow was delivered to the collection point, it was clearly marked to indicate that it contained a crossbow or part of a crossbow and should only be given into the hands of a person who —
 - (i) is aged 18 or over, and
 - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and
- (b) they took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.

(4) It is a defence for a person charged with an offence under this Article to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or part of a crossbow.

(5) “Collection point” has the meaning given in Article 3F.

Handing over crossbows or parts of crossbows at collection point

3H.—(1) This Article applies if —

- (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”),

- (b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,
 - (c) the crossbow or part of a crossbow is delivered to a collection point, and
 - (d) condition A or condition B is satisfied.
- (2) Condition A is that –
- (a) the delivery is pursuant to an arrangement entered into before the delivery by –
 - (i) the person operating the collection point (“the operator”), and
 - (ii) A or the person delivering the crossbow or part of a crossbow to the collection point, and
 - (b) the operator was aware when they entered into the arrangement that it covered the delivery to the collection point of crossbows or parts of crossbows.
- (3) Condition B is that A is the operator.
- (4) The operator commits an offence if the operator (or a person acting on behalf of the operator) –
- (a) gives the crossbow or part of a crossbow to a person collecting it, but
 - (b) does not give it into the hands of an eligible person.
- (5) A person acting on behalf of the operator commits an offence if they –
- (a) give the crossbow or part of a crossbow to a person collecting it, but
 - (b) do not give it into the hands of an eligible person.
- (6) “Eligible person” means a person who –
- (a) is aged 18 or over, and
 - (b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.
- (7) It is a defence for a person charged with an offence under paragraph (4) or (5) to show that the collection conditions were met.
- (8) The collection conditions are that –
- (a) the individual giving the crossbow or part of a crossbow to the person (“P”) collecting it –
 - (i) was shown by P an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P's age and identity as may be prescribed in regulations made by the Department of Justice, and
 - (b) on the basis of that document or those steps, a reasonable person would have been satisfied –
 - (i) that P was aged 18 or over, and
 - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire was an individual, that P was that individual.

(9) It is a defence for a person charged with an offence under paragraph (4) or (5) to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or part of a crossbow.

(10) In this Article –

“collection point” has the meaning given in Article 3F;

“identity document” has the meaning given in Article 3B(4).

Offence of delivery business delivering crossbows or parts of crossbows on behalf of non-UK seller

3I. – (1) This Article applies if –

- (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”),
- (b) A and B are not in each other’s presence at the time of the sale or letting on hire and A is outside the United Kingdom at that time,
- (c) before the sale or letting on hire A entered into an arrangement with a person (“C”) by which C agreed to deliver crossbows or parts of crossbows for A,
- (d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows, and
- (e) pursuant to the arrangement, C (or a person acting on behalf of C) finally delivers the crossbow or part of a crossbow.

(2) C commits an offence if, when the crossbow or part of a crossbow is finally delivered by C (or a person acting on behalf of C), it is not delivered into the hands of a person who –

- (a) is aged 18 or over, and
- (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.

(3) Any person finally delivering the crossbow or part of a crossbow on behalf of C commits an offence if, when they deliver it, they do not deliver it into the hands of a person who –

- (a) is aged 18 or over, and
- (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.

(4) It is a defence for a person charged with an offence under paragraph (2) to show that the delivery conditions (within the meaning of Article 3D(4)) were met.

(5) It is a defence for a person charged with an offence under paragraph (3) to show that –

- (a) the delivery conditions (within the meaning of Article 3D(4)) were met, or
- (b) the person did not know, and a reasonable person would not have known, that the person was delivering a crossbow or part of a crossbow.””

Member's explanatory statement

This amendment makes provision about crossbows for Northern Ireland similar to that made by clause 34 for England and Wales.

LORD HANSON OF FLINT

After Clause 35, insert the following new Clause —

“Sale and delivery of crossbows: Northern Ireland: supplementary provision

- (1) After Article 3I of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) (inserted by section (*Delivery of crossbows: Northern Ireland*)) insert —

“Interpretation of Articles 3A to 3I

- 3J.** — (1) This Article applies for the interpretation of Articles 3A to 3I.
- (2) A person (“A”) is not in the presence of another person (“B”) at any time if —
- (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) A person other than an individual —
- (a) is within the United Kingdom at any time if the person carries on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time;
 - (b) is outside the United Kingdom at any time, if the person does not carry on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time.
- (4) “Residential premises” means premises used solely for residential purposes.
- (5) The circumstances where premises are not residential premises include, in particular, where a person carries on a business from the premises.
- (6) A person charged with an offence is to be taken to have shown a matter if —
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.

Power to create other defences by regulations

3K. The Department of Justice may by regulations provide for other defences for a person charged with an offence under any of Articles 3C, 3E, 3F, 3G or 3H.”

- (2) In Article 8 of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) (punishments) —
- (a) in paragraph (1) for “this Order” substitute “Article 3, 4 or 5”;

(b) after paragraph (1) insert –

“(1A) A person guilty of an offence under Article 3C is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(1B) A person guilty of an offence under Article 3E, 3F, 3G, 3H or 3I is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

(3) After Article 8 of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) insert –

“Regulations

9. – (1) Regulations made by the Department of Justice under Article 3B(4)(d) are subject to negative resolution.

(2) Regulations under any other provision of this Order may not be made by the Department of Justice unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.”

(4) In section 66(3) of the Offensive Weapons Act 2019 (guidance on offences relating to offensive weapons etc), after paragraph (d) insert –

“(da) any of Articles 3 to 3I of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) (sale etc of crossbows),”.

Member's explanatory statement

This amendment makes provision about crossbows for Northern Ireland similar to that made by clause 35 for England and Wales.

Clause 36

LORD HANSON OF FLINT

Clause 36, page 55, line 9, leave out “England and Wales”

Member's explanatory statement

This amendment is consequential on my amendment to clause 200, page 230, line 29, which provides for new section 141D of the Criminal Justice Act 1988 to extend to Scotland as well as England and Wales.

LORD CLEMENT-JONES

Clause 36, page 55, line 13, at end insert –

“(1A) Regulations made under subsection (1) must include provision requiring that any reportable sale must be notified to the person specified in the regulations in real time, or as soon as is reasonably practicable, and in any event no later than the delivery of the bladed articles or the end of the day on which the seller became aware that the sale constituted a reportable sale.”

Member's explanatory statement

This amendment requires regulations to ensure that reportable sales are made as soon as possible.

LORD HANSON OF FLINT

Clause 36, page 55, line 26, leave out “England or Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment extends the requirement to report bulk sales to include deliveries to anywhere in the UK that meet the specified criteria, not just deliveries in England and Wales.

LORD HANSON OF FLINT

Clause 36, page 55, line 29, leave out “England or Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment extends the requirement to report bulk sales to include deliveries to anywhere in the UK that meet the specified criteria, not just deliveries in England and Wales.

LORD HANSON OF FLINT

Clause 36, page 55, line 33, leave out “England or Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment extends the requirement to report bulk sales to include deliveries to anywhere in the UK that meet the specified criteria, not just deliveries in England and Wales.

LORD HANSON OF FLINT

Clause 36, page 55, line 34, leave out from “seller” to “at” in line 35 and insert “is not in the presence of the person (“the buyer”) to whom the bladed articles are sold”

Member's explanatory statement

This amendment adjusts the wording of new section 141D of the Criminal Justice Act 1988 to make it consistent with the wording of existing section 141B.

LORD HANSON OF FLINT

Clause 36, page 55, line 37, leave out from “(5)” to “if” in line 38 and insert “the seller is not in the presence of the buyer at the time of the sale”

Member's explanatory statement

This amendment adjusts the wording of new section 141D of the Criminal Justice Act 1988 to make it consistent with the wording of existing section 141B.

LORD HANSON OF FLINT

Clause 36, page 55, line 39, leave out from “where” to end of line and insert “the seller is an individual, the seller or a person acting on the seller’s behalf”

Member's explanatory statement

This amendment adjusts the wording of new section 141D of the Criminal Justice Act 1988 to make it consistent with the wording of existing section 141B.

LORD HANSON OF FLINT

Clause 36, page 55, line 40, leave out “B” and insert “the buyer”

Member's explanatory statement

This amendment adjusts the wording of new section 141D of the Criminal Justice Act 1988 to make it consistent with the wording of existing section 141B.

LORD HANSON OF FLINT

Clause 36, page 56, line 1, leave out from “where” to end of line and insert “the seller is not an individual, a person acting on the seller’s behalf”

Member's explanatory statement

This amendment adjusts the wording of new section 141D of the Criminal Justice Act 1988 to make it consistent with the wording of existing section 141B.

LORD HANSON OF FLINT

Clause 36, page 56, line 2, leave out “B” and insert “the buyer”

Member's explanatory statement

This amendment adjusts the wording of new section 141D of the Criminal Justice Act 1988 to make it consistent with the wording of existing section 141B.

LORD HANSON OF FLINT

Clause 36, page 56, line 3, leave out from “if” to end of line 4 and insert “the buyer”

Member's explanatory statement

This amendment is consequential on my amendment to clause 36, page 55, line 34.

LORD HANSON OF FLINT

Clause 36, page 56, line 19, leave out from “liable” to end of line 20 and insert —

“(a) on summary conviction in England and Wales, to a fine;

- (b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

This amendment is related to my amendment to clause 200, page 230, line 29, which provides for the new section 141D inserted by clause 36(1) to extend to Scotland as well as England and Wales. It sets out the penalties for offences under the section committed in Scotland.

LORD HANSON OF FLINT

Clause 36, page 56, leave out line 23

Member's explanatory statement

This amendment removes a reference to England and Wales that is no longer needed because new section 141D is to extend to Scotland as well as England and Wales (see my amendment to clause 200, page 230, line 29).

LORD HANSON OF FLINT

Clause 36, page 57, line 4, at end insert —

- “(17) The Secretary of State must consult the Scottish Ministers before making regulations under this section.”

Member's explanatory statement

This amendment is related to my amendment to clause 200, page 230, line 29, which provides for new section 141D to extend to Scotland as well as England and Wales.

LORD HANSON OF FLINT

Clause 36, page 57, line 8, after “bulk” insert “as it has effect in relation to”

Member's explanatory statement

This amendment is consequential on my amendment to clause 200, page 230, line 29, which provides for new section 141D to extend to Scotland as well as England and Wales.

LORD HANSON OF FLINT

Clause 36, page 57, line 8, at end insert —

- “(b) in section 66(2) (guidance by Scottish Ministers) after paragraph (d) insert —
 - “(da) section 141D of that Act as it has effect in relation to Scotland,”.

Member's explanatory statement

This amendment is related to my amendment to clause 200, page 230, line 29, which provides for new section 141D to extend to Scotland as well as England and Wales.

After Clause 36

LORD HANSON OF FLINT

After Clause 36, insert the following new Clause —

“Duty to report remote sale of knives etc in bulk: Northern Ireland

- (1) The Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) is amended as follows.
- (2) After Article 54A insert —

“54B Duty to report remote sales of knives etc in bulk

- (1) A person (“the seller”) must, in accordance with requirements specified in an order made by the Department of Justice, report to the person specified in the order any reportable sales the seller makes of bladed articles.
- (2) A reportable sale of bladed articles occurs where the seller, in any of the ways set out in paragraph (4), sells —
 - (a) six or more bladed articles, none of which form a qualifying set of bladed articles;
 - (b) two or more qualifying sets of bladed articles;
 - (c) one or more qualifying sets of bladed articles and five or more bladed articles that do not form a qualifying set.
- (3) “Qualifying set of bladed articles” means three or more bladed articles packaged together for sale as a single item, where each bladed article is a different size or shape from the others.
- (4) The ways are —
 - (a) in a single remote sale where the bladed articles are to be delivered to an address in the United Kingdom, or
 - (b) in two or more remote sales in any period of 30 days —
 - (i) to one person, where the bladed articles are to be delivered to one or more addresses in the United Kingdom, or
 - (ii) to two or more persons, where the bladed articles are to be delivered to the same residential premises in the United Kingdom.
- (5) A sale of bladed articles is “remote” if the seller is not in the presence of the person (“the buyer”) to whom the bladed articles are sold at the time of the sale.
- (6) For the purposes of paragraph (5) the seller is not in the presence of the buyer at the time of the sale if —
 - (a) where the seller is an individual, the seller or a person acting on the seller’s behalf is not in the presence of the buyer at that time;
 - (b) where the seller is not an individual, a person acting on the seller’s behalf is not in the presence of the buyer at that time.

- (7) A sale is not reportable if the buyer –
 - (a) informs the seller that the buyer is carrying on a business, and
 - (b) is –
 - (i) registered for value added tax under the Value Added Tax Act 1994, or
 - (ii) registered as a company under the Companies Act 2006.
 - (8) A person who fails to comply with paragraph (1) commits an offence.
 - (9) It is a defence for a person charged with an offence under paragraph (8) to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.
 - (10) A person is to be taken to have shown a matter for the purposes of this Article if –
 - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
 - (11) A person who commits an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
 - (12) In this section –
 - (a) “bladed article” means an article to which Article 54 applies, other than a knife which does not have a sharp point and is designed for eating food;
 - (b) “residential premises” means premises used for residential purposes (whether or not also used for other purposes).
 - (13) An order made by the Department of Justice under paragraph (1) may in particular include requirements about –
 - (a) how reports are to be made,
 - (b) when reports to be made, and
 - (c) the information reports must include.
 - (14) The Department of Justice may by order amend –
 - (a) the number of bladed articles specified in paragraph (2)(a);
 - (b) the number of qualifying sets specified in paragraph (2)(b);
 - (c) the number of qualifying sets specified in paragraph (2)(c);
 - (d) the number of bladed articles specified in paragraph (2)(c);
 - (e) the period specified in paragraph (4)(b).”
- (3) In Article 57 (rules and orders) –
 - (a) after “54A(4A)(d)” (inserted by section (*Remote sale of knives etc: Northern Ireland*)(6)) insert “or 54B(1)”;
 - (b) in paragraph (2) (inserted by section (*Remote sale of knives etc: Northern Ireland*)(6)) after “54A(4)(a)(ii)” insert “or 54B(14)”.

- (4) In the Offensive Weapons Act 2019, in section 66(3) (guidance by Department of Justice) after paragraph (f) insert –

“(fa) Article 54B of that Order (duty to report remote sales of knives etc in bulk),”.

Member's explanatory statement

This new clause makes provision for Northern Ireland equivalent to that made for England and Wales by clause 36.

Clause 39

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

The above-named Lords give notice of their intention to oppose the Question that Clause 39 stand part of the Bill.

After Clause 39

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 39, insert the following new Clause –

“Requirements in certain sentences imposed for third or subsequent shoplifting offence

- (1) The Sentencing Code is amended as follows.
- (2) In section 208 (community order: exercise of power to impose particular requirements), in subsections (3) and (6) after “subsection (10)” insert “and sections 208A”.
- (3) After that section insert –

“208A Community order: requirements for third or subsequent shoplifting offence

- (1) This section applies where –
 - (a) a person is convicted of adult shoplifting (“the index offence”),
 - (b) when the index offence was committed, the offender had on at least two previous occasions been sentenced in respect of adult shoplifting or an equivalent Scottish or Northern Ireland offence, and
 - (c) the court makes a community order in respect of the index offence.
- (2) The community order must, subject to subsection (3), include at least one of the following requirements –
 - (a) a curfew requirement;
 - (b) an exclusion requirement;

- (c) an electronic whereabouts monitoring requirement.
- (3) Subsection (2) does not apply if—
 - (a) the court is of the opinion that there are exceptional circumstances which—
 - (i) relate to any of the offences or the offender, and
 - (ii) justify the court not including any requirement of a kind mentioned in subsection (2), or
 - (b) neither of the following requirements could be included in the order—
 - (i) an electronic compliance monitoring requirement for securing compliance with a proposed curfew requirement or proposed exclusion requirement;
 - (ii) an electronic whereabouts monitoring requirement.
- (4) In subsection (1)(b), the reference to an occasion on which an offender was sentenced in respect of adult shoplifting does not include an occasion if—
 - (a) each conviction for adult shoplifting for which the offender was dealt with on that occasion has been quashed, or
 - (b) the offender was re-sentenced for adult shoplifting (and was not otherwise dealt with for adult shoplifting) on that occasion.
- (5) In this section—
 - “adult shoplifting” means an offence under section 1 of the Theft Act 1968 committed by a person aged 18 or over in circumstances where—
 - (a) the stolen goods were being offered for sale in a shop or any other premises, stall, vehicle or place from which a trade or business was carried on, and
 - (b) at the time of the offence, the offender was, or was purporting to be, a customer or potential customer of the person offering the goods for sale;
 - “equivalent Scottish or Northern Ireland offence” means—
 - (a) in Scotland, theft committed by a person aged 18 or over in the circumstances mentioned in paragraphs (a) and (b) of the definition of “adult shoplifting”, or
 - (b) in Northern Ireland, an offence under section 1 of the Theft Act (Northern Ireland) 1969 committed by a person aged 18 or over in those circumstances.
- (6) Nothing in subsection (2) enables a requirement to be included in a community order if it could not otherwise be so included.
- (7) Where—
 - (a) in a case to which this section applies, a court makes a community order which includes a requirement of a kind mentioned in subsection (2),
 - (b) a previous conviction of the offender is subsequently set aside on appeal, and

- (c) without the previous conviction this section would not have applied, notice of appeal against the sentence may be given at any time within 28 days from the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).”

- (4) After section 292 insert —

“292A Suspended sentence order: community requirements for third or subsequent shoplifting offence

- (1) This section applies where —
 - (a) a person is convicted of adult shoplifting (“the index offence”),
 - (b) when the index offence was committed, the offender had on at least two previous occasions been sentenced in respect of adult shoplifting or an equivalent Scottish or Northern Ireland offence, and
 - (c) the court makes a suspended sentence order in respect of the index offence.
- (2) The suspended sentence order must, subject to subsection (3), impose at least one of the following requirements —
 - (a) a curfew requirement;
 - (b) an exclusion requirement;
 - (c) an electronic whereabouts monitoring requirement.
- (3) Subsection (2) does not apply if —
 - (a) the court is of the opinion that there are exceptional circumstances which —
 - (i) relate to any of the offences or the offender, and
 - (ii) justify the court not imposing on the offender any requirement of a kind mentioned in subsection (2), or
 - (b) neither of the following requirements could be imposed on the offender —
 - (i) an electronic compliance monitoring requirement for securing compliance with a proposed curfew requirement or proposed exclusion requirement;
 - (ii) an electronic whereabouts monitoring requirement.
- (4) Section 208A(4) (occasions to be disregarded) applies for the purposes of subsection (1)(b).
- (5) In this section “adult shoplifting” and “equivalent Scottish or Northern Ireland offence” have the meaning given by section 208A.
- (6) Nothing in subsection (2) enables a requirement to be imposed by a suspended sentence order if it could not otherwise be so imposed.
- (7) Where —

- (a) in a case to which this section applies, a court makes a suspended sentence order which imposes a requirement of a kind mentioned in subsection (2),
 - (b) a previous conviction of the offender is subsequently set aside on appeal, and
 - (c) without the previous conviction this section would not have applied,
- notice of appeal against the sentence may be given at any time within 28 days from the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).”

Member's explanatory statement

This new clause imposes a duty (subject to certain exceptions) to impose a curfew requirement, an exclusion requirement or an electronic whereabouts monitoring requirement on certain persons convicted of shoplifting, where the offender is given a community sentence or suspended sentence order.

Clause 40

LORD HANSON OF FLINT

- ★ Clause 40, page 59, line 27, after “over” insert “who is in a part of the United Kingdom (“the relevant part” of the United Kingdom)”

Member's explanatory statement

This amendment defines “the relevant part” of the United Kingdom for the purposes of this clause and Clause 41 as the part of the United Kingdom in which the person aged 18 or over engages in conduct towards or in respect of a child.

LORD HANSON OF FLINT

- ★ Clause 40, page 59, line 31, leave out from second “the” to end of line 33 and insert “relevant part of the United Kingdom which would constitute an offence if done in that part, or”

Member's explanatory statement

This amendment amends sub-paragraph (ii) so that it covers the child doing anything outside the relevant part of the United Kingdom, if the child doing that thing in that relevant part would constitute an offence.

LORD HANSON OF FLINT

- ★ Clause 40, page 59, line 35, leave out from “the” to end of line 37 and insert “relevant part of the United Kingdom which would constitute an offence if done in that part, and”

Member's explanatory statement

This amendment amends sub-paragraph (iii) so that it covers facilitating the causing of the child to do anything outside the relevant part of the United Kingdom, if the child doing that thing in that relevant part would constitute an offence.

LORD HAMPTON

Clause 40, page 59, line 38, leave out paragraph (b)

Member's explanatory statement

This amendment would remove the requirement that for an offence of child criminal exploitation to be committed, the perpetrator did not reasonably believe that the child was aged 18 or over.

LORD HANSON OF FLINT

★ Clause 40, page 60, line 3, at end insert –

“(1A) In subsection (1)(a) “offence” means an offence under the law of a part of the United Kingdom.”

Member's explanatory statement

This amendment provides that in subsection (1)(a), references to an offence are to an offence under the law of a part of the United Kingdom.

LORD HANSON OF FLINT

★ Clause 40, page 60, line 8, leave out paragraph (c) and insert –

“(c) a reference to a “part” of the United Kingdom is to –
 (i) England and Wales,
 (ii) Scotland, or
 (iii) Northern Ireland.”

Member's explanatory statement

This amendment removes the definition of “offence” (in consequence of my amendment of this clause at page 60, line 3) and defines “part” of the United Kingdom for the purposes of this clause and Clause 41.

Clause 41

LORD HANSON OF FLINT

★ Clause 41, page 60, line 40, after “the” insert “relevant part of the”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 40 at page 59, line 31.

LORD HANSON OF FLINT

- ★ Clause 41, page 61, line 1, leave out “any part of the United Kingdom” and insert “that part”.

Member's explanatory statement

This amendment is consequential on my amendment of Clause 40 at page 59, line 31.

LORD HANSON OF FLINT

- ★ Clause 41, page 61, line 2, leave out “any part of the United Kingdom” and insert “that part”.

Member's explanatory statement

This amendment is consequential on my amendment of Clause 40 at page 59, line 31.

LORD HANSON OF FLINT

- ★ Clause 41, page 61, line 7, leave out from “the” to end of line 8 and insert “relevant part of the United Kingdom which would constitute an offence if done in that part,”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 40 at page 59, line 35.

LORD HANSON OF FLINT

- ★ Clause 41, page 61, line 11, leave out “any” and insert “that”

Member's explanatory statement

This amendment is consequential on my amendment of Clause 40 at page 59, line 35.

LORD HANSON OF FLINT

- ★ Clause 41, page 61, line 13, leave out from “which” to “amount” in line 14 and insert “would, or which would if done in a part of the United Kingdom,”

Member's explanatory statement

This amendment is partly a drafting change, and partly consequential on my amendments of Clause 40 at page 59, lines 31 and 35.

LORD HANSON OF FLINT

- ★ Clause 41, page 61, line 26, at end insert —

“(7) In this section —

- (a) a reference to a child doing an act which would amount to the commission of an offence includes the child doing an act which would amount to the

commission of the offence if the child were aged 10 or over (or, in Scotland, were aged 12 or over);

- (b) a reference to a child doing an act which, if done in a part of the United Kingdom, would amount to the commission of an offence includes the child doing an act which would amount to the commission of the offence if (in addition to it being done in that part of the United Kingdom) the child were aged 10 or over (or, in Scotland, were aged 12 or over)."

Member's explanatory statement

This amendment clarifies that an adult may commit an offence under clause 40 (child criminal exploitation) in respect of a child who is under the age of criminal responsibility.

After Clause 41

LORD HAMPTON

After Clause 41, insert the following new Clause –

“Meaning of exploitation: modern slavery

- (1) Section 3 of the Modern Slavery Act 2015 (meaning of exploitation) is amended as follows.
- (2) After subsection (6) insert –
 - “(7) Something is done to or in respect of the person which involves the commission of an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation).”

Clause 42

LORD HANSON OF FLINT

- ★ Clause 42, page 62, line 5, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment spells out, on the face of the Bill, that “satisfied” here means satisfied on the balance of probabilities

LORD HANSON OF FLINT

- ★ Clause 42, page 62, line 23, leave out “, in England and Wales, under section 40;” and insert “under section 40 (as it has effect in England and Wales), or
 - (ii) doing anything in Scotland or Northern Ireland that would constitute an offence under section 40 (as it has effect in England and Wales) if done in England and Wales;”

Member's explanatory statement

This amendment expands the meaning of “engaging in child criminal exploitation” in the provisions about child criminal exploitation prevention orders in England and Wales, to encompass anything done anywhere in the UK that would be an offence under clause 40 if done in England and Wales.

LORD HANSON OF FLINT

- ★ Clause 42, page 62, line 26, leave out from “anything” to end of line 27 and insert “, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).”

Member's explanatory statement

This amendment changes the meaning of “engaging in conduct associated with child criminal exploitation”, in the provisions about child criminal exploitation prevention orders in England and Wales, to encompass conduct anywhere in the UK.

Clause 48

LORD HANSON OF FLINT

- ★ Clause 48, page 65, line 25, leave out from “made” to “giving” in line 28 and insert “—
(a) by attending at an appropriate police station and”

Member's explanatory statement

This amendment is related to my first amendment to clause 48, page 65, line 29.

LORD HANSON OF FLINT

- ★ Clause 48, page 65, line 29, at end insert “, or
(b) in a way specified in the CCE prevention order.”

Member's explanatory statement

This amendment allows for notifications to be made in a way specified in the CCE prevention order. This is likely to be used to provide for notifications other than in person when the defendant lives outside England and Wales in cases where in person notification is considered unreasonable.

LORD HANSON OF FLINT

- ★ Clause 48, page 65, line 29, at end insert —
“(5A) An “appropriate police station” is a police station in the police area in which—
(a) the defendant’s home address is situated, or
(b) the court which made the order is situated.”

Member's explanatory statement

This amendment is related to my first amendment to clause 48, page 65, line 29.

LORD HANSON OF FLINT

- ★ Clause 48, page 65, line 32, leave out “England and Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment, together with my other amendment to this clause, changes the meaning of “home address” so that the home address of the subject of a CCE prevention order made in England and Wales may be anywhere in the UK.

LORD HANSON OF FLINT

- ★ Clause 48, page 65, line 35, leave out “England or Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment, together with my other amendment to this clause, changes the meaning of “home address” so that the home address of the subject of a CCE prevention order made in England and Wales may be anywhere in the UK.

Clause 51

LORD HANSON OF FLINT

- ★ Clause 51, page 68, line 12, leave out “a CCE prevention order” and insert “an order mentioned in subsection (1A)”

Member's explanatory statement

This amendment, together with my amendment inserting a new subsection (1A) into clause 51, makes the offence in this clause cover breaches of CCE prevention orders made in Scotland or Northern Ireland as well as England and Wales.

LORD HANSON OF FLINT

- ★ Clause 51, page 68, line 13, at end insert —

“(1A) The orders are —

- (a) a CCE prevention order;
- (b) a CCE prevention order under Schedule (CCE prevention orders: Scotland) (CCE prevention orders in Scotland);
- (c) a CCE prevention order under Schedule (CCE prevention orders: Northern Ireland) (CCE prevention orders in Northern Ireland).”

Member's explanatory statement

This amendment, together with my amendment to clause 51(1), makes the offence in this clause cover breaches of CCE prevention orders made in Scotland or Northern Ireland as well as England and Wales.

LORD HANSON OF FLINT

- ★ Clause 51, page 68, line 22, leave out “CCE prevention order” and insert “order mentioned in subsection (1A)”

Member's explanatory statement

This amendment is consequential on my other amendments to clause 51.

LORD HANSON OF FLINT

- ★ Clause 51, page 68, line 30, at end insert —
- “(6) The Secretary of State may by regulations amend subsection (1A) so as to add to or remove from the list of orders any relevant UK order.
- (7) “Relevant UK order” means an order under the law of Scotland or Northern Ireland which appears to the Secretary of State to be equivalent or similar to a CCE prevention order.”

Member's explanatory statement

This amendment gives the Secretary of State power to amend the list of orders made by courts in Northern Ireland or Scotland, breach of which constitutes an offence.

Clause 54

LORD HANSON OF FLINT

- ★ Clause 54, page 69, line 36, after “order””, in the first place it occurs, insert “, except in paragraphs (b) and (c) of section 51(1A),”

Member's explanatory statement

This amendment is consequential on my amendments to clause 51.

After Clause 55

LORD HANSON OF FLINT

- ★ After Clause 55, insert the following new Clause —
- “CCE prevention orders: Scotland and Northern Ireland

Child criminal exploitation prevention orders: Scotland and Northern Ireland

- (1) Schedule (CCE prevention orders: Scotland) makes provision about child criminal exploitation prevention orders for Scotland.
- (2) Schedule (CCE prevention orders: Northern Ireland) makes provision about child criminal exploitation prevention orders for Northern Ireland.”

Member's explanatory statement

This amendment adds a new clause which introduces Schedules with provision about child criminal exploitation prevention orders for Scotland and Northern Ireland.

