



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Thursday 10 October 2013**

*New Amendments handed in are marked thus ★*

### CONSIDERATION OF BILL

#### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL, AS AMENDED

#### NOTE

The Amendments have been arranged in accordance with the Anti-social Behaviour, Crime and Policing Bill Programme (No. 2) Motion to be proposed by Secretary Theresa May.

#### *NEW CLAUSES AND NEW SCHEDULES RELATING TO THE PROTECTION OF PERSONS FROM HARM OF A SEXUAL NATURE OR RELATING TO VIOLENT OFFENDER ORDERS*

#### *Violent offender orders*

Secretary Theresa May

**NC8**

To move the following Clause:—

- ‘(1) In section 98 of the Criminal Justice and Immigration Act 2008 (violent offender orders), after subsection (5) there is inserted—
- “(6) The Secretary of State may by order—
- (a) amend subsection (3);
  - (b) make consequential amendments to subsection (4).”
- (2) In section 147(5) of that Act (orders etc subject to affirmative resolution procedure), after paragraph (d) there is inserted—
- “(da) an order under section 98(6),”.

**Anti-social Behaviour, Crime and Policing Bill, continued**

- (3) In section 99 of that Act (qualifying offenders), in paragraph (b) of subsection (5) (meaning of “relevant offence”) after “a specified offence” there is inserted “, or the offence of murder,”.

*Sexual harm prevention orders and sexual risk orders, etc*

Secretary Theresa May

NC14

To move the following Clause:—

- (1) Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*] (amendments of Part 2 of the Sexual Offences Act 2003) has effect.
- (2) In section 142 of the Sexual Offences Act 2003 (extent etc)—
- (a) in subsection (2) (provisions that extend to Northern Ireland, as well as England and Wales), for paragraph (c) there is substituted—
- “(c) sections 80 to 88, 89 to 91, 92 to 96, 96B to 103, 122F and 130 to 136ZB;
- (ca) Part 2A;”;
- (b) after that subsection there is inserted—
- “(2A) Sections 110, 117A, 119 and 123 to 129 extend only to Northern Ireland.”
- (c) In subsection (3) (provisions that extend to Scotland, as well as England and Wales) for paragraph (a) there is substituted—
- “(a) sections 80 to 88, 89 to 91, 92, 94 to 96, 97 to 103, 122F, 130 to 132 and 133 to 136ZB;”;
- (d) after that subsection there is inserted—
- “(3A) Sections 88A to 88I, 96A, 111A, 117B, 120 and 121 extend only to Scotland.
- (3B) Sections 104 to 109, 111, 112 to 117, 118 and 122 extend to Northern Ireland and Scotland but not to England and Wales.”.

*Saving and transitional provision*

Secretary Theresa May

NC15

To move the following Clause:—

- (1) In this section—
- “the 2003 Act” means the Sexual Offences Act 2003;
- “existing order” means—
- (a) a sexual offences prevention order under section 104 of the 2003 Act;
- (b) a foreign travel order under section 114 of that Act;

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (c) a risk of sexual harm order under section 123 of that Act;
    - “new order” means—
      - (a) a sexual harm prevention order (made under section 103A of the 2003 Act, inserted by Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*]);
      - (b) a sexual risk order (made under section 122A of that Act, inserted by that Schedule);
    - “old order” means—
      - (a) a restraining order under section 5A of the Sex Offenders Act 1997;
      - (b) a sex offender order under section 2 of the Crime and Disorder Act 1998.
  - (2) The repeal or amendment by this Act of sections 104 to 122 or sections 123 to 129 of the 2003 Act does not apply in relation to—
    - (a) an application made before the commencement day for an existing order;
    - (b) an existing order (whether made before or after that day) applied for before that day;
    - (c) anything done in connection with such an application or order.
  - (3) The following sections of the 2003 Act inserted by Schedule [*Amendments of Part 2 of the Sexual Offences Act 2003*] apply (as appropriate) to an old order as they apply to a new order—
    - (a) section 103E (variation, renewal and discharge of sexual harm prevention order);
    - (b) section 103I (offence of breach of sexual harm prevention order);
    - (c) section 122E (variation, renewal and discharge of sexual risk order);
    - (d) section 122H (offence of breach of sexual risk order).
  - (4) As from the commencement day there may be no variation of an existing order or an old order that extends the period of the order or of any of its provisions.
  - (5) At the end of the period of 5 years beginning with the commencement day—
    - (a) in relation to any existing order or old order that is still in force, sections 103E and 103I of the 2003 Act or sections 122E and 122H of that Act (as appropriate) have effect, with any necessary modifications (and with any modifications specified in an order under section 152(6) of this Act), as if the provisions of the order were provisions of a new order;
    - (b) subsections (2) and (3) cease to have effect.
  - (6) In this section “commencement day” means the day on which this section comes into force.?
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**Anti-social Behaviour, Crime and Policing Bill, *continued****Child sexual abuse prevention orders*

Nicola Blackwood  
Mr William Cash  
Keith Vaz  
Jackie Doyle-Price  
Kris Hopkins  
Dan Byles

Ann Coffey  
Penny Mordaunt  
Jason McCartney  
Andrea Leadsom  
Priti Patel  
Richard Harrington  
Charlie Elphicke  
Chris Heaton-Harris  
Harriett Baldwin  
Pauline Latham  
Mr Jonathan Djanogly  
Mr James Clappison  
Stephen Barclay  
Andrew Stephenson  
Charlotte Leslie  
Mike Freer  
Mr Philip Hollobone  
Zac Goldsmith  
Sir Richard Shepherd  
Simon Danczuk  
Mr David Davis

Sarah Newton  
Mark Garnier  
Valerie Vaz  
Dr Philip Lee  
Richard Fuller  
Mr Brian Binley  
Mr Robert Buckland  
Julian Sturdy  
Sir John Stanley  
Philip Davies  
Mr Jim Cunningham  
Tim Loughton  
Bill Wiggin  
Sarah Champion  
Jim Shannon  
Caroline Lucas  
Mr Adrian Sanders  
Dr Julian Lewis  
John Hemming  
Rosie Cooper  
Mark Pritchard

Robert Halfon  
Jacob Rees-Mogg  
Mr Frank Field  
Mr Peter Bone  
Robin Walker  
Simon Kirby  
Gordon Henderson  
Mr Julian Brazier  
George Freeman  
Mr Richard Bacon  
Mr Stewart Jackson  
Fiona MacTaggart  
Mr Mark Spencer  
Craig Whittaker  
Mike Wood  
Mr Dave Watts  
Mr George Howarth  
Heather Wheeler  
Dame Joan Ruddock  
Greg Mulholland

NC5

To move the following Clause:—

- ‘(1) The Sexual Offences Act 2003 is amended as follows.  
(2) For sections 123 (Risk of sexual harm orders: applications, grounds and effect) to 129 (Effect of conviction etc. of an offence under section 128) substitute—

**“123 Child Sexual Abuse Prevention Orders: Applications and grounds**

- (1) On the application of a qualifying person, or on conviction of a qualifying offence, a magistrates’ court may make a ‘child sexual abuse prevention order’ if it is satisfied that it is necessary to make such an order for the purposes of protecting children generally or any particular child from serious sexual harm from the defendant.
- (2) A qualifying person under subsection (1) shall be a chief officer of police or an officer, of superintendant rank or above, in the NCA or other relevant agency to be decided by the Home Secretary.
- (3) In subsection (1) a defendant shall be considered to be convicted of a qualifying offence who—
- is convicted of an offence listed in schedules 3 and 5;
  - is found not guilty of such an offence by reason of insanity;
  - is found to be under a disability and to have done the act charged against him in respect of such an offence;
  - is cautioned in respect of such an offence;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (4) A chief officer of police may apply for an order under this section in respect of a person who resides in his police area or who the chief officer believes is in, or is intending to come to, his police area.
- (5) An application under subsection (1) may be made to a magistrates' court whose commission area includes—
  - (a) any part of the police area, or
  - (b) any place where it is alleged that the defendant committed one or more offences listed in schedules 3 and 5.

**124 Section 123: supplemental**

- (1) In this Part, 'Child Sexual Abuse Prevention Order' means an order under section 123.
- (2) Subsections (3) and (4) apply for the purposes of Section 1.
- (3) 'Protecting children generally or any particular child from serious sexual harm from the defendant' means protecting persons under 18 or any person under 18, in or outside the United Kingdom, from serious physical or psychological harm caused by the defendant committing one or more offences listed in Schedule 3.
- (4) Acts, behaviour, convictions, and findings include those occurring before the commencement of this Part.
- (5) In subsection (1)(1), a person shall also be considered to have been convicted of a qualifying offence if, under law in force in a country outside the United Kingdom and whether before or after the commencement of this Part—
  - (a) he has been convicted of a relevant offence (whether or not he has been punished for it),
  - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that he is not guilty by reason of insanity,
  - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that he is under a disability and did the act charged against him in respect of the offence, or
  - (d) he has cautioned in respect of a relevant offence.
- (6) In subsection (5), a 'relevant offence' means an act which—
  - (a) constituted an offence under the law in force in the country concerned, and
  - (b) would have constituted an offence within schedules 3 and 5 if it had been done in any part of the United Kingdom.
- (7) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of subsection (6), however it is described in that law.
- (8) Subject to subsection (9), on an application under section 1 the condition in subsection (6)(b) above (where relevant) is to be taken as met unless, not later than rules of the court may provide, the defendant serves on the applicant a notice—
  - (a) stating that, on the facts as alleged with respect to the act concerned, the condition is not in his opinion met,
  - (b) showing his grounds for that opinion, and

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (c) requiring the applicant to prove that the condition is met.
- (9) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without the service of a notice under subsection (8).

**125 Child-SAPOs: effect**

- (1) A Child Sexual Abuse Prevention Order—
  - (a) prohibits the defendant from doing anything described in the order, and
  - (b) has effect for a fixed period (not less than five years) specified in the order or until further order.
- (2) The only prohibitions that may be included in the order are those necessary for the purpose of protecting children generally or any particular child from serious sexual harm from the defendant.
- (3) Where a court makes a child sexual abuse prevention order in relation to a person already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.
- (4) Section 3(3) applies for the purposes of this section and section 5.

**126 Child-SAPOs: variations, renewals and discharges**

- (1) A person within subsections (2) may apply to the appropriate court for an order varying, renewing or discharging a child sexual abuse prevention order.
- (2) The persons are—
  - (a) the defendant;
  - (b) the chief officer of police for the area in which the defendant resides;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come on to, his police area;
  - (d) where an order was made on an application under section 1(1), the chief officer or other qualifying person who made the application.
- (3) An application under subsection (1) may be made—
  - (a) where the appropriate court is the Crown Court, in accordance with rules of the court;
  - (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (6), on the application of the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the child sexual abuse prevention order, that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions on or to lift prohibitions from the defendant, only if it is necessary to do so for the purposes of protecting children generally or any particular child from serious sexual harm from the defendant (and any renewed or varied order may contain only such prohibitions as are necessary for this purpose).

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (6) The court must not discharge an order before the end of five years beginning with the day on which the order was made, without the consent of the defendant and—
  - (a) where the application is made by a chief officer of police, that chief officer, or other qualifying person or
  - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (7) In this section ‘the appropriate court’ means—
  - (a) where the Crown Court or the Court of Appeal made the child sexual abuse prevention order, the Crown Court;
  - (b) where a magistrates’ court made the order, that court, a magistrates’ court for the area in which the defendant resides, or where the application is made by a chief officer of police, any magistrates’ court whose commission area includes any part of the chief officers’ police area or any area where the alleged offences occurred.
  - (c) where a youth court made the order, that court, the youth court for the area in which the defendant resides or, where the application is made, any youth court whose commission area includes any part of a chief officer’s police area or any place where the alleged offences occurred.
- (8) This section applies to orders under—
  - (a) Section 5A of the Sex Offenders Act 1997 (c.51) (restraining orders),
  - (b) Section 2 or 20 of the Crime and Disorder Act 1998 (c.37) (sex offender orders made in England and Wales and Scotland),
  - (c) Article 6 of the Criminal Justice (Northern Ireland) Order 1998 (S.I., 1998/2839 (N.I. 20)) (sex offender orders made in Northern Ireland), and
  - (d) as it applies to child sexual abuse prevention orders.

**127 Interim Child-SAPOs**

- (1) This section applies where an application under section 123(1) (‘the main application’) has not been determined.
- (2) An application for an order under this section (‘an interim child sexual abuse prevention order’)—
  - (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The Court may, if it considers it just to do so, make an interim child sexual abuse prevention order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
  - (a) has effect only for a fixed period, specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (5) The applicant or the defendant may by complaint apply to the court that made the interim child sexual abuse prevention order for the order to be varied, renewed or discharged.
- (6) Subsection (5) applies to orders under—
  - (a) Sections 2A or 20(4)(a) of the Crime and Disorder Act 1998 (c.37) (interim orders made in England and Wales Scotland), and
  - (b) Article 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I., 1998/2839 (N.I. 20)) (interim orders made in Northern Ireland),
 as it applies to interim child sexual abuse prevention orders.

**128 Child-SAPO and interim Child-SAPO appeals**

- (1) A defendant may appeal to the Crown Court against the making of a child sexual abuse prevention order under section 123(1).
- (2) A defendant may appeal to the Crown Court against the making of an interim child sexual abuse prevention order under section 127(3).
- (3) A defendant may appeal against the making of an order under section 127(3), or the refusal to make such an order—
  - (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
  - (b) in any other case, to the Crown Court.
- (4) On an appeal under section (1), (2) or subsection (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under sections (1) or (2) (other than an order directing that an application be re-heard by a magistrates' court) is for the purpose of subsections 126(7) and 127(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

**129 Offence: breach of a Child-SAPO or interim Child-SAPO**

- (1) A person commits an offence if, without reasonable excuse, he does anything which he is prohibited from doing by—
  - (a) a child sexual abuse prevention order;
  - (b) an interim child sexual abuse prevention order,
  - (c) an order under section 5A of the Sex Offenders Act 1997 (c.51) (restraining orders);
  - (d) an order under sections 2, 2A or 20 of the Crime and Disorder Act 1998 (c.37) (sex offenders orders and interim orders made in England and Wales and in Scotland);
  - (e) an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I., 1998/2839 (N.I. 20)) (sex offender orders and interim orders made in Northern Ireland).
- (2) A person guilty of an offence under this section 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;



**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) on conviction on indictment, to imprisonment for a term not exceeding five years.
  - (c) where a person is convicted of an offence under this section, it is not open to the court by or before which he is convicted to make, in respect of the offence, an order for conditional discharge or, in Scotland, a probation order.
- (3) The Home Secretary shall issue guidance on the use of child sexual abuse prevention orders and interim child sexual abuse prevention orders within six months of this section coming into force.”.

*Possession of prohibited written material about children*

Sir Paul Beresford  
Paul Goggins

NC7

To move the following Clause:—

- (1) Section 62 of the Coroners and Justice Act 2009 (offence of possession of prohibited images of children) is amended as follows.
- (2) In subsection (1), after “prohibited image of a child” insert “or prohibited written material about a child”.
- (3) After subsection (2) insert—
  - “(2A) Prohibited written material about a child is written material which—
    - (a) is pornographic,
    - (b) falls within subsection (6), and
    - (c) is grossly offensive, disgusting or otherwise of an obscene character.”
  - (4) In subsection (3), after “image” insert “or written material”.
  - (5) After subsection (5) insert—
    - “(5A) Where (as found in the person’s possession) written material forms part of a series of written material, the question whether the written material is of such a nature as is mentioned in subsection (2A) is to be determined by reference to—
      - (a) the written material itself, and
      - (b) (if the series of written material is such as to be capable of providing a context for the written material) the context in which it occurs in the series of written material.
    - (5B) So, for example, where—
      - (a) written material forms an integral part of a narrative constituted by a series of written material, and
      - (b) having regard to those written materials as a whole, they are not of such a nature that they must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal,
 the written material may, by virtue of being part of that narrative, be found not to be pornographic, even though it might have been found to be pornographic if taken by itself.”

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (6) In subsection (6), insert “or written material” after the word “image” each time it appears.’.

Secretary Theresa May

NS1

To move the following Schedule:—

‘SCHEDULE

AMENDMENTS OF PART 2 OF THE SEXUAL OFFENCES ACT 2003

*Introduction*

- 1 Part 2 of the Sexual Offences Act 2003 (notification and orders) is amended as set out in this Schedule.

*Sexual harm prevention orders*

- 2 After section 103 there is inserted—

*“Sexual harm prevention orders (England and Wales)*

**103A Sexual harm prevention orders: applications and grounds**

- (1) A court may make an order under this section (a “sexual harm prevention order”) in respect of a person (“the defendant”) where subsection (2) or (3) applies to the defendant.
- (2) This subsection applies to the defendant where—
- (a) the court deals with the defendant in respect of—
    - (i) an offence listed in Schedule 3 or 5, or
    - (ii) a finding that the defendant is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or
    - (iii) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of an offence listed in Schedule 3 or 5,
 and
  - (b) the court is satisfied that it is necessary to make a sexual harm prevention order, for the purpose of—
    - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
    - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (3) This subsection applies to the defendant where—
- (a) an application under subsection (4) has been made in respect of the defendant and it is proved on the application that the defendant is a qualifying offender, and

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) the court is satisfied that the defendant’s behaviour since the appropriate date makes it necessary to make a sexual harm prevention order, for the purpose of—
  - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
  - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
  
- (4) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates’ court apply for a sexual harm prevention order in respect of a person if it appears to the chief officer or the Director General that—
  - (a) the person is a qualifying offender, and
  - (b) the person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.
  
- (5) A chief officer of police may make an application under subsection (4) only in respect of a person—
  - (a) who resides in the chief officer’s police area, or
  - (b) who the chief officer believes is in that area or is intending to come to it.
  
- (6) An application under subsection (4) may be made to any magistrates’ court whose commission area includes—
  - (a) any part of a relevant police area, or
  - (b) any place where it is alleged that the person acted in a way mentioned in subsection (4)(b).
  
- (7) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (4).
  
- (8) In this section “relevant police area” means—
  - (a) where the applicant is a chief officer of police, the officer’s police area;
  - (b) where the applicant is the Director General—
    - (i) the police area where the person in question resides, or
    - (ii) a police area which the Director General believes the person is in or is intending to come to.

**103B Section 103A: supplemental**

- (1) In section 103A—
  - “appropriate date”, in relation to a qualifying offender, means the date or (as the case may be) the first date on which the offender was convicted, found or cautioned as mentioned in subsection (2) or (3) below;
  - “child” means a person under 18;
  - “the public” means the public in the United Kingdom;
  - “sexual harm” from a person means physical or psychological harm caused—

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (a) by the person committing one or more offences listed in Schedule 3, or
  - (b) (in the context of harm outside the United Kingdom) by the person doing, outside the United Kingdom, anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom;
- “qualifying offender” means a person within subsection (2) or (3) below;  
“vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.
- (2) A person is within this subsection if, whether before or after the commencement of this Part, the person—
    - (a) has been convicted of an offence listed in Schedule 3 (other than at paragraph 60) or in Schedule 5,
    - (b) has been found not guilty of such an offence by reason of insanity,
    - (c) has been found to be under a disability and to have done the act charged against him in respect of such an offence, or
    - (d) has been cautioned in respect of such an offence.
  - (3) A person is within this subsection if, under the law in force in a country outside the United Kingdom and whether before or after the commencement of this Part—
    - (a) the person has been convicted of a relevant offence (whether or not the person has been punished for it),
    - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the person is not guilty by reason of insanity,
    - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence, or
    - (d) the person has been cautioned in respect of a relevant offence.
  - (4) In subsection (3), “relevant offence” means an act which—
    - (a) constituted an offence under the law in force in the country concerned, and
    - (b) would have constituted an offence listed in Schedule 3 (other than at paragraph 60) or in Schedule 5 if it had been done in any part of the United Kingdom.

For this purpose an act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
  - (5) For the purposes of section 103A, acts, behaviour, convictions and findings include those occurring before the commencement of this Part.
  - (6) Subject to subsection (7), on an application under section 103A(4) the condition in subsection (4)(b) above (where relevant) is to be taken as met unless, not later than rules of court may provide, the defendant serves on the applicant a notice—

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (a) stating that, on the facts as alleged with respect to the act concerned, the condition is not in the defendant’s opinion met,
  - (b) showing the grounds for that opinion, and
  - (c) requiring the applicant to prove that the condition is met.
- (7) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without service of a notice under subsection (6).
- (8) Subsection (9) applies for the purposes of section 103A and this section.
- (9) In construing any reference to an offence listed in Schedule 3, any condition subject to which an offence is so listed that relates—
- (a) to the way in which the defendant is dealt with in respect of an offence so listed or a relevant finding (as defined by section 132(9)), or
  - (b) to the age of any person,
- is to be disregarded.

**103C SHPOs: effect**

- (1) A sexual harm prevention order prohibits the defendant from doing anything described in the order.
- (2) Subject to section 103D(1), a prohibition contained in a sexual harm prevention order has effect—
  - (a) for a fixed period, specified in the order, of at least 5 years, or
  - (b) until further order.
- (3) A sexual harm prevention order—
  - (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
  - (b) may specify different periods for different prohibitions.
- (4) The only prohibitions that may be included in a sexual harm prevention order are those necessary for the purpose of—
  - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (5) In subsection (4) “the public”, “sexual harm”, “child” and “vulnerable adult” each has the meaning given in section 103B(1).
- (6) Where a court makes a sexual harm prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

**103D SHPOs: prohibitions on foreign travel**

- (1) A prohibition on foreign travel contained in a sexual harm prevention order must be for a fixed period of not more than 5 years.
- (2) A “prohibition on foreign travel” means—
  - (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
  - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 103E.
- (4) A sexual harm prevention order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant's passports at a police station specified in the order—
- (a) on or before the date when the prohibition takes effect, or
  - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a sexual harm prevention order containing a prohibition within subsection (2)(c) (unless the person is subject to an equivalent prohibition under another order).
- (6) Subsection (5) does not apply in relation to—
- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
  - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (7) In this section “passport” 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 outside the United Kingdom, or by or on behalf of an international organisation;
  - (c) a document that can be used (in some or all circumstances) instead of a passport.

**103E SHPOs: variations, renewals and discharges**

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a sexual harm prevention order.
- (2) The persons are—
- (a) the defendant;
  - (b) the chief officer of police for the area in which the defendant resides;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
  - (d) where the order was made on an application by a chief officer of police under section 103A(4), that officer.
- (3) An application under subsection (1) may be made—
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (6), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual harm prevention order, that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of—
  - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.
- (6) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and—
  - (a) where the application is made by a chief officer of police, that chief officer, or
  - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (7) Subsection (6) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.
- (8) In this section “the appropriate court” means—
  - (a) where the Crown Court or the Court of Appeal made the sexual harm prevention order, the Crown Court;
  - (b) where a magistrates’ court made the order, that court, a magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any magistrates’ court whose commission area includes any part of the chief officer’s police area;
  - (c) where a youth court made the order, that court, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court whose commission area includes any part of the chief officer’s police area.

**103F Interim SHPOs**

- (1) This section applies where an application under section 103A(4) (“the main application”) has not been determined.
- (2) An application for an order under this section (“an interim sexual harm prevention order”)—
  - (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (3) The court may, if it considers it just to do so, make an interim sexual harm prevention order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
  - (a) has effect only for a fixed period, specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim sexual harm prevention order for the order to be varied, renewed or discharged.

**103G SHPOs and interim SHPOs: notification requirements**

- (1) Where—
  - (a) a sexual harm prevention order is made in respect of a defendant who was a relevant offender immediately before the making of the order, and
  - (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the order (as renewed from time to time) has effect,the defendant remains subject to the notification requirements.
- (2) Where a sexual harm prevention order is made in respect of a defendant who was not a relevant offender immediately before the making of the order—
  - (a) the order causes the defendant to become subject to the notification requirements of this Part from the making of the order until the order (as renewed from time to time) ceases to have effect, and
  - (b) this Part applies to the defendant, subject to the modification set out in subsection (3).
- (3) The “relevant date” is the date of service of the order.
- (4) Subsections (1) to (3) apply to an interim sexual harm prevention order as if references to a sexual harm prevention order were references to an interim sexual harm prevention order, and with the omission of “(as renewed from time to time)” in both places.
- (5) Where—
  - (a) a sexual harm prevention order is in effect in relation to a relevant sex offender (within the meaning of section 88A), and
  - (b) by virtue of section 88F or 88G the relevant sex offender ceases to be subject to the notification requirements of this Part,the sexual harm prevention order ceases to have effect.
- (6) On an application for a sexual harm prevention order made by a chief officer of police, the court must make a notification order in respect of the defendant (either in addition to or instead of a sexual harm prevention order) if—
  - (a) the applicant invites the court to do so, and
  - (b) it is proved that the conditions in section 97(2) to (4) are met.



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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (7) On an application for an interim sexual harm prevention order made by a chief officer of police, the court may, if it considers it just to do so, make an interim notification order (either in addition to or instead of an interim sexual harm prevention order).

**103H SHPOs and interim SHPOs: appeals**

- (1) A defendant may appeal against the making of a sexual harm prevention order—
- (a) where the order was made by virtue of section 103A(2)(a)(i), as if the order were a sentence passed on the defendant for the offence;
  - (b) where the order was made by virtue of section 103A(2)(a)(ii) or (iii), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence;
  - (c) where the order was made on an application under section 103A(4), to the Crown Court.
- (2) A defendant may appeal to the Crown Court against the making of an interim sexual harm prevention order.
- (3) A defendant may appeal against the making of an order under section 103E, or the refusal to make such an order—
- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
  - (b) in any other case, to the Crown Court.
- (4) On an appeal under subsection (1)(c), (2) or (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be reheard by a magistrates' court) is for the purposes of section 103E(8) or 103F(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

**103I Offence: breach of SHPO or interim SHPO etc**

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
- (a) a sexual harm prevention order,
  - (b) an interim sexual harm prevention order,
  - (c) a sexual offences prevention order,
  - (d) an interim sexual offences prevention order, or
  - (e) a foreign travel order,
- commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 103D(4).
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine or both;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (4) Where a person is convicted of an offence under this section, 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.

**103J SHPOs and interim SHPOs: guidance**

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to sexual harm prevention orders and interim sexual harm prevention orders.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.”

*Sexual offences prevention orders and foreign travel orders*

- 3 (1) Sections 104 to 122 (sexual offences prevention orders and foreign travel orders) are repealed.
- (2) This paragraph extends only to England and Wales.

*Sexual risk orders*

- 4 Before section 123 there is inserted—

*“Sexual risk orders (England and Wales)***122A Sexual risk orders: applications, grounds and effect**

- (1) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates’ court apply for an order under this section (a “sexual risk order”) in respect of a person (“the defendant”) if it appears to the chief officer or the Director General that the following condition is met.
- (2) The condition is that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for a sexual risk order to be made.
- (3) A chief officer of police may make an application under subsection (1) only in respect of a person—
  - (a) who resides in the chief officer’s police area, or
  - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) An application under subsection (1) may be made to any magistrates’ court whose commission area includes—
  - (a) any part of a relevant police area, or
  - (b) any place where it is alleged that the person acted in a way mentioned in subsection (2).

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (5) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (1).
- (6) On an application under subsection (1), the court may make a sexual risk order if it is satisfied that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which it is necessary to make such an order for the purpose of—
  - (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (7) Such an order—
  - (a) prohibits the defendant from doing anything described in the order;
  - (b) has effect for a fixed period (not less than 2 years) specified in the order or until further order.
- (8) A sexual risk order may specify different periods for different prohibitions.
- (9) The only prohibitions that may be imposed are those necessary for the purpose of—
  - (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (10) Where a court makes a sexual risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

**122B Section 122A: interpretation**

- (1) In section 122A—
  - “child” means a person under 18;
  - “harm” from the defendant means physical or psychological harm caused by the defendant doing an act of a sexual nature;
  - “the public” means the public in the United Kingdom;
  - “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.
- (2) In that section “relevant police area” means—
  - (a) where the applicant is a chief officer of police, the officer’s police area;
  - (b) where the applicant is the Director General of the National Crime Agency—
    - (i) the police area where the person in question resides, or

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (ii) a police area which the Director General believes the person is in or is intending to come to.

**122C Sexual risk orders: prohibitions on foreign travel**

- (1) A prohibition on foreign travel contained in a sexual risk order must not be for a period of more than 5 years.
- (2) A “prohibition on foreign travel” means—
- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
  - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
  - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 122D.
- (4) A sexual risk order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
- (a) on or before the date when the prohibition takes effect, or
  - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a sexual risk order containing such a prohibition (unless the person is subject to an equivalent prohibition under another order).
- (6) Subsection (5) does not apply in relation to—
- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
  - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (7) In this section “passport” 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 outside the United Kingdom, or by or on behalf of an international organisation;
  - (c) a document that can be used (in some or all circumstances) instead of a passport.

**122D Sexual risk order: variations, renewals and discharges**

- (1) A person within subsection (2) may by complaint to the appropriate court apply for an order varying, renewing or discharging a sexual risk order.
- (2) The persons are—
- (a) the defendant;

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) the chief officer of police for the area in which the defendant resides;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
  - (d) where the order was made on an application by a chief officer of police, that officer.
- (3) Subject to subsections (4) and (5), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual risk order, that the court considers appropriate.
- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of—
- (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.
- (5) The court must not discharge an order before the end of 2 years beginning with the day on which the order was made, without the consent of the defendant and—
- (a) where the application is made by a chief officer of police, that chief officer, or
  - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (6) Section 122B(1) applies for the purposes of this section.
- (7) In this section “the appropriate court” means—
- (a) the court which made the sexual risk order;
  - (b) a magistrates' court for the area in which the defendant resides;
  - (c) where the application is made by a chief officer of police, any magistrates' court whose commission area includes any part of the officer's police area.