Schedule 5

LORD HANSON OF FLINT

- ★ Schedule 5, page 253, line 13, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment spells out, on the face of the Bill, that “satisfied” here means satisfied on the balance of probabilities

LORD HANSON OF FLINT

- ★ Schedule 5, page 253, line 32, leave out “, in England and Wales,”

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 5, page 253, line 33.

LORD HANSON OF FLINT

- ★ Schedule 5, page 253, line 33, at end insert “(as it has effect in England and Wales), or
(ii) doing anything in Scotland or Northern Ireland that would constitute an offence under that section (as it has effect in England and Wales) if done in England and Wales.”

Member's explanatory statement

This amendment expands the meaning of “engaging in child criminal exploitation” in the provisions about child criminal exploitation prevention orders in England and Wales, to encompass anything done anywhere in the UK that would be an offence under clause 40 if done in England and Wales.

LORD HANSON OF FLINT

- ★ Schedule 5, page 253, leave out lines 36 and 37 and insert “, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).”

Member's explanatory statement

This amendment changes the meaning of “engaging in conduct associated with child criminal exploitation” in the provisions about child criminal exploitation prevention orders in England and Wales, to encompass anything done anywhere in the UK.

LORD HANSON OF FLINT

- ★ Schedule 5, page 255, line 20, leave out from “made” to “giving” in line 25 and insert “—
(a) by attending at an appropriate police station and”

Member's explanatory statement

This amendment is related to my amendments to Schedule 5, page 255, line 27.

LORD HANSON OF FLINT

- ★ Schedule 5, page 255, line 27, at end insert “, or —
(b) in a way specified in the CCE prevention order.”

Member's explanatory statement

This amendment allows for notifications to be made in a way specified in the CCE prevention order. This is likely to be used to provide for notifications other than in person when the offender lives outside England and Wales in cases where in person notification is considered unreasonable.

LORD HANSON OF FLINT

- ★ Schedule 5, page 255, line 27, at end insert —
“(5A) An “appropriate police station” is a police station in the police area in which —
(a) the offender’s home address is situated, or
(b) the court which made the order is situated.”

Member's explanatory statement

This amendment is related to my amendment to Schedule 5, page 255, line 20 and my other amendment to Schedule 5, page 255, line 27.

LORD HANSON OF FLINT

- ★ Schedule 5, page 255, line 31, leave out “England and Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment, together with my other amendment to this paragraph, changes the meaning of “home address” so that the home address of the subject of a CCE prevention order made on conviction in England and Wales may be anywhere in the UK.

LORD HANSON OF FLINT

- ★ Schedule 5, page 255, line 33, leave out “England or Wales” and insert “the United Kingdom”

Member's explanatory statement

This amendment, together with my other amendment to this paragraph, changes the meaning of “home address” so that the home address of the subject of a CCE prevention order made on conviction in England and Wales may be anywhere in the UK.

After Schedule 5

LORD HANSON OF FLINT

★

After Schedule 5, insert the following new Schedule—

“SCHEDULE**CCE PREVENTION ORDERS: SCOTLAND***Power to make CCE prevention order*

- 1 (1) This paragraph applies if—
 - (a) the Chief Constable of the Police Service of Scotland, in accordance with paragraph 3, makes an application to a sheriff for a CCE prevention order in respect of a person,
 - (b) the Sheriff Appeal Court or the High Court allows a person’s appeal against a conviction for any offence,
 - (c) a person is acquitted of any offence by or before a court by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995,
 - (d) a court finds under section 53F of the Criminal Procedure (Scotland) Act 1995 that a person is unfit for trial and has done the act charged against them in respect of any offence, or
 - (e) a court deals with a person convicted of an offence for that offence.
- (2) The court may make an order under paragraph 2 (a “CCE prevention order”) in respect of the person (“the adult”) if they are aged 18 or over and the conditions in sub-paragraphs (3) to (5) are met.
- (3) The first condition is that—
 - (a) in any case, the court is satisfied on the balance of probabilities that the adult has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or
 - (b) in a case within paragraph (c), (d) or (e) of sub-paragraph (1), the offence in question is an offence under section 40.
- (4) The second condition is that the court considers that there is a risk that the adult will engage in child criminal exploitation.
- (5) The third condition is that the court considers that it is necessary to make the order to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation.
- (6) In sub-paragraph (3)—

- (a) in paragraph (a), the reference to engaging in anything includes engaging in it before (as well as after) the time when this paragraph comes into force;
 - (b) paragraph (b) applies in relation to findings made in respect of conduct occurring before (as well as after) that time.
- (7) In this paragraph—
 - (a) a reference to an adult “engaging in child criminal exploitation” is to the adult—
 - (i) doing anything that constitutes an offence under section 40 (as it has effect in Scotland), or
 - (ii) doing anything in England and Wales or Northern Ireland that would constitute an offence under section 40 (as it has effect in Scotland) if done in Scotland;
 - (b) a reference to an adult “engaging in conduct associated with child criminal exploitation” is to the adult doing anything, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).

CCE prevention orders

- 2 (1) A CCE prevention order is an order which —
 - (a) prohibits the adult from doing anything described in the order;
 - (b) requires that adult to do anything described in the order.The order may in particular require the adult to comply with paragraph 6 (notification requirements).
- (2) A court may include a prohibition or requirement only if it considers it necessary for the purpose of preventing the adult from engaging, or reducing the likelihood of the adult engaging, in child criminal exploitation.
- (3) Prohibitions and requirements must, so far as practicable, be such as to avoid —
 - (a) any conflict with any religious beliefs of the adult;
 - (b) any interference with the times, if any, at which the adult normally works or attends any educational establishment;
 - (c) any conflict with the prohibitions and requirements of any other court order or interdict to which the adult is subject.
- (4) A prohibition or requirement applies throughout the United Kingdom unless expressly limited to a particular area.
- (5) A CCE prevention order must —
 - (a) specify the period for which it has effect, which must be at least two years, or
 - (b) state that it has effect until further order.
- (6) Where, in a case within paragraph 1(1)(e) —
 - (a) the adult has been remanded in custody by an order of a court, or
 - (b) a custodial sentence has been imposed on the adult or the adult is serving or otherwise subject to a such a sentence,

a CCE prevention order may provide that it does not take effect until the adult is released from custody.

- (7) A CCE prevention order may specify periods for which particular prohibitions or requirements have effect.
- (8) Where a court makes a CCE prevention order in respect of a person who is already subject to such an order, the earlier order ceases to have effect.

Applications for CCE prevention orders

- 3 (1) The Chief Constable of the Police Service of Scotland may make an application for a CCE prevention order.
- (2) An application under this paragraph must be made to the sheriff in whose sheriffdom —
 - (a) the adult lives, or
 - (b) the Chief Constable of the Police Service of Scotland believes that adult is in or is intending to come to.

Interim CCE prevention orders

- 4 (1) This paragraph applies where the sheriff adjourns the hearing of an application for a CCE prevention order made under paragraph 3.
- (2) The sheriff may, if they consider it necessary to do so, make a CCE prevention order lasting for a fixed period or until the determination of the application (an “interim CCE prevention order”).
Paragraph 2(5) does not apply in relation to an interim CCE prevention order.
- (3) The only requirement that may be imposed by an interim CCE prevention order on the adult is a requirement to comply with paragraph 6 (notification requirements).
- (4) Subject to that, the sheriff has the same powers in relation to an interim CCE prevention order as in relation to an order made at a final hearing.
- (5) Nothing in sub-paragraph (2) prevents the variation of the duration of an interim CCE prevention order, or the discharge of such an order, under paragraph 7.

CCE prevention orders in criminal proceedings: procedural powers

- 5 (1) This paragraph applies in the circumstances mentioned in sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1.
- (2) The court may make a CCE prevention order —
 - (a) at its own instance, or
 - (b) on the motion of the Lord Advocate, Crown Counsel or procurator fiscal (or any person duly authorised to represent or act for them).
- (3) For the purpose of deciding whether to make a CCE prevention order, the court may consider evidence led by the prosecution and evidence led by the adult.
- (4) It does not matter whether the evidence would have been admissible in the proceedings giving rise to the circumstances referred to in sub-paragraph (1).

- (5) The court may adjourn any proceedings relating to the making of a CCE prevention order.
- (6) If the adult does not appear for any adjourned proceedings, the court may –
 - (a) further adjourn the proceedings,
 - (b) issue a warrant for the adult's arrest, or
 - (c) hear the proceedings in the adult's absence.
- (7) The court may act under sub-paragraph (6)(b) only if satisfied that the adult has had adequate notice of the time and place of the adjourned proceedings.
- (8) The court may act under sub-paragraph (6)(c) only if satisfied that the adult –
 - (a) has had adequate notice of the time and place of the adjourned proceedings, and
 - (b) has been informed that if the adult does not appear for those proceedings, the court may hear the proceedings in the adult's absence.
- (9) Nothing in this paragraph limits any other powers of the court.

Notification requirements

- 6 (1) This paragraph applies where a CCE prevention order requires the adult to comply with this paragraph.
- (2) Before the end of the period of three days beginning with the day on which a CCE prevention order requiring the adult to comply with this paragraph is first served, the adult must notify to the police –
 - (a) the adult's name and, where the adult uses one or more other names, each of those names, and
 - (b) the adult's home address.
- (3) If, while the adult is required to comply with this paragraph, the adult –
 - (a) uses a name which has not been notified under the order, or
 - (b) changes home address,the adult must notify, to the police, the new name or the new home address.
- (4) A notification under sub-paragraph (3) must be given before the end of the period of three days beginning with the day on which the adult uses the name or changes home address.
- (5) A notification under this paragraph must be made –
 - (a) by attending at a police station for the time being specified in the document published under sub-paragraph (6) and giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station, or
 - (b) in a way specified in the CCE prevention order.
- (6) The Chief Constable of the Police Service of Scotland must publish, in such manner as the Chief Constable thinks fit, a document containing the name and address of each police station at which a person may give a notification under this paragraph.

- (7) The Chief Constable of the Police Service of Scotland must keep under review a document published under this paragraph and may, from time to time, publish a revised version of the document in such manner as the Chief Constable thinks fit.
- (8) A notification under this paragraph must be acknowledged in writing.
- (9) In this paragraph “home address” means —
 - (a) the address of the adult’s sole or main residence in the United Kingdom, or
 - (b) where the adult has no such residence, the address or location of a place in the United Kingdom where the adult can regularly be found and, if there is more than one such place, such one of those places as the adult may select.
- (10) In determining the period of three days mentioned in sub-paragraph (2) or (4), no account is to be taken of any time when the adult is —
 - (a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or
 - (b) outside the United Kingdom.

Variation and discharge of CCE prevention orders made on application

- 7 (1) This paragraph applies where a person mentioned in sub-paragraph (2) applies to the appropriate sheriff for the variation or discharge of a CCE prevention order made in the circumstances mentioned in paragraph 1(1)(a).
- (2) The persons are —
 - (a) the adult;
 - (b) the Chief Constable of the Police Service of Scotland.
- (3) On the application, the appropriate sheriff may (after hearing from the applicant and, if the other person mentioned in sub-paragraph (2) wishes to be heard, that person) make any order varying or discharging the order that the appropriate sheriff considers appropriate.
This is subject to sub-paragraph (7).
- (4) The power to vary an order includes power to —
 - (a) include an additional prohibition or requirement;
 - (b) extend the period for which a prohibition or requirement has effect;
 - (c) extend the period for which the order has effect.
- (5) The appropriate sheriff may make provision of a kind mentioned in sub-paragraph (4) only if they consider that the provision is necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation.
- (6) Sub-paragraphs (3), (4) and (7) of paragraph 2 apply to additional prohibitions or requirements included on a variation of an order.
- (7) The appropriate sheriff may not discharge an order before the end of the period of two years beginning with the day on which the order was made, without the consent of the adult and the Chief Constable of the Police Service of Scotland.

This sub-paragraph does not apply to an interim CCE prevention order.

- (8) In this paragraph “the appropriate sheriff” means —
- (a) the sheriff who made the order,
 - (b) a sheriff in the sheriffdom of that sheriff, or
 - (c) a sheriff in the sheriffdom —
 - (i) in which the adult is resident at the time of the application,
 - (ii) in which the chief constable believes that adult to be, or
 - (iii) to which the chief constable believes that adult intends to come.

Variation and discharge of CCE prevention orders made in criminal proceedings

- 8 (1) This paragraph applies where a person mentioned in sub-paragraph (2) applies to a relevant court for the variation or discharge of a CCE prevention order made in the circumstances mentioned in sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1.
- (2) The persons are —
- (a) the adult;
 - (b) the Lord Advocate, Crown Counsel or procurator fiscal (and any person duly authorised to represent or act for them).
- (3) On the application, the court may (after hearing from the applicant and, if the other person mentioned in sub-paragraph (2) wishes to be heard, that person) make any order varying or discharging the order that the court considers appropriate.
This is subject to sub-paragraph (7).
- (4) The power to vary an order includes power to —
- (a) include an additional prohibition or requirement;
 - (b) extend the period for which a prohibition or requirement has effect;
 - (c) extend the period for which the order has effect.
- (5) The court may make provision of a kind mentioned in sub-paragraph (4) only if it considers that the provision is necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation.
- (6) Sub-paragraphs (3), (4) and (7) of paragraph 2 apply to additional prohibitions or requirements included on a variation of an order.
- (7) The court may not discharge an order before the end of the period of two years beginning with the day on which the order was made, without the consent of the adult and the Chief Constable of the Police Service of Scotland.
This sub-paragraph does not apply to an interim CCE prevention order.
- (8) In this paragraph “relevant court” means —
- (a) where the High Court made the order, that court;
 - (b) where the sheriff made the order, the sheriff.

Appeals

- 9 (1) The adult or the Chief Constable of the Police Service of Scotland may appeal to the relevant court against a decision made —
- (a) on an application under paragraph 3 (applications for CCE prevention orders);
 - (b) under paragraph 4 (interim CCE prevention orders);
 - (c) on an application under paragraph 7 (variation and discharge of CCE prevention orders made on application);
 - (d) on an application under paragraph 8 (variation and discharge of CCE prevention orders made in criminal proceedings).
- (2) In this paragraph “relevant court” means —
- (a) in the case of a decision of a sheriff court, the Sheriff Appeal Court;
 - (b) in the case of a decision of the High Court, the High Court.
- (3) On an appeal under sub-paragraph (1) the relevant court may make —
- (a) such orders as may be necessary to give effect to its determination of the appeal, and
 - (b) such incidental and consequential orders as appear to it to be appropriate.
- (4) Where a CCE prevention order is made by virtue of sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1, the order is taken to be a sentence for the purposes of any appeal.
- (5) Where a CCE prevention order is made on appeal, for the purposes of this Schedule (other than this paragraph) the order is to be treated as made by the court from which the appeal was made.

Offence of breaching CCE prevention order

- 10 (1) A person who, without reasonable excuse, fails to comply with an order mentioned in sub-paragraph (2) commits an offence.
- (2) The orders are —
- (a) a CCE prevention order;
 - (b) a CCE prevention order under Chapter 1 of Part 4 (CCE prevention orders on application or acquittal etc. in England and Wales);
 - (c) a CCE prevention order under Chapter 2A of Part 11 of the Sentencing Code (CCE prevention orders on conviction in England and Wales);
 - (d) a CCE prevention order under Schedule (*CCE prevention orders: Northern Ireland*) (CCE prevention orders in Northern Ireland).
- (3) A person who commits an offence under this paragraph is liable —
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months 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).

- (4) The Scottish Ministers may by regulations amend sub-paragraph (2) so as to add to or remove from the list of orders any relevant UK order.
- (5) In proceedings for an offence under this paragraph, a copy of the original order mentioned in sub-paragraph (2), certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.
- (6) “Relevant UK order” means an order under the law of England and Wales or Northern Ireland which appears to the Scottish Ministers to be equivalent or similar to a CCE prevention order.

Offences relating to notifications

- 11 (1) This paragraph applies where a CCE prevention order requires a person to comply with paragraph 6 (notification requirements).
- (2) The person commits an offence if –
 - (a) without reasonable excuse, they fail to comply with that paragraph, or
 - (b) in purported compliance with that paragraph, they notify to the police any information which they know to be false.
- (3) A person who commits an offence under this paragraph is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months 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).
- (4) A person commits an offence under sub-paragraph (2)(a) on the day on which they first fail, without reasonable excuse, to comply with paragraph 6.
- (5) The person continues to commit the offence throughout any period during which the failure continues.
- (6) But the person may not be prosecuted more than once in respect of the same failure.
- (7) Paragraph 10(5) applies for the purposes of this paragraph.

Interpretation

- 12 In this Schedule –
 - “adult” has the meaning given by paragraph 1;
 - “CCE prevention order”, except in paragraph 10(2)(b) to (d), means an order under paragraph 2 (and accordingly includes an interim order made by virtue of paragraph 4);
 - “engaging in child criminal exploitation” has the meaning given by paragraph 1 (and related expressions are to be construed accordingly);
 - “High Court” means the High Court of Justiciary.”

Member's explanatory statement

This amendment inserts a new Schedule about CCE prevention orders in Scotland.

LORD HANSON OF FLINT

★ After Schedule 5, insert the following new Schedule –

“SCHEDULE

CCE PREVENTION ORDERS: NORTHERN IRELAND

Power to make CCE prevention order

- 1 (1) This paragraph applies if –
 - (a) an application for a CCE prevention order in respect of a person is made to a magistrates’ court, in accordance with paragraph 3,
 - (b) a person is acquitted of any offence by or before a court,
 - (c) the County Court allows a person’s appeal against a conviction for any offence,
 - (d) a court deals with a person in respect of a finding that –
 - (i) the person is not guilty of any offence by reason of insanity, or
 - (ii) the person is unfit to plead and has done the act charged against them in respect of any offence, or
 - (e) a court deals with a person convicted of an offence for that offence.
- (2) The court may make an order under paragraph 2 (a “CCE prevention order”) in respect of the person (“the defendant”) if they are aged 18 or over and the conditions in sub-paragraphs (3) to (5) are met.
- (3) The first condition is that –
 - (a) in any case, the court is satisfied on the balance of probabilities that the defendant has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or
 - (b) in a case within paragraph (d) or (e) of sub-paragraph (1), the offence in question is an offence under section 40.
- (4) The second condition is that the court considers that there is a risk that the defendant will engage in child criminal exploitation.
- (5) The third condition is that the court considers that it is necessary to make the order to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.
- (6) In sub-paragraph (3) –
 - (a) in paragraph (a), the reference to engaging in anything includes engaging in it before (as well as after) the time when this paragraph comes into force;
 - (b) paragraph (b) applies in relation to findings made in respect of conduct occurring before (as well as after) that time.
- (7) In this paragraph –
 - (a) a reference to the defendant “engaging in child criminal exploitation” is to the defendant –

- (i) doing anything that constitutes an offence under section 40 (as it has effect in Northern Ireland), or
- (ii) doing anything in England and Wales or Scotland that would constitute an offence under section 40 (as it has effect in Northern Ireland) if done in Northern Ireland;
- (b) a reference to the defendant “engaging in conduct associated with child criminal exploitation” is to the adult doing anything, in any part of the United Kingdom, that is associated with the doing of anything within paragraph (a)(i) or (ii).

CCE prevention orders

- 2 (1) A CCE prevention order is an order which —
 - (a) prohibits the defendant from doing anything described in the order;
 - (b) requires the defendant to do anything described in the order.

The order may in particular require the defendant to comply with paragraph 7 (notification requirements).
- (2) A court may include a prohibition or requirement only if it considers it necessary for the purpose of preventing the defendant from engaging, or reducing the likelihood of the defendant engaging, in child criminal exploitation.
- (3) Prohibitions and requirements must, so far as practicable, be such as to avoid —
 - (a) any conflict with any religious beliefs of the defendant;
 - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment;
 - (c) any conflict with the prohibitions and requirements of any other court order or injunction to which the defendant is subject.
- (4) A prohibition or requirement applies throughout the United Kingdom unless expressly limited to a particular area.
- (5) A CCE prevention order must —
 - (a) specify the period for which it has effect, which must be —
 - (i) at least five years in a case within paragraph 1(1)(e);
 - (ii) at least two years in any other case, or
 - (b) state that it has effect until further order.
- (6) Where, in a case within paragraph 1(1)(e) —
 - (a) the defendant has been remanded in or committed to custody by an order of a court, or
 - (b) a custodial sentence has been imposed on the defendant or the defendant is serving or otherwise subject to a such a sentence,

a CCE prevention order may provide that it does not take effect until the defendant is released from custody or ceases to be subject to a custodial sentence.
- (7) A CCE prevention order may specify periods for which particular prohibitions or requirements have effect.
- (8) Where a court makes a CCE prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.

Applications for CCE prevention orders

- 3 An application for a CCE prevention order may be made by the Chief Constable of the Police Service of Northern Ireland.

Applications without notice

- 4 (1) An application for a CCE prevention order may be made without notice to the defendant.
- (2) If an application is made without notice the court must do one of the following –
- (a) adjourn the proceedings and make an interim CCE prevention order (see paragraph 5);
 - (b) adjourn the proceedings without making an interim order;
 - (c) dismiss the application.

Interim CCE prevention orders

- 5 (1) This paragraph applies where the court adjourns the hearing of an application (whether made with or without notice) for a CCE prevention order.
- (2) The court may, if it considers it necessary to do so, make a CCE prevention order lasting for a fixed period or until the determination of the application (an “interim CCE prevention order”).
Paragraph 2(5) does not apply in relation to an interim CCE prevention order.
- (3) The only requirement that may be imposed by an interim CCE prevention order on the defendant is a requirement to comply with paragraph 7 (notification requirements).
- (4) Subject to that, the court has the same powers in relation to an interim CCE prevention order as in relation to an order made at a final hearing.
- (5) An interim CCE prevention order made at a hearing of which the defendant was not given notice takes effect on being served on the defendant.
- (6) Nothing in sub-paragraph (2) prevents the variation of the duration of an interim CCE prevention order, or the discharge of such an order, under paragraph 8.

Procedural powers where no application made

- 6 (1) This paragraph applies in the circumstances mentioned in sub-paragraph (1)(b), (c), (d) or (e) of paragraph 1.
- (2) For the purpose of deciding whether to make a CCE prevention order, the court may consider evidence led by the prosecution and evidence led by the defendant.
- (3) It does not matter whether the evidence would have been admissible in the proceedings giving rise to the circumstances referred to in sub-paragraph (1).
- (4) The court may adjourn any proceedings relating to the making of a CCE prevention order.

- (5) If the defendant does not appear for any adjourned proceedings, the court may —
 - (a) further adjourn the proceedings,
 - (b) issue a warrant for the defendant’s arrest, or
 - (c) hear the proceedings in the defendant’s absence.
- (6) The court may act under sub-paragraph (5)(b) only if satisfied that the defendant has had adequate notice of the time and place of the adjourned proceedings.
- (7) The court may act under sub-paragraph (5)(c) only if satisfied that the defendant —
 - (a) has had adequate notice of the time and place of the adjourned proceedings, and
 - (b) has been informed that if the defendant does not appear for those proceedings, the court may hear the proceedings in the defendant’s absence.
- (8) Nothing in this paragraph limits any other powers of the court.

Notification requirements

- 7 (1) This paragraph applies where a CCE prevention order requires the defendant to comply with this paragraph.
- (2) Before the end of the period of three days beginning with the day on which a CCE prevention order requiring the defendant to comply with this paragraph is first served, the defendant must notify to the police —
 - (a) the defendant’s name and, where the defendant uses one or more other names, each of those names, and
 - (b) the defendant’s home address.
- (3) If, while the defendant is required to comply with this paragraph, the defendant —
 - (a) uses a name which has not been notified under the order, or
 - (b) changes home address,the defendant must notify, to the police, the new name or the new home address.
- (4) A notification under sub-paragraph (3) must be given before the end of the period of three days beginning with the day on which the defendant uses the name or changes home address.
- (5) A notification under this paragraph is made —
 - (a) by attending at any police station in Northern Ireland and giving an oral notification to a constable, or to a person authorised for the purpose by the officer in charge of the station, or
 - (b) in a way specified in the CCE prevention order.
- (6) A notification under this paragraph must be acknowledged in writing.
- (7) In this paragraph “home address” means —
 - (a) the address of the defendant’s sole or main residence in the United Kingdom, or

- (b) where the defendant has no such residence, the address or location of a place in the United Kingdom where the defendant can regularly be found and, if there is more than one such place, such one of those places as the defendant may select.
- (8) In determining the period of three days mentioned in sub-paragraph (2) or (4), no account is to be taken of any time when the defendant is –
 - (a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or
 - (b) outside the United Kingdom.

Variation and discharge of CCE prevention orders

- 8 (1) This paragraph applies where a person mentioned in sub-paragraph (2) applies to a relevant court for the variation or discharge of a CCE prevention order.
- (2) The persons are –
 - (a) the defendant;
 - (b) the Chief Constable of the Police Service of Northern Ireland.
- (3) On the application, the court may (after hearing from the applicant and any other person mentioned in sub-paragraph (2) who wishes to be heard) make any order varying or discharging the order that the court considers appropriate. This is subject to sub-paragraph (7).
- (4) The power to vary an order includes power to –
 - (a) include an additional prohibition or requirement;
 - (b) extend the period for which a prohibition or requirement has effect;
 - (c) extend the period for which the order has effect.
- (5) The court may make provision of a kind mentioned in sub-paragraph (4) only if it considers that the provision is necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.
- (6) Sub-paragraphs (3), (4) and (7) of paragraph 2 apply to additional prohibitions or requirements included on a variation of an order.
- (7) The court may not, without the consent of the defendant and the Chief Constable of the Police Service of Northern Ireland, discharge an order before the end of the period of –
 - (a) five years beginning with the day on which the order was made, in the case of an order made in the circumstances mentioned in paragraph 1(1)(e);
 - (b) two years beginning with the day on which the order was made, in any other case.

This sub-paragraph does not apply to an interim CCE prevention order.

- (8) In this paragraph “relevant court” means –
 - (a) where the Crown Court or Court of Appeal made the order, the Crown Court;
 - (b) in any other case, the magistrates’ court.

Appeals

- 9 (1) The defendant or the Chief Constable of the Police Service of Northern Ireland may appeal to the relevant court against a decision made –
- (a) on an application under paragraph 3 (applications for CCE prevention orders);
 - (b) under paragraph 5 (interim CCE prevention orders);
 - (c) on an application under paragraph 8 (variation and discharge of CCE prevention orders).
- (2) In this paragraph “relevant court” means –
- (a) in the case of a decision of the Crown Court, the Court of Appeal;
 - (b) in any other case, the County Court.
- (3) On an appeal under sub-paragraph (1) the relevant court may make –
- (a) such orders as may be necessary to give effect to its determination of the appeal, and
 - (b) such incidental and consequential orders as appear to it to be appropriate.
- (4) Where a CCE prevention order is made by virtue of sub-paragraph (1)(b), (c) or (d) of paragraph 1, the defendant may appeal against the making of the order (so far as they could not otherwise do) as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for the offence.
- (5) Where a CCE prevention order is made by virtue of sub-paragraph (1)(e) of paragraph 1, the defendant may appeal against the making of the order as if the order were a sentence passed on the defendant for the offence.
- (6) Where a CCE prevention order is made on appeal, for the purposes of this Schedule (other than this paragraph) the order is to be treated as made by the court from which the appeal was made.
- (7) Rules of court may provide that an appeal from a decision –
- (a) to dismiss an application for a CCE prevention order made without notice being given to the defendant, or
 - (b) to refuse to make an interim CCE prevention order when adjourning proceedings following such an application,
- may be made without notice being given to the defendant.

Offence of breaching CCE prevention order

- 10 (1) A person who, without reasonable excuse, fails to comply with an order mentioned in sub-paragraph (2) commits an offence.
- (2) The orders are –
- (a) a CCE prevention order;
 - (b) a CCE prevention order under Chapter 1 of Part 4 (CCE prevention orders on application or acquittal etc. in England and Wales);

- (c) a CCE prevention order under Chapter 2A of Part 11 of the Sentencing Code (CCE prevention orders on conviction in England and Wales);
 - (d) a CCE prevention order under Schedule (*CCE prevention orders: Scotland*) (CCE prevention orders in Scotland).
- (3) A person who commits an offence under this paragraph is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months 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).
- (4) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.
- (5) In proceedings for an offence under this paragraph, a copy of the original order mentioned in sub-paragraph (2), certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings.
- (6) The Department of Justice in Northern Ireland may by regulations amend sub-paragraph (2) so as to add to or remove from the list of orders any relevant UK order.
- (7) “Relevant UK order” means an order under the law of England and Wales or Scotland which appears to the Department of Justice to be equivalent or similar to a CCE prevention order.
- (8) In Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) after “2015” insert “or paragraph 10 of Schedule (*CCE prevention orders: Northern Ireland*) to the Crime and Policing Act 2025”.

Offences relating to notifications

- 11 (1) This paragraph applies where a CCE prevention order requires a person to comply with paragraph 7 (notification requirements).
- (2) The person commits an offence if –
 - (a) without reasonable excuse, they fail to comply with that paragraph, or
 - (b) in purported compliance with that paragraph, they notify to the police any information which they know to be false.
- (3) A person who commits an offence under this paragraph is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months 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).
- (4) A person commits an offence under sub-paragraph (2)(a) on the day on which they first fail, without reasonable excuse, to comply with paragraph 7.
- (5) The person continues to commit the offence throughout any period during which the failure continues.