**122E Interim sexual risk orders**

- (1) This section applies where an application for a sexual risk order (“the main application”) has not been determined.
- (2) An application for an order under this section (“an interim sexual risk order”)—
- (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (3) The court may, if it considers it just to do so, make an interim sexual risk order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
  - (a) has effect only for a fixed period, specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim sexual risk order for the order to be varied, renewed or discharged.

**122F Sexual risk orders and interim sexual risk orders: notification requirements**

- (1) A person in respect of whom a court makes—
  - (a) a sexual risk order (other than one that replaces an interim sexual risk order), or
  - (b) an interim sexual risk order,
 must, within the period of 3 days beginning with the date of service of the order, notify to the police the information set out in subsection (2) (unless the person is subject to the notification requirements of this Part on that date).
- (2) The information is—
  - (a) the person's name and, where the person uses one or more other names, each of those names;
  - (b) the person's home address.
- (3) A person who—
  - (a) is subject to a sexual risk order or an interim sexual risk order (but is not subject to the notification requirements of this Part), and
  - (b) uses a name which has not been notified under this section (or under any other provision of this Part), or changes home address,
 must, within the period of 3 days beginning with the date on which that happens, notify to the police that name or (as the case may be) the new home address.
- (4) Sections 87 (method of notification and related matters) and 91 (offences relating to notification) apply for the purposes of this section—
  - (a) with references to section 83(1) being read as references to subsection (1) above,
  - (b) with references to section 84(1) being read as references to subsection (3) above, and
  - (c) with the omission of section 87(2)(b).

**122G Sexual risk orders and interim sexual risk orders: appeals**

- (1) A defendant may appeal to the Crown Court—
  - (a) against the making of a sexual risk order;
  - (b) against the making of an interim sexual risk order; or

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (c) against the making of an order under section 122D, or the refusal to make such an order.
- (2) On any such appeal, the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order made by the Crown Court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a magistrates' court) is for the purposes of section 122D(7) or 122E(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

**122H Offence: breach of sexual risk order or interim sexual risk order etc**

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
  - (a) a sexual risk order,
  - (b) an interim sexual risk order,
  - (c) a risk of sexual harm order,
  - (d) an interim risk of sexual harm order,
  - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
  - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
 commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 122C(4).
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (4) Where a person is convicted of an offence under this section, 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.

**122I Effect of conviction etc of an offence under section 122H etc**

- (1) This section applies to a person (“the defendant”) who—
  - (a) is convicted of an offence mentioned in subsection (2);
  - (b) is found not guilty of such an offence by reason of insanity;
  - (c) is found to be under a disability and to have done the act charged against him in respect of such an offence; or
  - (d) is cautioned in respect of such an offence.
- (2) Those offences are—
  - (a) an offence under section 122H or 128 of this Act;
  - (b) an offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

**Anti-social Behaviour, Crime and Policing Bill, *continued***

(contravention of risk of sexual harm order or interim risk of sexual harm order in Scotland).

- (3) Where—
  - (a) a defendant was a relevant offender immediately before this section applied to the defendant, and
  - (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the relevant order (as renewed from time to time) has effect, the defendant remains subject to the notification requirements.
- (4) Where the defendant was not a relevant offender immediately before this section applied to the defendant—
  - (a) this section causes the defendant to become subject to the notification requirements of this Part from the time the section first applies to the defendant until the relevant order (as renewed from time to time) ceases to have effect, and
  - (b) this Part applies to the defendant, subject to the modification set out in subsection (5).
- (5) The “relevant date” is the date on which this section first applies to the defendant.
- (6) In this section “relevant order” means—
  - (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a sexual risk order or a risk of sexual harm order, that order;
  - (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim sexual risk order or an interim risk of sexual harm order, any sexual risk order or risk of sexual harm order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (7) In subsection (6) “risk of sexual harm order” and “interim risk of sexual harm order” include orders under sections 2 and 5 (respectively) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

**122J Sexual risk orders and interim sexual risk orders: guidance**

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to sexual risk orders and interim sexual risk orders.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.”

*Risk of sexual harm orders*

- 5 (1) Sections 123 to 129 (risk of sexual harm orders) are repealed.
- (2) This paragraph extends only to England and Wales.



**Anti-social Behaviour, Crime and Policing Bill, *continued***

*Application etc of orders*

6 After section 136 there is inserted—

**“136ZA Application of orders throughout the United Kingdom**

- (1) In this section “relevant order” means—
  - (a) a sexual harm prevention order;
  - (b) an interim sexual harm prevention order;
  - (c) a sexual offences prevention order;
  - (d) an interim sexual offences prevention order;
  - (e) a foreign travel order;
  - (f) a sexual risk order;
  - (g) an interim sexual risk order;
  - (h) a risk of sexual harm order;
  - (i) an interim risk of sexual harm order;
  - (j) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland);
  - (k) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland).
- (2) For the purposes of sections 103I, 113, 122, 122H and 128, prohibitions imposed by a relevant order made in one part of the United Kingdom apply (unless expressly confined to particular localities) throughout that and every other part of the United Kingdom.

**136ZB Order ceases to have effect when new order made**

- (1) Where a court in England and Wales makes an order listed in the first column of the following Table in relation to a person who is already subject to an order listed opposite it in the second column, the earlier order ceases to have effect (whichever part of the United Kingdom it was made in) unless the court orders otherwise.

<i>New order</i>	<i>Earlier order</i>
Sexual harm prevention order	—sexual offences prevention order; —foreign travel order.
Sexual risk order	—risk of sexual harm order; —foreign travel order.

- (2) Where a court in Northern Ireland or Scotland makes an order listed in the first column of the following Table in relation to a person who is already subject to an order or prohibition listed opposite it in the second column, the earlier order or prohibition ceases to have effect (even though it was made or imposed by a court in England and Wales) unless the court orders otherwise.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

<i>New order</i>	<i>Earlier order or prohibition</i>
Sexual offences prevention order	—sexual harm prevention order not containing a prohibition on foreign travel; —in the case of a sexual harm prevention order containing a prohibition on foreign travel, each of its other prohibitions.
Foreign travel order	—prohibition on foreign travel contained in a sexual harm prevention order.
Risk of sexual harm order	—sexual risk order not containing a prohibition on foreign travel; —in the case of a sexual risk order containing a prohibition on foreign travel, each of its other prohibitions.

- (3) In this section—
- (a) “court”, in Scotland, includes sheriff;
  - (b) “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.”.

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 1 TO 6 OR OTHERWISE RELATING TO ANTI-SOCIAL BEHAVIOUR; AMENDMENTS TO PARTS 1 TO 6; NEW CLAUSES AND NEW SCHEDULES RELATING TO FIREARMS; AMENDMENTS TO PART 8*

*Review of funding of early intervention and anti-social behaviour services*

Andrea Leadsom

**NC1**

To move the following Clause:—

- ‘(1) The Secretary of State shall undertake a review of funding arrangements for early intervention services and services designed to prevent or mitigate anti-social behaviour, to report within 12 months of the coming into force of Part 1 of this Act.
  - (2) The purpose of the review shall be to examine whether redistributing funding to early intervention services would be likely to reduce long-term rates of anti-social behaviour.’.
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**Anti-social Behaviour, Crime and Policing Bill, *continued***

*Injunction—best interests of the child*

Dr Hywel Francis  
Simon Hughes

**NC33**

★ To move the following Clause:—

‘The courts must take into account the best interests of the child as a primary consideration when deciding whether to impose the following—

- (a) an injunction;
- (b) the terms of any prohibition or requirement;
- (c) sanctions for breach of an injunction; and
- (d) when determining reporting of a child’s case.’.

Dr Hywel Francis  
Simon Hughes

**158**

★ Clause 1, page 1, line 8, after ‘conduct’, insert ‘that might reasonably be regarded as’.

Dr Hywel Francis  
Simon Hughes

**163**

★ Clause 1, page 1, line 10, leave out ‘and’ and insert ‘,’.

Dr Hywel Francis  
Simon Hughes

**164**

★ Clause 1, page 1, line 10, after ‘convenient’, insert ‘and proportionate’.

Dr Hywel Francis  
Simon Hughes

**159**

★ Clause 1, page 2, line 1, leave out ‘doing anything’ and insert ‘specified actions’.

Dr Hywel Francis  
Simon Hughes

**160**

★ Clause 1, page 2, line 2, after ‘injunction’, insert ‘which relate to the anti-social behaviour which the respondent has engaged or threatened to engage in’.

Dr Hywel Francis  
Simon Hughes

**161**

★ Clause 1, page 2, line 3, leave out ‘anything’ and insert ‘specified actions’.

Dr Hywel Francis  
Simon Hughes

**162**

★ Clause 1, page 2, line 3, after ‘injunction’, insert ‘which relate to the anti-social

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

behaviour which the respondent has engaged or threatened to engaged in’.

Dr Hywel Francis  
Simon Hughes

165

★ Clause 1, page 2, leave out line 6.

Secretary Theresa May

1

Clause 1, page 2, line 7, leave out paragraph (b).

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Secretary Theresa May

2

Clause 4, page 3, line 38, at end insert—  
( ) the Natural Resources Body for Wales.’

Secretary Theresa May

3

Clause 4, page 3, line 39, leave out from ‘functions’ to end of line 43 and insert ‘,  
or a Special Health Authority exercising security management functions on the direction  
of the Secretary of State, or  
( ) the Welsh Ministers exercising security management functions, or a  
person or body exercising security management functions on the  
direction of the Welsh Ministers or under arrangements made between  
the Welsh Ministers and that person or body.’

Secretary Theresa May

4

Clause 4, page 3, line 44, leave out paragraphs (h) and (i).

Secretary Theresa May

5

Clause 4, page 4, line 1, at end insert—  
( ) In subsection (1) “security management functions” means—  
(a) the Secretary of State’s security management functions within the  
meaning given by section 195(3) of the National Health Service Act  
2006;  
(b) the functions of the Welsh Ministers corresponding to those functions.’

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Secretary Theresa May

6

Clause 8, page 5, line 21, at end insert—  
(za) a judge of the High Court or a judge of the county court, if the injunction  
was granted by the High Court.’

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Secretary Theresa May 7  
 Clause 8, page 5, line 27, leave out ‘(3)(a)’ and insert ‘(3)(za) or (a)’.

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Secretary Theresa May 8  
 Clause 9, page 5, line 38, at end insert—  
     ‘() a judge of the High Court, if the injunction was granted by the High Court;’.

Secretary Theresa May 9  
 Clause 9, page 6, line 3, at end insert—  
     ‘() A warrant issued by a judge of the High Court must require the respondent to be brought before that court.’.

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Secretary Theresa May 10  
 Clause 12, page 6, line 24, after ‘lives’ insert ‘(“the premises”)’.

Secretary Theresa May 11  
 Clause 12, page 6, line 25, leave out paragraph (a).

Secretary Theresa May 12  
 Clause 12, page 6, line 27, leave out ‘the local authority or housing provider’ and insert—  
     (i) a local authority,  
     (ii) the chief officer of police for the police area that the premises are in, or  
     (iii) if the premises are owned or managed by a housing provider, that housing provider.’.

Dr Hywel Francis  
 Simon Hughes 166  
 ★ Clause 12, page 6, line 29, after ‘court’, insert ‘is satisfied that the exclusion is necessary and proportionate, and’.

Secretary Theresa May 13  
 Clause 12, page 6, line 35, leave out ‘local authority or’.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- Secretary Theresa May 14  
 Clause 12, page 6, line 37, leave out ‘authority or’ and insert ‘housing’.
- Secretary Theresa May 15  
 Clause 12, page 6, line 40, leave out ‘authority or’ and insert ‘housing’.
- 
- Dr Hywel Francis  
 Simon Hughes 167  
 ★ Clause 21, page 11, line 24, after ‘satisfied’, insert ‘, according to the criminal standard of proof.’.
- Secretary Theresa May 16  
 Clause 21, page 11, leave out line 26 and insert ‘any person’.
- Dr Hywel Francis  
 Simon Hughes 168  
 ★ Clause 21, page 11, line 27, leave out ‘help in preventing’ and insert ‘prevent’.
- Dr Hywel Francis  
 Simon Hughes 169  
 ★ Clause 21, page 11, line 31, leave out ‘doing anything’ and insert ‘specified actions’.
- Dr Hywel Francis  
 Simon Hughes 170  
 ★ Clause 21, page 11, line 31, after ‘order’, insert ‘which relate to the anti-social behaviour which the respondent has engaged in’.
- Dr Hywel Francis  
 Simon Hughes 171  
 ★ Clause 21, page 11, line 32, leave out ‘anything’ and insert ‘specified actions’.
- Dr Hywel Francis  
 Simon Hughes 172  
 ★ Clause 21, page 11, line 32, after ‘order’, insert ‘which relate to the anti-social behaviour which the respondent has engaged in’.
- Dr Hywel Francis  
 Simon Hughes 173  
 ★ Clause 21, page 12, leave out line 3.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Secretary Theresa May

17

Clause 21, page 12, line 4, leave out paragraph (b).

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Dr Hywel Francis  
Simon Hughes

174

★ Clause 22, page 12, line 44, at end insert—  
(9) The courts must take into account the best interests of the child as a primary consideration when determining reporting of a child’s case.’.

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Dr Hywel Francis  
Simon Hughes

175

★ Clause 29, page 16, line 40, at end insert—  
(7) The courts must taken into account the best interests of the child as a primary consideration when determining reporting a child’s case.’.

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Secretary Theresa May

18

Clause 32, page 18, line 23, leave out from ‘if’ to first ‘that’ in line 25 and insert ‘satisfied on reasonable grounds’.

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Dr Hywel Francis  
Simon Hughes

176

★ Clause 34, page 20, line 17, at end add—  
(c) any other form of peaceful assembly.’.

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Secretary Theresa May

19

Clause 40, page 23, line 1, leave out subsection (5).

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- Secretary Theresa May 20  
 Clause 43, page 24, leave out lines 19 to 22.
- Secretary Theresa May 21  
 Clause 43, page 24, line 31, leave out subsection (3) and insert—  
 ‘(3) While an appeal against a community protection notice is in progress—  
 (a) a requirement imposed by the notice to stop doing specified things remains in effect, unless the court orders otherwise, but  
 (b) any other requirement imposed by the notice is of no effect.  
 For this purpose an appeal is “in progress” until it is finally determined or is withdrawn.’
- 
- Secretary Theresa May 22  
 Clause 45, page 26, line 9, leave out ‘specified in’ and insert ‘alleged to constitute a failure to comply with’.
- Secretary Theresa May 23  
 Clause 45, page 26, line 11, leave out paragraph (a).
- Secretary Theresa May 24  
 Clause 45, page 26, line 19, leave out paragraph (a).
- 
- Secretary Theresa May 25  
 Clause 60, page 36, line 7, at end insert—  
 ‘( ) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.’
- 
- Secretary Theresa May 26  
 Clause 62, page 37, line 6, at end insert ‘, or  
 ( ) a variation of a public spaces protection order.’
- Secretary Theresa May 27  
 Clause 62, page 37, line 10, after ‘order’ insert ‘or variation’.



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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Secretary Theresa May	<b>28</b>
Clause 62, page 37, line 11, after ‘order’ insert ‘(or by the order as varied)’.	
Secretary Theresa May	<b>29</b>
Clause 62, page 37, line 13, after ‘order’ insert ‘or variation’.	
Secretary Theresa May	<b>30</b>
Clause 62, page 37, line 15, after ‘order’ insert ‘or variation’.	
Secretary Theresa May	<b>31</b>
Clause 62, page 37, line 17, leave out ‘public spaces protection order’ and insert ‘order or variation’.	
Secretary Theresa May	<b>32</b>
Clause 62, page 37, line 17, leave out ‘its prohibitions or requirements’ and insert ‘the prohibitions or requirements imposed by the order (or by the order as varied)’.	
Secretary Theresa May	<b>33</b>
Clause 62, page 37, line 20, after ‘order’ insert ‘or variation’.	
Secretary Theresa May	<b>34</b>
Clause 62, page 37, line 21, after ‘order’ insert ‘(or by the order as varied)’.	
Secretary Theresa May	<b>35</b>
Clause 62, page 37, line 24, leave out from first ‘or’ to end of line and insert ‘variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied)’.	
Secretary Theresa May	<b>36</b>
Clause 62, page 37, line 25, leave out ‘its prohibitions or requirements’ and insert ‘the prohibitions or requirements imposed by the order (or by the order as varied)’.	
Secretary Theresa May	<b>37</b>
Clause 62, page 37, line 29, after ‘order’ insert ‘, or of a variation of a public spaces protection order,’.	
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Secretary Theresa May	<b>38</b>
Clause 63, page 38, line 3, at end insert—	

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- ‘() Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 59).’
- 

Secretary Theresa May

39

Clause 70, page 42, line 14, at end insert—

- ‘() In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.’
- 

Secretary Theresa May

40

Clause 73, page 44, line 11, at end insert—

- ‘() In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.’
- 

Secretary Theresa May

41

Clause 81, page 49, line 17, after ‘owner’ insert ‘or occupier’.

Secretary Theresa May

42

Clause 81, page 49, line 21, at end insert—

- ‘() An order under this section may be made only against a person who has been served with the application for the order.’

Secretary Theresa May

43

Clause 81, page 49, line 22, after ‘must’ insert ‘also’.

Secretary Theresa May

44

Clause 81, page 49, line 26, leave out paragraph (c).

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Dr Hywel Francis  
Simon Hughes

177

★ Page 61, line 22, leave out Clause 91.

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Secretary Theresa May

45

Clause 93, page 64, line 3, at end insert—

- ‘( ) For the purposes of subsection (2), an action is appropriate to be carried out by a person only if it has one or more of the following objects—
- (a) assisting in the person’s rehabilitation;
  - (b) ensuring that the person makes reparation for the behaviour or offence in question;
  - (c) punishing the person.’

Secretary Theresa May

46

Clause 93, page 64, leave out lines 6 to 11 and insert—

- ‘(a) have regard to the need promote public confidence in the out-of-court disposal process;
  - (b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;
  - (c) carry out the necessary consultation and take account of all views expressed by those consulted.
- ( ) In subsection (3)(c) “the necessary consultation” means—
- (a) consultation with the chief officer of police for the area,
  - (b) consultation with whatever community representatives the local policing body thinks it appropriate to consult, and
  - (c) whatever other public consultation the local policing body thinks appropriate.’

Secretary Theresa May

47

Clause 93, page 64, line 16, at end insert—

- ‘( ) The Secretary of State must publish any guidance issued under subsection (3)(b).’

Secretary Theresa May

48

Clause 93, page 64, line 22, at end insert—

“out-of-court disposal process” means the process by which a person is dealt with under section 94 or by means of a conditional caution or youth conditional caution.’

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**Anti-social Behaviour, Crime and Policing Bill, *continued****Functions of Scottish Ministers under Firearms Acts*

Secretary Theresa May

NC20

To move the following Clause:—

- ‘(1) In section 5 of the Firearms Act 1968 (weapons subject to general prohibition)—
- (a) in subsections (1) and (1A), for the words between “commits an offence if,” and “, he has in his possession” there is substituted “without authority”;
  - (b) in subsection (4), for the words from the beginning to “the Scottish Ministers” there is substituted “An authority shall be subject to conditions specified in it, including such as the Secretary of State or the Scottish Ministers (as appropriate)”;
  - (c) in subsection (6), for the words before “revoke an authority” there is substituted “The Secretary of State or the Scottish Ministers (as appropriate) may at any time, if they think fit.”
- (2) In section 5A of that Act (exemptions from requirement of authority under section 5)—
- (a) in subsections (1), (2)(a), (2)(b), (3), (4), (5), (6) and (7), for “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)” there is substituted “or the Scottish Ministers”;
  - (b) in subsection (6), for the words after “without the authority of the Secretary of State” there is substituted “or the Scottish Ministers (as appropriate)”.
- (3) In the Firearms (Amendment) Act 1997—
- (a) in sections 2, 3, 4, 5, 6, 7(1) and 8 (exemptions from prohibition on small firearms etc), for “The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)” there is substituted “The authority of the Secretary of State or the Scottish Ministers”;
  - (b) in section 7(3), for the words “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”, in the first place where they occur, there is substituted “or the Scottish Ministers”.
- (4) In the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750)—
- (a) in Schedule 1, in the entry for the Firearms Act 1968, the words “5 and” are omitted;
  - (b) in Schedule 5, paragraph 3 and paragraph 18(2) to (6), (7)(a) and (8) are omitted.’

*Firearms’ licensing*Mr David Hanson  
Phil Wilson  
Gloria De Piero

NC4

To move the following Clause:—

- ‘(1) The Firearms Act 1968 is amended as follows.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (2) After section 28A (Certificates: supplementary) insert—
- “28B Assessing public safety**
- (1) When assessing the threat to public safety under sections 27, 28, 30A, 30B or 30C the Chief Police Officer must ensure that a range of background checks are performed.
- (2) Where these checks uncover substantiated evidence of violent conduct, domestic violence, mental illness or drug or alcohol abuse, the presumption is that the Chief Police Officer should refuse the licence application unless exceptional evidence can be brought forward by the applicant as to their suitability to possess a weapon.
- (3) When assessing public safety within this section the Chief Police Officer must follow any guidance issued by the Secretary of State.”.
- (3) Section 113 of the Firearms Act 1968 (power of Secretary of State to alter fees) is amended as follows.
- (4) After subsection (1) insert—
- “(1A) Before making an order under this section the Secretary of State must consult with chief police officers to ensure the level of fees collected by the police under sections 32 and 35 are appropriate after considering the costs they incur through the administration and assessment of firearms’ licences made under this Act.”.’.

Secretary Theresa May

**100**

Clause **100**, page **71**, line **37**, leave out ‘follows’ and insert ‘set out in subsections (2) to (6)’.

Secretary Theresa May

**101**

Clause **100**, page **72**, line **2**, leave out from ‘without’ to end of line at line 4 and insert ‘authority’.

Secretary Theresa May

**102**

Clause **100**, page **72**, line **12**, at end insert—

‘( ) For subsection (3) of that section there is substituted—

“(3) In this section “authority” means an authority given in writing by—

(a) the Secretary of State (in or as regards England and Wales), or

(b) the Scottish Ministers (in or as regards Scotland).”’.

Secretary Theresa May

**103**

Clause **100**, page **72**, line **12**, at end insert—

‘( ) In section 5A (exemptions from requirement of authority under section 5)—

(a) in subsections (1), (3), (4), (5), (6) and (7), the words “subsection (1A) of” are omitted;

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (b) in subsections (1) and (3), for “any prohibited weapon or ammunition” there is substituted “any weapon, ammunition or missile specified in subsection (1A) of that section”.

Secretary Theresa May

104

Clause 100, page 72, line 30, at end insert—

- (c) In section 1 of the Firearms (Amendment) Act 1997 (extension of section 5 of the 1968 Act to prohibit certain small firearms etc), after subsection (7) there is inserted—
- “(7A) In sections 2 to 7 below any reference to subsection (1)(aba) of section 5 of the 1968 Act shall include a reference to subsection (2A) of that section as it applies in relation to a firearm specified in subsection (1)(aba) of that section.
- (7B) In section 8 below the reference to subsection (1)(aba), (b) or (c) of section 5 of the 1968 Act shall include a reference to subsection (2A) of that section as it applies in relation to any weapon or ammunition specified in subsection (1)(aba), (b) or (c) of that section.”.

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*REMAINING NEW CLAUSES AND NEW SCHEDULES, EXCEPT THOSE RELATING TO THE CONTROL OF DOGS; AMENDMENTS TO PARTS 9 TO 13*

*Offence of forced marriage: Scotland*

Secretary Theresa May

NC9

To move the following Clause:—

- (1) A person commits an offence under the law of Scotland if he or she—
- (a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and
  - (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- (2) A person commits an offence under the law of Scotland if he or she—
- (a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and
  - (b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in Scotland.
- (3) “Marriage” means any religious or civil ceremony of marriage (whether or not legally binding).
- (4) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) is directed at the victim of the offence under that subsection or another person.
- (5) A person commits an offence under subsection (1) or (2) only if, at the time of the coercion or deception—
- (a) the person or the victim or both of them are in Scotland,
  - (b) neither the person nor the victim is in Scotland but at least one of them is habitually resident in Scotland, or

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.
- (6) “UK national” means an individual who is—
  - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
  - (b) a person who under the British Nationality Act 1981 is a British subject; or
  - (c) a British protected person within the meaning of that Act.
- (7) 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 both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or both.’.

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*Fees for criminal record certificates etc*

Secretary Theresa May

**NC10**

To move the following Clause:—

‘In Part 5 of the Police Act 1997 (criminal record certificates etc), in section 125 (regulations), after subsection (1) there is inserted—

- “(1A) In prescribing the amount of a fee that—
- (a) is payable in relation to applications under a particular provision of this Part, but
  - (b) is not payable in relation to applications made by volunteers, the Secretary of State may take into account not only the costs associated with applications in relation to which the fee is payable but also the costs associated with applications under that provision made by volunteers.”’.

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*Power of community support officer to issue fixed penalty notice for cycle light offence*

Secretary Theresa May

**NC11**

To move the following Clause:—

- ‘(1) Part 1 of Schedule 4 to the Police Reform Act 2002 (powers of community support officers) is amended as follows.
- (2) In sub-paragraph (2)(b) of paragraph 1 (power to issue fixed penalty notices)—
  - (a) for “in respect of an offence” there is substituted “in respect of—
    - (i) an offence”;
  - (b) at the end there is inserted “, or
    - (ii) an offence, under section 42 of the Road Traffic Act 1988, of contravening or failing

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

to comply with a construction or use requirement about lighting equipment or reflectors for cycles;”.

- (3) In sub-paragraph (2) of paragraph 11A (power to stop cycles)—
- (a) for “has committed an offence” there is substituted “has committed—
    - (a) an offence”;
    - (b) at the end there is inserted “, or
      - (b) an offence, under section 42 of the Road Traffic Act 1988, of contravening or failing to comply with a construction or use requirement about lighting equipment or reflectors for cycles;”.
- 

*Credit for time in custody awaiting extradition to United Kingdom to serve sentence*

Secretary Theresa May

**NC12**

To move the following Clause:—

‘In section 49 of the Prison Act 1952 (persons unlawfully at large), after subsection (3) there is inserted—

“(3A) Where—

- (a) a person is extradited to the United Kingdom from a category 1 territory for the purpose of serving a term of imprisonment or another form of detention mentioned in subsection (2) of this section, and
- (b) the person was for any time kept in custody in that territory with a view to the extradition (and not also for any other reason),

the Secretary of State shall exercise the power under that subsection to direct that account shall be taken of that time in calculating the period for which the person is liable to be detained.

- (3B) In subsection (3A) of this section “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.”’.
- 

*Court and tribunal fees*

Secretary Theresa May

**NC28**

★ To move the following Clause:—

- ‘(1) In prescribing a fee under an enactment specified in subsection (2), the Lord Chancellor may with the consent of the Treasury prescribe a fee of an amount which is intended to exceed the cost of anything in respect of which the fee is charged.



**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (2) The enactments are—
- (a) section 92 of the Courts Act 2003 (Senior Courts, county courts and magistrates' courts fees);
  - (b) section 54 of the Mental Capacity Act 2005 (Court of Protection fees);
  - (c) section 58(4)(b) of that Act (Public Guardian fees);
  - (d) section 42 of the Tribunals, Courts and Enforcement Act 2007 (tribunal fees).
- (3) Before prescribing a fee by virtue of subsection (1) under an enactment specified in subsection (2)(a), (b) or (d), the Lord Chancellor must have regard to—
- (a) the financial position of the courts and tribunals for which the Lord Chancellor is responsible, including in particular any costs incurred by those courts and tribunals that are not being met by current fee income, and
  - (b) the competitiveness of the legal services market.
- (4) For the purposes of subsection (3)(a), the courts and tribunals for which the Lord Chancellor is responsible are the courts listed in section 1(1) of the Courts Act 2003 and the tribunals listed in section 39(1) of the Tribunals, Courts and Enforcement Act 2007.
- (5) A fee prescribed by virtue of subsection (1) under section 58(4)(b) of the Mental Capacity Act 2005 must be used to finance the efficient and effective discharge of functions of the Public Guardian.
- (6) A fee prescribed by virtue of subsection (1) under any other enactment specified in subsection (2) must be used to finance an efficient and effective system of courts and tribunals.
- (7) A statutory instrument—
- (a) containing an order or regulations under an enactment specified in subsection (2), and
  - (b) setting a fee for the first time in excess of the cost of anything in respect of which the fee is charged,
- may not be made unless a draft of the instrument has been laid before both Houses of Parliament and approved by a resolution of each House.

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*Control of new psychoactive substances*

Diana Johnson  
 Mr Steve Reed  
 Mr David Hanson  
 Helen Jones  
 Jack Dromey  
 John Woodcock

**NC16**

To move the following Clause:—

- ‘(1) Any person supplying, or offering to supply, a synthetic psychoactive substance including but not restricted to—
- (a) a powder;
  - (b) a pill;
  - (c) a liquid; or
  - (d) a herbal substance with the appearance of cannabis,

**Anti-social Behaviour, Crime and Policing Bill, *continued***

which is likely to be consumed by a person for the purpose of causing intoxication will be subject to a Synthetic Psychoactive Product Order prohibiting its supply.

- (2) Any subsequent breach of that Order will be an offence.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (4) This section does not apply to alcohol, tobacco, or any drug currently scheduled under the Misuse of Drugs Act 1971 or the Medicines Act 1968.’

*Proportionality*

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

NC21

★ To move the following Clause:—

‘(1) Section 21 of the Extradition Act 2003 is amended as follows—

- (a) For “21 Human Rights” substitute “21 Person unlawfully at large: human rights proportionality.”
- (b) After “the judge must decide” insert “both of the following questions in respect of the extradition of the person (“D”)—  
 (a),’
- (c) After “the Convention rights within the meaning of the Human Rights Act 1998 (c.42)” and insert “; and  
 (b) whether the extradition would be disproportionate.’
- (d) After subsection (1) insert—

“(1A) In deciding whether the extradition would be disproportionate, the judge must take into account the specified matters relating to proportionality.