- (6) But the person may not be prosecuted more than once in respect of the same failure.
- (7) Paragraph 10(5) applies for the purposes of this paragraph.

Special measures for witnesses

- 12 (1) Part 2 of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))(special measures directions in the case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Schedule as it applies to criminal proceedings, but with—
 - (a) the omission of Articles 5(4) to (5), 9(4C)(e), 10A and 20 of that Order (which make provision appropriate only in the context of criminal proceedings), and
 - (b) any other necessary modifications.
- (2) Rules of court made under or for the purposes of Part 2 of that Order apply to relevant proceedings under this Schedule—
 - (a) to the extent provided by rules of court, and
 - (b) subject to any modifications provided by rules of court.
- (3) In this paragraph “relevant proceedings under this Schedule” means any proceedings under this Schedule except proceedings relating to an offence under paragraph 10 or 11.

Interpretation and supplementary provision

- 13 (1) In this Schedule—
 - “CCE prevention order”, except in paragraph 10(2)(b) to (d), means an order under paragraph 2 (and accordingly includes an interim order made by virtue of paragraph 5);
 - “defendant” has the same meaning as in paragraph 1;
 - “engaging in child criminal exploitation” has the meaning given by paragraph 1 (and related expressions are to be construed accordingly).
- (2) An application under this Schedule is to be made—
 - (a) by complaint, where the application is made to a magistrates’ court;
 - (b) in accordance with rules of court, in any other case.
- (3) Article 78 of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))(time limit for civil complaints) does not apply to a complaint under this Schedule.
- (4) On the hearing of an application under this Schedule, Article 118 of that Order (summons to witness and warrant for arrest) does not apply in relation to any person for whose protection the order is sought, except where the person has given oral or written evidence at the hearing.”

Member's explanatory statement

This amendment inserts a new Schedule about CCE prevention orders in Northern Ireland.

Schedule 6

LORD HANSON OF FLINT

- ★ Schedule 6, page 262, line 6, leave out from “under” to end and insert “any of the following provisions of this Act—

- (a) section 40 (child criminal exploitation);
- (b) section 59 (causing internal concealment of item for criminal purpose).”

Member's explanatory statement

This amendment adds the offence of causing internal concealment of an item for a criminal purpose, created by this Bill, to the list of offences that are relevant offences in England and Wales for the purpose of the offence of control over another's home for criminal purposes (clause 56).

LORD HANSON OF FLINT

- ★ Schedule 6, page 264, line 7, at end insert—

“38A An offence under section 40 of this Act (child criminal exploitation).”

Member's explanatory statement

This amendment adds the offence of child criminal exploitation, created by this Bill, to the list of offences that are relevant offences in Scotland for the purpose of the offence of control over another's home for criminal purposes (clause 56).

LORD HANSON OF FLINT

- ★ Schedule 6, page 265, line 39, at end insert—

“58A An offence under section 40 of this Act (child criminal exploitation).”

Member's explanatory statement

This amendment adds the offence of child criminal exploitation, created by this Bill, to the list of offences that are relevant offences in Northern Ireland for the purpose of the offence of control over another's home for criminal purposes (clause 56).

Clause 57

LORD HANSON OF FLINT

- ★ Clause 57, page 71, line 29, at end insert—

“(4A) The circumstances in which A exercises control over B's dwelling include circumstances where—

- (a) A arranges for another person (C) to exercise control over B's dwelling (including by exercising control over any of the matters mentioned in subsection (4)), and
- (b) C does exercise that control.”

Member's explanatory statement

This amendment makes it clear that control over another's dwelling may be via another person, for the purposes of the offence in clause 56.

After Clause 59

LORD RANDALL OF UXBRIDGE

After Clause 59, insert the following new Clause—

“Meaning of exploitation: modern slavery

- (1) Section 3 of the Modern Slavery Act 2015 (meaning of exploitation) is amended as follows.
- (2) After subsection (6) insert—
 - “(7) Something is done to or in respect of the person—
 - (a) which involves the commission of an offence under the following sections of the Crime and Policing Act 2025—
 - (i) section 40 (child criminal exploitation), or
 - (ii) section 56 (controlling another's home for criminal purposes), or
 - (b) which constitutes the use of any of the relevant means mentioned in subsection (8) with the intention of causing the person to commit an offence under the law of England and Wales, Scotland or Northern Ireland, and the person is an adult.
 - (8) For the purposes of subsection (7), the relevant means are—
 - (a) the threat or use of force or other coercive behaviour;
 - (b) abduction, kidnap or false imprisonment;
 - (c) fraud or other deception;
 - (d) the abuse of power or a position of vulnerability;
 - (e) the giving of payments or other benefits to achieve the consent of a person who has control over the person.”.

Clause 61

LORD HANSON OF FLINT

★ Clause 61, page 75, line 10, at end insert—

- “(c) CCE prevention orders under Schedule (CCE prevention orders: Northern Ireland).”

Member's explanatory statement

This amendment gives a power to the Department of Justice in Northern Ireland to issue guidance to the Chief Constable of the Police Service of Northern Ireland about the new CCE prevention orders for Northern Ireland.

Clause 63

LORD HANSON OF FLINT

- ★ Clause 63, page 79, line 36, leave out “or” and insert “and”

Member's explanatory statement

This is a minor drafting change.

BARONESS KIDRON
LORD CLEMENT-JONES
BARONESS MORGAN OF COTES

Clause 63, page 81, line 34, at end insert –

“46D Child sexual abuse image-generation risk assessment

- (1) A provider of an online service, including but not limited to a generative AI large language model, must risk assess the likelihood of their service being used to create or facilitate the creation of a CSA image or images as defined by section 46A.
- (2) If a risk is identified in a CSA risk assessment –
 - (a) where the provider is regulated by the Online Safety Act 2023, a provider must report the risk and agree to steps to reduce, mitigate and manage the risks with OFCOM;
 - (b) where the provider is not regulated by the Online Safety Act 2023, a provider must agree to steps to reduce, mitigate and manage the risks of their online service being used to create or facilitate the creation of CSA images with the National Crime Agency.
- (3) Where a provider regulated by the Online Safety Act 2023 fails to agree to or implement steps to reduce, mitigate and manage the risks with OFCOM (see subsection (2)(a)), they can be subjected to OFCOM’s enforcement powers set out in Part 7, Chapter 6 (enforcement powers) of that Act.
- (4) Where a provider not regulated by the Online Safety Act 2023 fails to agree to or implement steps to reduce, mitigate and manage the risks with the National Crime Agency (see subsection (2)(b)), they commit an offence.
- (5) A provider that commits an offence under this section is liable to be issued with a penalty notice by the National Crime Agency.
- (6) In this section a “penalty notice” means a notice requiring its recipient to pay a penalty of an amount not exceeding whichever is the greater of –
 - (a) £18 million, or
 - (b) 10% of a provider’s qualifying worldwide revenue for the most recent complete accounting period.
- (7) A penalty notice may be reissued where a provider continues to commit an offence under this section.”

Member's explanatory statement

This amendment is intended to ensure that services that do not fall into scope of Clause 63 as currently drafted still assess and mitigate the risk of their services being used as an AI child sexual abuse generator.

After Clause 63

LORD HANSON OF FLINT

★

After Clause 63, insert the following new Clause –

“Child sexual abuse image-generators: Northern Ireland

- (1) In the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), after Article 42 insert –

“Creation of CSA material

42A Child sexual abuse image-generators

- (1) It is an offence for a person to make, adapt, possess, supply or offer to supply a CSA image-generator.
- (2) It is a defence for a person charged with an offence under this Article of possessing a CSA image-generator to prove that the person –
 - (a) was sent the CSA image-generator without any request having been made for it (by or on behalf of the person), and
 - (b) did not keep it for an unreasonable time.
- (3) It is a defence for a person charged with an offence under this Article of possessing, supplying or offering to supply a CSA image-generator to prove that the person did not know, and did not have cause to suspect, that the thing possessed, supplied or offered to be supplied was a CSA image-generator.
- (4) For further defences, see Article 42B.
- (5) A person who commits an offence under this Article is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (6) In this Article –
 - (a) “CSA image-generator” means anything (including any program and any information in electronic form) which is made or adapted for use for creating, or facilitating the creation of, CSA images;
 - (b) “CSA image” means –

- (i) an indecent photograph or pseudo-photograph of a child, within the meaning of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17));
- (ii) a prohibited image of a child, within the meaning of section 62 of the Coroners and Justice Act 2009, that is not an excluded image within the meaning of section 63 of that Act;
- (c) a reference to making a CSA image-generator includes adapting anything that is not a CSA image-generator in such a way that it becomes a CSA image-generator.

42B Article 42A: supplementary

- (1) It is a defence for a person charged with an offence under Article 42A –
 - (a) to prove that the person made, adapted, possessed, supplied or offered to supply the CSA image-generator 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) to prove that the person was a member of the Security Service, the Secret Intelligence Service or GCHQ (a “security body”) and made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the exercise of any function of the security body, or
 - (c) to prove that the person –
 - (i) was a member of OFCOM, was employed or engaged by OFCOM, or assisted OFCOM in the exercise of any of its online safety functions, and
 - (ii) made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of OFCOM’s exercise of any of its online safety functions.
- (2) An internet service provider does not commit an offence under Article 42A by –
 - (a) providing access to a communication network, or
 - (b) transmitting, in a communication network, information provided by a user, if the provider does not –
 - (i) initiate the transmission,
 - (ii) select the recipient of the transmission, or
 - (iii) select or modify the information contained in the transmission.
- (3) The references in paragraph (2) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage –
 - (a) is automatic, intermediate and transient,
 - (b) is solely for the purpose of carrying out the transmission in the network, and
 - (c) is for no longer than is reasonably necessary for the transmission.

- (4) An internet service provider does not commit an offence under Article 42A by storing information provided by a user for transmission in a communication network if –
 - (a) the storage of the information –
 - (i) is automatic, intermediate and temporary, and
 - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
 - (b) the internet service provider –
 - (i) does not modify the information,
 - (ii) complies with any conditions attached to having access to the information, and
 - (iii) on obtaining actual knowledge of a matter within paragraph (5), promptly removes the information or disables access to it.
- (5) The matters within this paragraph are that –
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (6) An internet service provider does not commit an offence under Article 42A by storing information provided by a user who is not acting under the authority or control of the provider if –
 - (a) the provider had no actual knowledge when the information was provided that it was, or contained, a CSA image-generator, and
 - (b) on obtaining actual knowledge that the information was, or contained, a CSA image-generator, the provider promptly removed the information or disabled access to it.
- (7) Article 76(1) applies in relation to an act which, if done in Northern Ireland, would constitute an offence under Article 42A as if references to a United Kingdom national included –
 - (a) a body incorporated under the law of any part of the United Kingdom, or
 - (b) an unincorporated association formed under the law of any part of the United Kingdom.
- (8) Article 42A(6) applies for the purposes of this Article.
- (9) In this Article –
 - (a) “GCHQ” has the meaning given by section 3 of the Intelligence Services Act 1994;
 - (b) “OFCOM” means the Office of Communications;
 - (c) a reference to OFCOM’s “online safety functions” has the meaning given by section 235 of the Online Safety Act 2023;

- (d) “internet service provider” means a provider of –
 - (i) a service that is made available by means of the internet, or
 - (ii) a service that provides access to the internet;
- (e) “user”, in relation to an internet service provider, means a user of a service provided by the internet service provider.

42C Liability for an offence under Article 42A committed by a body

- (1) This Article applies where an offence under Article 42A 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 Article –
 - “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.”
- (2) In Schedule 3 to the Sexual Offences Act 2003 (offences for purposes of Part 2 of that Act) after paragraph 92O insert –
 - “92OA An offence under Article 42A of that Order (child sexual abuse image-generators) if the offender is sentenced in respect of the offence to imprisonment for a term of at least 6 months.””

Member’s explanatory statement

This new Clause makes provision for Northern Ireland equivalent to that made by clause 63 for England and Wales.

LORD HANSON OF FLINT

★ After Clause 63, insert the following new Clause—

“Child sexual abuse image-generators: Scotland

(1) In the Civic Government (Scotland) Act 1982, after section 52C insert—

“52D Child sexual abuse image generators

- (1) It is an offence for a person to make, adapt, possess, supply or offer to supply a CSA image-generator.
- (2) It is a defence for a person charged with an offence under this section of possessing a CSA image-generator to prove that the person—
 - (a) was sent the CSA image-generator without any request having been made for it (by or on behalf of the person), and
 - (b) did not keep it for an unreasonable time.
- (3) It is a defence for a person charged with an offence under this section of possessing, supplying or offering to supply a CSA image-generator to prove that the person did not know, and did not have cause to suspect, that the thing possessed, supplied or offered to be supplied was a CSA image-generator.
- (4) For further defences, see section 52E.
- (5) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (6) In this section—
 - (a) “CSA image-generator” means anything (including any program and any information in electronic form) which is made or adapted for use for creating, or facilitating the creation of, CSA images;
 - (b) “CSA image” means an indecent photograph or pseudo-photograph of a child, within the meaning of section 52;
 - (c) a reference to making a CSA image-generator includes adapting anything that is not a CSA image-generator in such a way that it becomes a CSA image-generator.

52E Section 52D: supplementary

- (1) It is a defence for a person charged with an offence under section 52D—
 - (a) to prove that the person made, adapted, possessed, supplied or offered to supply the CSA image-generator 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) to prove that the person was a member of the Security Service, the Secret Intelligence Service or GCHQ (a “security body”) and made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of the exercise of any function of the security body, or
 - (c) to prove that the person –
 - (i) was a member of OFCOM, was employed or engaged by OFCOM, or assisted OFCOM in the exercise of any of its online safety functions, and
 - (ii) made, adapted, possessed, supplied or offered to supply the CSA image-generator for the purposes of OFCOM’s exercise of any of its online safety functions.
- (2) An internet service provider does not commit an offence under section 52D by –
 - (a) providing access to a communication network, or
 - (b) transmitting, in a communication network, information provided by a user, if the provider does not –
 - (i) initiate the transmission,
 - (ii) select the recipient of the transmission, or
 - (iii) select or modify the information contained in the transmission.
- (3) The references in subsection (2) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage –
 - (a) is automatic, intermediate and transient,
 - (b) is solely for the purpose of carrying out the transmission in the network, and
 - (c) is for no longer than is reasonably necessary for the transmission.
- (4) An internet service provider does not commit an offence under section 52D by storing information provided by a user for transmission in a communication network if –
 - (a) the storage of the information –
 - (i) is automatic, intermediate and temporary, and
 - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
 - (b) the internet service provider –
 - (i) does not modify the information,
 - (ii) complies with any conditions attached to having access to the information, and
 - (iii) on obtaining actual knowledge of a matter within subsection (5), promptly removes the information or disables access to it.
- (5) The matters within this subsection are that –

- (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (6) An internet service provider does not commit an offence under section 52D by storing information provided by a user who is not acting under the authority or control of the provider if –
 - (a) the provider had no actual knowledge when the information was provided that it was, or contained, a CSA image-generator, and
 - (b) on obtaining actual knowledge that the information was, or contained, a CSA image-generator, the provider promptly removed the information or disabled access to it.
- (7) Section 52D(6) applies for the purposes of this section.
- (8) In this section –
 - (a) “GCHQ” has the meaning given by section 3 of the Intelligence Services Act 1994;
 - (b) “OFCOM” means the Office of Communications;
 - (c) a reference to OFCOM’s “online safety functions” has the meaning given by section 235 of the Online Safety Act 2023;
 - (d) “internet service provider” means a provider of –
 - (i) a service that is made available by means of the internet, or
 - (ii) a service that provides access to the internet;
 - (e) “user”, in relation to an internet service provider, means a user of a service provided by the internet service provider.”
- (2) In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of Part 2 of that Act) after paragraph 46 insert –

“46A An offence under section 52D of that Act (child sexual abuse image-generators), if the offender is sentenced in respect of the offence to imprisonment for a term of at least 12 months.”
- (3) In the Sexual Offences (Scotland) Act 2009 –
 - (a) in section 55 (offences committed outside the UK) after subsection (7) insert –

“(7A) Subsection (1) applies to an act which, if done in Scotland, would constitute an offence under section 52D of the Civic Government (Scotland) Act 1982, as if references to a United Kingdom national included –

 - (a) a body incorporated under the law of any part of the United Kingdom, or
 - (b) an unincorporated association formed under the law of any part of the United Kingdom.”;

- (b) in Schedule 4 (sexual offences for purposes of section 55 of that Act), after paragraph 12 insert –

“12A An offence under section 52D of that Act (child sexual abuse image-generators).”

Member's explanatory statement

This new Clause makes provision for Scotland equivalent to that made by clause 63 for England and Wales.

After Clause 64

LORD HANSON OF FLINT

★

After Clause 64, insert the following new Clause –

“Possession of advice or guidance about child sexual abuse or CSA images: Scotland

- (1) In Part 4 of the Sexual Offences (Scotland) Act 2009 after section 41 insert –

“41A Possession of advice or guidance about abusing children sexually or creating CSA images

- (1) It is an offence to be in possession of any item that contains advice or guidance about abusing children sexually or creating CSA images.
- (2) “Abusing children sexually or creating CSA images” means doing anything that constitutes –
- (a) an offence under section 52 or 52D of the Civic Government (Scotland) Act 1982;
 - (b) an offence under section 1, 2 or 7 of the Criminal Law Consolidation (Scotland) Act 1995 against a person under the age of 18;
 - (c) an offence under section 10 of that Act;
 - (d) an offence under section 1, or any of sections 9 to 12, of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
 - (e) an offence under Part 1 or section 46 of the Sexual Offences (Scotland) Act 2009 against a person under the age of 18;
 - (f) an offence under Part 4 or section 42 of that Act;
 - (g) an offence under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 against a person under the age of 18 that is committed with a view to exploitation that consists of or includes behaviour within section 3(3), (4) or (5) of that Act (prostitution and sexual exploitation),

or doing anything outside Scotland that would constitute such an offence if done in Scotland.

- (3) It is a defence for a person (D) charged with an offence under this section –

- (a) to prove that D had a legitimate reason for being in possession of the item;
- (b) to prove that –
 - (i) D had not read, viewed or (as appropriate) listened to the item, and
 - (ii) D did not know, and had no reason to suspect, that it contained advice or guidance about abusing children sexually or creating CSA images; or
- (c) to prove that –
 - (i) the item was sent to D without any request made by D or on D’s behalf, and
 - (ii) D did not keep it for an unreasonable time.
- (4) A person guilty of an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine, or to both.
- (5) In this section “item” includes anything in which information of any description is recorded.

41B Section 41A: supplementary provision

- (1) A service provider does not commit an offence under section 41A by –
 - (a) providing access to a communication network, or
 - (b) transmitting, in a communication network, information provided by a user, if the provider does not –
 - (i) initiate the transmission,
 - (ii) select the recipient of the transmission, or
 - (iii) select or modify the information contained in the transmission.
- (2) The references in subsection (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage –
 - (a) is automatic, intermediate and transient,
 - (b) is solely for the purpose of carrying out the transmission in the network, and
 - (c) is for no longer than is reasonably necessary for the transmission.
- (3) A service provider does not commit an offence under section 41A by storing information provided by a user for transmission in a communication network if –
 - (a) the storage of the information –
 - (i) is automatic, intermediate and temporary, and

- (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
- (b) the service provider –
 - (i) does not modify the information,
 - (ii) complies with any conditions attached to having access to the information, and
 - (iii) on obtaining actual knowledge of a matter within subsection (4), promptly removes the information or disables access to it.
- (4) The matters within this subsection are that –
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (5) A service provider does not commit an offence under section 41A by storing information provided by a user who is not acting under the authority or control of the provider if –
 - (a) the provider had no actual knowledge when the information was provided that it was, or contained, advice or guidance about abusing children sexually or creating CSA images, and
 - (b) on obtaining actual knowledge that the information was, or contained, advice or guidance about abusing children sexually or creating CSA images, the provider promptly removed the information or disabled access to it.
- (6) In this section –
 - (a) “service provider” means a person providing an information society service;
 - (b) “information society service” means a service normally provided –
 - (i) for remuneration,
 - (ii) at a distance,
 - (iii) by electronic means, and
 - (iv) at the individual request of a user of the services;
 - (c) “user”, in relation to a service provider, means a user of a service provided by the service provider.
- (7) In subsection (6)(b) –
 - (a) “at a distance” means that the service is provided without the parties being simultaneously present;
 - (b) “by electronic means” means that the service is –
 - (i) sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and

- (ii) entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;
 - (c) “at the individual request of a user of the services” means that the service is provided through the transmission of data on individual request.”
- (2) In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of Part 2 of that Act) after paragraph 59ZJ insert –
 - “59ZJA An offence under section 41A of that Act (possession of paedophile manual) if the offender –
 - (a) was 18 or over, and
 - (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.””

Member's explanatory statement

This amendment makes provision for Scotland equivalent to that made for England and Wales and Northern Ireland by section 69 of the Serious Crime Act 2015, as amended by clause 64.

Schedule 7

LORD HANSON OF FLINT

- ★ Schedule 7, page 267, line 4, leave out “and 52A” and insert “, 52A and 52D”

Member's explanatory statement

This amendment is consequential on my new clause (Child sexual abuse image-generators: Scotland) inserted after clause 63.

LORD HANSON OF FLINT

- ★ Schedule 7, page 268, line 16, at end insert –

“(vi) Article 42A (child sexual abuse image-generators);”

Member's explanatory statement

This amendment is consequential on my new clause (Child sexual abuse image generators: Northern Ireland) inserted after clause 63.

Clause 72

BARONESS GREY-THOMPSON

Clause 72, page 90, line 20, leave out “, they are given reason to suspect” and insert “and Wales, they know or suspect, or have reasonable grounds for knowing or suspecting,”

Member's explanatory statement

The purpose of this amendment is to align the wording with that of the equivalent duty to report money laundering as stated in section 330(2) of the Proceeds of Crime Act 2002, and to extend the scope of the duty to cover Wales in addition to England.

BARONESS MILLER OF CHILTHORNE DOMER

Clause 72, page 90, line 21, at end insert –

“(1A) The duty under subsection (1) applies to –

- (a) any person undertaking work for the Church of England, the Roman Catholic Church, or any other Christian denomination on either a paid or voluntary basis;
- (b) any clergy of the Church of England, the Roman Catholic Church, or any other Christian denomination, notwithstanding any canonical law regarding the seal of confession; and
- (c) any person undertaking work on either a paid or voluntary basis, or holding a leadership position, within the Buddhist, Hindu, Jewish, Muslim or Sikh faiths, or any other religion, faith or belief system.”

Member's explanatory statement

This amendment would ensure that the duty to report suspected child sex abuse covered everyone working for the Church of England and the Roman Catholic Church whether paid or on a voluntary basis, including clergy, as well as all other faith groups. Reports received by clergy through confession would not be exempt from the duty to report.

BARONESS GREY-THOMPSON

Clause 72, page 90, line 23, leave out from first “relevant” to end of line 24 and insert “local authority;”

Member's explanatory statement

The purpose of this amendment is to ensure that the report goes to the local authority, since the local authority has the duty to act to protect the child, whether or not sufficient evidence of an offence can be obtained to justify a prosecution. The local authority already has a duty to work with the police and to pass on reports where there is evidence of an offence.

BARONESS GREY-THOMPSON

Clause 72, page 90, line 28, leave out “(subject to subsections (5) and (6))”

Member's explanatory statement

The purpose of this amendment is to remove the references to subsections 72(5) and 72(6).

BARONESS GREY-THOMPSON

Clause 72, page 90, line 32, leave out “to a relevant police force only” and insert “instead to a relevant police force”

Member's explanatory statement

The purpose of this amendment is to ensure that a report is made in cases of suspected offences carried out outside England and Wales.

BARONESS GREY-THOMPSON

Clause 72, page 90, line 39, leave out subsection (5)

Member's explanatory statement

The purpose of this amendment is to align the duty with existing statutory guidance, which expects a report to be made as soon as practicable. If there is “a risk to the life or safety of a relevant child”, statutory guidance expects the report to be expedited rather than delayed, so that it can be placed in the hands of those with the training and authority to determine whether and when to make an intervention to protect the child.

BARONESS GREY-THOMPSON

Clause 72, page 91, line 1, leave out subsection (6)

Member's explanatory statement

The purpose of this amendment is to remove the scope for people not to report when they believe that someone else will report.

BARONESS GREY-THOMPSON

Clause 72, page 91, line 21, at end insert —

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

Member's explanatory statement

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

BARONESS GREY-THOMPSON

Clause 72, page 91, line 21, at end insert –

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

Member's explanatory statement

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

BARONESS GREY-THOMPSON

Clause 72, page 91, line 39, at end insert –

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

Schedule 8

BARONESS GREY-THOMPSON

Schedule 8, page 271, line 16, at end insert –

- “17A Activities of a person in connection with education, including –
- (a) schools,
 - (b) sixth form colleges,
 - (c) colleges of further education,
 - (d) pupil referral units,
 - (e) residential special schools,
 - (f) hospital education trusts,
 - (g) settings of education other than at schools,
 - (h) private tuition centres.

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

Member's explanatory statement

The purpose of this amendment is to clarify which activities are subject to the section 72 duty to report.

Clause 74

BARONESS GREY-THOMPSON

Baroness Grey-Thompson gives notice of her intention to oppose the Question that Clause 74 stand part of the Bill.

Member's explanatory statement

Baroness Grey-Thompson seeks to remove this Clause and - via an earlier amendment - confer a wider definition of a "reason to suspect".

Clause 79

BARONESS GREY-THOMPSON

Clause 79, page 95, line 26, leave out subsections (2) and (3)

Member's explanatory statement

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

After Clause 79

BARONESS FEATHERSTONE
LORD RUSSELL OF LIVERPOOL

After Clause 79, insert the following new Clause –

"Training for those under a mandatory reporting duty"

- (1) Any person who falls under the duty, as outlined in section 72(1), must be trained to an appropriate standard required to carry out their responsibilities under the duty.
- (2) Such training shall be deemed appropriate only if it includes, but is not limited to, the following components –
 - (a) the recognised signs and indicators of child sexual abuse,
 - (b) what it means to suspect a child sexual offence may have been committed under the duty, as outlined in section 74, including –
 - (i) understanding the different ways children may disclose abuse, and
 - (ii) the barriers to children disclosing abuse,
 - (c) how to respond to and support a child who they have been given reason to suspect is the victim of a child sexual offence, as per the cases in section 74,
 - (d) how to make notifications, as referenced in section 72(2),
 - (e) how to judge whether making a notification would pose a risk to the life or safety of a relevant child, as referenced in section 72(5), and
 - (f) how to understand, identify and apply the exemptions for consensual peer on peer activity, as laid out in sections 75, 76 and 77."

Member's explanatory statement

This amendment ensures that those falling under the mandatory reporting duty for child sexual abuse are provided with appropriate training to equip them to fulfil these obligations.

BARONESS GREY-THOMPSON

After Clause 79, insert the following new Clause —

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

- (1) A person who causes or threatens to cause any detriment to a mandated person, being a person placed under the duty to report pursuant to section 72(1) above, or to another person, either wholly or partly related to the mandated person’s actual or intended provision of a report under this Act, is guilty of an offence.
- (2) Detriment includes any personal, social, economic, professional, or other detriment to the person.
- (3) A person guilty of an offence under this section is liable on summary conviction to a level 4 fine on the standard scale.”

Member's explanatory statement

The purpose of this amendment is to provide protection from retaliation to those who make required reports in good faith. Unlike the offence described in section 79, this also covers retaliation against a reporter after a report has been made, and not just an attempt to prevent a report from being made.

Clause 82

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

Clause 82, page 98, leave out lines 3 to 11

Member's explanatory statement

This amendment removes the ability of the court to dismiss an action in respect of personal injuries attributable to child sexual abuse on the grounds that the defendant would suffer substantial prejudice.

LORD FAULKS

Lord Faulks gives notice of his intention to oppose the Question that Clause 82 stand part of the Bill.

After Clause 82

BARONESS BERTIN
BARONESS BENJAMIN
BARONESS KIDRON

After Clause 82, 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) After section 1 insert —

“1ZA Offence of encouragement to sexual activity with a child or family member

- (1) It is an offence to produce or distribute any written material, visual representation or audio recording that glorifies, advocates or counsels sexual activity that would be an offence under the Sexual Offences Act 2003 either with —
 - (a) a person under the age of eighteen years, or
 - (b) a family member, where “family member” has the meaning set out in section 27 (family relationships) of the Sexual Offences Act 2003.
- (2) After section 7(9) (interpretation) insert —

“(10) When determining under section 1 whether an indecent photograph or pseudo-photograph is of a person who appears to be or is implied to be a child, reference may be had to —

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

Member's explanatory statement

This amendment makes a series of amendments to the Protection of Children Act 1978 to extend the offence of making an indecent photograph of a child to cases where the child depicted is an adult and creation of a new offence of producing or sharing content that advocates and celebrates child sexual abuse including text shared on internet forums and pornography websites.