(1B) These are the specified matters relating to proportionality—

- (a) the seriousness of the conduct for which the requested person was convicted of the extradition offence;
- (b) whether the sentence which the person received in respect of the extradition offence was initially suspended;
- (c) the conduct of the requested person;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (d) the passage of time since the person became unlawfully at large; and
  - (e) any other matter which the judge considers to be relevant.
- (1C) The judge must order D’s discharge if the judge makes one or both of these decisions—
- (a) that the extradition would not be compatible with the Convention rights;
  - (b) that the extradition would be disproportionate.”
- (1D) The judge must order D to be extradited to the category 1 territory in which the warrant was issued if the judge makes both of these decisions—
- (a) that the extradition would be compatible with the Convention rights;
  - (b) that the extradition would not be disproportionate.”
- (e) In subsection (4), after “if the judge makes an order under subsection” for “(3)” substitute “(1D)”.

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*Service of sentence in United Kingdom*

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reevell  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

NC22

★ To move the following Clause:—

- (1) The Extradition Act 2003 is amended as follows.
- (2) After Section 20 (Case where person is convicted) insert—

**“20A Service of sentence in the United Kingdom**

- (1) If the judge is required to proceed under this section he must decide whether the person is a United Kingdom national or a resident of the United Kingdom.
- (2) If the judge decides the question in subsection (1) in the negative he must proceed under section 21.

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (3) If the judge decides that question in the affirmative he must decide whether it is possible for the person to serve the sentence in the United Kingdom.
  - (4) If the judge decides the question in subsection (3) in the negative he must proceed under section 21.
  - (5) If the judge decides that question in the affirmative he must decide whether the person consents to serve the sentence for which his extradition is sought in the United Kingdom.
  - (6) If the judge decides the question in subsection (5) in the negative he must proceed under section 21.
  - (7) If the judge decides that question in the affirmative he may refuse extradition provided that he orders the person to serve the sentence (or to complete the service of the sentence) in the United Kingdom.
  - (8) Where the judge makes an order under subsection (7) he shall issue a warrant authorising the person's detention in the United Kingdom and containing any provisions which the judge considers appropriate for giving effect to the sentence which gave rise to the proceedings (or the portion of the sentence remaining unserved)."
- (3) In Section 20, subsections (2), (4) and (6) for "proceed under section 21" substitute "proceed under section 20A".

*Mistaken identity*

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**NC23**

★ To move the following Clause:—

- (1) The Extradition Act 2003 is amended as follows.
- (2) In section 7 (Identity of person arrested) after subsection 4 insert—
  - “(4A) If the judge decides that question in the affirmative he must decide whether the person in respect of whom the warrant was issued is the person who is alleged to have committed, or to have been convicted for, the offence on which the warrant is based.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (4B) The judge must decide the question in subsection (4A) on the balance of probabilities, but if he considers there is a reasonable doubt as to that question, he may not decide it in the affirmative unless he has first requested the issuing authority to provide further information within the time specified in the request (which must not be less than a reasonable time in all the circumstances) and the issuing authority has provided him with the information requested within that time.
- (4C) If the judge decides the question in subsection (4A) in the negative he must order the person’s discharge.”’.

*Human rights: legal and evidential standards*

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
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 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**NC24**

★ To move the following Clause:—

- ‘(1) The Extradition Act 2003 is amended as follows.
- (2) After section 21 (Human rights) insert—

**“21A Human rights: legal and evidential standards**

- (1) This section applies if the judge is required, under section 21 or 21A, to determine whether extradition would be compatible with the Convention rights.
- (2) The person’s extradition would not be compatible with the Convention rights if—
  - (a) there is a real risk that the person, if surrendered, would be subject to treatment in the category 1 territory that, if taking place in the United Kingdom, would be an act or omission made unlawful by section 6 of the 1998 Act;
  - (b) in relation to the matters giving rise to the Part 1 warrant, the person has previously been subject to treatment that, if taking place in the United Kingdom, would be an act or omission made unlawful by section 6 of the 1998 Act; or
  - (c) the person’s removal from the United Kingdom would be incompatible with the Convention rights.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (3) The judge shall not treat a matter set out in subsection (2)(a) or (b) as established unless there is material before him on which a court might reasonably so conclude; but if there is such material before him, he shall treat that matter as established unless satisfied to the contrary.
- (4) For the purposes of subsection (3), the judge shall have regard to—
- (a) judgements issued by the European Court of Human Rights against the category 1 territory under Article 46 of the Convention (pilot judgement);
  - (b) the existence of proceedings under Article 226 of the Treaty on the Functioning of the European Union against the category 1 territory in respect of measures adopted under Article 82(2) of that Treaty, and any judgment given by the Court of Justice of the European Union in such proceedings.”’.

*Forum*

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
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 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**NC25**

★ To move the following Clause:—

- ‘(1) Schedule 20 (Extradition) of the Crime and Court Act 2013 is amended as follows.
- (2) In paragraph 3, omit from subparagraph (2)(a) to the end of the paragraph and substitute—

“decides that a substantial measure of D’s relevant activity was performed in the United Kingdom unless, having regard to the interest of justice, the judge decides that the extradition should take place.

- (3) Matters relevant to the interests of justice include but are not limited to—
- (a) the extent and place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;
  - (b) the interests of any victims of the extradition offence;
  - (c) the availability of evidence necessary for a fair trial in the United Kingdom and in jurisdictions outside the United Kingdom;
  - (d) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (e) D’s nationality, place of habitual residence and other connections with the United Kingdom.
- (4) In this section “D’s relevant activity” means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.”
- (3) In paragraph 6, omit from subparagraph (2)(a) to the end of the paragraph and substitute—  
“decides that a substantial measure of D’s relevant activity was performed in the United Kingdom unless, having regard to the interests of justice, the judge decides that the extradition should take place.  
“(3) Matters relevant to the interest of justice include but are not limited to—  
(a) the extent and place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;  
(b) the interest of any victims of the extradition offence;  
(c) the availability of evidence necessary for a trial in the United Kingdom and in jurisdictions outside the United Kingdom;  
(d) the desirability and practicability of all prosecution, relating to the extradition offence taking place in one jurisdiction;  
(e) D’s nationality, place of habitual residence and other connections with the United Kingdom.  
(4) In this section “D’s relevant activity” means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.”’.

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*Assault on workers in public facing roles*

Jack Dromey  
Mr David Hanson  
Helen Jones  
Diana Johnson  
Mr Steve Reed  
Phil Wilson

NC26

★ To move the following Clause:—

- (1) A person, being a member of the public, who assaults a worker—  
(a) in the course of that worker’s employment, or  
(b) by reason of that worker’s employment, commits an offence.
- (2) No offence is committed—  
(a) under subsection (1)(a) unless the person who assaults knows or ought to know that the worker is acting in the course of the worker’s employment;  
(b) under subsection (1)(b) unless the assault is motivated, in whole or in part, by malice towards the worker by reason of the worker’s employment.
- (3) In this section—  
“worker” means a person whose employment involves dealing with members of the public, to any extent, but only if that employment involves—

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

- (c) being physically present in the same place and at the same time as one or more members of the public; and
  - (d) (i) interacting with those members of the public for the purposes of the employment; or
    - (ii) providing a service to either particular members of the public or the public generally.
- “employment” in this context means any paid or unpaid work whether under a contract, apprenticeship, or otherwise.
- (4) Evidence from a single source is sufficient evidence to establish for the purpose of subsection (1) whether a person is a worker.
  - (5) A person guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding level 5 on the standard scale.’

*Long-term police authorisation requiring independent approval*

Jack Dromey  
 Mr David Hanson  
 Helen Jones  
 Diana Johnson  
 Mr Steve Reed  
 Phil Wilson

NC27

★ To move the following Clause:—

- ‘( ) The Regulation of Investigatory Powers Act 2000 is amended as follows—
  - (a) after section 32A (Authorisations requiring judicial approval) insert—
    - “32AA Long-term police authorisations requiring independent approval**
    - (1) This section applies where a relevant person has granted a long-term authorisation under section 29.
    - (2) The authorisation is not to take effect until such time (if any) as the relevant independent body has made an order approving the grant of the authorisation.
    - (3) The relevant independent body may give approval under this section to the granting of an authorisation under section 29 if, and only if, the relevant independent body is satisfied that—
      - (a) at the time of the grant—
        - (i) there were reasonable grounds for believing that the requirements of section 29(2), and any requirements imposed by virtue of section 29(7)(b) are satisfied in relation to that authorisation, and
        - (ii) the relevant conditions were satisfied in relation to that authorisation, and
      - (b) at the time when the relevant independent body is considering the matter, there remain reasonable grounds for believing that the requirements of section 29(2), and



**Anti-social Behaviour, Crime and Policing Bill, *continued***

any requirements imposed by virtue of section 29(7)(b) are satisfied in relation to that authorisation.

- (4) For the purposes of subsection (3) the relevant conditions in relation to a grant by an individual holding an office, rank or position in a relevant law enforcement agency, that—
- (a) the individual was a designated person for the purposes of section 29,
  - (b) the grant of an authorisation was not in breach of any prohibition imposed by virtue of section 29(7)(a) or any restriction imposed by virtue of section 30(3), and
  - (c) any other conditions that may be provided for by the Secretary of State were satisfied.
- (5) In this section—
- “relevant law enforcement authority” means—
- (c) a police force in the United Kingdom, and
  - (d) the National Crime Agency.
- “relevant judicial authority” means—
- (a) in relation to England and Wales, the High Court of Justice in England and Wales,
  - (b) in relation to Scotland, the Court of Session, and
  - (c) in relation to Northern Ireland, the High Court of Justice in Northern Ireland.
- “relevant person” means—
- (a) an individual holding an office, rank or position in a police force in the United Kingdom, and
  - (b) an individual holding an office, rank or position in the National Crime Agency.
- (6) In this section—
- “relevant independent body” must be set out by the Home Secretary in a motion passed by both Houses of Parliament before this Clause is enacted.
- “long-term” must be set out by the Home Secretary in a motion passed by both Houses of Parliament before this Clause is enacted.”.

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*Annual review*

Dr Julian Huppert

**NC31**

★ To move the following Clause:—

- (1) The Independent Reviewer of Terrorism Legislation shall monitor and publish a report to Parliament providing an analysis of the application of Schedule 7 to the Terrorism Act 2000.
- (2) The report shall include an assessment of those persons stopped, questioned or detained who have protected characteristics within the meaning of section 4 of the Equality Act 2010 (The protected characteristics).

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (3) A Minister of the Crown, must not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.’.

*Sunset provision for Schedule 7 to the Terrorism Act 2000*

Dr Julian Huppert

NC32

★ To move the following Clause:—

- ‘(1) Schedule 7 to the Terrorism Act 2000 shall be repealed, five years after the commencement of this Act, unless continued in force by an order under subsection (2).
- (2) The Secretary of State may by order made by statutory instrument provide—
- (a) that those provisions which are in force shall continue in force for a period not exceeding five years from the coming into operation of the order; or
- (b) that those provisions which are for the time being in force shall cease to be in force.
- (3) No order shall be made under subsection (2) unless a draft of the order has been laid before and approved by a resolution of both Houses of Parliament.’.

Secretary Theresa May

49

Clause 104, page 75, line 17, after ‘offence’ insert ‘under the law of England and Wales’.

Secretary Theresa May

50

Clause 104, page 75, line 22, after ‘offence’ insert ‘under the law of England and Wales’.

Secretary Theresa May

51

Clause 112, page 80, line 24, at end insert—

- ‘( ) The Secretary of State may secure the reimbursement of payments made under section 61(5) or (7) of the Police Act 1996 (payment by Scottish Ministers or Department of Justice in Northern Ireland towards expenses incurred by the Police Negotiating Board for the United Kingdom) to the extent that, by reason of the abolition of the Board, the payments are not needed.’.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Secretary Theresa May

52

Clause 114, page 83, line 22, leave out ‘Police Advisory Board for England and Wales’ and insert ‘appropriate advisory or negotiating body’.

Secretary Theresa May

53

Clause 114, page 83, line 24, at end insert—

“(1A) In subsection (1) above, “the appropriate advisory or negotiating body” means—

- (a) as regards England and Wales, the Police Advisory Board for England and Wales;
- (b) as regards Scotland, the Police Negotiating Board for Scotland.’.

Secretary Theresa May

54

Clause 114, page 83, line 25, after ‘above’ insert ‘as regards England and Wales.’.

Secretary Theresa May

55

Clause 114, page 83, line 37, leave out from ‘paragraph’ to end of line 40 and insert ‘3, for sub-paragraph (3) there is substituted—

“(3) The Secretary of State shall—

- (a) consult with the Police Advisory Board for England and Wales before exercising the power as regards England and Wales;
- (b) consult with the Police Negotiating Board for Scotland before exercising the power as regards Scotland;
- (c) consult with the Northern Ireland Policing Board and the Police Association for Northern Ireland before exercising the power as regards Northern Ireland.”’.

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Dr Julian Huppert

148

★ Clause 127, page 98, line 17, leave out lines 17 and 18 and insert ‘Schedule 7 to the Terrorism Act 2000 is repealed.’.

Dr Julian Huppert

150

★ Clause 127, page 98, line 18, at end add—

“(2) The Secretary of State shall by order make any amendments to Schedule 7 or 8 to the Terrorism Act 2000 recommended by the Independent Reviewer of Terrorism Legislation to limit the scope of its application.’.

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Secretary Theresa May

56

Clause 129, page 99, line 6, leave out from ‘But’ to end of line 8 and insert ‘if proceedings in respect of the extradition are adjourned under section 8A or 8B, the

**Anti-social Behaviour, Crime and Policing Bill, *continued***

permitted period is extended by the number of days for which the proceedings are so adjourned.”.

Mr Dominic Raab  
Nick de Bois  
Keith Vaz  
Ms Gisela Stuart  
Mr Graham Brady  
Zac Goldsmith

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Conor Burns  
Sir Richard Shepherd  
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Mr William Cash  
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Mr Phillip Hollobone  
Mr Charles Walker  
Mr David Davis  
Henry Smith

Mrs Anne Main  
Simon Reeve  
Mr John Redwood  
Mr Bernard Jenkin  
Richard Drax  
Mark Field  
Mark Pritchard

**106**

★ Clause 130, page 99, line 14, leave out ‘prosecution decision’ and insert ‘decision to try’.