BARONESS BERTIN
BARONESS BENJAMIN
BARONESS KIDRON

After Clause 82, insert the following new Clause –

“Amendment of Possession of extreme pornographic images to cover incest

- (1) Section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) is amended as follows.
- (2) After subsection (7A) insert –
 - “(7AA) An image falls within this subsection if it portrays, in an explicit and realistic way, any of the following where the acts depict or are intended to depict a person (A) and a child family member (B) –
 - (a) penetration of B’s anus or vagina with a part of A’s body or anything else,
 - (b) penetration of B’s mouth with A’s penis,
 - (c) penetration of A’s anus or vagina with a part of B’s body, or
 - (d) penetration of A’s mouth with B’s penis.
 - (7AB) In determining whether an image falls within subsection (7AA), reference may be had to –
 - (a) how the image is or was described (whether the description is part of the image itself or otherwise),
 - (b) any sounds accompanying the image,
 - (c) where the image forms an integral part of a narrative constituted by a series of images –
 - (i) any sounds accompanying the series of images;
 - (ii) the context provided by that narrative;
 - (d) the overall context in which the image appears, including but not limited to, the setting, the conduct and appearance of the depicted person or persons, and any other relevant factors.
 - (7AC) For the purposes of subsection (7AA) –
 - (a) “child” means a person aged 18 years or under,
 - (b) “family member” has the meaning set out in section 27 (family relationships) of the Sexual Offences Act 2003.”
- (3) In subsection (7B) after “(7A)” insert “ and (7AA).”

Member's explanatory statement

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

BARONESS BERTIN
BARONESS KIDRON
LORD CLEMENT-JONES

After Clause 82, insert the following new Clause –

“Pornographic content: duty to verify age

- (1) A person (A) commits an offence if they publish or allow or facilitate the publishing of pornographic content online where it has not been verified that –
 - (a) every individual featuring in pornographic content on the platform has given their consent for the content in which they feature to be published or made available by the service,
 - (b) every individual featuring in pornographic content on the platform has been verified as an adult, and that age verification 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 published on the service when this Act is passed, is an adult.
- (2) It is irrelevant under (1)(a) whether the individual featured in pornographic material has previously given their consent to the relevant content being published, if they have subsequently withdrawn that consent in writing either directly or via an appointed legal representative to –
 - (a) the platform, or
 - (b) the relevant regulator where a contact address was not provided by the platform to receive external communications.
- (3) If withdrawal of consent under (2) has been communicated in writing to an address issued by the platform or to the relevant public body, the relevant material must be removed by the platform within 24 hours of the communication being sent.
- (4) An individual guilty of an offence is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (5) A person who is a UK national commits an offence under this section regardless of where the offence takes place.
- (6) A person who is not a UK national commits an offence under this section if any part of the offence takes place in the UK.
- (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 will appoint one or more public bodies to monitor and enforce compliance by online platforms with this section, with the relevant public body –

- (a) granted powers to impose business disruption measures on non-compliant online platforms, including but not limited to service restriction (imposing requirements on one or more persons who provide an ancillary service, whether from within or outside the United Kingdom, in relation to a regulated service); and access restriction (imposing requirements on one or more persons who provide an access facility, whether from within or outside the United Kingdom, in relation to a regulated service);
 - (b) under a duty to act 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);
 - (c) 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 bill entering into force, and publishing annual updates on enforcement activity relating to this section.
- (9) Internet services hosting pornographic content must make and keep a written record outlining their compliance with the provisions of this section. .
- (10) The written record in subsection (9) must be summarised in a publicly available statement alongside the publishing requirements in section 81(4) and (5) of the Online Safety Act 2023”

Member's explanatory statement

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

After Clause 84

BARONESS LEVITT

★ After Clause 84, insert the following new Clause —

“Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland

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

“67A Possession or publication of pornographic images of strangulation or suffocation

- (1) It is an offence for a person 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 strangling or suffocating another person, and
 - (c) a reasonable person looking at the image would think that the persons were real.

- (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) Subsections (1) and (2) do not apply to excluded images, within the meaning of section 64.
- (5) In this section “image” has the same meaning as in section 63.
- (6) Proceedings for an offence under this section may not be instituted –
 - (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

67B Defences to offences under section 67A

- (1) Where a person is charged with an offence under section 67A(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 67A(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 the person directly participated in the act portrayed and the act did not involve the infliction of any non-consensual harm on any person.
- (3) Where a person is charged with an offence under section 67A(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 67A(1);
 - (c) that the person directly participated in the act portrayed, the act did not involve the infliction of any non-consensual harm on any

person, and the person only published the image to other persons who directly participated.

- (5) In this section “non-consensual harm” has the same meaning as in section 66.

67C Penalties for offences under section 67A

- (1) A person who commits an offence under section 67A(1) is liable –
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine (or both);
 - (c) on conviction on indictment in England and Wales or Northern Ireland, to imprisonment for a term not exceeding two years or a fine (or both).
- (2) A person who commits an offence under section 67A(2) is liable –
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine (or both);
 - (c) on conviction on indictment in England and Wales or Northern Ireland, to imprisonment for a term not exceeding five years or a fine (or both).

67D Possession of extreme pornographic images: alternative verdict in magistrates’ court

If on the trial of a person charged with an offence under section 63 a magistrates’ court finds the person not guilty of the offence charged, the magistrates’ court may find the person guilty of an offence under section 67A(1).”

- (2) In section 68 of that Act (special rules relating to providers of information society services) for “section 63” substitute “sections 63 and 67A”.
- (3) In Schedule 14 to that Act (special rules relating to providers of information society services) –
- (a) in paragraphs 3(1), 4(2) and 5(1) after “63” insert “or 67A”;
 - (b) in paragraph 5(2) –
 - (i) after “possession” insert “or publication”;
 - (ii) for “an offence under section 63” substitute “the offence in question”.

- (4) In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for purposes of section 327A), after paragraph 13 insert –

“13ZA An offence under section 67A of that Act (possession or publication of pornographic images of strangulation or suffocation) 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 –
 - (a) for “section 63” substitute “any of the following provisions”;
 - (b) for the words in brackets substitute –
 - “(a) section 63 (possession of extreme pornographic images);
 - (b) section 67A (possession or publication of pornographic images of strangulation or suffocation)”.

Member's explanatory statement

This amendment makes it an offence in England and Wales and Northern Ireland to possess or publish a pornographic image that portrays strangulation (often referred to as “choking porn”) or suffocation.

BARONESS LEVITT

★

After Clause 84, insert the following new Clause –

“Pornographic images of strangulation or suffocation: Scotland

- (1) After section 51C of the Civic Government (Scotland) Act 1982 insert –

“51D Pornographic images of strangulation or suffocation

- (1) It is an offence for a person to be in possession of an image if –
 - (a) the image is pornographic, within the meaning of section 51A,
 - (b) the image depicts, in an explicit and realistic way, a person strangling or suffocating another person, and
 - (c) a reasonable person looking at the image would think that the persons were real.
- (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) Subsections (1) and (2) do not apply to excluded images, within the meaning of section 51B.
- (5) In this section “image” is to be construed in accordance with section 51A.

51E Defences to offences under section 51D

- (1) Where a person is charged with an offence under section 51D(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 51D(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 the person directly participated in the act depicted and the act did not actually involve strangulation or suffocation of any person.
- (3) Where a person is charged with an offence under section 51D(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 51D(1);
 - (c) that the person directly participated in the act depicted, the act did not actually involve strangulation or suffocation of any person, and the person only published the image to other persons who directly participated.

51F Penalties for offences under section 51D

- (1) A person who commits an offence under section 51D(1) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 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).
- (2) A person who commits an offence under section 51D(2) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months 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).

51G Possession of extreme pornographic images: alternative verdict

If on the trial of a person charged with an offence under section 51A a court finds the person not guilty of the offence charged, the court may find the person guilty of an offence under section 51D(1)."

- (2) In the Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011 (S.S.I. 2011/137) —
 - (a) in regulation 2(1), in the definition of "relevant offence" —
 - (i) after "51A" insert "(extreme pornography) or 51D (pornographic images of strangulation or suffocation)";
 - (ii) after "Act" omit "(extreme pornography)";
 - (b) in regulation 3(1) and (3) for "a relevant offence" substitute "an offence under section 51A of the 1982 Act";
 - (c) in regulation 6(2) —
 - (i) after "possession" insert "or publication";
 - (ii) for "a relevant offence" substitute "the relevant offence in question".

Member's explanatory statement

This amendment makes it an offence in Scotland to possess or publish a pornographic image that depicts strangulation (often referred to as "choking porn") or suffocation.

Schedule 9

BARONESS OWEN OF ALDERLEY EDGE
LORD PANNICK
LORD CLEMENT-JONES

Schedule 9, page 274, line 12, at end insert —

"66ABA Taking or recording intimate photographs or film: time limit for prosecution

- (1) Notwithstanding section 127(1) of the Magistrates' Court Act 1980 (limitation of time), a magistrates' court may try an information or written charge relating to an offence under section 66AA if the information is laid or the charge is issued —
 - (a) before the end of the period of 3 years beginning with the day on which the offence was committed, and
 - (b) before the end of the period of 6 months beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the prosecutor's knowledge.
- (2) A certificate signed by or on behalf of a prosecutor stating the date on which evidence described in subsection (1)(b) came to the prosecutor's knowledge is conclusive evidence of that fact."

BARONESS OWEN OF ALDERLEY EDGE
LORD PANNICK
LORD CLEMENT-JONES

Schedule 9, page 274, line 37, at end insert—

“66AD Installing etc. equipment to enable taking or recording of intimate photograph or film: time limit for prosecution

- (1) Notwithstanding section 127(1) of the Magistrates’ Courts Act 1980 (limitation of time), a magistrates’ court may try an information or written charge relating to an offence under section 66AC if the information is laid or the charge is issued—
 - (a) before the end of the period of 3 years beginning with the day on which the offence was committed, and
 - (b) before the end of the period of 6 months beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the prosecutor’s knowledge.
- (2) A certificate signed by or on behalf of a prosecutor stating the date on which evidence described in subsection (1)(b) came to the prosecutor’s knowledge is conclusive evidence of that fact.”

BARONESS BERTIN
BARONESS KIDRON
LORD CLEMENT-JONES

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 subsection (1) or subsection (3) 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.”

Member's explanatory statement

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

BARONESS OWEN OF ALDERLEY EDGE
LORD PANNICK
LORD CLEMENT-JONES

Schedule 9, page 275, line 3, at end insert —

“3A After section 66B insert —

“66BA Sharing or threatening to share intimate photograph or film: time limit for prosecution

- (1) Notwithstanding section 127(1) of the Magistrates’ Courts Act 1980 (limitation of time), a magistrates’ court may try an information or written charge relating to an offence under section 66B if the information is laid or the charge is issued —
 - (a) before the end of the period of three years beginning with the day on which the offence was committed, and
 - (b) before the end of the period of six months beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the prosecutor’s knowledge.
- (2) A certificate signed by or on behalf of a prosecutor stating the date on which evidence described in subsection (1)(b) came to the prosecutor’s knowledge is conclusive evidence of that fact.””

BARONESS LEVITT

★

Schedule 9, page 275, line 38, at end insert —

“6A In section 66H (time limits for prosecuting summary offences) —

- (a) in subsection (1), for “under section 66E or 66F” substitute “to which this section applies”;
- (b) after subsection (1) insert —

“(1A) This section applies to offences under —

- (a) section 66AA(1);
- (b) section 66AC(1);
- (c) section 66B(1);
- (d) section 66E;
- (e) section 66F.”;
- (c) for the heading substitute “Intimate images: time limit for prosecution of summary offences”.

Member's explanatory statement

This amendment extends the time limit for prosecuting the summary only offences in existing section 66B(1) of the Sexual Offences Act 2003, and new sections 66AA(1) and 66AC(1) (added by Schedule 9 to the Bill).

BARONESS LEVITT

- ★ Schedule 9, page 278, line 24, leave out sub-paragraph (2)

Member's explanatory statement

My amendments to Schedule 9 paragraph 18 amend section 177DA of the Armed Forces Act to add the provision the Bill currently inserts as section 177DZA. They also provide for images of breastfeeding recorded in circumstances which constitute an offence under section 67A(2B) of the Sexual Offences Act 2003 to be subject to deprivation orders.

BARONESS LEVITT

- ★ Schedule 9, page 278, line 38, at end insert—
“(za) in the heading, omit “Purported”;

Member's explanatory statement

See my amendment to Schedule 9, page 278, line 24.

BARONESS LEVITT

- ★ Schedule 9, page 279, line 1, at end insert—
“(aa) in subsection (2)—
(i) for “purported intimate image to which the offence relates” substitute “item specified in column 2 of the table in relation to the corresponding offence”;
(ii) after “the offence”, in the second place it occurs, insert “under section 42”;

Member's explanatory statement

See my amendment to Schedule 9, page 278, line 24.

BARONESS LEVITT

- ★ Schedule 9, page 279, line 1, leave out from “for” to end of line and insert “the words from “section 66E” to the end substitute “a provision of the Sexual Offences Act 2003 which is listed in column 1 of the table in subsection (3)””

Member's explanatory statement

See my amendment to Schedule 9, page 278, line 24.

BARONESS LEVITT

- ★ Schedule 9, page 279, leave out lines 3 to 12 and insert –
 “(3) This is the table –

<i>Provision of the Sexual Offences Act 2003</i>	
Section 66AA(1), (2) or (3)	Photograph or film to which the offence relates
Section 66E	Purported intimate image to which the offence relates
Section 66F	Purported intimate image which is connected with the offence
Section 67A(2B)	Image to which the offence relates”

Member's explanatory statement

See my amendment to Schedule 9, page 278, line 24.

BARONESS LEVITT

- ★ Schedule 9, page 279, line 13, at beginning insert “Where the corresponding offence is an offence under section 66F of the Sexual Offences Act 2003,”

Member's explanatory statement

See my amendment to Schedule 9, page 278, line 24.

BARONESS LEVITT

- ★ Schedule 9, page 280, line 3, leave out sub-paragraph (2) and insert –
 “(2) In section 154A (purported intimate images to be treated as used for purposes of certain offences) –
 (a) in the heading, omit “Purported”;

(b) for subsection (1) substitute –

“(1) This section applies where a person commits an offence under a provision of the Sexual Offences Act 2003 which is listed in column 1 of the table in subsection (2A).”;

(c) in subsection (2), for “The purported intimate image to which the offence relates” substitute “The item specified in column 2 of the table in relation to that offence”;

(d) after subsection (2) insert –

“(2A) This is the table –

<i>Provision of the Sexual Offences Act 2003</i>	<i>Item</i>
Section 66AA(1), (2) or (3)	Photograph or film to which the offence relates
Section 66E	Purported intimate image to which the offence relates
Section 66F	Purported intimate image which is connected with the offence
Section 67A(2B)	Image to which the offence relates”;

(e) omit subsections (3) and (4).”

Member's explanatory statement

This amendment amends section 154A of the Sentencing Code to add the provision the Bill currently inserts as section 154ZA. It also provides for images of breastfeeding recorded in circumstances which constitute an offence under section 67A(2B) of the Sexual Offences Act 2003 to be subject to deprivation orders.

After Clause 86

LORD HANSON OF FLINT

★

After Clause 86, insert the following new Clause –

“Disregarding convictions and cautions for loitering or soliciting when under 18

- (1) Part 5 of the Protection of Freedoms Act 2012 is amended as follows.
- (2) In the heading of Chapter 4, omit “for buggery etc.”
- (3) For the italic heading before section 92, substitute “Sexual activity between persons of the same sex”.

- (4) After section 94 insert –

“Loitering or soliciting: under 18s

94A Automatic disregard of convictions or cautions for loitering or soliciting when under 18

- (1) A conviction or caution is a disregarded conviction or caution if –
 - (a) it was for an offence under section 1 of the Street Offences Act 1959 (loitering or soliciting for the purpose of prostitution), and
 - (b) the offender was aged under 18 at the time of the offence.
- (2) Sections 95 to 98 explain the effect of a conviction or caution being a disregarded conviction or caution.”
- (5) In section 95 (effect of disregard on police and other records) –
 - (a) before subsection (1) insert –

“(A1) Subsections (1) to (4) apply in respect of a conviction or caution disregarded under section 92.”;
 - (b) after subsection (4) insert –

“(4A) A relevant data controller must delete from relevant official records, as soon as reasonably practicable, any details of which they are aware of a conviction or caution disregarded under section 94A.”
- (6) In section 99 (appeal against refusal to disregard convictions or cautions) –
 - (a) in the heading, at the end insert “for sexual activity between persons of the same sex”;
 - (b) in paragraph (a), after “application” insert “made under section 92”.
- (7) In section 100 (advisers) –
 - (a) in the heading, at the end insert “on applications under section 92”;
 - (b) in subsection (1), after “case” insert “under section 92”.
- (8) In section 101 (interpretation) –
 - (a) in the definition of “disregarded caution”, after “which” insert “is or”;
 - (b) in the definition of “disregarded conviction”, after “which” insert “is or”.

Member's explanatory statement

This amendment provides for a conviction or caution for loitering or soliciting for the purpose of prostitution, where the offender was under 18 at the time of the offence, to be disregarded.

LORD HANSON OF FLINT

★

After Clause 86, insert the following new Clause –

“Pardons for convictions and cautions for loitering or soliciting when under 18

- (1) The Policing and Crime Act 2017 is amended as follows.

(2) After section 165 insert –

**“165A Pardons for convictions etc for loitering or soliciting when under 18:
England and Wales**

- (1) Subsection (2) applies in respect of a person (whether living or deceased) who –
 - (a) was convicted of, or cautioned for, an offence under section 1 of the Street Offences Act 1959 (loitering or soliciting for the purpose of prostitution), and
 - (b) was aged under 18 at the time of the offence.
 - (2) The person is pardoned for the offence.
 - (3) 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) for “or 165” substitute “, 165 or 165A”;
 - (b) in subsection (2) for “or 165” substitute “, 165 or 165A”.”

Member's explanatory statement

This amendment would provide for pardons for persons convicted of or cautioned for loitering or soliciting for the purpose of prostitution when they were under 18.

BARONESS GOUDIE

After Clause 86, insert the following new Clause –

“Prohibition of pimping

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

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

Member's explanatory statement

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

BARONESS GOUDIE

After Clause 86, insert the following new Clause —

“Paying for sex acts

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

Member’s explanatory statement

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

BARONESS GOUDIE

After Clause 86, insert the following new Clause —

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

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

Member's explanatory statement

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

BARONESS GOUDIE

After Clause 86, insert the following new Clause —

“Power of Secretary of State to disregard convictions or cautions

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

Member's explanatory statement

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

BARONESS BERTIN
BARONESS KIDRON
BARONESS BENJAMIN

After Clause 86, insert the following new Clause —

“Pornographic content: online harmful content

- (1) A person commits an offence if they publish or allow or facilitate the publishing of harmful pornographic content which contains prohibited material, where “prohibited material” has the same meaning as in section 368E(3)(a) and section 368E(3)(b) of the Communications Act 2003 (harmful material).
- (2) An individual guilty of an offence is liable —
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

- (3) A person who is a UK national commits an offence under this section regardless of where the offence takes place.
- (4) A person who is not a UK national commits an offence under this section if any part of the offence takes place in the UK.
- (5) The platform on which material that violates the provisions in this section is published can be fined up to £18 million or 10 percent of their qualifying worldwide revenue, whichever is greater.
- (6) Within six months of the Act receiving Royal Assent, the Secretary of State must make regulations appointing one or more public bodies (the appointed body) to monitor and enforce compliance by online platforms with this section.
- (7) Regulations made under subsection (6) may provide the appointed body with the powers contained in sections 144 and 146 of the Online Safety Act 2023, to apply to the court for a Service Restriction Order or Access Restriction Order (or both) where –
 - (a) an offence has taken place and the material remains online on the platform or any other online platform, or
 - (b) it appears to the regulator that an offence has taken place under this section even in the absence of a prosecution.
- (8) The appointed body must, within six months of being appointed by the Secretary of State, lay before Parliament a strategy for monitoring, and enforcing, compliance with the provisions in this section.
- (9) The appointed body must lay before Parliament an annual report, outlining the enforcement activity undertaken in relation to this section.”

Member's explanatory statement

This new clause extends safeguarding requirements for pornography distributed offline to pornography distributed online by making it an offence to publish online harmful material based on the definitions in sections 368E(3)(a) and section 368E(3)(b) of the Communications Act 2003.

Clause 87

LORD CLEMENT-JONES

Clause 87, page 100, line 34, at end insert –

- “(aa) if the name change is by deed poll, seven days prior to submitting an application for change of name (if that day is earlier than the day specified in paragraph (a)), or”

Member's explanatory statement

This amendment clarifies that if a person is changing their name by deed poll, they must notify a new name to the police prior to submitting the application.

Clause 89

LORD HANSON OF FLINT

- ★ Clause 89, page 104, line 17, after “46,” insert “46A,”

Member's explanatory statement

This amendment is consequential on my new clause (Child sexual abuse image-generators: Scotland) inserted after clause 63.

LORD HANSON OF FLINT

- ★ Clause 89, page 104, line 21, leave out “92O” and insert “92OA”

Member's explanatory statement

This amendment is consequential on my new clause (Child sexual abuse image generators: Northern Ireland) inserted after clause 63.

Clause 94

LORD HANSON OF FLINT

- ★ Clause 94, page 120, line 20, leave out “driving licence” and insert “licence to drive a motor vehicle under Part 3 of the Road Traffic Act 1988”

Member's explanatory statement

This amendment, together with my amendment to clause 94, page 121, line 16, makes it possible for the regulations made by the Secretary of State to prevent a relevant offender getting a British driving licence in a new name as a replacement for a previous driving licence issued in Northern Ireland.

LORD HANSON OF FLINT

- ★ Clause 94, page 121, leave out lines 4 to 8

Member's explanatory statement

This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

LORD HANSON OF FLINT

- ★ Clause 94, page 121, leave out lines 12 to 14

Member's explanatory statement

This amendment is consequential on my amendment to clause 94, page 121, leave out lines 4 to 8.

LORD HANSON OF FLINT

- ★ Clause 94, page 121, line 16, at end insert —

““section 93B relevant offender” means a relevant offender who is subject to the restriction in section 93B(1);”

Member's explanatory statement

This amendment inserts a definition of “section 93B relevant offender” into the new section about regulations restricting replacement of driving licences of sex offenders with new names in England and Wales and Scotland.

LORD HANSON OF FLINT

- ★ Clause 94, page 121, line 16, at end insert “or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1))”

Member's explanatory statement

This amendment, together with my amendment to clause 94, page 120, line 20, makes it possible for the regulations made by the Secretary of State to prevent a relevant offender getting a British driving licence in a new name as a replacement for a previous driving licence issued in Northern Ireland.

LORD HANSON OF FLINT

- ★ Clause 94, page 121, line 17, at end insert —

“(3) After section 93I of the Sexual Offences Act 2003 (inserted by subsection (2)) insert —

“93J Restriction on granting replacement driving licences in new name (Northern Ireland)

- (1) The Department for Infrastructure in Northern Ireland (“the Department”) may by regulations make provision to prevent a person from being granted a licence to drive a motor vehicle under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (a “replacement licence”) if —
 - (a) the person holds, or has held, a driving licence,
 - (b) the name to be specified in the replacement licence (“the new name”) is different from the name specified in the driving licence most recently granted to the person, and
 - (c) it appears to the Department, on the basis of information provided by the Chief Constable of the Police Service of Northern Ireland (“the Chief Constable”), that the person is a section 93B relevant offender who was not authorised to apply for a driving licence in the new name.
- (2) The regulations may, in particular, include provision for authorising or requiring —

- (a) the Chief Constable to disclose specified information to the Department, and
 - (b) the Department to disclose specified information to the Chief Constable,
- where the disclosure falls within subsection (3).
- (3) A disclosure falls within this subsection if it is made –
 - (a) for the purposes of enabling the Department or the Chief Constable to carry out their functions under or by virtue of the regulations, or
 - (b) in connection with the detection or investigation of an offence under section 93B(3).
 - (4) The regulations may, in particular, make provision about how the Department or the Chief Constable may or must use information disclosed to them by virtue of subsection (2).
 - (5) The regulations may include provision amending Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).
 - (6) In this section –
 - “driving licence” means a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) or under Part 3 of the Road Traffic Act 1988;
 - “section 93B relevant offender” means a relevant offender who is subject to the restriction in section 93B(1);
 - “specified” means specified in regulations under this section.”

Member's explanatory statement

This amendment provides for the Department for Infrastructure to make regulations for Northern Ireland restricting replacement of driving licences of sex offenders in a new name.

Schedule 10

LORD HANSON OF FLINT

★ Schedule 10, page 285, line 39, at end insert –

“15A In section 136 (Part 2: Northern Ireland), in subsection (11), after “sections” insert “86B, 87A, 93A, 93H.””

Member's explanatory statement

This amendment ensures that the term “Secretary of State” is not read, in relation to Northern Ireland, as meaning the Department of Justice in provisions inserted into Part 2 of the Sexual Offences Act 2003 where there is different provision about Northern Ireland.

LORD HANSON OF FLINT

- ★ Schedule 10, page 287, line 8, at end insert –
- “(2A) In subsection (5) for “the Department of Justice in Northern Ireland” substitute “a Northern Ireland department”.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 94, page 121, line 17.

LORD HANSON OF FLINT

- ★ Schedule 10, page 287, line 10, after “93C(6)(b)” insert “, section 93J”

Member's explanatory statement

This amendment makes regulations of the Department for Infrastructure under section 93J inserted by my amendment to clause 94, page 121, line 17 subject to the affirmative resolution procedure.

LORD HANSON OF FLINT

- ★ Schedule 10, page 287, line 10, at end insert –
- “(b) for “the Department of Justice” substitute “a Northern Ireland department”.
- (4) In subsections (8) and (9) for “the Department of Justice”, in each place it occurs, substitute “a Northern Ireland department”.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 94, page 121, line 17.

After Clause 100

BARONESS DOOCEY
BARONESS BRINTON

After Clause 100, insert the following new Clause –

“Offence of stalking: review

- (1) Within six months of this Act receiving Royal Assent, the Secretary of State must establish a review into the effectiveness of sections 2A and 4A of the Protection from Harassment Act 1997.
- (2) The review established under subsection (1) must complete its work within nine months of its establishment.
- (3) Within a month of the review submitting its final report, the Secretary of State must lay a copy of the report before both Houses of Parliament and the Government must make time in both Houses for a debate on a substantive motion relating to the report.”

Member's explanatory statement

This new clause would require the Government to establish a review into the effectiveness of the stalking provisions of the Protection from Harassment Act 1997, specifies the review's timeframe, and requires the Government to make time available in both Houses of Parliament for a substantive debate on the review's report.

BARONESS DOOCEY
BARONESS BRINTON

After Clause 100, insert the following new Clause –

“Stalking awareness guidelines: review

- (1) Within six months of this Act receiving Royal Assent, the Secretary of State must establish a review into the effectiveness and adequacy of stalking awareness guidance provided by public bodies in England and Wales.
- (2) The terms of reference for this review should include examining whether stalking awareness guidance should form part of the national curriculum in England.
- (3) Within a month of the review submitting its final report, the Secretary of State must lay a copy of the report before both Houses of Parliament and make time available in both Houses for a debate on a substantive motion relating to the report.”

Member's explanatory statement

This new clause would require the Government to establish a review into the effectiveness of the stalking awareness guidance provided by public bodies, specifies that the review should examine making stalking awareness guidance mandatory under the national curriculum, and provides for a substantive debate in Parliament on the review's report.

Clause 101

BARONESS OWEN OF ALDERLEY EDGE

Clause 101, page 131, line 29, at end insert “either”

BARONESS OWEN OF ALDERLEY EDGE
BARONESS COFFEY

Clause 101, page 131, line 31, at end insert, “or

- (c) the person does so being reckless as to whether another person will be injured, aggrieved or annoyed.”

After Clause 103

LORD CLEMENT-JONES

After Clause 103, insert the following new Clause –

“Consultation on guidance for serious self-harm offences

- (1) The Secretary of State must issue guidance regarding the application of sections 102 and 103 (encouraging or assisting serious self-harm).
- (2) Before issuing or revising any guidance under subsection (1), the Secretary of State must consult extensively with the following persons and organisations –
 - (a) representatives of self-harm support charities and organisations;
 - (b) mental health professionals, including those providing trauma-informed care and support;
 - (c) legal experts, including prosecutors and defence practitioners, regarding the application of the specific intent requirement;
 - (d) such other persons as the Secretary of State considers appropriate.
- (3) The guidance issued under this section must –
 - (a) clearly differentiate between conduct falling within the criminal offence under section 102 (which requires specific intention to encourage or assist serious self-harm) and legitimate, supportive, or therapeutic activity;
 - (b) include instruction for law enforcement and relevant agencies on identifying and engaging with vulnerable individuals in a trauma-informed manner.
- (4) The Secretary of State must lay before both Houses of Parliament a copy of any guidance issued or revised under this section.”