Mr Dominic Raab  
Nick de Bois  
Keith Vaz  
Ms Gisela Stuart  
Mr Graham Brady  
Zac Goldsmith

Steve Baker  
Conor Burns  
Sir Richard Shepherd  
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Mr David Ruffley  
Mr William Cash  
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Mr David Davis  
Henry Smith

Mrs Anne Main  
Simon Reeve  
Mr John Redwood  
Mr Bernard Jenkin  
Richard Drax  
Mark Field  
Mark Pritchard

**107**

★ Clause 130, page 99, line 20, leave out ‘have not made a decision to charge or’.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
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 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**114**

★ Clause 130, page 99, line 24, after ‘failure’, insert ‘, and the category 1 territory’s unreasonable refusal to consent to a request for a temporary transfer under subsection (3) of section 21B is not the sole reason for that failure.’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
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 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**108**

★ Clause 130, page 99, line 28, leave out ‘a decision to charge and’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
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 Tim Loughton

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 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**109**

★ Clause 130, page 99, line 29, leave out from ‘(ii)’ to ‘the’ in line 30.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
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 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

115

- ★ Clause 130, page 99, line 32, after ‘failure’, insert ‘and the person’s presence in order to enable either decision to be made could not be arranged by video-link, subject to appropriate safeguards to ensure respect for the requested person’s rights of defence, or
- ‘(iii) in a case where one of those decisions has not been made (or neither of them has been made), the unreasonable refusal of the category 1 territory to consent to a request for a temporary transfer under subsection (3) of section 21B is not sole reason for that failure.’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
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 Martin Vickers  
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 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

113

- ★ Clause 130, page 99, line 32, at end insert—
- ‘(2) In order to assess whether there are “reasonable grounds” within the meaning of paragraph (a) of subsection (1) in this section, the judge shall have regard to—
- (a) the statement contained in the Part 1 warrant; and
- (b) any other relevant evidence, including external evidence regarding the state of the proceedings and the past record of the Part 1 territory.’.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
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 Mr Graham Brady  
 Zac Goldsmith

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 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

110

★ Clause 130, page 99, line 33, leave out ‘to charge’ and’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
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 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

111

★ Clause 130, page 99, line 34, leave out ‘mean’ and insert ‘means’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
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 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
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112

★ Clause 130, page 99, line 35, leave out paragraph (a).

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
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 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**116**

★ Clause 131, page 100, line 15, leave out from ‘proportionality’ to end of line 16.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
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 Simon Reeve  
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 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**119**

★ Clause 131, page 100, line 22, leave out ‘the possibility of the relevant authorities taking’ and insert ‘the availability to the relevant foreign authorities, of’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
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 Henry Smith

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 Simon Reeve  
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 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**117**

★ Clause 131, page 100, line 23, at end insert—

- (d) the likely consequence of extradition for the suspect and their family;
- (e) the passage of time since the conduct alleged to constitute the extradition offence;



**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (f) the costs of extradition for the United Kingdom;
- (g) the public interest in the extradition; and
- (h) any other matter which the judge considers to be relevant.’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
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 Simon Reeve  
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 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**118**

★ Clause 131, page 100, line 23, at end insert—

‘(3A) If the judge decides that the relevant foreign authorities have available to them other measures which would be less coercive than the extradition of D, the judge shall conclude that extradition would be disproportionate.’.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
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 Henry Smith

Mrs Anne Main  
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 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**120**

★ Clause 131, page 100, line 40, after ‘means’ insert ‘all’.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
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 Zac Goldsmith

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 Sir Richard Shepherd  
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 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**121**

- ★ Clause **131**, page **100**, line **42**, after ‘ahead’, insert ‘and not only the judicial authority which issued the Part 1 warrant’.
- 

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
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 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**124**

- ★ Clause **133**, page **102**, line **10**, after ‘request’, insert ‘(which must include a specific timeframe within which the person must be returned to the United Kingdom)’.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
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 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

125

★ Clause 133, page 102, line 13, at end insert—

‘(5A) However, the judge must not make any order under subsection (5) if the Part 1 territory has not provided assurances, which the judge considers satisfactory, that the person will be returned to the United Kingdom within the period specified in the judge’s order made under that subsection.’

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
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 Mr William Cash  
 Mr David Nuttall  
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Bob Blackman  
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 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

122

★ Clause 133, page 102, line 24, after ‘withdrawn’) insert ‘, unless new circumstances arising since that consent was given justify it.’

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
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 Mr William Cash  
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 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**123**

- ★ Clause **133**, page **102**, line **28**, after ‘withdrawn’) insert ‘unless new circumstances arising since that request was made justify it.’

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
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 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

**126**

- ★ Clause **133**, page **102**, line **35**, at end add—

- ‘(10) If the requested person makes a request under subsection (3), and the Part 1 territory unreasonably refuses to consent to that request, the judge shall consider that there are less coercive measures available for the purposes of section 21A of this Act.
- (11) If the Part 1 territory refuses to provide the assurance required under subsection (6), the judge shall consider that there are less coercive measures available for the purposes of section 21A of this Act.’
-

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
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Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

127

★ Clause 134, page 102, line 39, leave out paragraphs (a) and (b).

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

128

★ Clause 134, page 102, line 44, leave out from beginning to end of line 2 on page 103, and insert—

‘(5) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interests of justice to do so.’

Secretary Theresa May

57

Clause 134, page 103, line 2, at end insert—

- ‘( ) In section 28 of that Act (appeal against discharge at extradition hearing: category 1 territory)—
  - (a) in subsection (4), for “section may” there is substituted “section—
    - (a) may”;
  - (b) at the end of that subsection there is inserted “, but
    - (b) lies only with the leave of the High Court.”’.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

131

- ★ Clause 134, page 103, line 2, at end insert—  
 (d) in subsection (4), for “7” there is substituted “14”.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

129

- ★ Clause 134, page 103, line 9, leave out from beginning to end of line 13, and insert—  
 ‘(10) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interests of justice to do so.’

Secretary Theresa May

58

- Clause 134, page 103, line 13, at end insert—  
 ‘() In section 105 of that Act (appeal against discharge at extradition hearing: category 2 territory)—  
 (a) in subsection (4), for “section may” there is substituted “section—  
 (a) may”;  
 (b) at the end of that subsection there is inserted “, but  
 (b) lies only with the leave of the High Court.”’

Secretary Theresa May

59

- Clause 134, page 103, line 20, leave out from ‘subsection’ to third ‘the’ in line 22 and insert ‘(7) there is inserted—

**Anti-social Behaviour, Crime and Policing Bill, *continued***

“(7A) Where a person gives notice of application for leave to appeal after the end of the permitted period (whether or not the application is for leave to appeal on human rights grounds),”.

Mr Dominic Raab  
 Nick de Bois  
 Keith Vaz  
 Ms Gisela Stuart  
 Mr Graham Brady  
 Zac Goldsmith

Steve Baker  
 Conor Burns  
 Sir Richard Shepherd  
 Dr Sarah Wollaston  
 Mr David Ruffley  
 Mr William Cash  
 Mr David Nuttall  
 Tim Loughton

Bob Blackman  
 Mr Douglas Carswell  
 Martin Vickers  
 Mark Reckless  
 Mr Phillip Hollobone  
 Mr Charles Walker  
 Mr David Davis  
 Henry Smith

Mrs Anne Main  
 Simon Reeve  
 Mr John Redwood  
 Mr Bernard Jenkin  
 Richard Drax  
 Mark Field  
 Mark Pritchard

★ Clause **134**, page **103**, line **21**, leave out from beginning to end of line 25, and insert— **130**  
 ‘(5) Where a person gives notice of appeal after the end of the permitted period, the High Court may nevertheless entertain that appeal if it is in the interest of justice to do so.’

Secretary Theresa May

Clause **134**, page **103**, line **25**, at end insert— **60**  
 ‘( ) In section 110 of that Act (appeal against discharge by Secretary of State)—  
 (a) in subsection (4), for “section may” there is substituted “section—  
 (a) may”;  
 (b) at the end of that subsection there is inserted “, but  
 (b) lies only with the leave of the High Court.”’.

Dr Hywel Francis  
 Simon Hughes

★ Page **115**, line **19**, leave out Clause 143. **184**

Jeremy Corbyn  
 Mark Durkan

Clause **143**, page **115**, line **26**, leave out ‘the person was innocent of the offence’ and insert ‘no reasonable court properly directed as to the law, could convict on the evidence now to be considered.’ **95**

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Philip Davies

136

★ Clause 144, page 116, line 4, leave out subsection (2).

Secretary Theresa May

61

Clause 144, page 117, line 13, at end insert—

(5A) Any reference in the Police and Criminal Evidence Act 1984 to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980).

(5B) In section 84 of the Armed Forces Act 2006 (definitions), after subsection (2) there is inserted—

“(2A) In subsection (2)(a), the reference to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980).”.

Secretary Theresa May

137

★ Page 118, leave out Clause 147.

Secretary Theresa May

62

Clause 149, page 119, line 21, at end insert ‘, but this does not apply to a power of the Scottish Ministers to make an order under section 152’.

Secretary Theresa May

138

★ Clause 149, page 119, leave out line 23.

Secretary Theresa May

63

Clause 151, page 120, line 11, at end insert—

‘() section [*Violent offender orders*];’.

Secretary Theresa May

92

Clause 151, page 120, line 11, at end insert—

‘() section [*Saving and transitional provision*];’.

Secretary Theresa May

64

Clause 151, page 120, line 12, leave out ‘Part 9’ and insert ‘sections 103 and 104’.



**Anti-social Behaviour, Crime and Policing Bill, continued**

- Secretary Theresa May 65  
 Clause 151, page 120, line 14, leave out ‘114’ and insert ‘114(1), (2) and (4)’.
- Secretary Theresa May 66  
 Clause 151, page 120, line 17, leave out ‘section 128’ and insert ‘sections 128, [Fees for criminal record certificates etc]’.
- Secretary Theresa May 67  
 Clause 151, page 120, line 17, at end insert ‘and [Power of community support officer to issue fixed penalty notice for cycle light offence]’.
- Secretary Theresa May 68  
 Clause 151, page 120, line 18, leave out ‘section’ and insert ‘sections [Credit for time in custody awaiting extradition to United Kingdom to serve sentence] and’.
- Secretary Theresa May 69  
 Clause 151, page 120, leave out line 19 and insert—  
     ‘(j) section 144 except subsection (5B);  
     (k) section 146.’.
- Secretary Theresa May 105  
 Clause 151, page 120, line 23, after ‘100’ insert ‘, [Functions of Scottish Ministers under Firearms Acts]’.
- Secretary Theresa May 70  
 Clause 151, page 120, line 23, at end insert—  
     ‘() section 114(3);’.
- Secretary Theresa May 93  
 Clause 151, page 120, line 31, at end insert—  
     ‘() section [Sexual harm prevention orders and sexual risk orders, etc] and Schedule [Amendments of Part 2 of the Sexual Offences Act 2003];’.
- Secretary Theresa May 71  
 Clause 151, page 120, line 32, at end insert—  
     ‘() section 114(5);’.
- Secretary Theresa May 139  
 ★ Clause 151, page 120, line 37, leave out ‘147’ and insert ‘[Court and tribunal fees]’.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- Secretary Theresa May 72
- Clause 151, page 120, line 37, at end insert—  
 ‘() Section [*Offence of forced marriage: Scotland*] extends only to Scotland.’
- Secretary Theresa May 73
- Clause 151, page 120, line 38, at end insert—  
 ‘(5A) Section 144(5B) has the same extent as section 84 of the Armed Forces Act 2006, and the powers conferred by section 384 of that Act (power to extend Act to the Channel Islands and powers to make provisions of that Act apply with modifications in relation to the Channel Islands, British overseas territories and the Isle of Man) are exercisable in relation to the amendment of that Act made by section 144(5B) of this Act.’
- 
- Secretary Theresa May 74
- Clause 152, page 121, line 9, at end insert—  
 ‘() section [*Fees for criminal record certificates etc*], which comes into force at the end of the period of 2 months beginning with that day.’
- Secretary Theresa May 75
- Clause 152, page 121, line 11, at end insert—  
 ‘() section [*Offence of forced marriage: Scotland*].’
- Secretary Theresa May 76
- Clause 152, page 121, line 19, at end insert—  
 ‘() Section [*Offence of forced marriage: Scotland*] comes into force on whatever day the Scottish Ministers appoint by order.’
- Secretary Theresa May 77
- Clause 152, page 121, line 27, at end insert—  
 ‘() The Scottish Ministers may by order make whatever saving, transitional or transitory provision they think appropriate in connection with the coming into force of section [*Offence of forced marriage: Scotland*].’
- Secretary Theresa May 78
- Clause 152, page 121, line 27, at end insert—  
 ‘() An order under this section bringing into force on a particular day a provision which refers to the Police Negotiating Board for Scotland may, if it appears to the Secretary of State that no body of that name will be in existence on that day, bring

**Anti-social Behaviour, Crime and Policing Bill, *continued***

the provision into force subject to whatever consequential amendment or transitional provision the Secretary of State thinks appropriate.’

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO THE CONTROL OF DOGS;  
AMENDMENTS TO PART 7; REMAINING PROCEEDINGS ON CONSIDERATION*

*Amendment of Breeding of Dogs Act 1973*

Mr David Amess  
Julie Hilling

**NC2**

To move the following Clause:—

‘In section 1(4) of the Breeding of Dogs Act 1973 omit subsection (g) and insert—

“(g) that bitches do not breed more than two litters per year without an appropriate licence from the local authority.”.’

---

*Dog control notices*

Mr David Hanson  
Phil Wilson  
Gloria De Piero  
Julie Hilling  
Mr Andrew Smith

**NC3**

To move the following Clause:—

- ‘(1) Where an authorised officer has reasonable cause to believe that a dog is not under sufficient control and requires greater control in any place, as a preventative measure to protect the public, the dog itself, or another protected animal, he or she may serve on the owner, and if different, person for the time being in charge of the dog a written control notice which—
- (a) states that he or she is of that belief;
  - (b) specifies the respects in which he or she believes the owner, and if different, the person for the time being in charge of the dog is failing to keep the dog under sufficient control;
  - (c) specifies the steps he or she requires the owner, and if different, the person for the time being in charge of the dog to take in order to comply with the notice;
  - (d) specifies the date by which the terms of the notice must be complied with; and
  - (e) specifies the date that the notice expires which will not be for a period which exceeds six months.
- (2) In a control notice pursuant to subsection (1)(c) an authorised officer must require a dog to be microchipped (if not already done) and the owner, and if different, the person for the time being in charge of the dog, register the dog with a microchip

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

database, and may require the following steps, where appropriate, but not limited to—

- (a) keeping the dog muzzled as directed;
  - (b) keeping the dog on a lead when in public or under control as directed;
  - (c) requiring the owner, and if different, the person for the time being in charge of the dog, to seek and implement expert advice about training and behaviour for the dog;
  - (d) having the dog neutered where appropriate; and
  - (e) keeping the dog away from particular places or persons.
- (3) Failure to comply with the steps required in a control notice within the time period specified, to the satisfaction of the authorised officer may lead to a complaint to a magistrates' court under section 2 of the Dogs Act 1871.
  - (4) The provisions of section 2 of the Dogs Act 1871 shall have effect if the owner, and if different, the person for the time being in charge of a dog fails to comply with the steps required in a control notice within the time period specified in accordance with subsection (3) above as they would apply if a dog was dangerous and not kept under proper control.
  - (5) An "authorised officer" is a person that has been appointed by the local authority or police for the purposes of this Act.
  - (6) A "protected animal" is one that is commonly domesticated in the British Islands, is under the control of man whether on a permanent or temporary basis, or is not living in a wild state.?