Member's explanatory statement

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

After Clause 104

BARONESS LEVITT

★

After Clause 104, insert the following new Clause –

“Child abduction: Northern Ireland

- (1) The Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17)) is amended as set out in subsections (2) and (3).
- (2) In Article 3 (offence of abduction of child by parent etc) –
 - (a) after paragraph (1) insert –

“(1A) Subject to paragraphs (2A) to (3A) and (7), a person connected with a child under the age of 16 commits an offence if –

- (a) the child is taken or sent out of the United Kingdom with the appropriate consent, and
 - (b) at any time after the child is taken or sent, the person detains the child outside the United Kingdom without the appropriate consent.”;
 - (b) in paragraph (2A) –
 - (i) in the words before sub-paragraph (a), after “United Kingdom” insert “, or by detaining a child outside the United Kingdom,”;
 - (ii) in sub-paragraph (b) (before its substitution by paragraph 4(3) of Schedule 3 to the 2022 Act), after “United Kingdom” insert “, or detains the child outside the United Kingdom,”;
 - (iii) in each of sub-paragraphs (a) and (b) (as substituted by paragraph 4(3) of Schedule 3 to the 2022 Act), after “United Kingdom” insert “, or detains the child outside the United Kingdom,”;
 - (c) in paragraph (2B), after “United Kingdom” insert “, or detaining the child outside the United Kingdom,”;
 - (d) in paragraph (3A), in paragraph (b) after “out of the United Kingdom” insert “, or detaining the child outside the United Kingdom,”.
- (3) In the Schedule (modifications of Article 3 for children in certain cases), in each of the following provisions after “paragraph (1)” insert “or (1A)” –
- (a) paragraph 1(2)(a);
 - (b) paragraph 3(2)(a) (before its substitution by paragraph 5(2) of Schedule 3 to the 2022 Act);
 - (c) paragraph 3(2)(a) (as substituted by paragraph 5(2) of Schedule 3 to the 2022 Act);
 - (d) paragraph 4(2)(a).
- (4) The amendments made by this section apply only in cases where the taking or sending of the child out of the United Kingdom takes place on or after the date on which this section comes into force.
- (5) In this section “the 2022 Act” means the Adoption and Children Act (Northern Ireland) 2022 (c. 18 (N.I.)).”

Member's explanatory statement

This amendment makes it an offence in Northern Ireland for a parent etc to detain a child under 16 outside the UK without appropriate consent.

After Clause 105

LORD HANSON OF FLINT



After Clause 105, insert the following new Clause –

“Safeguarding vulnerable groups: regulated activity (Northern Ireland)

- (1) Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) (regulated activity) is amended as follows.

- (2) In paragraph 1 omit—
 - (a) in sub-paragraph (2A)(b), the words “(disregarding paragraph 2(3A) and (3B)(b))”;
 - (b) in sub-paragraph (2B)—
 - (i) in paragraph (a)(ii), the words “(disregarding paragraph 2(3A) and (3B)(b))”;
 - (ii) paragraph (b) and the “or” immediately before it;
 - (c) sub-paragraph (2C);
 - (d) sub-paragraph (13).
- (3) In paragraph 2 omit—
 - (a) sub-paragraph (3A);
 - (b) in sub-paragraph (3B), paragraph (b) and the “and” immediately before it;
 - (c) sub-paragraph (3C).
- (4) Omit paragraph 5A and the italic heading before it.”

Member's explanatory statement

This amendment makes provision for Northern Ireland which is equivalent to that made by clause 105 for England and Wales.

Clause 106

BARONESS MCINTOSH OF PICKERING

Clause 106, page 138, line 10, leave out “Imprisonment for life” and insert “14 years”

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 106 stand part of the Bill.

After Clause 106

BARONESS MCINTOSH OF PICKERING

After Clause 106, insert the following new Clause —

“Review: misuse of electric scooters

- (1) The Secretary of State must undertake a review of the misuse of electric scooters, including but not limited to —
 - (a) the likely impact of dangerous use of electric scooters on the safety of drivers and pedestrians on public roads,
 - (b) the ways in which privately-owned electric scooters may pose different risks to other road users in comparison to rental electric scooters, and

- (c) an assessment of whether it would be appropriate to legalise the use of privately-owned electric scooters in public spaces in order to regulate their safe use.
- (2) In preparing the review under subsection (1), the Secretary of State must consult such persons as they think appropriate.
- (3) The review under subsection (1) must be laid before Parliament within 12 months of the passing of this Act.”

BARONESS MCINTOSH OF PICKERING

After Clause 106, insert the following new Clause –

“Annual report: cycling offences

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

LORD LUCAS

After Clause 106, insert the following new Clause –

“Police guidance and pilot: enforcement of criminal offences for illegal vehicles on roads

- (1) Within six months of the passing of this Act, the Secretary of State must issue guidance to the college of policing and the National Police Chief’s Council on enforcement of criminal offences committed by drivers of vehicles illegally being driven on public roads.
- (2) The guidance under subsection (1) must include guidance on enforcement of criminal offences committed by drivers of vehicles which –
 - (a) do not have a valid MOT;
 - (b) are not registered with the DVLA;
 - (c) are driven without a registration plate or one that is non-complaint or not associated to that vehicle;
 - (d) are driven by drivers without a valid driving license;
 - (e) are not insured;
 - (f) are persistent evaders of toll, congestion or parking offences;

- (g) are displaying a stolen, ceased or fraudulent Blue Badge;
 - (h) are vehicles registered overseas which have been in the UK for more than six months.
- (3) In conjunction with the guidance published under subsection (1), the Secretary of State must by Regulations make arrangements for an enforcement pilot, within the area of one or more police forces and for a period of not more than two years working with other public bodies that may lead to improving enforcement of the criminal offences in subsection (2).
- (4) In the context of the pilot under subsection (3), the Secretary of State may provide by regulations that—
- (a) outsource the operation (but not the oversight) of the pilot to another public body, or to a firm accredited by the Enforcement Conduct Board;
 - (b) permit information sharing between relevant public bodies who hold information which will assist enforcement of those criminal offences in (2) and the operators of the pilot;
 - (c) provide the operators of the pilot the powers that they need to detain vehicles where the owners have not responded to requests to regularise any of the offences in subsection (2)."

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 106, insert the following new Clause—

“Altering maximum speed of electric cycle

- (1) In the Road Traffic Act 1988, after section 82 insert—

“82A Altering maximum speed of electric cycle

- (1) A person who owns an electric cycle and alters that electric cycle in any way other than intended by the manufacturer is guilty of an offence.
 - (2) In this section “electric cycle” means any cycle which has an electric motor, regardless of the power output of that electric motor.
 - (3) A person who commits an offence under this section is liable on summary conviction to a term of imprisonment not exceeding the general limit in a magistrate’s court or a fine (or both).”.
- (2) In the table in part 1 of Schedule 2 (prosecution and punishment of offences) of the Road Traffic Offenders Act 1988, after the entry relating to “RTA section 81” insert in columns 1 to 4—

“RTA section	Altering maximum	Summarily.	Level 3 on the
82A	speed of electric cycle”.		standard scale.

Clause 107

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

The above-named Lords give notice of their intention to oppose the Question that Clause 107 stand part of the Bill.

Clause 108

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

The above-named Lords give notice of their intention to oppose the Question that Clause 108 stand part of the Bill.

After Clause 109

LORD MARKS OF HENLEY-ON-THAMES

After Clause 109 Insert the following new Clause—

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

- (1) A person (“A”) commits an offence if—
 - (a) A is a person providing or purporting to provide psychotherapy or counselling services to another person (“B”),
 - (b) A repeatedly or continuously engages in behaviour towards B that is controlling or coercive,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will or may have a serious effect on B.
- (2) A’s behaviour has a “serious effect” on B if—
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B psychological harm which has a substantial adverse effect on B’s usual day-to-day activities.
- (3) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (4) In proceedings for an offence under this section it is a defence for A to show that—
 - (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (5) A is to be taken to have shown the facts mentioned in subsection (4) if—

- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (6) The defence in subsection (4) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (7) A person guilty of an offence under this section is liable –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.”

Member's explanatory statement

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

BARONESS SMITH OF LLANFAES

After Clause 109, insert the following new Clause –

“Duty to prevent illegal violence and harassment in the workplace

- (1) Section 2 of the Health and Safety at Work etc. Act 1974 (general duties of employers to their employees) is amended as follows.
- (2) After subsection (2)(e) insert –
 - “(f) the adoption of proactive and preventative measures to protect all persons working in their workplace from illegal violence and harassment, including –
 - (i) gender-based violence;
 - (ii) sexual harassment;
 - (iii) illegal psychological and emotional abuse;
 - (iv) physical and sexual abuse;
 - (v) stalking and illegal harassment, including online illegal harassment;
 - (vi) threats of illegal violence.”.
- (3) After subsection (3) insert –
 - “(3A) It shall be the duty of every employer to prepare, and as often as may be appropriate revise, an assessment to identify potential risks of illegal violence and harassment in the workplace and implement policies and procedures to eliminate these risks so far as is reasonably practicable.
 - (3B) It shall be the duty of every employer to provide training to all employees on recognising and preventing illegal violence and harassment in the workplace, with a focus on gender-responsive approaches.
 - (3C) In subsection (3B) a “gender-responsive approach” means taking into account the various needs, interests, and experiences of people of different

gender identities, including women and girls, when designing and implementing policies and procedures.

- (3D) In this section, “persons working in the workplace” includes –
- (a) employees,
 - (b) full-time, part-time, and temporary workers, and
 - (c) interns and apprentices.
- (3E) In subsection (2)(f) and subsections (3A) and (3B), a reference to the workplace includes remote and hybrid work environments.”.”

BARONESS SMITH OF LLANFAES

After Clause 109, insert the following new Clause –

“Expanded duties of the Health and Safety Executive

In the Health and Safety at Work etc. Act 1974, after section 11 (functions of the Executive) insert –

“11ZA Duties of the Executive: health and safety framework on illegal violence and harassment

- (1) It shall be the duty of the Executive to develop, publish and as often as may be appropriate revise a health and safety framework on illegal violence and harassment in the workplace.
- (2) This framework shall include specific provisions relating to –
 - (a) the prevention of gender-based illegal violence and harassment of those in the workplace including the prevention of physical, emotional, and psychological abuse, and
 - (b) the use of monitoring and enforcement mechanisms to ensure compliance with the duty of the employer in relation to illegal violence and harassment (see section 2(2)(f)).
- (3) The Executive shall work with other relevant bodies, including the Equality and Human Rights Commission and law enforcement agencies, to develop and revise this framework.

11ZB Duties of the Executive: guidance for employers

The Executive shall, in consultation with such other persons as it considers to be relevant, issue guidance for employers about the protection of those facing illegal violence and harassment on the basis of gender in the workplace by –

- (a) implementing workplace policies to prevent illegal violence and harassment,
- (b) establishing confidential reporting mechanisms to allow victims to report incidents of illegality,
- (c) reporting and addressing incidents of illegal violence and harassment, and

- (d) supporting victims of illegal violence and harassment, including making accommodations in the workplace to support such victims.””

BARONESS HAYTER OF KENTISH TOWN
BARONESS FINLAY OF LLANDAFF

After Clause 109, insert the following new Clause –

“Drink driving: blood alcohol concentration

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 11 (interpretation of sections 4 to 10), in the definition for “the prescribed limit”, for “80” substitute “50”.

Member's explanatory statement

This amendment seeks to reduce the drink driving limit from 80mg of alcohol per 100ml blood to 50mg.

BARONESS STOWELL OF BEESTON

After Clause 109, insert the following new Clause –

“Assault of public-facing worker

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

Member's explanatory statement

This probing amendment seeks to explore if further legal protection is necessary for workers beyond those in retail, whose role or responsibilities involve (whether formally or informally) upholding good order in public buildings, on public transport, or other commercial property to which the public has general access in pursuit of the facility, service, or transaction provided at that location.

LORD JACKSON OF PETERBOROUGH

After Clause 109, insert the following new Clause –

“Offences of causing harassment, alarm or distress: amendments

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

After Clause 111

BARONESS DOOCEY
LORD CLEMENT-JONES

After Clause 111, insert the following new Clause –

“Prevention of resale of stolen GPS products

- (1) The Equipment Theft (Prevention) Act 2023 is amended as follows.
- (2) In Section 1(2)(b), after “commercial activities” insert, “including GPS equipment”.”

Member's explanatory statement

This new clause extends the Equipment Theft Act 2023 to specifically include the theft of GPS equipment.

Clause 114

LORD VAUX OF HARROWDEN
LORD YOUNG OF COOKHAM

★

Clause 114, page 145, line 16, at end insert “or virtual subscriber identity module.”

Member's explanatory statement

This amendment is intended to ensure that SIM farms would also include devices capable of using virtual SIM cards rather than only physical SIM cards.

After Clause 117

LORD CLEMENT-JONES

After Clause 117, insert the following new Clause –

“Digital identity theft

- (1) A person commits an offence of digital identity theft if –
 - (a) the person obtains, or attempts to obtain, personal or sensitive information relating to an individual, including but not limited to passwords, identification numbers, credit card numbers, national insurance numbers, biometric data, or other unique digital identifiers, and
 - (b) the person intends to use this personal or sensitive information to impersonate that individual, or to enable another person to impersonate that individual, with the purpose of carrying out any transaction, activity, or communication in their name without their consent or lawful authority.
- (2) For the purposes of subsection (1) –
 - (a) “personal or sensitive information” refers to any data, whether digital, physical, or otherwise, that can be used to identify, authenticate, or impersonate an individual;
 - (b) “obtains” includes acquiring, accessing, collecting, or otherwise coming into possession of such information.
- (3) A person guilty of an offence under this section is liable –
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or both;
 - (b) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding five years or to a fine, or both.”

Member’s explanatory statement

This amendment creates an offence of digital identity theft.

LORD CLEMENT-JONES
LORD HOLMES OF RICHMOND

After Clause 117, insert the following new Clause –

“Defences to charges under the Computer Misuse Act 1990

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

(3) In section 3, after subsection (5) insert —

“(5A) It is a defence to a charge under subsection (1) to prove that —

- (a) the person’s actions were necessary for the detection or prevention of crime, or
- (b) the person’s actions were justified as being in the public interest.”

Member’s explanatory statement

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

LORD HOLMES OF RICHMOND

After Clause 117, insert the following new Clause —

“Computer Misuse Act 1990: increase of maximum penalties

- (1) The Computer Misuse Act 1990 is amended as follows.
- (2) In section 1 (unauthorised access to computer material), in subsection (3)(c) for “two” substitute “14”.
- (3) In section 2 (unauthorised access with intent to commit or facilitate further offences), in subsection (5)(c) for “five” substitute “14”.
- (4) In section 3 (unauthorised access with intent to impair, or with recklessness as to impairing, operation of computer etc), in subsection (6)(c) for “ten” substitute “14”.
- (5) In section 3A (making, supplying or obtaining articles for use in offence under section 1, 3 or 3ZA), in subsection (5)(c) for “2” substitute “14”.

Member’s explanatory statement

This new Clause increases the criminal penalties for offences under the Computer Misuse Act 1990.

LORD HOLMES OF RICHMOND

After Clause 117, insert the following new Clause —

“Computer Misuse Act 1990: interpretation

- (1) Section 17 of the Computer Misuse Act 1990 (interpretation) is amended in accordance with subsections (2) and (3).
- (2) Omit the “and” at the end of subsection (5)(a).
- (3) At the end of subsection (5)(b), insert “,
- (c) he does not reasonably believe that the person entitled to control access of the kind in question to the program or data would have consented to that access if he had known about the access and the circumstances of it, including the reasons for seeking it, and

- (d) he is not required or permitted by an enactment, rule of law, or an order of a court or tribunal to access the kind in question to the program or data.”.”

Member's explanatory statement

This new Clause amends existing interpretation in the Computer Misuse Act 1990.

LORD HOLMES OF RICHMOND

After Clause 117, insert the following new Clause –

“Computer Misuse Act 1990: extra-territorial application

- (1) The Computer Misuse Act 1990 is amended as follows.
- (2) For the italic heading before section 4, substitute “Extra-territorial application”.
- (3) For section 4, substitute –
 - “4 Offences: extra-territorial application and jurisdiction**
 - (1) Sections 1, 2, 3, 3ZA, and 3A apply to acts done by a person in the United Kingdom or elsewhere (computer misuse offences).
 - (2) In the case of an offence under section 1, 2, 3, 3ZA, or 3A which is committed outside the United Kingdom –
 - (a) proceedings for the offence may be taken at any place in the United Kingdom, and
 - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
 - (3) In the application of subsection (2) to Scotland, any such proceedings against a person may be taken –
 - (a) in any sheriff court district in which the person is apprehended or is in custody, or
 - (b) in such sheriff court district as the Lord Advocate may determine.
 - (4) In this section –
 - “act” includes a failure to act;
 - “sheriff court district” is to be construed in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).”
- (4) In consequence of the provision created by subsections (2) and (3) –
 - (a) the following are repealed –
 - (i) sections 5 to 9;
 - (ii) section 13;
 - (iii) subsections (7) and (8) of section 16;
 - (iv) subsection (9) of section 17;
 - (b) in section 16 (application to Northern Ireland), in subsection (9) for “sections 9(1) and 10” substitute “section 10”.”

Member's explanatory statement

This new Clause clarifies the extra-territorial application of the Computer Misuse Act 1990.

LORD HOLMES OF RICHMOND

After Clause 117, insert the following new Clause –

“Computer Misuse Act 1990: liability for corporate officers

- (1) After section 4 (territorial scope of offences under this Act) of the Computer Misuse Act 1990 insert –

“Liability for corporate officers

4A Liability for corporate officers

- (1) If an offence under section 1, 2, 3, 3ZA, or 3A is committed by a body corporate and it is proved that the offence –
 - (a) has been committed with the consent or connivance of an officer of the body corporate, or
 - (b) is attributable to any neglect on the part of an officer of the body corporate,
 the officer (as well as the body corporate) commits the offence and is liable to be proceeded against and punished accordingly.
 - (2) “Officer”, in relation to a body corporate, means –
 - (a) a director, manager, associate, secretary or other similar officer, or
 - (b) a person purporting to act in any such capacity.
 - (3) In subsection (2)(a), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
 - (4) If an offence under section 1, 2, 3, 3ZA, or 3A is committed by a Scottish partnership and it is proved that the offence –
 - (a) has been committed with the consent or connivance of a partner of the partnership, or
 - (b) is attributable to any neglect on the part of a partner of the partnership,
 the partner (as well as the partnership) commits the offence and is liable to be proceeded against and punished accordingly.
 - (5) “Partner”, in relation to a Scottish partnership, includes any person who was purporting to act as a partner.”
- (2) The provision created by subsection (1) applies only to an offence committed after the coming into force of this section.”

Member's explanatory statement

This new Clause would make bodies corporate and partnerships liable for their actions if they commit computer misuse offences.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 117, insert the following new Clause —

“Increased penalties for fare dodging

- (1) Section 5 of the Regulations of Railways Act 1889 (penalty for avoiding payment of fare) is amended as follows.
- (2) In subsection (1), for “level 2” substitute “level 4”.
- (3) In subsection (3) —
 - (a) for “level 3”, in each place in which it appears, substitute “level 5”, and
 - (b) for “three months” substitute “six months”.

Member's explanatory statement

This amendment seeks to increase the penalties for passengers who fail or refuse to pay railway fares and those who travel or attempt to travel without having paid for previous fares.

LORD JACKSON OF PETERBOROUGH

After Clause 117, insert the following new Clause —

“Cloud service access restrictions: lost or stolen mobile phone devices

- (1) A provider of cloud-based services that support smartphone functionality must, upon receiving verified notification from a registered user that their device has been lost or stolen, take reasonable and timely steps to prevent that device from accessing its services, in order to discourage the resale of illegally-gained devices.
- (2) The provider must block access to cloud services from the identified device, including but not limited to —
 - (a) data synchronisation services,
 - (b) remote storage access,
 - (c) account authentication services, and
 - (d) app store or software update services.
- (3) The provider must inform, as soon as practically possible, the National Crime Agency and the police service in the area in which the theft or loss of the device was first reported.
- (4) Providers must, subject to appropriate safeguards, establish a process for users to appeal or reverse a block on a device in cases of error, fraud, or device recovery.
- (5) The Secretary of State must by regulations make provision for —
 - (a) the technical standards required to enforce the steps outlined in subsection (1),
 - (b) the implementation timeline for providers, and
 - (c) sanctions for non-compliance.

- (6) In this section, “the provider” means a provider of cloud-based services to mobile phone users.”

Member's explanatory statement

The amendment seeks to ensure that technology companies use technical measures such as cloud-based blocking and IMEI linked device locks to make the resale of stolen mobile phone devices abroad more difficult and thus reduce the incidents of phone thefts in the UK.

LORD VAUX OF HARROWDEN
LORD YOUNG OF COOKHAM

★

After Clause 117, insert the following new Clause —

“Technology and telecommunications companies’ liability for APP fraud reimbursement

Within six months of the day on which this Act is passed, the Secretary of State must prepare and publish a report, and lay it before Parliament, setting out proposals for ensuring that technology and telecommunications companies —

- (a) owe a duty of care to their customers to prevent fraud being originated on platforms or services that they provide, and
- (b) contribute to the costs of reimbursing victims of Authorised Push Payment fraud, where such fraud has originated on services or platforms provided by the relevant company.”

Member's explanatory statement

This amendment would require the Secretary of State to bring forward proposals to ensure that technology and telecommunications companies have a duty of care to prevent fraud and meet a share of the costs of reimbursing APP fraud victims.

Before Clause 118

LORD MARKS OF HENLEY-ON-THAMES
BARONESS DOOCEY

Before Clause 118, insert the following new Clause —

“The right to protest

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

“10A The right to protest

- (1) Everyone has the right to engage in peaceful protest, both alone and with others.
- (2) Public authorities have a duty to —
 - (a) respect the right to protest,
 - (b) protect the right to protest, and
 - (c) facilitate the right to protest.

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

Member's explanatory statement

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

After Clause 122

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 122, insert the following new Clause –

“Causing serious disruption to road transport infrastructure

After section 8 of the Public Order Act 2023 (key national infrastructure) insert –

“8A Causing serious disruption to road transport infrastructure

- (1) A person commits an offence if –
 - (a) they do an act which causes, or is capable of causing, serious disruption to –
 - (i) two or more individuals, or
 - (ii) an organisation,
 in their use or operation of road transport infrastructure, and
 - (b) they intend that act to have a consequence mentioned in paragraph (a).
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that –
 - (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
 - (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) The fact that the act mentioned in subsection (1)(a) is done as part of, or in furtherance of, a protest does not constitute a reasonable excuse for the purposes of subsection (2)(a).
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

- (5) In this section—
- “the maximum term for summary offences” has the meaning given by section 6(4);
 - “road transport infrastructure” has the meaning given by section 8(2);
 - “trade dispute” has the meaning given by section 7(10).”.

Member's explanatory statement

This new Clause creates a new offence of creating serious disruption to road transport infrastructure.

After Clause 123

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

After Clause 123, insert the following new Clause—

“Review of existing protest framework

- (1) The Secretary of State must appoint an independent reviewer to prepare a review of the operation of the Acts mentioned in subsection (4) in relation to protests and assemblies.
- (2) The independent reviewer must send to the Secretary of State a report on the outcome of the review no later than 12 months from the day on which this Act is passed.
- (3) On receiving the report under subsection (2) the Secretary of state must lay a copy of it before Parliament.
- (4) The Acts are—
 - (a) the Public Order Act 1986;
 - (b) the Criminal Justice and Public Order Act 1994;
 - (c) the Police, Crime, Sentencing and Courts Act 2022;
 - (d) the Public Order Act 2023;
- (5) The review must have particular regard to the impact of the Acts mentioned in subsection (4) on—
 - (a) the exercise of the rights under Articles 9, 10 and 11 of the European Convention on Human Rights, and
 - (b) individuals who have protected characteristics within the meaning of the Equality Act 2010.”

Member's explanatory statement

This new clause would require an independent review of the existing statutory framework related to protest.

After Clause 124

LORD HANSON OF FLINT

★

After Clause 124, insert the following new Clause –

“Public processions and assemblies: duty to take account of cumulative disruption

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 12 (power to impose conditions on public processions), after subsection (2B) insert –
 - “(2BA) In considering for the purposes of subsection (1)(a) whether a public procession in England and Wales may result in serious disruption to the life of the community, a senior police officer must take into account any relevant cumulative disruption.
 - (2BB) In subsection (2BA) “relevant cumulative disruption” means the cumulative disruption to the life of the community resulting from –
 - (a) the procession,
 - (b) any other public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1) in relation to that other procession), and
 - (c) any public assembly in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 14(1A) in relation to that assembly),
 and it does not matter whether or not the procession mentioned in paragraph (a) and any procession or assembly within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time.
 - (2BC) In subsection (2BB) “area”, in relation to a public procession or public assembly, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the procession or assembly.”
- (3) In section 14 (power to impose conditions on public assemblies) after subsection (2B) insert –
 - “(2BA) In considering for the purposes of subsection (1)(a) whether a public assembly in England and Wales may result in serious disruption to the life of the community, a senior police officer must take into account any relevant cumulative disruption.
 - (2BB) In subsection (2BA) “relevant cumulative disruption” means the cumulative disruption to the life of the community resulting from –
 - (a) the assembly,

- (b) any other public assembly in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1A) in relation to that other assembly), and
 - (c) any public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 12(1) in relation to that procession),
- and it does not matter whether or not the assembly mentioned in paragraph (a) and any assembly or procession within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time.
- (2BC) In subsection (2BB) “area”, in relation to a public assembly or public procession, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the assembly or procession.””

Member's explanatory statement

This new clause amends sections 12 and 14 of the Public Order Act 1986 to require police officers, when deciding whether the serious disruption to the life of the community threshold is met in England and Wales, to take account of the cumulative effect of processions and assemblies in the same area.

Clause 125

BARONESS DOOCEY
LORD CLEMENT-JONES

Clause 125, page 152, line 37, at end insert –

“(4) After section 14, insert –

“14A Imposition of conditions: live facial recognition

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

Member's explanatory statement

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

After Clause 126

LORD HANSON OF FLINT

★ After Clause 126, insert the following new Clause –

“Harassment of and representations to a person in their home

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

“42B Offence of making representations etc to public office-holder in their home

- (1) A person commits an offence if –
 - (a) the person is present outside or in the vicinity of any premises that –
 - (i) are used by a public office-holder as a dwelling, and
 - (ii) are not an official residence, and
 - (b) the person is present there for a prohibited purpose.
- (2) The first prohibited purpose is the purpose of representing to the public office-holder, or persuading the public office-holder (by the person’s presence or otherwise) that the public office-holder –
 - (a) should or should not do something, or
 - (b) should or should not have done something,in connection with their role as a public office-holder.
- (3) The second prohibited purpose is the purpose of representing to the public office-holder, or persuading the public office-holder (by the person’s presence or otherwise) that the public office-holder –

- (a) should do something they are not under any obligation to do,
 - (b) should not do something that they are entitled or required to do,
 - (c) should have done something they were not under any obligation to do, or
 - (d) should not have done something they were entitled or required to do,otherwise than in connection with their role as a public office-holder.
- (4) It is a defence for a person charged with an offence under this section to show that they were not aware that the premises were used by a public office-holder as a dwelling.
- (5) A person is to be taken to have shown the matter referred to in subsection (4) if –
 - (a) sufficient evidence is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (6) A person who commits an offence under this section is liable, on summary conviction, to imprisonment for a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both).
- (7) In subsection (6) “the maximum term for summary offences” means –
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.
- (8) The following definitions apply for the purposes of this section.
- (9) “Dwelling” has the same meaning as in Part 1 of the Public Order Act 1986.
- (10) “Public office-holder” means –
 - (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);
 - (b) any of the Welsh Ministers;
 - (c) any of the Deputy Welsh Ministers (within the meaning of the Government of Wales Act 2006);
 - (d) the Counsel General to the Welsh Government;
 - (e) a member of the House of Lords;
 - (f) a member of the House of Commons;
 - (g) a member of Senedd Cymru;
 - (h) a member of a local authority;
 - (i) an elected mayor of a local authority within the meaning given by section 9H (elected mayors: England) or section 39(4) (elected mayors: Wales) of the Local Government Act 2000;
 - (j) a mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

- (k) a mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
 - (l) the Mayor of London or an elected member of the London Assembly;
 - (m) a police and crime commissioner;
 - (n) a candidate at an election for an office mentioned in any of paragraphs (f) to (m).
- (11) “Local authority” means –
- (a) in England –
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a parish council;
 - (v) the Common Council of the City of London;
 - (vi) the Council of the Isles of Scilly;
 - (b) in Wales –
 - (i) a county council;
 - (ii) a county borough council;
 - (iii) a community council.
- (12) “Official residence” means –
- (a) 10, 11 and 12 Downing Street, London;
 - (b) Admiralty House, Whitehall, London;
 - (c) 1 Carlton Gardens, London;
 - (d) the Palace of Westminster, London;
 - (e) Chequers, Missenden Road, Aylesbury, Buckinghamshire;
 - (f) Dorneywood, Dorneywood Road, Burnham, Buckinghamshire;
 - (g) Chevening House, Chevening, Sevenoaks, Kent.”

Member's explanatory statement

This amendment expands sections 42 and 42A of the Criminal Justice and Police Act 2001 (protests outside homes) to cover protests about something done in the past. It also creates a new offence relating to protests outside the homes of public office-holders.

Clause 128

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL



Clause 128, page 154, line 12, leave out “Electronically tracked”

Member's explanatory statement

This amendment removes the requirement for an officer to have electronically tracked information to enter and search a premises.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

★ Clause 128, page 154, line 17, leave out subsection (2) and insert –

- “(2) An officer may give an authorisation under subsection (1) only if satisfied that there are reasonable grounds to believe that –
- (a) the specified items are stolen goods,
 - (b) the specified items are on the specified premises, and
 - (c) it is not reasonably practicable to obtain a warrant for the entry and search (under section 26 or another enactment) without frustrating or seriously prejudicing its purpose.”

Member's explanatory statement

This amendment removes the requirement for an officer to have electronically tracked information to enter and search a premises.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

★ Clause 128, page 155, leave out lines 15 and 16

Member's explanatory statement

This amendment removes the requirement for an officer to have electronically tracked information to enter and search a premises.

Clause 129

LORD CLEMENT-JONES

Clause 129, page 159, line 11, at end insert –

“93ZD Code of practice: electronically tracked stolen goods (armed forces)

- (1) The Secretary of State must prepare a code of practice about the exercise by a service policeman of the powers conferred by sections 93ZA and 93ZB.
- (2) The code must, in particular, set out guidelines and procedures intended to ensure that the exercise of those powers is –
 - (a) necessary and proportionate, having regard to the severity of the alleged offence,
 - (b) compliant with the Human Rights Act 1998, with specific reference to the rights under articles 8, 10, and 11, and
 - (c) conducted in accordance with proper procedure concerning –
 - (i) the authorisation of entry and search,
 - (ii) the seizure of specified articles,
 - (iii) the retention of data and specified articles, and
 - (iv) the destruction or disposal of specified articles.

- (3) In preparing the code, the Secretary of State must consult –
 - (a) relevant service police organisations,
 - (b) persons appearing to the Secretary of State to represent the interests of civil liberties and human rights, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (4) After preparing the code, the Secretary of State must lay it before Parliament and publish it.
- (5) The Secretary of State may bring the code into force by regulations.
- (6) A person exercising, or deciding whether to exercise, a power mentioned in subsection (1) must have regard to the code of practice for the time being in force under this section.”

Member's explanatory statement

This amendment requires the Secretary of State to produce a code of practice for the operation of clause 129.

After Clause 129

LORD CLEMENT-JONES

After Clause 129, insert the following new Clause –

“Independent oversight of service police powers under section 93ZA of the Armed Forces Act 2006

- (1) The Secretary of State must by regulations make provision for the establishment of an independent mechanism for the handling, investigation, and review of public complaints relating to the exercise of powers conferred on service police by section 93ZA of the Armed Forces Act 2006 (electronically tracked stolen goods: search without warrant).
- (2) Regulations under subsection (1) must ensure that –
 - (a) any complaint alleging misuse of power under section 93ZA of the Armed Forces Act 2006 is referred for investigation to a body that is demonstrably independent of the service police force concerned, being the Independent Office for Police Conduct or a designated equivalent,
 - (b) the independent body has full powers to investigate the actions of the service police, including requiring the production of records relating to the authorisation and conduct of the search, and
 - (c) the complainant is afforded the same statutory rights to review the outcome of the investigation as those conferred on victims of criminal conduct matters investigated by the Director General of the Independent Office for Police Conduct under Part 13 of this Act.”

Member's explanatory statement

This amendment requires the Secretary of State to establish an independent mechanism for investigating complaints relating to the provisions of clause 129.

LORD CLEMENT-JONES

After Clause 129, insert the following new Clause –

“Mandatory training for exercise of service police powers

- (1) The Secretary of State must, by regulations, make provision for mandatory, certified training for all service police personnel authorised to exercise powers under section 93ZA of the Armed Forces Act 2006 (electronically tracked stolen goods: search without warrant) and section 93 of the Armed Forces Act 2006 (power to seize bladed articles etc).
- (2) Regulations under subsection (1) must prescribe a curriculum which includes, but is not limited to, the following core components –
 - (a) the legal requirements and limitations of search and seizure powers, including the principle of proportionality and the maintenance of clear records;
 - (b) compliance with Article 8 (right to respect for private and family life) and other relevant provisions of the Human Rights Act 1998;
 - (c) de-escalation techniques and the engagement with vulnerable persons;
 - (d) procedural justice and the fair application of powers, including guidance to prevent discrimination.
- (3) The Chief Constable of the Ministry of Defence Police must ensure that no service police personnel exercise the powers mentioned in subsection (1) unless they have successfully completed the certified training prescribed by regulations under this section.”

Member's explanatory statement

This amendment requires the Secretary of State to provide appropriate training in relation to the provisions of clause 129.

LORD CLEMENT-JONES

After Clause 129, insert the following new Clause –

“Reporting on exercise of warrantless search powers for tracked goods

- (1) The Secretary of State must, at least once every 12 months, prepare a report on the exercise of the powers conferred on constables by section 26A of the Theft Act 1968 (electronically tracked stolen goods: search without warrant) during the preceding period.
- (2) Each report under subsection (1) must be laid before both Houses of Parliament.
- (3) Each report must include, but is not limited to, the following information, broken down by relevant police force area –
 - (a) the total number of authorisations sought and granted by senior officers under section 26A(1);
 - (b) the total number of entries and searches conducted under the authority of section 26A;

- (c) the nature of items seized under section 26B, distinguishing between –
 - (i) electronically tracked stolen goods specified in the authorisation, and
 - (ii) other items seized as evidence of theft or believed to be stolen goods;
 - (d) data relating to the demographic profile, including protected characteristics and vulnerabilities, of individuals whose premises were searched, or who were subsequently detained or identified as suspects in connection with the search;
 - (e) for searches conducted, the subsequent outcomes, including the number of resulting –
 - (i) arrests,
 - (ii) charges,
 - (iii) convictions, and
 - (iv) cases resulting in no further action.
- (4) The first report under this section must be laid before Parliament within 18 months of this Act receiving Royal Assent.”

Member's explanatory statement

This amendment requires the Secretary of State to regularly report on warrantless search powers under clause 128.

Clause 135

LORD ANDERSON OF IPSWICH
LORD CLEMENT-JONES

Clause 135, page 167, line 6, at end insert –

- “11D When information has been copied by virtue of paragraph 11A or extracted by virtue of paragraph 11B, and it is wished to retain such information under paragraph 11A(3)(a) or paragraph 11C(a) for a period exceeding three months beginning with the day on which detention commences, such information may be retained only where the constable has reasonable grounds to suspect that a person falls within section 40(1)(b).”

Member's explanatory statement

*This amendment, building on the Supreme Court’s judgment in *Beghal v DPP* [2015] UKSC 49 §58, requires reasonable suspicion as a condition for the retention beyond three months of information extracted from an electronic device or from online accounts associated with an electronic device, when that retention is said to be necessary for the purpose of determining whether a person is or has been concerned in the commission, preparation or instigation of acts of terrorism.*

LORD ANDERSON OF IPSWICH
LORD CLEMENT-JONES

Clause 135, page 168, line 21, leave out “while the constable believes it” and insert “for so long as it is”

Member's explanatory statement

This amendment replaces a subjective with an objective test for necessity, modelled on new paragraph 22B(a), in relation to the retention for certain purposes of information extracted from online accounts associated with an electronic device.

Schedule 14

LORD HANSON OF FLINT

- ★ Schedule 14, page 312, line 1, at end insert —

“(7A) In subsection (6), after “the power” insert “in subsection (1) or (1A)”.”

Member's explanatory statement

This amendment inserts a further consequential amendment to section 41 of the Police, Crime, Sentencing and Courts Act 2022.

Clause 137

LORD HANSON OF FLINT

- ★ Clause 137, page 169, leave out lines 29 and 30 and insert “—

- (i) has been authorised under a relevant power to access one or more online accounts, or
- (ii) is entitled by virtue of a relevant requirement to access one or more online accounts, and”

Member's explanatory statement

This amendment, together with my other amendment to this clause, authorise the interception of certain communications which are carried out for the purpose of accessing certain online accounts further to a prevention and investigation measure or youth diversion order.

LORD HANSON OF FLINT

- ★ Clause 137, page 170, line 6, at end insert —

“(3A) A “relevant requirement” means a requirement imposed under —

- (a) paragraph 7(1) of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011;
- (b) paragraph 8(1) of Schedule 7 to the National Security Act 2023;
- (c) section 169(2)(c) of the Crime and Policing Act 2025.”

Member's explanatory statement

See my other amendment to clause 137.

Clause 138

LORD HANSON OF FLINT

- ★ Clause 138, page 171, leave out lines 12 to 16

Member's explanatory statement

This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

BARONESS DOOCEY
LORD CLEMENT-JONES

Clause 138, page 171, line 16, at end insert—

- “(6A) Authorised persons listed in section 71A may not use the information referenced in subsection (1) for the purposes of biometric searches using facial recognition technology.”

Member's explanatory statement

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

LORD HANSON OF FLINT

- ★ Clause 138, page 171, leave out lines 19 and 20

Member's explanatory statement

This amendment is consequential on my amendment to clause 138, page 171, leave out lines 12 to 16.

After Clause 143

EARL ATTLEE
BARONESS HAYTER OF KENTISH TOWN
LORD BROWNE OF LADYTON

After Clause 143, insert the following new Clause—

“Powers of police to administer preliminary tests

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) In Section 6(1), omit “if any of the subsections 2 to 5 applies”.

- (3) Omit subsections 2 to 5.
- (4) In subsection (7) for “by virtue of any of subsections (2) to (4)” substitute “under this section”.
- (5) Omit subsection 8.”

Member's explanatory statement

The amendment would allow the police to conduct random breath test for drink drive offences without suspicion, an accident having taking place or a traffic offence having been committed. As the amendment is proposed, in all cases the constable administering the test will have to be in uniform.

After Clause 144

BARONESS PIDGEON
BARONESS DOOCEY

After Clause 144 insert the following new Clause –

“CCTV on railway network: access for British Transport Police

- (1) It is a legal requirement for CCTV cameras across the railway network in England and Wales to be capable of enabling immediate access by the British Transport Police and relevant police forces.
- (2) All footage retained by CCTV cameras on the railway network must remain accessible to the British Transport Police and relevant police forces for the entirety of the retention period.
- (3) The retention period specified in subsection (2) is 30 calendar days.
- (4) Further to subsection (1), the Secretary of State must publish a report, within three months of the passing of this Act, specifying technical standards that will facilitate CCTV access for the British Transport Police and any police force in England and Wales.”

Member's explanatory statement

This amendment enforces legal obligations on railway CCTV systems to be accessible by the police promptly and continuously for 30 days, and it requires the government to define technical standards to support this access. It aims to improve police efficiency in investigations involving railway CCTV footage.

LORD YOUNG OF ACTON
BARONESS FOX OF BUCKLEY

After Clause 144, insert the following new Clause –

“Abolition of non-crime hate incidents

- (1) Non-crime hate incidents as a special category of incident to be recognised by police authorities are abolished, and reporting, recording and investigation of

such incidents can occur only in the limited circumstances provided for in this section.

- (2) For the purposes of Article 6(1) of the UK GDPR (lawfulness of processing), section 35 of the Data Protection Act 2018 (“the Act”) (the first data protection principle) and Article 8 of the Law Enforcement Directive (lawfulness of processing), the processing of relevant data by a police authority is unlawful.
- (3) In this section, “relevant data” means personal data relating to the conduct or alleged conduct of a data subject which is unlikely to constitute criminal conduct and which has been perceived by another person to be motivated (wholly or partly) by hostility or prejudice towards one or more persons who have or have been perceived to have one or more relevant characteristics, and with that hostility or prejudice arising due to that or the perception of those relevant characteristics.
- (4) For the purposes of subsection (3), the following are relevant characteristics –
 - (a) race;
 - (b) religion;
 - (c) sexual orientation;
 - (d) disability;
 - (e) transgender identity.
- (5) Subsection (2) does not apply in respect of the processing of relevant data –
 - (a) pursuant to an ongoing criminal investigation or prosecution;
 - (b) for the purposes of the internal administrative functions of the police authority.
- (6) Subsection (2) does not apply in respect of the retention of a record (a “non-crime perception record”) of relevant data where a police officer (the “certifying officer”) of the rank of inspector or above certifies that in their opinion the retention of the non-crime perception record is likely materially to assist in the relevant purposes (see subsection (15)).
- (7) Where a certifying officer certifies the retention of a non-crime perception record pursuant to subsection (6) –
 - (a) the certifying officer must include in the record a description of the future criminal conduct they have in mind and the reasons they believe that the retention of the record may assist in its detection or prevention;
 - (b) the relevant data which may be retained as part of the record may be no more than the certifying officer believes is likely materially to assist in the detection or prevention of criminal conduct;
 - (c) a copy of the record must be expeditiously provided to the data subject unless an officer of the rank of superintendent or above certifies that –
 - (i) the provision of the record to the data subject may interfere in the detection or prevention of criminal conduct, or
 - (ii) the officer is satisfied that it is not reasonably practicable to provide a copy of the record to the data subject.
- (8) If the data subject objects to the retention of the non-crime perception record, subsection (6) does not apply unless a police officer of the rank of superintendent

or above certifies that in their opinion the retention of the non-crime perception record is likely materially to assist in the relevant purposes.

- (9) No police authority or police officer can be held under any circumstances to be under any duty to undertake the retention of any relevant data.
- (10) After subsection 113B(3) of the Police Act 1997 (enhanced criminal record certificates) insert—
 - “(3A) An enhanced criminal record certificate must not give the details of a relevant matter to the extent that doing so would result in the disclosure of relevant data as defined in section (*Abolition of non-crime hate incidents*) of the Crime and Policing Act 2025.”
- (11) After subsection 39A(2) of the Police Act 1996 (codes of practice for chief officers) insert—
 - “(3) No part of any code of practice issued by the College of Policing may be in a form which could be issued by the Secretary of State under section 60 of the Police, Crime, Sentencing and Courts Act 2022.”
- (12) Section 60 of the Police, Crime, Sentencing and Courts Act 2022 (code of practice relating to non-criminal hate incidents) is amended as follows—
 - (a) for the cross heading substitute “Non-crime perception records”;
 - (b) for the section heading substitute “Code of practice relating to non-crime perception records”;
 - (c) in subsection (1) for “by a relevant person of personal data relating to a hate incident” substitute “of relevant data”;
 - (d) omit subsection (2);
 - (e) in subsection (3)(a), for “personal data relating to a hate incident” substitute “relevant data”;
 - (f) in subsections (3)(b), (c), (d) and (e), for “such personal data” in each place substitute “relevant data”;
 - (g) in subsection (4)(a), for “personal data” substitute “relevant data”;
 - (h) in subsection (4)(b), for “personal data relating to the alleged perpetrator of a hate incident” substitute “relevant data relating to the alleged perpetrator”;
 - (i) in subsection (7), at end insert ““relevant data” has the meaning given by section (*Abolition of non-crime hate incidents*) of the Crime and Policing Act 2025”.
- (13) Any code of practice previously issued under section 60 of the Police, Crime, Sentencing and Courts Act 2022 is deemed to be withdrawn.
- (14) Within three months of the beginning of each calendar year, each police authority which is retaining non-crime perception records must—
 - (a) undertake a review of the relevant data by an independent person to ensure that any retention of such records is in compliance with the provisions of this section;
 - (b) publish a report in respect of the review prepared by the independent person including setting out—

- (i) the total number of non-crime perception records retained by the police authority,
 - (ii) the total number of data subjects to which those records relate, and
 - (iii) the equivalent numbers of those records added in the previous year.
- (15) In this section –
 - (a) a “police authority” means –
 - (i) a person specified or described in paragraphs 5 to 17 of Schedule 7 of the Act (competent authorities),
 - (ii) a person acting under the authority of such a person;
 - (b) the “relevant purposes” means preventing or solving crime, safeguarding individuals or communities or fulfilling other statutory policing purposes;
 - (c) the terms “data subject”, “processing” and “the UK GDPR” have the same meanings as under section 3 of the Act (terms relating to the processing of personal data);
 - (d) “the Law Enforcement Directive” means the Directive (EU) 2016/680 of the European Parliament.”

LORD MOYNIHAN OF CHELSEA

After Clause 144, insert the following new Clause –

“Hate crime: abolition

- (1) Omit sections 28 to 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences).
- (2) Omit section 66 of the Sentencing Act 2020 (hostility).”

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Road vehicle authorisation: judicial review

In the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), after article 9 insert –

“Judicial review: requirement to consult Secretary of State

9A. Where the Chief Officer of Police is the subject of an application for judicial review and the application concerns, in whole or in part, the proper interpretation of any part of this Order, the Chief Officer, or an officer of not less than Chief Superintendent rank, must consult the Secretary of State in writing within two weeks of becoming aware of the application.””

Member's explanatory statement

This amendment seeks to require the police to consult bodies like the Department for Transport to ensure that the intent of the abnormal load legislation is correctly understood when responding to an application for judicial review.

EARL ATTLEE

After Clause 144, insert the following new Clause —

“Traffic Regulation Dispensation Order

- (1) The Chief Officer of police may, on receipt of a notification of a proposed movement of a vehicle or trailer carrying a load of exceptional dimensions, grant a Traffic Regulation Dispensation Order (the Order) to an operator engaged in the movement or the escorting of the vehicle or trailer.
- (2) The Order can permit designated traffic regulations to be disregarded for the purposes of allowing the vehicle or trailer to negotiate the notified route.
- (3) The Secretary of State may make regulations designating which traffic regulations the Chief Officer of Police can relax.
- (4) The Chief Officer of Police may relax a traffic regulation for the whole of the movement or only at a specific point in the journey and different relaxations can be made for different traffic regulations.
- (5) The Order may impose conditions including the number of escort vehicles and attendants required, if any.
- (6) When considering whether or not to grant an order and the extent of the Order, the Chief Officer of Police may take into consideration the operator’s experience, resources and capability
- (7) The Chief Officer must link the Order to a specific notification of the movement of a vehicle or trailer carrying a load of exceptional dimensions but the Order can cover several movements under one notification
- (8) In this section “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made under section 44(1)(d) of the Road Traffic Act 1988.
- (9) In this section “operator” means the person who is remunerating the driver of the vehicle carrying the load.”

Member's explanatory statement

The amendment seeks to allow the police to authorise an abnormal load driver to break normal traffic rules in order the negotiate the chosen route for the load (for example, crossing double white lines and passing a traffic island on the wrong side).

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Repeal of power of Chief Officer of Police to accredit certain persons under Section 40 of the Police Reform Act 2002

In Schedule 5 of the Police Reform Act 2002, omit paragraph 9(1).”

Member's explanatory statement

This amendment seeks to repeal the power of the police to grant certain police powers to a person escorting an abnormal load.

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Road vehicle authorisation: notice details (No. 1)

In Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), paragraph 4(2), at end insert –

“(3) The National Police Chiefs’ Council may create a list of standard tractive vehicles to be notified under this paragraph rather than a specific vehicle.

(4) The list must create a hierarchy of increasingly stronger tractor units including –

- (a) a four-wheeled vehicle, two of which are driven with a minimum wheelbase specified;
- (b) a six-wheeled vehicle, two of which are driven with minimum wheelbase arrangements specified;
- (c) a six-wheeled vehicle four of which are driven with minimum wheelbase arrangements specified;
- (d) an eight-wheeled vehicle, four of which are driven with minimum wheelbase arrangements specified.

(5) In this paragraph “wheel” has the meaning defined in regulation 7(3).”

Member's explanatory statement

This amendment seeks to permit heavy hauliers to use a tractor unit without needing to specify it individually in an abnormal load notification, provided it uses an industry-standard tractor unit. It is intended that this would confer operational flexibility by allowing vehicles in a fleet to be substituted easily, should one become unavailable for use.

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Road vehicle authorisation: notice details (No. 2)

In Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), paragraph 4(2), at end insert “but must accept more than one vehicle registration number up to a maximum of twelve”.

Member's explanatory statement

This amendment is designed to require the police to accept the registration number of more than one vehicle to provide operational flexibility and for any breakdowns.

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Road vehicle authorisation: notice details (No. 3)

In Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), paragraph 4(2), at end insert “but must accept more than one vehicle registration number up to a maximum of one hundred”.

Member's explanatory statement

This amendment is designed to require the police to accept the registration numbers of a fleet of vehicles, typically mobile cranes, in order to facilitate inter depot movements around the country.

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Road vehicle authorisation: notice details (No. 4)

- (1) Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988) is amended as follows.
- (2) In paragraph 2(3), after “in any other case” insert “except one falling under sub paragraph (3A)”.
- (3) After paragraph 2(3) insert –

“(3A) The chief officer of police must accept a new notice if it is received electronically before the beginning of the period of sixty minutes which ends immediately before the time of use previously notified and the only difference to an earlier one by the same operator is the vehicle registration number and the substitute vehicle is either very similar or has more driven axles, more axles or longer axle spread.”

Member's explanatory statement

This amendment is designed to require the police to accept a very short notice change in the registration number of the vehicle involved to provide operational flexibility and for any breakdowns. The substitute vehicle may be identical or may have a stronger technical specification.

EARL ATTLEE

After Clause 144, insert the following new Clause —

“Road vehicle authorisation: notice details (No. 5)

In Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), after paragraph 4(2), insert —

“(3) The chief officer of police may not require serial numbers of the load or any means of identifying or differentiating the load from any other conforming to the description.””

Member's explanatory statement

This amendment is designed to prevent the police from requiring serial numbers of the load, particularly of construction equipment, when doing so may reduce operational flexibility for industry when the information is not required for non-abnormal loads.

EARL ATTLEE

After Clause 144, insert the following new Clause —

“Road vehicle authorisation: notice details (No. 6)

In Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), paragraph 2(4), at end insert “and must do so if the notification is substantially the same as a previous movement proposed and is no more awkward or significantly more heavy than when the movement was previously notified.”

Member's explanatory statement

This amendment is designed to require the police to accept a short notice notification when the movement has already been notified but some details have had to be changed.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 144, insert the following new Clause —

“Stop and search

In section 60(1) of the Criminal Justice and Public Order Act 1994 (powers to stop and search in anticipation of, or after, violence) —

(a) in paragraph (a) omit “serious”, and

- (b) in paragraph (aa)(i) omit “serious”.”

Member's explanatory statement

This new clause would lower the threshold for stop and search to “violence” rather than “serious violence”.

EARL ATTLEE

★

After Clause 144, insert the following new Clause —

“Road vehicle authorisation: notice period

In Schedule 5 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (S.I. 2003/1988), in paragraph 2(4), at end insert “and in making that decision must take into consideration the economic consequences of not doing so”.”

EARL ATTLEE

After Clause 144, insert the following new Clause —

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

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

Member's explanatory statement

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

EARL ATTLEE

After Clause 144, insert the following new Clause –

“Power of police to set certification fees under the Firearms Act 1968

- (1) The Firearms Act 1968 is amended as follows.
- (2) In section 32 (fee for certificate and exemption from paying it in certain cases), for subsection (1) substitute –
 - “(1) Subject to this Act, the chief officer of police may set and vary any fee payable –
 - (a) on the grant of a firearm certificate;
 - (b) on the renewal of a firearm certificate;
 - (c) on any variation of a firearm certificate (otherwise than when it is renewed at the same time) so as to increase the number of firearms to which the certificate relates;
 - (d) on the replacement of a firearm certificate which has been lost or destroyed;
 - (e) on the grant of a shot gun certificate;
 - (f) on the renewal of a shot gun certificate;
 - (g) on the replacement of a shot gun certificate which has been lost or destroyed.”
- (3) In section 43(1) (power of Secretary of State to alter fees), for “Sections 32 and” substitute “Section”.

Member's explanatory statement

This probing amendment seeks to allow the chief officer of police to set firearms certification fees under the Firearms Act 1968, rather than the Secretary of State.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

★

After Clause 144, insert the following new Clause –

“Prohibition on police use of digital ID

- (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) After section 6 insert –
 - “6A Police not to require digital identity document**
 - (1) If, at any time, His Majesty's Government introduce a digital identity document scheme, a constable may not –
 - (a) require a person to produce a digital identity card on request,
 - (b) ask a person to produce a digital identity document for inspection,or

- (c) use any information contained within, or obtained from, a digital identity card for the purposes of investigating a criminal offence.
- (2) In this section a “digital identity document” means a document which—
 - (a) is issued to an individual by a relevant authority,
 - (b) is available only digitally, and
 - (c) contains or records information which could be used to identify the person.””

After Clause 148

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

After Clause 148, insert the following new Clause—

“Duty to review treatment of childhood convictions and cautions

- (1) Within a year of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the management of childhood convictions and cautions.
- (2) The report must consider at least—
 - (a) the prevention of automatic disclosure of childhood conditional cautions;
 - (b) the prevention of adult treatment of offences committed by individuals who were minors at the time of the offences in question taking place;
 - (c) the range of childhood convictions which are removed from standard and enhanced checks after five and a half years.
- (3) In considering the areas outlined in subsection (2), the report must consider the policy merits of reform of the existing management of childhood convictions and cautions, and which actions would be required in each case for reform to take place.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a report reviewing how childhood convictions and cautions are handled within one year of this Act being passed.

After Clause 151

BARONESS DOOCEY

After Clause 151, insert the following new Clause—

“Removal of Chief Constables

- (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.

- (2) In section 38 (Appointment, suspension and removal of chief constables), after subsection (4) insert—

“(4A) Before exercising the power under subsection (3), the police and crime commissioner must consult with His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services, or relevant successor inspectorate.”

Member's explanatory statement

This amendment requires a Police and Crime Commissioner to consult with His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services before calling upon a Chief Constable to resign or retire.

BARONESS O'LOAN

After Clause 151, insert the following new Clause—

“Police disciplinary proceedings: use of force

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

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

Member's explanatory statement

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

Clause 152

LORD PANNICK

Lord Pannick gives notice of his intention to oppose the Question that Clause 152 stand part of the Bill.

Clause 153

LORD PANNICK

Lord Pannick gives notice of his intention to oppose the Question that Clause 153 stand part of the Bill.

Clause 154

LORD PANNICK

Lord Pannick gives notice of his intention to oppose the Question that Clause 154 stand part of the Bill.

Clause 155

LORD PANNICK

Lord Pannick gives notice of his intention to oppose the Question that Clause 155 stand part of the Bill.

Clause 166

LORD HANSON OF FLINT

★ Clause 166, page 204, leave out lines 15 to 20

Member's explanatory statement

This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

After Clause 166

BARONESS CHAKRABARTI

After Clause 166, insert the following new Clause —

“Service as a police officer: aggravating factor in criminal sentencing

- (1) On sentencing for any criminal offence, current or past service as a police officer shall be presumed to be an aggravating factor.
- (2) Where in a particular case, a court decides against any such aggravation justifying an increased penalty, it shall state the reasons for this decision.”

Member's explanatory statement

This new clause and another in the name of Baroness Chakrabarti relate to the criminal sentencing of serving or retired police officers. This amendment creates a rebuttable presumption that such service should be an aggravating factor.

BARONESS CHAKRABARTI

After Clause 166, insert the following new Clause –

“Crown Court power to order police pension forfeiture as part of criminal sentence

- (1) Notwithstanding any other provision of law relating to the forfeiture of police pensions, a Crown Court shall have the power to order the forfeiture of up to sixty-five per cent of a current or past officer’s police pension as part of its sentence for any criminal offence.
- (2) An appeal against any such forfeiture may be included in a criminal appeal against sentence to the Court of Appeal who shall invite the Home Secretary to make submissions on matters relating to public confidence, proportionality and consistency in relation to police discipline.”

Member's explanatory statement

This new clause and another in the name of Baroness Chakrabarti relate to the criminal sentencing of serving or retired police officers. This amendment gives the Crown Court a new power to forfeit up to sixty-five per cent (equivalent to the state’s contribution) of a police pension as part of the sentence. The Home Secretary may intervene in any appeal against such a sentence in the Court of Appeal.

BARONESS DOOCEY
LORD MARKS OF HENLEY-ON-THAMES

After Clause 166, insert the following new Clause –

“Police training – independent review

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish an independent review of the quality of in-service police officer training within police forces in England and Wales.
- (2) The review must –
 - (a) assess the consistency, effectiveness and outcomes of all training provided to police officers after completion of their initial entry-level training, including all –
 - (i) in-service training,
 - (ii) workforce development programmes,
 - (iii) refresher courses, and
 - (iv) specialist training,
 - (b) consider the extent to which training equips officers with the necessary skills, knowledge and professional standards to reflect the demands of modern policing, including –
 - (i) digital skills,
 - (ii) investigative skills,
 - (iii) trauma awareness and conflict management, and

- (iv) processes by which police officers are informed of, and trained in, changes to the law, and
 - (c) make recommendations for improvement, where appropriate.
- (3) The review established under subsection (1) must complete its work within 12 months of its establishment.
- (4) Within three months of receiving the review, the Secretary of State must lay a statement before Parliament containing their response and proposals to take forward the recommendations in the review.”

Member's explanatory statement

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

BARONESS DOOCEY
BARONESS BRINTON

After Clause 166, insert the following new Clause –

“Mandatory mental health training for police officers

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

Member's explanatory statement

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

BARONESS DOOCEY
LORD MARKS OF HENLEY-ON-THAMES

After Clause 166 insert the following new Clause –

“Neighbourhood policing

- (1) The Secretary of State must ensure that every local authority area in England and Wales has a neighbourhood policing team which must be assigned exclusively to community-based duties, including –
 - (a) high-visibility foot patrols,
 - (b) community engagement and intelligence gathering,
 - (c) crime prevention initiatives, and
 - (d) solving crime.
- (2) The Home Office must publish proposals detailing the additional funding that will be required to ensure that police forces can meet these requirements without reducing officer numbers in other frontline policing roles.
- (3) The Secretary of State must publish an annual report detailing –
 - (a) the number of officers and PCSOs deployed in neighbourhood policing roles,
 - (b) the total cost of maintaining the required levels, and
 - (c) the impact on crime reduction and public confidence in policing.
- (4) If a police force fails to meet the minimum staffing levels required under subsection (1), the Home Office must intervene and provide emergency funding to ensure compliance within six months.”