*Dog number control notice*

Julie Hilling  
Mr Andrew Smith  
Paul Goggins  
Jim Fitzpatrick  
Nic Dakin  
Mrs Mary Glendon

Jim Fitzpatrick

Rosie Cooper

Mrs Madeleine Moon  
**NC6**

To move the following Clause:—

- (1) This section applies where more than one dog is being kept in a domestic property in England or Wales.
- (2) Where an authorised officer has reasonable cause to believe that the number of dogs being kept in a domestic property gives rise to a risk that any one or more of the dogs may become dangerously out of control while in or partly in the domestic property ("the risk"), he or she may serve on the person in charge a written control notice which—
  - (a) states that the authorised officer is of that belief;
  - (b) specifies the maximum number of dogs which, in the opinion of the authorised officer, are capable of being kept in the domestic property such as to sufficiently reduce the risk;
  - (c) requires the person in charge to reduce the number of dogs kept in the domestic property to no more than the number specified under paragraph (b) and;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (d) specifies the date by which the terms of the control notice must be complied with.
- (3) A control notice may be served on more than one person in respect of one domestic property.
- (4) It is an offence for a person without reasonable excuse to fail to comply with a requirement under subsection (2).
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) An authorised officer may make a complaint to a Magistrates' Court if a person in charge fails, to the satisfaction of the authorised officer, to comply with the steps required in a control notice within the time period specified.
- (7) A Magistrates' Court receiving a complaint under subsection (6) shall, if it finds that the person in charge has failed to comply with the steps required in a control notice, make an order in a summary way directing any of the dogs kept in the domestic property to be destroyed.
- (8) In this section—
  - “authorised officer” means a person appointed by a local authority within whose area the domestic property is situated for the purposes of this section;
  - “domestic property” means a building, or part of a building, that is a dwelling or is forced accommodation (or both);
  - “person in charge” means the owner or owners, and if different, person or persons for the time being in charge of the dogs.?

---

*Community protection notices (dogs)*

Angela Smith

NC17

To move the following Clause:—

- (1) An authorised person may issue a community protection notice (dogs) to the owner or person for the time being in control of the dog if they have reasonable cause to believe that—
  - (a) the dog is not under sufficient control, and
  - (b) preventative measures are required to protect the public, the dog itself, or another protected animal.
- (2) An “authorised person” means a police officer, local authority dog warden, or other authorised person.
- (3) A community protection notice (dogs) is a notice that imposes any of the following requirements on the owner or person for the time being in control of the dog—
  - (a) a requirement to have the dog microchipped;
  - (b) a requirement to obtain third party liability insurance;
  - (c) a requirement for the dog to be kept on a leash in public;
  - (d) a requirement for the dog to be muzzled in public;
  - (e) a requirement for the transferring or relinquishing of ownership of the dog without notifying the enforcing authority.
- (4) A community protection notice may be issued—

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (a) without notice, and
  - (b) with immediate effect.
- (5) A person issued with a community protection notice (dogs) who fails to comply with it commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.’.
- 

*Requirement to fit a post box guard where a dog is present*

Ann Coffey  
 Mr Clive Betts  
 Mr Bob Ainsworth  
 Graham Stringer  
 Derek Twigg  
 Andrew Gwynne

David Heyes

**NC18**

To move the following Clause:—

- ‘(1) The Secretary of State shall bring forward regulations to require householders to fit a guard to their letterbox if—
- (a) the householder owns a dog,
  - (b) the dog is kept in residential premises to which the letterbox is fitted,
  - (c) the letterbox opens directly into those premises, and
  - (d) a person may reasonably conclude that there is the possibility of the dog causing harm to someone using the letterbox.
- (2) Regulations made under subsection (1) shall include provision in respect of—
- (a) the size and style of the guard to be fitted, and
  - (b) the householder to be liable to a civil penalty for any harm caused as a result of failing to comply with this requirement.
- (3) Regulations under this section—
- (a) shall be made by statutory instrument, and
  - (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.’.

---

*Written control notice*

Miss Anne McIntosh

**NC19**

To move the following Clause:—

- ‘(1) Where an authorised officer has reasonable cause to believe that a dog is not under sufficient control and requires greater control in any place, as a preventative measure to protect the public, the dog itself, or another protected

**Anti-social Behaviour, Crime and Policing Bill, *continued***

animal, he or she may serve on the owner, and, if different, person for the time being in charge of the dog a written control notice which—

- (a) states that he or she is of that belief;
  - (b) specifies the respects in which he or she believes the owner, and if different, the person for the time being in charge of the dog is failing to keep the dog under sufficient control;
  - (c) specifies the steps he or she requires the owner, and if different, the person for the time being in charge of the dog to take in order to comply with the notice.
  - (d) specifies the date by which the terms of the notice must be complied with; and
  - (e) specifies the date that the notice expires which will not be for a period which exceeds six months.
- (2) In a control notice pursuant to subsection (1)(c) an authorised officer must require a dog to be microchipped (if not already done) and the owner, and if different, the person for the time being in charge of the dog, register the dog with a microchip database, and may require the following steps, where appropriate, but not limited to—
- (a) keeping the dog muzzled as directed;
  - (b) keeping the dog on a lead when in public or under control as directed;
  - (c) requiring the owner, and if different, the person for the time being in charge of the dog, to seek and implement expert advice about training and behaviour for the dog;
  - (d) having the dog neutered where appropriate; and
  - (e) keeping the dog away from particular places or persons.
- (3) Failure to comply with the steps required in a control notice within the time period specified, to the satisfaction of the authorised officer may lead to a complaint to a magistrates’ court under section 2 of the Dogs Act 1871.
- (4) The provisions of section 2 of the Dogs Act 1871 shall have effect if the owner, and if different, the person for the time being in charge of a dog fails to comply with the steps required in a control notice within the time period specified in accordance with subsection (3) above as they would apply if a dog was dangerous and not kept under proper control.
- (5) An “authorised officer” is a person that has been appointed by the local authority or police for the purposes of this Act.
- (6) A “protected animal” is one that is commonly domesticated in the British Islands, is under the control of man whether on a permanent or temporary basis, or is not living in wild state.
- (7) A person served with a dog control notice may appeal against the notice to a magistrates’ court within the period of 14 days beginning with the date on which that person was served with the notice.
- (8) The grounds on which a person served such a notice may appeal are one or more of the following—
- (a) that the notice contains required steps which are unreasonable in character, or extent, or are unnecessary; or
  - (b) that there has been some defect or error in, or in connection with, the notice.
- (9) On hearing of the appeal the court may—
- (a) quash the dog control notice to which the appeal relates; or
  - (b) vary the notice in such a manner as it thinks fit; or

---

**Anti-social Behaviour, Crime and Policing Bill, *continued***

(c) dismiss the appeal.’

---

*Improving the welfare of seized dogs*

Angela Smith

NC29

★ To move the following Clause:—

‘Where an expert examination is required for a dog that is alleged to be one to which section 1 applies that examination must be carried out and completed by both the defence and prosecution within 28 days of seizure of the dog and a written report produced within one week of the examination.

If the prosecution or defence fail to carry out the examination as described in sub-clause 1 within the requisite period the prosecution or defence, as the case may be, may not rely in evidence on any expert report involving an examination of that dog after the 28 day period unless the Court extends this period.

In considering any application to extend the examination period the Court must take into account the welfare of the dog, the costs of kennelling the dog and any other relevant matters.’

---

*Rehoming of prohibited types of dog*

Richard Fuller

NC30

★ To move the following Clause:—

‘(1) The Dangerous Dogs (Amendment) Act 1997 is amended as follows.

(2) In section 4B(1)(b) (Destruction orders otherwise than on a conviction) after the first “owner” there is inserted “or prospective owner”, and after the second “owner” there is inserted “or prospective owner”.’

---

Philip Davies

143

★ Clause 98, page 69, line 43, leave out subsection 2(a).

***Member’s explanatory statement***

*Removes the change from public places to private places in its entirety and the aggravated offence relating to an assistance dog.*

Richard Fuller

140

★ Clause 98, page 70, leave out line 3 and insert—

‘(ii) for “injures any person” there is substituted “injures or kills any person or assistance dog”.’



**Anti-social Behaviour, Crime and Policing Bill, *continued***

Philip Davies

144

- ★ Clause 98, page 70, line 6, after ‘householder’, add ‘or business’.

*Member’s explanatory statement*

*Giving exemption to businesses as well as households where there are intruders.*

Philip Davies

145

- ★ Clause 98, page 70, line 7, after ‘householder’, add ‘or business’.

Philip Davies

146

- ★ Clause 98, page 70, line 11, after ‘(or is both)’, add ‘or in premises used partially or wholly for business purposes’.

Philip Davies

147

- ★ Clause 98, page 70, line 17, at end insert—

‘(iii) D (if not present at any time) could have reasonably believed V to be in, or entering the building or part as a trespasser if they had been present.’

Philip Davies

134

- ★ Clause 98, page 70, line 23, at end insert—

(1C) A person (“D”) is not guilty of an offence under subsection (1) in a case where they, or an associated person, are being attacked by another person or another dog at the relevant time.

(1D) A person (“D”) is not guilty of an offence under subsection (1) if they are a vet or someone working in a veterinary practice at the relevant time.

(1E) A person (“D”) is not guilty of an offence under subsection (1) if they themselves are the victim of any incident involving their dog.

(1F) A person (“D”) is not guilty of an offence under subsection (1) if they are in charge of a dog they are removing in connection with their work.

(1G) A person (“D”) is not guilty of an offence under subsection (1) if they are in charge of a dog they are required to maintain in any police or court proceedings or if they are assisting the courts as a witness (expert or otherwise).

(1H) A person (“D”) is not guilty of an offence under subsection (1) if they are in charge of a dog that they are authorised or required to look after in connection with their work.

(1I) A person (“D”) is not guilty of an offence under subsection (1) if they are in charge of a dog they are looking after by virtue of the dog being in their kennels.

(1J) A person (“D”) is not guilty of an offence under subsection (1) if the dog is a police dog or a dog being used in an official capacity to assist with their work.

(1K) A person (“D”) is not guilty of an offence under subsection (1) if the dog is an assistance dog.

(1L) A person (“D”) is not guilty of an offence under subsection (1) if they are registered blind.

(1M) A person (“D”) is not guilty of the aggravated offence under subsection (1) if, as a result of any disability, they were not able to physically prevent the offence.

(1N) A person (“D”) is not guilty of the aggravated offence under subsection (1) unless they encouraged the dog in its actions.’

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Tracey Crouch

133

★ Clause 98, page 70, line 28, at end insert—

‘(2A) If an owner of a dog, and if different the person for the time being in charge of a dog unreasonably omits to keep the dog under proper control, or if he causes, or encourages the dog to attack a protected animal, and any of those things lead to the injury or death of a protected animal he shall be guilty of an offence.

(2B) A “protected animal” has the same meaning as in section 2 of the Animal Welfare Act 2006.’.

Richard Fuller

141

★ Clause 98, page 70, line 28, at end insert—

‘(iii) for “two years” there is substituted “fourteen years”.’.

Angela Smith

142

★ Clause 98, page 70, line 28, at end insert—

‘(1C) In proceedings for an offence under section 3(1) it shall be a defence for the accused to prove that he took reasonable steps to prevent the dog being dangerously out of control.’.

Philip Davies

135

★ Clause 98, page 70, line 41, at end insert—

‘(1B) Anyone authorised to seize a dog under subsection 1A is exempted from the provisions of the Dangerous Dogs Act 1991.’.

Miss Anne McIntosh

98

Clause 98, page 70, leave out lines 45 and 46 and insert ‘for the purposes of this Act, “assistance dog” means a dog which has been accredited to assist a disabled person by a prescribed charity or other organisation.’.

Miss Anne McIntosh

97

Clause 98, page 70, line 46, at end insert ““dwelling”, for the purposes of section 3, includes enclosed buildings within the curtilage of the dwelling and associated with it, where a person might reasonably expect to find a dog, such as garages, sheds and other outbuildings;’.

Tracey Crouch

132

★ Clause 98, page 70, line 47, leave out subsection (6)(b).

Miss Anne McIntosh

99

Clause 99, page 71, line 33, at end add—

‘(5) After section 7 there is inserted—

**Anti-social Behaviour, Crime and Policing Bill, *continued***

**“7A Fit and proper person code of practice**

- (1) The Secretary of State must prepare a draft code of practice giving guidance about the matters to be considered when determining whether someone is a fit and proper person for the purposes of sections 1, 4 and 4B.
- (2) The Secretary of State must lay before Parliament—
  - (a) any draft code of practice prepared under this section; and
  - (b) an order to be made by statutory instrument providing for the code to come into force, subject to subsection (4).
- (3) Before preparing such a draft code, the Secretary of State must consult such persons as the Secretary of State thinks appropriate.
- (4) Where a draft is laid before Parliament under subsection (2)(a), if neither House passes a resolution disapproving the draft within 40 days—
  - (a) the Secretary of State may issue the code in the form of the draft; and
  - (b) it shall come into force in accordance with provision made under subsection (2)(b).”.

Secretary Theresa May

79

Schedule 6, page 145, line 2, at end insert—

- ‘() may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
- () may authorise a person to carry out on the officer’s behalf a search under this paragraph.’.

Secretary Theresa May

80

Schedule 6, page 145, line 29, at end insert—

- ‘() A constable—
  - (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
  - (b) may authorise a person to carry out on the constable’s behalf a search under this paragraph.’.

Secretary Theresa May

81

Schedule 6, page 146, line 5, leave out paragraph 5.

Dr Julian Huppert

149

★ Page 146, line 26, leave out Schedule 7.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Dr Julian Huppert

151

- ★ Schedule 7, page 147, line 15, at end insert—

*Power to stop, question and detain*

- 1A (1) Schedule 7 to the Terrorism Act 2000 is amended as follows.  
 (2) Paragraph 2(4) is repealed.  
 (3) After paragraph 4 there is inserted—

“4A An examining officer must ensure that all questioning, beginning at the commencement of the examination, is recorded and retained for as long as is deemed necessary, which must be no less than one year, so that it may be used in any complaints process that may follow.”.

Dr Hywel Francis  
Simon Hughes

179

- ★ Schedule 7, page 147, line 16, at end insert—

*Limits on duty to give information and documents*

- 1A In paragraph 5(1) of Schedule 7 to the Terrorism Act 2000, before “A person who is questioned” there is inserted “Subject to paragraph 9A below”.

Dr Hywel Francis  
Simon Hughes

178

- ★ Schedule 7, page 147, line 25, at end insert—

‘(2A) A person questioned under paragraph 2 or 3 may not be detained under paragraph 6 unless the examining officer has reasonable grounds to suspect that he is a person falling within section 40(1)(b).’.

Dr Hywel Francis  
Simon Hughes

180

- ★ Schedule 7, page 147, line 33, before paragraph 3 insert—

‘2A In paragraph 8(1) of Schedule 7 to the Terrorism Act 2000, before ‘An examining officer’ there is inserted ‘Subject to paragraph 9A below.’.

Dr Hywel Francis  
Simon Hughes

181

- ★ Schedule 7, page 148, line 20, at end insert—

‘3A In paragraph 9(1) of Schedule 7 to the Terrorism Act 2000, before “An examining officer” there is inserted “Subject to paragraph 9A below.”.