Member's explanatory statement

This new clause would require the Secretary of State to ensure that every local authority area in England and Wales has a neighbourhood policing team which must be assigned exclusively to community-based duties.

BARONESS DOOCEY
LORD MARKS OF HENLEY-ON-THAMES

After Clause 166 insert the following new Clause –

“Neighbourhood policing: minimum levels

- (1) Within six months of the passage of this Act, the Secretary of State must lay before both Houses of Parliament proposals on maintaining minimum levels of neighbourhood policing.

- (2) The proposals must include –
- (a) a requirement for every police force in England and Wales to maintain neighbourhood policing teams at a level necessary to ensure effective community engagement and crime prevention,
 - (b) a plan to designate a proportion of funds, recovered under the Proceeds of Crime Act 2002, for neighbourhood policing initiatives, and
 - (c) a plan for future police grant reports to include a ring-fenced allocation of 20% of total funds to be allocated specifically for neighbourhood policing.”

Member's explanatory statement

This new clause would require within six months of the passage of this Act, the Secretary of State to lay before both Houses of Parliament proposals on maintaining minimum levels of neighbourhood policing.

BARONESS DOOCEY
LORD CLEMENT-JONES

After Clause 166, insert the following new Clause –

“Duty to record algorithmic tools

- (1) Each police force in England and Wales must disclose its use of any algorithmic tool used in the exercise of its functions that may affect the rights, entitlements or obligations of individuals by completing entries in the Algorithmic Transparency Recording Standard (ATRS).
- (2) Under subsection (1) “algorithmic tool” means a product, application or device that supports or solves a specific problem using complex algorithms.”

Member's explanatory statement

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

BARONESS DOOCEY
LORD CLEMENT-JONES

After Clause 166, insert the following new Clause –

“National plan on police data intelligence systems

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a national plan to modernise police data and intelligence systems in England and Wales.
- (2) The plan must include steps to be taken to further the aims of –
 - (a) replacing any antiquated police technology;
 - (b) closing capability gaps identified in the National Audit on Group-Based Child Sexual Exploitation and Abuse;

- (c) enabling real-time secure information exchange between police forces and partner agencies;
 - (d) supporting improved –
 - (i) risk identification,
 - (ii) early intervention, and
 - (iii) co-ordinated action,to protect children.
- (3) The national plan must set out clear milestones of how to achieve the aims set out in subsection (2) within five years of the plan being published.
- (4) Every 12 months after publication of the plan under subsection (1), the Secretary of State must lay a further report before Parliament outlining the progress to date in achieving the aims set out in subsection (2), until those aims have been completed.”

Member's explanatory statement

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

BARONESS SMITH OF LLANFAES

After Clause 166, insert the following new Clause–

Policing: devolution to Wales

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

Member's explanatory statement

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

BARONESS SMITH OF LLANFAES

After Clause 166, insert the following new Clause –

“Youth justice: devolution to Wales

- (1) Schedule 7A of the Government of Wales Act 2006 (reserved matters) is amended as set out in subsection (2).
- (2) In paragraph 175 (prisons and offender management), omit sub-paragraph (2)(b).

- (3) The Secretary of State may by regulations make further provision under this section.”

Member's explanatory statement

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

Clause 167

LORD HANSON OF FLINT

- ★ Clause 167, page 205, line 27, leave out paragraph (b) and insert –

- “(b) an attempt or conspiracy to commit an offence within paragraph (a),
- (c) an offence under Part 2 of the Serious Crime Act 2007 (England and Wales and Northern Ireland: encouraging or assisting crime) in relation to an offence within paragraph (a),
- (d) an offence under the law of Scotland of inciting the commission of an offence within paragraph (a), or
- (e) aiding, abetting, counselling or procuring the commission of an offence within paragraph (a).”

Member's explanatory statement

This amendment is a drafting change (aligning the approach taken in relation to inchoate offences with that taken in paragraph 1(1) of Schedule 11).

Clause 169

LORD HARRIES OF PENTREGARTH
LORD BLUNKETT

- Clause 169, page 207, line 2, at end insert –

- “(aa) require the respondent to receive citizenship education relating to British values (see section (*Further content: citizenship education*)).”

LORD HANSON OF FLINT

- ★ Clause 169, page 207, line 19, at end insert –

- “(da) the inspection of any online account accessed by means of a device;”

Member's explanatory statement

This amendment, together with my other amendments to this clause, provide that a youth diversion order may include conditions relating to the inspection of an online account accessed by means of an electronic communication device the use of which is restricted under the order.

LORD HANSON OF FLINT

- ★ Clause 169, page 207, line 22, at end insert –
- “(5A) The “inspection” of a device, or an online account accessed by means of a device, includes –
- (a) accessing the device or the online account,
 - (b) examining information held on the device or accessed by means of the online account, and
 - (c) extracting such information.”

Member's explanatory statement

See my amendment to clause 169, page 207, line 19.

LORD HANSON OF FLINT

- ★ Clause 169, page 208, line 3, at end insert –
- ““online account” means an account by means of which information held on a service provided by means of the internet is made accessible;”

Member's explanatory statement

See my amendment to clause 169, page 207, line 19.

LORD HANSON OF FLINT

- ★ Clause 169, page 208, line 4, at end insert –
- “(11) The reference in this section to “extracting” information includes reproducing it in any form.”

Member's explanatory statement

See my amendment to clause 169, page 207, line 19.

After Clause 169

LORD HARRIES OF PENTREGARTH
LORD BLUNKETT
LORD HODGSON OF ASTLEY ABBOTTS

After Clause 169, insert the following new Clause –

“Further content: citizenship education

- (1) To fulfil the requirements in section 169(3)(aa) (requirement to receive citizenship education), the Secretary of State must make arrangements for the delivery of citizenship education for respondents to youth diversion orders.
- (2) The citizenship education delivered under subsection (1) must include education on British values, which consists of –

- (a) democracy,
 - (b) the rule of law,
 - (c) freedom,
 - (d) equal respect for every person, and
 - (e) respect for the environment.
- (3) Any citizenship education in subsection (1) must refer to British values as “values of British citizenship”.
- (4) In section (1)(a) “democracy” includes—
 - (a) an independent judiciary,
 - (b) in a Parliamentary system, a Government that is accountable to Parliament, regular elections, and
 - (c) decentralised decision-making, accountable at an appropriate level to the electorate.
- (5) In subsection (1)(c) “freedom” includes—
 - (a) freedom of thought, conscience and religion,
 - (b) freedom of expression, and
 - (c) freedom of assembly and association.
- (6) In subsection (1)(e) “respect for the environment” means taking into account the systemic effect of human actions on the health and sustainability of the environment both within the United Kingdom and the planet as a whole, for present and future generations.”

Clause 182

LORD HANSON OF FLINT

★

Clause 182, page 216, line 11, leave out subsection (2) and insert—

- “(2) The following do not apply to a complaint under this Chapter—
- (a) section 127 of the Magistrates’ Courts Act 1980 (time limit for complaints etc);
 - (b) Article 78(1) of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (time limit for complaints).”

Member's explanatory statement

This amendment disapplies the time limit for applications to a magistrates’ court in Northern Ireland (as well as in England and Wales).

After Clause 190

LORD HANSON OF FLINT

★

After Clause 190, insert the following new Clause –

“Prevention and investigation measures: online information

- (1) Paragraph 7 of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (terrorism prevention and investigation measures: electronic communication devices) is amended as follows.
- (2) In sub-paragraph (4), after paragraph (e) insert –
 - “(ea) the inspection of any online account accessed by means of a device;”.
- (3) After sub-paragraph (4) insert –
 - “(4A) The “inspection” of a device, or an online account accessed by means of a device, includes –
 - (a) accessing the device or the online account,
 - (b) examining information held on the device or accessed by means of the online account, and
 - (c) extracting such information.”.
- (4) After sub-paragraph (6) insert –
 - “(7) An “online account” means an account by means of which information held on a service provided by means of the internet is made accessible.
 - (8) The reference in this paragraph to “extracting” information includes reproducing it in any form.”
- (5) Paragraph 8 of Schedule 7 to the National Security Act 2023 (prevention and investigation measures: electronic communication devices) is amended as follows.
- (6) In sub-paragraph (4), after paragraph (e) insert –
 - “(ea) the inspection of any online account accessed by means of a device;”.
- (7) After sub-paragraph (4) insert –
 - “(4A) The “inspection” of a device, or an online account accessed by means of a device, includes –
 - (a) accessing the device or the online account,
 - (b) examining information held on the device or accessed by means of the online account, and
 - (c) extracting such information.”.
- (8) After sub-paragraph (6) –
 - “(7) An “online account” means an account by means of which information held on a service provided by means of the internet is made accessible.

- (8) The reference in this paragraph to “extracting” information includes reproducing it in any form.””

Member's explanatory statement

This amendment provides that a measure imposed under Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 or Schedule 7 to National Security Act 2023 may include conditions relating to the inspection of an online account accessed by means of an electronic communication device the use of which is restricted under the measure.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS DOOCEY

After Clause 190, insert the following new Clause —

“Threshold for offences to be considered as terrorism-related: review

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish a review into what the effect would be of raising the threshold of offences which can be considered as terrorism-related offences under the Counter-Terrorism and Sentencing Act 2021.
- (2) The review specified in subsection (1) must report within nine months of its establishment.
- (3) Within one month of the day on which the report is published, it must be laid before Parliament, and the relevant Minister must table a motion for debate in each House on the report's conclusions.”

Member's explanatory statement

This amendment requires the government to review how raising the threshold for classifying offences as terrorism-related (under the 2021 Act) has impacted sentencing. The review must be completed within a set timeframe, reported to Parliament, and debated in both Houses.

BARONESS CHAKRABARTI
LORD HAIN
VISCOUNT HAILSHAM

After Clause 190, insert the following new Clause —

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

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

Member's explanatory statement

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

Clause 191

BARONESS MEYER

Clause 191, page 223, line 11, leave out “and the Infant Life (Preservation) Act 1929”

LORD JACKSON OF PETERBOROUGH

Clause 191, page 223, line 13, at end insert –

- “(2) The Secretary of State must, no later than 12 months after the day on which this section comes into force, and at least once every 12 months thereafter, conduct a review of its operation and impact.
- (3) The review under subsection (2) must, in particular, consider –
 - (a) the incidence of medical complications for women acting in relation to their own pregnancy under the terms of this section, including incidence of maternal death;
 - (b) the impact on the health and safety of women undergoing abortions;
 - (c) the prevalence of self-induced abortions outside a clinical setting beyond 24 weeks’ gestation;
 - (d) any reported cases of coercion or abuse related to abortions;
 - (e) the application of criminal law to third parties involved in abortions;
 - (f) any other topics the Secretary of State may consider appropriate.
- (4) Following the completion of a review under subsection (2), the Secretary of State must lay a report of the findings before Parliament.
- (5) The Secretary of State may by regulations repeal this section if he or she considers that a report under subsection (4) reveals it is having a detrimental effect.”

LORD JACKSON OF PETERBOROUGH

Clause 191, page 223, line 13, at end insert –

- “(2) The Secretary of State must, no later than 12 months after the day on which this section comes into force and annually thereafter, publish a report detailing complications that have occurred as a result of abortions procured contrary to the Abortion Act 1967 in the previous year.
- (3) The reports under subsection (2) must provide details of the number of –
 - (a) babies born alive following an attempted abortion and any medical conditions they suffer from, and
 - (b) women suffering medical complications following abortions or attempted abortions, including incidences of maternal death.”

BARONESS EATON
BARONESS BROWNING

Clause 191, page 223, line 13, at end insert –

- “(2) Nothing in this section shall be taken to apply to a termination undertaken because of dissatisfaction with the sex of a child who was capable of being born alive.”

BARONESS MONCKTON OF DALLINGTON FOREST
BARONESS O'LOAN
BARONESS HOEY
BARONESS MACLEAN OF REDDITCH

The above-named Lords give notice of their intention to oppose the Question that Clause 191 stand part of the Bill.

After Clause 191

BARONESS STROUD
LORD FROST
BARONESS RITCHIE OF DOWNPATRICK
BARONESS FOSTER OF AGHADRUMSEE

After Clause 191, insert the following new Clause –

“Abortion: requirement for in-person consultation

In section 1(3D) of the Abortion Act 1967 (medical termination of pregnancy), omit “, by telephone or by electronic means”.

Member's explanatory statement

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

BARONESS O'LOAN

After Clause 191, insert the following new Clause –

“Criminal liability for complicity in another's unlawful termination of pregnancy

- (1) A person (“D”) commits an offence if –
 - (a) D does an act capable of encouraging or assisting the termination of pregnancy of a pregnant woman,
 - (b) D's act was intended to encourage or assist termination of a pregnancy or an attempt to do so, and
 - (c) the termination of pregnancy is unlawful under the terms of the Abortion Act 1967.
- (2) The person referred to in subsection (1) need not be a specific person (or class of persons) known to, or identified by, D.

- (3) D may commit an offence under this section whether or not a termination of pregnancy occurs.
- (4) An offence under this section is triable on indictment and a person convicted of such an offence is liable to imprisonment for a term not exceeding 14 years.
- (5) The Secretary of State must issue guidance relating to the operation of this section.
- (6) Before issuing guidance under subsection (6), the Secretary of State must consult such persons or organisations as the Secretary of State considers appropriate.”

Clause 192

LORD HANSON OF FLINT

- ★ Clause 192, page 223, line 24, leave out “subsections (3) and” and insert “subsection”

Member's explanatory statement

This amendment is consequential on my amendment to clause 192, page 223, line 27.

LORD HANSON OF FLINT

- ★ Clause 192, page 223, line 27, leave out subsection (3)

Member's explanatory statement

This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

LORD CLEMENT-JONES

Clause 192, page 223, line 33, at end insert—

- “(4A) Before the appropriate national authority makes regulations under subsection (1) for the purpose of implementing a new international agreement, or significantly altering an existing agreement, the authority must conduct and publish a comprehensive Privacy Impact Assessment.
- (4B) The Privacy Impact Assessment required under subsection (4A) must analyse and report on—
 - (a) the necessity and proportionality of the information sharing arrangements,
 - (b) the mechanism by which individual rights, including those under Article 8 of the Human Rights Act 1998, will be safeguarded,
 - (c) the risks of non-compliance with the data protection legislation or of unintended consequences arising from the sharing of personal data, and
 - (d) the nature and volume of personal data intended to be shared or accessed under the agreement.

- (4C) The appropriate national authority must lay before Parliament, no later than 12 months after the first regulations are made under this section, and annually thereafter, a report on the operation of regulations made under this section.
- (4D) The annual report required under subsection (4C) must include, in particular –
 - (a) an assessment of the overall volume and categories of information shared under the regulations,
 - (b) a detailed analysis of the impact of the regulations on the privacy and data protection rights of individuals, and
 - (c) a summary of any internal reviews, audits, or legal challenges relating to information sharing under the agreements implemented by the regulations.”

Member's explanatory statement

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

LORD HANSON OF FLINT

- ★ Clause 192, page 224, leave out lines 1 and 2

Member's explanatory statement

This amendment is consequential on my amendment to clause 192, page 223, line 27.

LORD HANSON OF FLINT

- ★ Clause 192, page 224, leave out lines 7 and 8

Member's explanatory statement

This amendment is consequential on my amendment to clause 192, page 223, line 27.

After Clause 194

LORD CLEMENT-JONES

After Clause 194, insert the following new Clause –

“Enhanced protective measures for sensitive data transfers

- (1) Where regulations under section 192 authorise the transfer or processing of highly sensitive personal data, the regulations must include enhanced protective measures.
- (2) For the purposes of this section, “highly sensitive personal data” includes, but is not limited to, information concerning an individual’s –
 - (a) racial or ethnic origin;
 - (b) biometric data processed for the purpose of unique identification;
 - (c) genetic data;
 - (d) physical or mental health conditions or data related to sexual life;

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

Member's explanatory statement

This amendment requires enhanced protective measures to be used when highly sensitive data is transferred or processed under section 192.

LORD CLEMENT-JONES

After Clause 194, insert the following new Clause—

“Annual Report on International Law Enforcement Information Sharing

- (1) The Secretary of State must, in relation to each calendar year, prepare a report on the operation of international information-sharing agreements implemented by regulations made under section 192.
- (2) The report must detail the effectiveness and impact of information sharing including, but not limited to, the following information—
 - (a) the number of international agreements in operation and the total volume of information exchanged under section 192;
 - (b) an assessment of the effectiveness of the information sharing in achieving law enforcement purposes (being the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including safeguarding against, and the prevention of, threats to public security);
 - (c) a comprehensive analysis of the impact of the transfer and processing of personal data on the privacy and civil liberties of individuals, including any disproportionate application on the basis of protected characteristics;
 - (d) details of any findings that information sharing under section 192 has contravened the data protection legislation.
- (3) The Secretary of State must publish each report and lay a copy before Parliament no later than 1 July in the year following the year to which the report relates.”

Member's explanatory statement

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

After Clause 196

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND

After Clause 196, insert the following Clause —

“Age of criminal responsibility

In section 50 of the Children and Young Persons Act 1933, for “ten” substitute “14”.

Member's explanatory statement

This new clause would raise the age of criminal responsibility in England and Wales from ten to 14 years so that no child under that age could be tried for or convicted of a criminal offence.

BARONESS CHAKRABARTI
BARONESS MILLER OF CHILTHORNE DOMER

After Clause 196, insert the following new Clause —

“Safeguards against abuses by Covert Human Intelligence Sources

- (1) Section 27 of the Regulation of Investigatory Powers Act 2000 is amended as follows.
- (2) For subsection (1) substitute —
 - “(1) This Part applies to criminal conduct —
 - (a) under an authorisation under this Part, and
 - (b) where the conduct is in accordance with the authorisation.”
- (3) For subsection (2) substitute —
 - “(2) This part also applies to civil liability in relation to any conduct which —
 - (a) is incidental to any conduct within subsection (1), and
 - (b) is not itself conduct an authorisation or warrant for which is capable of being granted under a relevant enactment and might reasonably have been expected to have been sought in the case in question.
- (2A) If a person acts in accordance with a criminal conduct authorisation under section 29B (covert human intelligence sources: criminal conduct authorisations), the nature of that authorisation and compliance with it shall be considered and deemed relevant to —
 - (a) any decision as to whether prosecution for a criminal offence by that person is in the public interest,

- (b) any potential defences to such charges of criminal conduct, and
 - (c) any potential civil liability on the part of that person, and the quantum of any damages.
- (2B) The protections in subsection (2A) only apply where the conduct is not carried out for the primary purpose of –
 - (a) encouraging or assisting, pursuant to sections 44 to 49 of the Serious Crime Act 2007 (inchoate offences), the commission of an offence by, or
 - (b) otherwise seeking to discredit, the person, people or group subject to the authorised surveillance operation.””

Member's explanatory statement

These amendments replace provisions of the Regulation of Investigatory Powers Act 2000 as amended by the Covert Human Intelligence Sources Act 2021 granting complete advanced criminal and civil immunity for authorised operatives and agents, with a public interest defence as long as they did not act as agents provocateurs.

LORD CLEMENT-JONES
BARONESS DOOCEY

After Clause 196, insert the following new Clause –

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

- (1) The use of live facial recognition technology for real-time biometric identification, by any public or private authorities, shall be prohibited unless one or more of the following conditions are met –
 - (a) it is used for the purpose of preventing, detecting, or investigating serious crimes as defined under the Serious Crime Act 2007,
 - (b) the deployment has received prior judicial authorisation specifying the scope, duration, and purpose of its use,
 - (c) it is necessary and proportionate for preventing an imminent and substantial threat to public safety, such as a terrorist attack, or
 - (d) it is deployed for the purpose of locating missing persons or vulnerable individuals at risk.
- (2) Any public authority deploying live facial recognition technology must –
 - (a) conduct and publish a Data Protection Impact Assessment before deployment,
 - (b) ensure that use is compliant with the principles of necessity and proportionality as outlined in the Human Rights Act 1998,
 - (c) maintain clear and publicly available records of deployments, including justification for use and any safeguards implemented,
 - (d) inform the public of deployments, unless exceptional circumstances apply, and

- (e) create, implement and follow nationwide statutory guidance for using the technology.
- (3) The use of live facial recognition technology for mass surveillance, profiling, or automated decision-making without human oversight, is an offence.
- (4) The Information Commissioner’s Office and an independent oversight body shall be responsible for monitoring compliance with the provisions of this section, conducting audits, and investigating complaints.
- (5) Within six months of the passing of this Act, the Secretary of State must ensure that a motion is tabled, and moved, before both Houses of Parliament to approve the appointment of the independent oversight body specified in subsection (4).
- (6) A public authority or private entity guilty of an offence under this section will be liable—
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine.
- (7) A private individual found guilty of an offence under this section will be liable—
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine or imprisonment (or both).
- (8) The Secretary of State must lay before both Houses of Parliament an annual report detailing the use of live facial recognition technology, including instances of authorisation and compliance measures undertaken, and ensure that a motion is tabled, and moved, before both Houses to approve the report.
- (9) The motion specified in subsection (8) must include proposals to strengthen the role of the Office of the Biometrics and Surveillance Camera Commissioner (OBSCC) in overseeing the impact of emerging technology such as facial recognition and its impact on civil liberties.”

Member’s explanatory statement

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

LORD ALTON OF LIVERPOOL
LORD ANDERSON OF IPSWICH
BARONESS KENNEDY OF THE SHAWES
BARONESS HODGSON OF ABINGER

After Clause 196, insert the following new Clause—

“Universal jurisdiction over the crimes of genocide, crimes against humanity and war crimes, and ancillary conduct (England and Wales)”

- (1) The International Criminal Court Act 2001 is amended as follows.
- (2) In section 51(1)—
 - (a) after “person”, insert “, whatever his or her nationality,”;
 - (b) after “war crime”, insert “in the United Kingdom or elsewhere.”.

- (3) Omit section 51(2).
- (4) In section 52(1) –
 - (a) after “person”, insert “, whatever his or her nationality,”;
 - (b) after “conduct”, insert “in the United Kingdom or elsewhere.”.
- (5) Omit section 52(4).”

Member's explanatory statement

This new clause gives effect to the JCHR’s recommendation, in its reports on the Crime and Policing Bill and Accountability for Daesh Crimes, to amend the ICC Act 2001 to provide for the exercise of universal jurisdiction over the crimes of genocide, crimes against humanity and war crimes, and ancillary conduct. This would allow for the authorities in England and Wales to prosecute persons suspected of these crimes without any requirement for a connection to the UK, consistent with the jurisdiction over the crimes of torture and grave breaches of the Geneva Conventions.

LORD ALTON OF LIVERPOOL
LORD ANDERSON OF IPSWICH
BARONESS KENNEDY OF THE SHAWS
BARONESS HODGSON OF ABINGER

After Clause 196, insert the following new Clause –

“Universal jurisdiction over the crimes of genocide, crimes against humanity and war crimes, and ancillary conduct (Northern Ireland)”

- (1) The International Criminal Court Act 2001 is amended as follows.
- (2) In section 58(1) –
 - (a) after “person”, insert “, whatever his or her nationality,”;
 - (b) after “war crime”, insert “in the United Kingdom or elsewhere.”.
- (3) Omit section 58(2).
- (4) In section 59(1) –
 - (a) after “person”, insert “, whatever his or her nationality,”;
 - (b) after “conduct”, insert “in the United Kingdom or elsewhere.”.
- (5) Omit section 59(4).”

Member's explanatory statement

This new clause gives effect to the JCHR’s recommendation, in its reports on the Crime and Policing Bill and Accountability for Daesh Crimes, to amend the ICC Act 2001 to provide for the exercise of universal jurisdiction over the crimes of genocide, crimes against humanity and war crimes, and ancillary conduct. This would allow for the authorities in Northern Ireland to prosecute persons suspected of these crimes without any requirement for a connection to the UK, consistent with the jurisdiction over the crimes of torture and grave breaches of the Geneva Conventions.

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

After Clause 196, insert the following new Clause—

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

- (1) The Online Safety Act 2023 is amended as follows.
- (2) In section 101 (information in connection with an investigation into the death of a child)—
 - (a) before subsection (A1) insert—

“(ZA1) A senior coroner (in England and Wales), a procurator fiscal (in Scotland) or a coroner (in Northern Ireland) must inform OFCOM when notified of the death of a child aged five to 17 years, no more than five working days after such a notification, to—

 - (a) enable them to detect whether a crime may have been committed, or
 - (b) inform a police investigation or establish information and activities relevant to the circumstances of a child’s death in case a crime may have been committed.”,
 - (b) in subsection (A1)(a), omit “that they are conducting an investigation in connection with” and insert “of”,
 - (c) in subsection (A1)(b), after “with” insert “one or more of”,
 - (d) at the end of subsection (B1), insert—

“(e) anything else that the investigating authority deems relevant.”,
 - (e) after subsection (C1)(b), insert—

“(c) must return a standard template for the use of the investigating authority to give notice or require information in relation to the death of a child.”,
 - (f) after subsection (D1), insert—

“(DA1) The standard template mentioned in subsection (C1)(c) must cover, but is not limited to—

 - (a) the names of common applications, services and online spaces likely to be accessed by a child as indicated by OFCOM’s research, including but not limited to the most recent Media Use and Attitudes reports;
 - (b) content uploaded, generated, shared or viewed by the child, including messages, comments, reactions, videos, pictures, or any other content that forms part of a child’s profile or activity;

- (c) content that a child had received, including direct messages, comments, reactions, views, videos and pictures;
- (d) content recommended to a child;
- (e) content stored by a child;
- (f) content flagged for moderation either by the child or which the child has engaged with, and any actions taken;
- (g) metadata associated with the content set out in paragraphs (a)-(f), including time, data, account details of users who uploaded, generated or shared content encountered by a child, how long a child paused on content, how long a child spent on a service, and any other metadata that may be relevant;
- (h) search requests entered by the child (and metadata associated with those requests such as date and time);
- (i) connection lists and channels that the child followed;
- (j) online networks that the child was a part of;
- (k) any other content that OFCOM deems relevant for a coroner to consider;
- (l) an open box to ask questions formulated by the coroner;
- (m) any data that is categorised or labelled differently but can be reasonably considered equivalent to data as set out in paragraphs (a)-(l) above or is necessary for the coroner to perform their duties.

(DA2) In this section, “template” means a document that is updated every 24 months and shared with—

- (a) the Chief Coroner;
- (b) the Coroners’ Society of England & Wales;
- (c) Chief Constables;
- (d) child safety experts;
- (e) relevant NGOs and parent groups;
- (f) any other persons OFCOM deem relevant.””

Member's explanatory statement

This amendment makes data preservation notices automatic upon a child’s death and requires OFCOM to provide a template which outlines what data coroners should request for coroner information notices. This information is key to conducting an investigation into a child’s death and determining whether a criminal investigation is necessary. The template provides guidance to coroners about what information is likely to be useful when conducting an investigation.

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

After Clause 196, insert the following new Clause—

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

- (1) The Secretary of State must, within three months of the day on which this Act is passed, write a letter setting out the powers of coroners to request Data Preservation Notices and Coroner Information Notices under section 101 of the Online Safety Act 2023 (information in connection with an investigation into the death of a child) in order to support the investigation of any potential related crime.
- (2) The letter must set out—
 - (a) the requirement of the coroner to inform OFCOM when a child has died in accordance with section 101 of the Online Safety Act 2023 (information in connection with an investigation into the death of a child);
 - (b) the powers a coroner has to request the preservation of data in connection with an investigation into the death of a child, in accordance with section 101 of that Act;
 - (c) the powers a coroner has to request information in connection with the death of a child, in accordance with section 101 of that Act;
 - (d) an example of the template of the scope and range of information that may be relevant to the death of a child in accordance with section 101 of that Act.
- (3) The letter must be addressed to—
 - (a) the Chief Coroner;
 - (b) the Coroners’ Society of England & Wales;
 - (c) area coroners;
 - (d) Police and Crime Commissioners;
 - (e) Chief Constables;
 - (f) the Commissioner of the Metropolitan Police;
 - (g) the College of Policing;
 - (h) relevant NGOs and parent groups;
 - (i) any other persons the Secretary of State deems relevant.”

Member's explanatory statement

This is an amendment consequential on another amendment in the name of Baroness Kidron which would require the Secretary of State to ensure that all coroners and the police were aware of their new responsibilities under the other amendment.

LORD PONSONBY OF SHULBREDE
LORD HAMPTON

After Clause 196, insert the following new Clause —

“Childhood conditional cautions: prevention of disclosure

- (1) Section 112 of the Police Act 1997 (criminal conviction certificates) is amended as follows.
- (2) In subsection (3), in the definition for “conditional caution”, leave out “or section 66A of the Crime and Disorder Act 1998”.

Member's explanatory statement

The amendment seeks to prevent the automatic disclosure of childhood conditional cautions in a DBS check by amending the definition of a criminal conviction certificate in the Police Act 1997.

LORD PONSONBY OF SHULBREDE
LORD HAMPTON

After Clause 196, insert the following new Clause —

“Adult treatment of youth offending: cautions

- (1) Article 2A of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order (S.I. 1975/1023) (cautions) is amended as follows.
- (2) In sub-paragraph (2)(a), for “conviction” substitute “offence”.
- (3) In sub-paragraph (2)(b), for “conviction” substitute “offence” in both places where it occurs.”

Member's explanatory statement

The amendment seeks to ensure that a caution does not have to be disclosed where it is given (1) when a person is over 18, but (2) when the offence occurred when they were under 18. Presently, a caution given to someone when they were over 18 must be disclosed, even if the offence occurred before they were an adult.

LORD PONSONBY OF SHULBREDE
LORD HAMPTON

After Clause 196, insert the following new Clause —

“Adult treatment of youth offending: custodial sentencing

- (1) Article 2A of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order (S.I. 1975/1023) (cautions) is amended as follows.
- (2) In sub-paragraph (4)(a) —

- (a) at beginning insert “where the person was 18 years or over at the time of the offence,”;
- (b) omit “and”;
- (c) at end insert –
- “(ab) where the person was under 18 years at the time of the offence, a custodial sentence (other than a detention and training order within the meaning given by section 233 of the Sentencing Code or an order under section 211 of the Armed Forces Act 2006), and,”.

Member's explanatory statement

This amendment seeks to ensure that custodial sentences (except for the most serious) will be removed an individual's criminal record after five and half years, if the offence was committed before the age of 18.

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

After Clause 196, insert the following new Clause –

“AI search services safety: offence

- (1) It is an offence for the provider of a generative AI search service to allow the creation, viewing, listening to, sharing, broadcasting or storing, using that service, of content that would be –
 - (a) illegal content and activity, as defined by section 59 of the Online Safety Act 2023 (“illegal content” etc);
 - (b) content and activity that is harmful to children, as defined by section 60 of the Online Safety Act 2023 (“content that is harmful to children”), if the user is a child.
- (2) For the purposes of this section, a generative AI search service means a deep or large language model able to generate text, images and other content based on the data on which they were trained and user prompts.
- (3) For the purposes of this section, “content” has the meaning given in section 236 (interpretation: general) of the Online Safety Act 2023, and includes both content generated by an AI search service and content generated by a user.
- (4) A provider which commits an offence under this section is liable –
 - (a) to the application of the enforcement powers set out in Part 7, Chapter 6 (enforcement powers) of the Online Safety Act 2023, where the provider is a regulated service under section 4 of the Online Safety Act 2023 (“regulated service”, “Part 3 service” etc.);
 - (c) to a penalty notice, issued by the National Crime Agency and not exceeding £18 million, where the provider is not a regulated service under section 4 of that Act.”

Member's explanatory statement

This amendment is intended to ensure that generative AI search services do not create illegal content.

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

After Clause 196, insert the following new Clause –

“AI chatbots: offence

- (1) It is an offence to –
 - (a) create,
 - (b) supply, or
 - (c) otherwise make available,an AI chatbot which produces content specified in subsection (2).
- (2) Content which it is illegal for an AI chatbot to produce is –
 - (a) for all users, illegal content, as defined by section 59 of the Online Safety Act (“illegal content” etc.);
 - (b) for users aged under 18, content and activity that is harmful to children, as defined by section 60 of the Online Safety Act 2023 (“content that is harmful to children”).
- (3) Where an offence is committed by a provider of a regulated service under section 4 of the Online Safety Act 2023 (“regulated service”, “Part 3 service” etc.), it is subject to the enforcement powers set out in Chapter 6 of Part 7 of the Online Safety Act 2023 (enforcement powers).
- (4) Where an offence is committed by a person who is not a regulated service under section 4 of the Online Safety Act 2023, they are liable to –
 - (a) a fine not exceeding £20,000, and
 - (b) imprisonment for a minimum term of 6 months.
- (5) It is a defence for a provider of a regulated service charged with an offence under this section to prove that they –
 - (a) took reasonable steps to avoid making, supplying or making available an AI chatbot that breached the provisions in subsection (1), including a written risk assessment on the likelihood of such a breach,
 - (b) provided accessible and transparent means with which users could report if the AI chatbot breached the provisions in subsection (1),
 - (c) notified OFCOM of any risks within 15 working days of identifying a problem, and
 - (d) agreed mitigations with OFCOM.

- (6) It is a defence for a person who is not a regulated service under section 4 of the Online Safety Act 2023 and is charged with an offence under this section to prove that they –
- (a) created, supplied or otherwise made available an AI chatbot which breached the provisions in subsection (1) for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world,
 - (b) were a member of, employed by, or engaged by OFCOM and created, supplied or otherwise made available an AI chatbot which breached the provisions in subsection (1) in the exercise of OFCOM’s online safety functions,
 - (c) were red-teaming or testing the product, for the purposes of ensuring its compatibility with the code, or
 - (d) did all of the following –
 - (i) took reasonable steps to avoid making, supplying or making available an AI chatbot that breached the provisions in section (1), including a written risk assessment on the likelihood of such a breach,
 - (ii) provided accessible and transparent means with which users could report if the AI chatbot breached the provisions in subsection (1), and
 - (iii) deleted, withdrew or took mitigating steps within 15 working days of identifying a problem.
- (7) For the purposes of this section, 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, which has been designed to engage a person in a way that mimics the behaviour of a human being.”

Member's explanatory statement

This amendment is intended to ensure that AI chatbots cannot be used to create illegal content.

LORD MCCOLL OF DULWICH

After Clause 196, insert the following new Clause –

“Review: bicycle delivery services and criminal activity

- (1) Within six months of the day on which this Act is passed, the Secretary of State must undertake and publish a review on bicycle delivery services and any –
 - (a) reliance they have on, and
 - (b) contribution they make to, criminal activity.
- (2) The review must make recommendations on whether the criminal law must be changed in response to the findings.
- (3) The review must investigate –

- (a) the immigration status of bicycle delivery riders in terms of the criminal law,
- (b) any involvement of bicycle delivery riders in—
 - (i) the theft and transportation of goods, and
 - (ii) the supply of illegal drugs, and
- (c) whether bicycle delivery riders contribute to crime or fear of crime in residential blocks with shared entrances and corridors.”

LORD CROMWELL

★ After Clause 196, insert the following new Clause—

“Report: economic crime fighting fund

- (1) The Secretary of State must undertake an assessment of the viability, and potential merits, of establishing an economic crime fighting fund based on the principle of reinvesting a proportion of receipts resulting from economic crime enforcement into a pooled fund for the purposes of providing multi-year resourcing for tackling economic crime.
- (2) The assessment specified in subsection (1) must also examine the impact of budget exchange rules on the functioning of the asset recovery incentivisation scheme.
- (3) In carrying out the assessment, the Secretary of State must consult such persons as they consider appropriate.
- (4) The Secretary of State must publish and lay before Parliament a report on the outcome of the assessment by the end of the period of 12 months beginning with the day on which this Act is passed.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
EARL RUSSELL

★ After Clause 196, insert the following new Clause—

“Rural crime prevention strategy

- (1) On the day after the day on which this Act is passed, the Secretary of State must establish a rural crime prevention task force to develop proposals for tackling rural crime.
- (2) The task force must be given a remit that includes, but is not confined to, examining—
 - (a) the particular types of crime that occur in rural areas, including but not limited to—
 - (i) quad bike theft,
 - (ii) animal hustling,
 - (iii) equipment theft, and
 - (iv) hare coursing,
 - (b) crime rates in rural communities across England and Wales,

- (c) the current levels of police resources and funding in rural communities,
 - (d) whether specific training in how to respond to rural crime call-outs should be undertaken by police control room operators,
 - (e) the operational case, and the funding implications, of appointing rural crime specialists in Police Forces across England and Wales which serve areas that include a significant rural population, and
 - (f) whether a National Rural Crime Coordinator should be established.
- (3) The task force established under subsection (1) must submit a rural crime prevention strategy to the Secretary of State within six months of its appointment.
 - (4) The Secretary of State must, within a month of receiving the report made by the task force, lay the report and a written response to the task force's recommendations before both Houses of Parliament.
 - (5) The Secretary of State must, within a month of laying their response to the task force's report, ensure that an amendable motion on the subject of the rural crime task force's recommendations is laid, and moved, before both Houses of Parliament."

Member's explanatory statement

This new clause would require the Secretary of State to establish a task force to produce a strategy for tackling rural crime, makes provision for specific aspects of the task force's remit, and requires the Secretary of State to bring forward a substantive motion before both Houses of Parliament on the task force's recommendations.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
EARL RUSSELL



After Clause 196, insert the following new Clause –

“Offence of failing to meet pollution performance commitment levels

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

- (3) If guilty of an offence under this section, C is liable –
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine.”

Member's explanatory statement

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

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
EARL RUSSELL

★

After Clause 196, insert the following new Clause –

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

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

Member's explanatory statement

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

Clause 197

LORD HANSON OF FLINT

★

Clause 197, page 228, line 6, at end insert –

“(za) sections 40 and 41;

- (zb) section (*Child criminal exploitation prevention orders: Scotland and Northern Ireland*)(1) and Schedule (*CCE prevention orders: Scotland*);”

Member's explanatory statement

This amendment gives the Scottish Ministers power to make regulations containing provision consequential on the specified provisions.

BARONESS LEVITT

- ★ Clause 197, page 228, line 7, at end insert –

“(aa) section (*Pornographic images of strangulation or suffocation: Scotland*);”

Member's explanatory statement

This amendment gives the Scottish Ministers power to make regulations containing provision consequential on the specified new clause (inserted after clause 84).

LORD HANSON OF FLINT

- ★ Clause 197, page 228, line 7, at end insert –

“(aa) sections (*Child sexual abuse image-generators: Scotland*) and (*Possession of advice or guidance about child sexual abuse or CSA images: Scotland*);”

Member's explanatory statement

This amendment gives the Scottish Ministers power to make regulations containing provision consequential on the specified new clauses (inserted after clauses 63 and 64).

LORD HANSON OF FLINT

- Clause 197, page 228, line 15, at end insert –

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

Member's explanatory statement

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

LORD HANSON OF FLINT

- Clause 197, page 228, line 15, at end insert –

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

Member's explanatory statement

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

LORD HANSON OF FLINT

Clause 197, page 228, line 15, at end insert—

“(za) section (Duty to report remote sale of knives etc in bulk: Northern Ireland);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to make regulations containing amendments consequential on my new clause, (Duty to report remote sale of knives etc in bulk: Northern Ireland), inserted after clause 36.

LORD HANSON OF FLINT

★ Clause 197, page 228, line 15, at end insert—

“(za) sections 40 and 41;

(zb) section (Child criminal exploitation prevention orders: Scotland and Northern Ireland)(2) and Schedule (CCE prevention orders: Northern Ireland);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to make regulations containing provision consequential on the specified provisions.

BARONESS LEVITT

★ Clause 197, page 228, line 16, at end insert—

“(aa) section (Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to make regulations containing provision consequential on the specified new clause (inserted after clause 84).

LORD HANSON OF FLINT

★ Clause 197, page 228, line 16, at end insert—

“(aa) section (Child sexual abuse image-generators: Northern Ireland);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to make regulations containing provision consequential on the specified new clause (inserted after clause 63).

BARONESS LEVITT

- ★ Clause 197, page 228, line 18, at end insert –
 “(ca) section (*Child abduction: Northern Ireland*);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to make regulations containing provision consequential on the specified new clause (inserted after clause 104).

Clause 198

LORD HANSON OF FLINT

- ★ Clause 198, page 228, line 38, after “section” insert “51(6),”

Member's explanatory statement

This amendment provides that the new power of the Secretary of State to amend the list of prevention orders in clause 51 (inserted by my amendment to clause 51, page 68, line 30) is subject to the affirmative resolution procedure.

LORD LUCAS

Clause 198, page 228, line 38, after “81,” insert “section (*Police guidance and pilot: enforcement of criminal offences for illegal vehicles on roads*),”

LORD CLEMENT-JONES

Clause 198, page 228, line 38, after “122,” insert “section (*Mandatory training for exercise of service police powers*),”

Member's explanatory statement

This amendment makes regulations made under a new clause proposed by Lord Clement-Jones subject to the affirmative procedure.

LORD CLEMENT-JONES

Clause 198, page 228, line 38, after “122,” insert “section (*Independent oversight of service police powers under section 93ZA of the Armed Forces Act 2006*),”

Member's explanatory statement

This amendment makes regulations made under a new clause proposed by Lord Clement-Jones subject to the affirmative procedure.

LORD CLEMENT-JONES

Clause 198, page 228, line 38, after “122,” insert “129,”

EARL ATTLEE

Clause 198, page 228, line 39, after “133(7)” insert “, section (Police charges for escorting vehicles or trailers carrying a load of exceptional dimensions) or”

Member's explanatory statement

This amendment is connected to another in the name of Earl Attlee which seeks to require the Secretary of State to establish a regulatory framework to manage the fees charged to hauliers by police forces for escorting a vehicle or trailer carrying a load of exceptional dimensions.

LORD CLEMENT-JONES

Clause 198, page 228, line 39, at end insert “or 192”

Member's explanatory statement

This amendment requires regulations under section 192 of the Bill to be made by the affirmative procedure.

LORD JACKSON OF PETERBOROUGH

Clause 198, page 228, line 39, at end insert “or 201(13)”

LORD JACKSON OF PETERBOROUGH

Clause 198, page 228, line 39, at end insert “or 191(5)”

Clause 199

LORD HANSON OF FLINT

★ Clause 199, page 229, line 16, at end insert—

“(c) regulations under paragraph 10(4) of Schedule (CCE prevention orders: Scotland).”

Member's explanatory statement

This amendment provides that the new power of the Scottish Ministers to amend the list of prevention orders in paragraph 10 of the new Schedule about CCE prevention orders in Scotland (inserted after Schedule 5) is subject to the affirmative resolution procedure.

LORD HANSON OF FLINT

★ Clause 199, page 229, line 29, at end insert—

“(c) regulations under paragraph 10(6) of Schedule (CCE prevention orders: Northern Ireland).”

Member's explanatory statement

This amendment provides that the new power of the Department of Justice to amend the list of prevention orders in paragraph 10 of the new Schedule about CCE prevention orders in Northern Ireland (inserted after Schedule 5) is subject to the affirmative resolution procedure.

LORD HANSON OF FLINT

- ★ Clause 199, page 229, line 38, at end insert—

““regulations” means regulations under any provision of this Act except section 201.”

Member's explanatory statement

This amendment is consequential on my amendments to clause 201, page 232, lines 25 and 35.

Clause 200

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 7, after “40” insert “(1) to (4)”

Member's explanatory statement

This amendment removes section 40(5), which should extend to England and Wales only, from a list of provisions having UK extent.

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 10, at end insert “and Schedule 7”

Member's explanatory statement

This amendment provides for Schedule 7 (which lists the offences to which clause 65 applies) to have UK extent.

BARONESS LEVITT

- ★ Clause 200, page 230, line 13, at end insert—

“(ja) section (Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland)(5);”

Member's explanatory statement

This amendment provides that the amendment to the Online Safety Act 2023 in the specified new clause (inserted after clause 84) extends to the whole of the UK.

LORD HANSON OF FLINT

Clause 200, page 230, line 29, after “Sections” insert “33(1), (2A) and (3), 34, 35(1) and (2),”

Member's explanatory statement

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

LORD HANSON OF FLINT

Clause 200, page 230, line 29, after “Sections” insert “36(1),”

Member's explanatory statement

This amendment provides that clause 36(1), which inserts new section 141D of the Criminal Justice Act 1988, extends to England and Wales and Scotland. At present it extends only to England and Wales.

BARONESS LEVITT

★

Clause 200, page 230, line 30, after “(4),” insert “(Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland)(1) to (3),”

Member's explanatory statement

This amendment provides that the subsections of the specified new clause (inserted after clause 84) that amend the Criminal Justice and Immigration Act 2008 extend to England and Wales and Northern Ireland.

LORD HANSON OF FLINT

Clause 200, page 230, line 33, after “Sections” insert “(Duty to report remote sale of knives etc in bulk: Northern Ireland)(1) to (3)”

Member's explanatory statement

This amendment provides for the specified provisions of my new clause (Duty to report remote sale of knives etc in bulk: Northern Ireland), inserted after clause 36, to extend to Northern Ireland only.

LORD HANSON OF FLINT

Clause 200, page 230, line 33, after “Sections” insert “(Remote sale of knives etc: Northern Ireland),”

Member's explanatory statement

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

LORD HANSON OF FLINT

Clause 200, page 230, line 33, after “Sections” insert “(Remote sale and letting of crossbows: Northern Ireland), (Delivery of crossbows: Northern Ireland), (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(1) to (3),”

Member's explanatory statement

This amendment provides for the specified provisions, inserted after clause 35, to extend to Northern Ireland only

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 33, after “Sections” insert “(Child criminal exploitation prevention orders: Scotland and Northern Ireland)(2),”

Member's explanatory statement

This amendment provides that the subsection introducing the new Schedule about CCE prevention orders for Northern Ireland (inserted after Schedule 5) extends to Northern Ireland only.

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 33, after “61” insert “(Safeguarding vulnerable groups: regulated activity (Northern Ireland))”

Member's explanatory statement

This amendment provides that the specified new clause (inserted after clause 105) extends to Northern Ireland only.

BARONESS LEVITT

- ★ Clause 200, page 230, line 33, after “61,” insert “(Child abduction: Northern Ireland),”

Member's explanatory statement

This amendment provides that the specified new clause (inserted after clause 104) extends to Northern Ireland only.

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 33, after “61,” insert “94(3),”

Member's explanatory statement

This amendment provides that the new subsection inserted by my amendment to clause 94, page 121, line 17 extends to Northern Ireland only.

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 33, after “188,” insert “Schedule (CCE prevention orders: Northern Ireland)”

Member's explanatory statement

This amendment provides that the new Schedule about CCE prevention orders for Northern Ireland (inserted after Schedule 5) extends to Northern Ireland only.

LORD HANSON OF FLINT

Clause 200, page 230, line 35, after “Section” insert “(Remote sale or letting of knives etc: Scotland)”

Member's explanatory statement

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

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 35, after “Section” insert “(Child criminal exploitation prevention orders: Scotland and Northern Ireland)(1) and”

Member's explanatory statement

This amendment provides that the subsection introducing the new Schedule about CCE prevention orders for Scotland (inserted after Schedule 5) extends to Scotland only.

BARONESS LEVITT

- ★ Clause 200, page 230, line 35, after “Section” insert “(Pornographic images of strangulation or suffocation: Scotland),”

Member's explanatory statement

This amendment provides that the specified new clause (inserted after clause 84) extends to Scotland only.

LORD HANSON OF FLINT

- ★ Clause 200, page 230, line 35, after “145(3)” insert “, Schedule (CCE prevention orders: Scotland)”

Member's explanatory statement

This amendment provides that the new Schedule about CCE prevention orders for Scotland (inserted after Schedule 5) extends to Scotland only.

LORD HANSON OF FLINT

Clause 200, page 230, line 38, leave out “or” and insert “to”

Member's explanatory statement

This amendment gives clause 28(2) the same extent as the provisions it amends, with the effect of allowing trial on indictment in Scotland for an offence under section 141A of the Criminal Justice Act 1988.

LORD HANSON OF FLINT

Clause 200, page 230, line 39, at end insert –

“(ba) sections 33(2B) and 35(3) and (4);”

Member's explanatory statement

This amendment provides for the specified provisions to have the same extent as the provisions they are amending.

LORD HANSON OF FLINT

Clause 200, page 230, line 39, at end insert –

“(ba) section (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(4);”

Member's explanatory statement

This amendment provides for the specified provision to have the same extent as the provision amended.

LORD HANSON OF FLINT

Clause 200, page 230, line 39, at end insert –

“(ba) section 36(2);”

Member's explanatory statement

This amendment provides for clause 36(2) to have the same extent as the provision it amends. It is related to my second amendment to clause 200, page 230, line 29, which provides for new section 141D to extend to Scotland as well as England and Wales.

LORD HANSON OF FLINT

Clause 200, page 230, line 39, at end insert –

“(ba) section (Duty to report remote sale of knives etc in bulk: Northern Ireland)(4);”

Member's explanatory statement

This amendment provides for the specified provision to have the same extent as the provision it amends.

LORD HANSON OF FLINT

★

Clause 200, page 231, line 1, at end insert –

“(ca) section (Child sexual abuse image-generators: Scotland);”

Member's explanatory statement

This amendment provides for the specified new clause (inserted after clause 63) to have the same extent as the provisions it amends.

LORD HANSON OF FLINT

- ★ Clause 200, page 231, line 1, at end insert —

“(ca) section (*Child sexual abuse image-generators: Northern Ireland*);”

Member's explanatory statement

This amendment provides for the specified new clause (inserted after clause 63) to have the same extent as the provisions it amends.

LORD HANSON OF FLINT

- ★ Clause 200, page 231, line 2, at end insert —

“(da) section (*Possession of advice or guidance about child sexual abuse or CSA images: Scotland*)”

Member's explanatory statement

This amendment provides for the specified new clause (inserted after clause 64) to have the same extent as the provisions it amends.

Clause 201

LORD JACKSON OF PETERBOROUGH

Clause 201, page 232, line 2, leave out paragraph (d)

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 3, leave out “section” and insert “sections 195 and”

Member's explanatory statement

This amendment removes clause 195 (extradition) from the list of provisions that come into force on Royal Assent. The effect is that it will be commenced by regulations under clause 201(1).

LORD JACKSON OF PETERBOROUGH

Clause 201, page 232, line 15, at end insert —

“(3A) Section (*Cloud service access restrictions: lost or stolen mobile phone devices*) comes into force at the end of the period of six months beginning with the day on which this Act is passed.”

LORD HANSON OF FLINT

Clause 201, page 232, line 22, after “Sections” insert “32,”

Member's explanatory statement

This amendment provides for the specified provision to be commenced by the Scottish Ministers so far as extending to Scotland, and the Department of Justice so far as extending to Northern Ireland.

LORD HANSON OF FLINT

★ Clause 201, page 232, line 22, after “94(2)” insert “and (3)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 94, page 121, line 17.

LORD HANSON OF FLINT

★ Clause 201, page 232, line 25, leave out “order” and insert “regulations”

Member's explanatory statement

This amendment provides for the Scottish Ministers to make commencement regulations rather than commencement orders.

LORD HANSON OF FLINT

Clause 201, page 232, line 29, at end insert—

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

Member's explanatory statement

This amendment provides for my new clause (Remote sale of knives etc: Northern Ireland), inserted after clause 31, to be commenced by order made by the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

Clause 201, page 232, line 29, at end insert—

“(za) sections (Remote sale and letting of crossbows: Northern Ireland) and (Delivery of crossbows: Northern Ireland);

(zb) section (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(1) to (3), and section (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(4) so far as extending to Northern Ireland;”

Member's explanatory statement

This amendment provides for the specified provisions, inserted after clause 35, to be brought into force by an order made by the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

Clause 201, page 232, line 29, at end insert –

“(za) section (*Duty to report remote sale of knives etc in bulk: Northern Ireland*)(1) to (3), and section (*Duty to report remote sale of knives etc in bulk: Northern Ireland*)(4) so far as extending to Northern Ireland;”

Member's explanatory statement

This amendment provides for my new clause (Duty to report remote sale of knives etc in bulk: Northern Ireland), inserted after clause 36, to be commenced by order made by the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

★ Clause 201, page 232, line 29, at end insert –

“(za) section (*Child sexual abuse image-generators: Northern Ireland*) so far as extending to Northern Ireland;”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to commence the specified new clause (inserted after clause 63) for Northern Ireland.

LORD HANSON OF FLINT

★ Clause 201, page 232, line 29, at end insert –

“(za) section (*Child criminal exploitation prevention orders: Scotland and Northern Ireland*)(2) and Schedule (*CCE prevention orders: Northern Ireland*);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to commence the new provisions about child criminal exploitation prevention orders for Northern Ireland.

LORD HANSON OF FLINT

★ Clause 201, page 232, line 31, at end insert –

“(aa) section 94(3);”

Member's explanatory statement

This amendment gives the Department for Justice in Northern Ireland power to commence the provision inserted by my amendment to clause 94, page 121, line 17.

BARONESS LEVITT

★ Clause 201, page 232, line 32, after “sections” insert “(*Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland*)(1) to (3),”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to commence the subsections of the specified new clause (inserted after clause 84) that amend the Criminal Justice and Immigration Act 2008, in so far as they extend to Northern Ireland.

BARONESS LEVITT

- ★ Clause 201, page 232, line 32, at end insert—

“(ba) section (Child abduction: Northern Ireland);”

Member's explanatory statement

This amendment gives the Department of Justice in Northern Ireland power to commence the specified new clause (inserted after clause 104).

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 33, at end insert—

“(8A) Section (Safeguarding vulnerable groups: regulated activity (Northern Ireland)) comes into force on such day as the Department of Health in Northern Ireland may by order appoint.”

Member's explanatory statement

This amendment gives the Department of Health in Northern Ireland power to commence the specified new Clause (inserted after clause 105).

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 34, at beginning insert “Sections (Child sexual abuse image-generators: Scotland) and (Possession of advice or guidance about child sexual abuse or CSA images: Scotland) so far as extending to Scotland,”

Member's explanatory statement

This amendment gives the Scottish Ministers power to commence the specified new clauses (inserted after clauses 63 and 64) for Scotland.

LORD HANSON OF FLINT

Clause 201, page 232, line 34, after “Section” insert “(Remote sale or letting of knives etc: Scotland) and”

Member's explanatory statement

This amendment provides for my new clause (Remote sale or letting of knives etc: Scotland), inserted after clause 31, to be commenced by order made by the Scottish Ministers.

LORD HANSON OF FLINT

Clause 201, page 232, line 34, after “Section” insert “33 to 35, so far as extending to Scotland”

Member's explanatory statement

This amendment provides for the specified provisions to be brought into force by the Scottish Ministers so far as extending to Scotland.

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 34, after “Section” insert “(Child criminal exploitation prevention orders: Scotland and Northern Ireland)(1)”

Member's explanatory statement

This amendment gives the Scottish Ministers to commence the subsection introducing the new Schedule about CCE prevention orders for Scotland (inserted after Schedule 5).

BARONESS LEVITT

- ★ Clause 201, page 232, line 34, after “Section” insert “(Pornographic images of strangulation or suffocation: Scotland),”

Member's explanatory statement

This amendment gives the Scottish Ministers power to commence the specified new clause (inserted after clause 84).

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 34, after “145(3)” insert “, Schedule (CCE prevention orders: Scotland)”

Member's explanatory statement

This amendment gives the Scottish Ministers power to commence the new Schedule about CCE prevention orders (inserted after Schedule 5).

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 35, leave out “order” and insert “regulations”

Member's explanatory statement

This amendment provides for the Scottish Ministers to make commencement regulations rather than commencement orders.

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 36, after “order” insert “or regulations”

Member's explanatory statement

This amendment is consequential on my amendments to clause 201, page 232, lines 25 and 35.

LORD HANSON OF FLINT

- ★ Clause 201, page 232, line 36, after “(8)” insert “(8A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 201, page 232, line 33, inserting a new subsection after subsection (8).

LORD HANSON OF FLINT

- ★ Clause 201, page 233, line 1, leave out “an order” and insert “regulations”

Member's explanatory statement

This amendment is consequential on my amendments to clause 201, page 232, lines 25 and 35.

LORD HANSON OF FLINT

- ★ Clause 201, page 233, line 4, after “(8)” insert “or (8A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 201, page 232, line 33, inserting a new subsection after subsection (8).

LORD JACKSON OF PETERBOROUGH

Clause 201, page 233, line 6, at end insert –

“(13) Section 191 comes into force on such day as the Secretary of State may by regulations appoint, but not before the Secretary of State has laid before both Houses of Parliament a report giving their assessment of the impact of the provisions of that section on –

- (a) the safety and welfare of women, including in relation to mental health outcomes, and safeguarding for under-16s;
- (b) coerced and non-consensual abortion;
- (c) late-term abortion or self-induced abortion outside a clinical setting;
- (d) recording and monitoring of complications relating to terminations taking place outside a clinical setting;
- (e) standards of clinical oversight;
- (f) any other matter that the Secretary of State may specify.

(14) In preparing the report under subsection (13) the Secretary of State must consult –

- (a) relevant professional bodies;
- (b) integrated care boards;

- (c) such other persons as the Secretary of State considers appropriate.
- (15) The report under subsection (13) must be laid within six months of the day on which this Act is passed.”

LORD JACKSON OF PETERBOROUGH

Clause 201, page 233, line 6, at end insert –

- “(13) Section 191 comes into force on such day as the Secretary of State may by regulations appoint, but not before –
- (a) a 12-week public consultation has been carried out on the potential impact and operation of that section, and
 - (b) the Secretary of State has laid a report before both Houses of Parliament analysing the consultation responses and six weeks have elapsed since the laying of that report.”

LORD HANSON OF FLINT

- ★ Clause 201, page 233, line 13, leave out “an order” and insert “regulations”

Member's explanatory statement

This amendment is consequential on my amendment to clause 201, page 232, line 25.

Crime and Policing Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

3 November 2025

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