3B In Schedule 7 to the Terrorism Act 2000, after paragraph 9 there is inserted—

*“Data stored on personal electronic devices*

9A (1) For the purposes of this Schedule—

- (a) the information or documents which a person can be required to give the examining officer under paragraph 5,

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (b) the things which may be searched under paragraph 8, and
  - (c) the property which may be examined under paragraph 9,
- do not include data stored on personal electronic devices unless the person is detained under paragraph 6.

- (2) “Personal electronic device” includes a mobile phone, a personal computer and any other portable electronic device on which personal information is stored.”.

Dr Julian Huppert

156

- ★ Schedule 7, page 148, line 38, at end insert—  
 ‘(4) The copy, and information derived from it, may be used for no other purposes than those specified in subparagraph (3).’.

Dr Hywel Francis  
Simon Hughes

182

- ★ Schedule 7, page 148, line 38, at end insert—

*‘Audio and video-recording of interviews*

- 4A In paragraph 3(6) of Schedule 8 to the Terrorism Act 2000, the words “if the interview takes place in a police station” are omitted.’.

Dr Julian Huppert

157

- ★ Schedule 7, page 148, line 38, at end insert—

*‘Right to silence*

- 4A In Schedule 7 to the Terrorism Act 2000, after paragraph 18 there is inserted—  
 “18A Right to silence  
 Nothing in this Schedule—  
 (a) imposes a duty on a person to respond to questioning; or  
 (b) allows inferences to be drawn from their silence.”.’.

Dr Julian Huppert

152

- ★ Schedule 7, page 148, line 42, at end insert—  
 ‘(2A) In paragraph 6(1) the words “Subject to paragraph 8” are omitted.’.

Dr Julian Huppert

153

- ★ Schedule 7, page 148, line 43, at end insert—  
 ‘(a) the words “Subject to paragraphs 8 and 9” are omitted;  
 (b) ’.

Dr Julian Huppert

154

- ★ Schedule 7, page 148, line 43, at end insert—  
 ‘(3A) Paragraph 8 is omitted.’.

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**Anti-social Behaviour, Crime and Policing Bill, *continued***

Dr Julian Huppert

155

- ★ Schedule 7, page 149, line 1, at end insert—  
‘(4A) Paragraph 9 is omitted.’

Dr Hywel Francis  
Simon Hughes

183

- ★ Schedule 7, page 150, line 2, after ‘officer’ leave out ‘at such intervals as may be specified in, and otherwise in accordance with, the code of practice, and insert—  
(2A) The first review shall be carried out as soon as is reasonably practicable after the time of the person’s detention and not more than one hour from that time.  
(2B) Subsequent reviews shall be carried out at intervals of not more than 2 hours.’

Yvette Cooper  
Mr David Hanson  
Jack Dromey  
Diana Johnson  
Mr Steve Reed  
Helen Jones

Phil Wilson

96

- Schedule 8, page 155, line 32, leave out paragraphs 24 to 27.

Secretary Theresa May

82

- Schedule 8, page 158, line 20, at end insert—

*‘Government of Wales Act 2006 (c. 32)*

In Schedule 7 to the Government of Wales Act 2006 (legislative competence of Welsh Assembly), in the list of exceptions in paragraph 12, for “Anti-social behaviour orders” there is substituted “Orders to protect people from behaviour that causes or is likely to cause harassment, alarm or distress”.

Secretary Theresa May

94

- Schedule 8, page 161, line 8, at end insert—

‘PART 1A

AMENDMENTS RELATING TO PART 8A

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

In section 19AA of the Criminal Procedure (Scotland) Act 1995 (samples etc from sex offenders), in subsection (1)(c), after “an order under section” there is inserted “122A or”.

In section 19AB of that Act (supplementary provision in risk of sexual harm order cases), in subsection (7), at the end of the definition of “risk of sexual harm order” there is inserted—

**Anti-social Behaviour, Crime and Policing Bill, *continued***

“and also includes an order under section 122A of the 2003 Act (sexual risk orders);”.

*Police Act 1997 (c. 50)*

(1) Section 113CA of the Police Act 1997 (suitability information relating to children) is amended as follows.

(2) After paragraph (f) of subsection (2) there is inserted—

“(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;

(fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.

(2) After paragraph (i) of that subsection there is inserted—

“(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;

(ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;
- (ii) the date of that order;
- (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

(1) Section 113CB of that Act (suitability information relating to protected adults) is amended as follows.

(2) After paragraph (f) of subsection (2) there is inserted—

“(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—

- (i) the prohibitions described in that order;

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- (ii) the date of that order;
- (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
- (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
- (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
  - (i) the prohibitions described in that order;
  - (ii) the date of that order;
  - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
  - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.
- (2) After paragraph (i) of that subsection there is inserted—
  - “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;
  - (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

*Crime and Disorder Act 1998 (c. 37)*

- (1) Section 8 of the Crime and Disorder Act 1998 (parenting orders) is amended as follows.
- (2) For “sexual offences prevention order” there is substituted “sexual harm prevention order”—
  - (a) in subsection (1)(b);
  - (b) in subsection (6)(a).
- (3) For subsection (9) there is substituted—
  - “(9) In this section “sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders).”

*Sexual Offences Act 2003 (c. 42)*

In section 88 of the Sexual Offences Act 2003 (section 87: interpretation), in subsection (4)(c), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.



**Anti-social Behaviour, Crime and Policing Bill, *continued***

In section 89 of that Act (young offenders: parental directions), in the Table in subsection (1), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.

In section 91A of that Act (review of indefinite notification requirements: qualifying young offender), in subsection (2)(b), after “not subject to” there is inserted “a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F,”.

In the cross-heading before section 104 of that Act (sexual offences prevention orders: application and grounds), after “orders” there is inserted “(*Scotland and Northern Ireland*)”.

In section 108 of that Act (SOPOs: variations, renewals and discharges), in subsection (8)(b) the words “2 or” and “England and Wales or” are omitted.

In section 109 of that Act (interim SOPOs), in subsection (7)(a) the words “2A or” and “England and Wales or” are omitted.

- (1) Section 110 of that Act (SOPO and interim SOPOs: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to SOPOs and interim SOPOs: Northern Ireland**”.
- (3) In subsections (1)(c), (2) and (3)(b), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (4), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (5) there is substituted—

“(5) Any order made by a county court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 108(7) or 109(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

- (1) Section 113 of that Act (offence: breach of SOPO or interim SOPO) is amended as follows.
- (2) In the heading, at the end there is inserted “etc”.
- (3) In subsection (1), in paragraph (d) the words “2, 2A or” and “in England and Wales and” are omitted.
- (4) After that subsection there is inserted—

“(1A) A person commits an offence if, without reasonable excuse, he contravenes a prohibition imposed by—

- (a) a sexual harm prevention order, or
- (b) an interim sexual harm prevention order,

other than a prohibition on foreign travel.”

In the cross-heading before section 114 of that Act (foreign travel orders: applications and grounds), after “orders” there is inserted “(*Scotland and Northern Ireland*)”.

- (1) Section 117A of that Act (foreign travel orders: surrender of passports) is amended as follows.
- (2) For the heading there is substituted “**Surrender of passports: Northern Ireland**”.
- (3) In subsection (2), after “at a police station” there is inserted “in Northern Ireland”.
- (4) In subsection (3), at the end there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

In section 117B of that Act (surrender of passports: Scotland), at the end of subsection (3) there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.

- (1) Section 119 of that Act (foreign travel orders: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to foreign travel orders: Northern Ireland**”.
- (3) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (3) there is substituted—

“(3) Any order made by a county court on an appeal under subsection (1)(a) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 118(5) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

- (1) Section 122 (offence: breach of foreign travel order) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1)—
  - (a) for “excuse, he” there is substituted “excuse—
    - (a) he”;
  - (b) at the end there is inserted “, or
    - (b) he contravenes a prohibition on foreign travel imposed by a sexual harm prevention order.”

- (4) In subsection (1B)(a) the words “England and Wales and” are omitted.

In the cross-heading before section 123 of that Act, after “*orders*” there is inserted “(*Northern Ireland*)”.

- (1) Section 123 of that Act (risk of sexual harm orders: application, grounds and effect) is amended as follows.
- (2) In subsection (1)—
  - (a) for “A chief officer of police” there is substituted “The Chief Constable of the Police Service of Northern Ireland”;
  - (b) for “a magistrates’ court” there is substituted “a court of summary jurisdiction”;
  - (c) for “his police area” (in both places) there is substituted “Northern Ireland”;
  - (d) for “the chief officer” (in both places) there is substituted “the Chief Constable”.
- (3) Subsection (2) is repealed.

- (1) Section 125 (RSHOs: variation, renewals and discharges) is amended as follows.
- (2) In subsection (2), for paragraphs (b) to (d) there is substituted—
 

“(b) the Chief Constable of the Police Service of Northern Ireland.”
- (3) In subsection (3), for “and (if they wish to be heard) the other persons mentioned in subsection (2)” there is substituted “, and the other person mentioned in subsection (2) (if that person wishes to be heard)”.
- (4) In subsection (5), for the words after “without the consent of the defendant and” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- (5) In subsection (7), for paragraphs (b) and (c) there is inserted—

**Anti-social Behaviour, Crime and Policing Bill, *continued***

- “(b) a court of summary jurisdiction for the petty sessions district which includes the area where the defendant resides;
- (c) where the application is made by the Chief Constable of the Police Service of Northern Ireland, any court of summary jurisdiction.”

In section 126 (interim RSHOs), in subsection (2)(b), for “the person who has made that application” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.

- (1) Section 127 (RSHOs and interim RSHOs) is amended as follows.
- (2) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (3) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (4) For subsection (3) there is substituted—

“(3) Any order made by a county court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 125(7) or 126(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

- (1) Section 128 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) For subsections (1) and (1A) there is substituted—

“(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—

- (a) a risk of sexual harm order,
- (b) an interim risk of sexual harm order,
- (c) a sexual risk order,
- (d) an interim sexual risk order,
- (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
- (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),

commits an offence.”

- (1) Section 129 (effect of conviction etc of an offence under section 128) is amended as follows.
- (2) In the heading, after “**section 128**” there is inserted “**etc**”
- (3) In subsection (1A)(a), after “an offence under section” there is inserted “122H or”.
- (4) For subsection (5) there is substituted—

“(5) In this section “relevant order” means—

- (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a risk of sexual harm order or a sexual risk order, that order;
- (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim risk of sexual harm order or an interim sexual risk order, any risk of sexual harm order or sexual risk order made on the hearing of the application to

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

which the interim order relates or, if no such order is made, the interim order.

- (6) In subsection (5)—  
 “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;  
 “interim risk of sexual harm order” includes an order under section 5 of that Act.”
- (1) Section 133 of that Act (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there is inserted—  
 ““interim sexual harm prevention order” has the meaning given by section 103F(2);”;  
 ““interim sexual risk order” has the meaning given by section 122E(2);”;  
 ““prohibition on foreign travel” has the meaning given by section 103D(2) or 122C(2);”;  
 ““sexual harm prevention order” has the meaning given by section 103A(1);”;  
 ““sexual risk order” has the meaning given by section 122A(1);”.
- In section 136 of that Act (Part 2: Northern Ireland), for subsection (8) there is substituted—
- “(8) The reference in section 101 to the Crown Court is to be read as a reference to a county court.”

*Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)*

- (1) Section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) In subsection (2), after “an order made under” there is inserted “section 122A or 122E or”.
- (1) Section 8 of that Act (effect of conviction etc under section 7 of that Act or section 128 of the Sexual Offences Act 2003) is amended as follows.
- (2) In the heading, after “**or section**” there is inserted “**122H or**”.
- (3) In subsection (1)(a), for the words after “an offence under section 7 above” there is substituted “, section 122H of the 2003 Act (breach of sexual risk order or interim sexual risk order in England and Wales) or section 128 of that Act (breach of risk of sexual harm order or interim risk of sexual harm order in Northern Ireland)”.
- (4) In subsection (1)(b), after “an offence under section” there is inserted “122H or”.
- (5) In the definition of “relevant order” in subsection (5)—  
 (a) in paragraph (a), for “section 123” there is substituted “an order under section 122A or section 123”;  
 (b) in paragraph (b), after “a breach of” there is inserted “a sexual risk order under section 122A of the 2003 Act or”;  
 (c) for paragraphs (c) and (d) there is substituted—  
 “(c) where the conviction or finding referred to in subsection (1)(a), (c) or (d) above is in respect of a breach of an interim risk of sexual harm order under

**Anti-social Behaviour, Crime and Policing Bill**, *continued*

section 5 above or an interim order under section 122E or 126 of the 2003 Act—

- (i) any risk of sexual harm order or sexual risk order made upon the application to which the interim order relates; or
  - (ii) if no risk of sexual harm order or sexual risk order has been made, the interim order;
- (d) where the caution referred to in subsection (1)(b) above is in respect of a breach of an interim order under section 122E or 126 of the 2003 Act—
- (i) any order under section 122A or 123 of that Act made upon the application to which the interim order relates; or
  - (ii) if no order under section 122A or 123 of that Act has been made, the interim order.”

*Violent Crime Reduction Act 2006 (c. 38)*

In section 56 of the Violent Crime Reduction Act 2006 (cross-border provisions relating to sexual offences), subsection (2) is repealed.’

Secretary Theresa May

83

Schedule 8, page 161, line 36, at end insert—

*Police Act 1997 (c. 50)*

In section 137 of the Police Act 1997 (extent), in subsection (2) (provisions extending to England and Wales only), after “sections” in paragraph (e) there is inserted “125(1A),”.’.

Secretary Theresa May

84

Schedule 8, page 163, line 35, at end insert—

*Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)*

In article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (pensions: special constables and police cadets), in paragraph (2), for “the Police Negotiating Board for the United Kingdom” there is substituted “the Police Negotiating Board for Scotland”.’.

Secretary Theresa May

85

Schedule 8, page 164, line 4, leave out ‘The’ and insert ‘In the Schedule, the’.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

Secretary Theresa May

86

Schedule 8, page 164, line 32, at end insert—

‘Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 1, paragraph 5(4) to (6).’.
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Secretary Theresa May

87

Schedule 8, page 165, line 4, at end insert—

‘In section 28 of that Act (appeal against discharge at extradition hearing: category 1 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.’.

Secretary Theresa May

88

Schedule 8, page 165, line 23, at end insert—

‘In section 105 of that Act (appeal against discharge at extradition hearing: category 2 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.’.

Secretary Theresa May

89

Schedule 8, page 165, line 24, leave out paragraph 74 and insert—

- 74 (1) Section 108 of that Act (appeal against extradition order: category 2 territory) is amended as follows.
- (2) In subsection (4), for the words before “is 14 days” there is substituted “Notice of application for leave to appeal under this section must be given—
- (a) in accordance with rules of court, and
  - (a) subject to subsections (5) and (7A), before the end of the permitted period, which”.
- (3) In subsection (5)—
- (a) for “But notice of an appeal” there is substituted “Notice of application for leave to appeal”
  - (b) after “if it is an” there is inserted “application for leave to”.
- (4) In subsection (6), for the words before “before the person is extradited” there is substituted “Notice of application for leave to appeal on human rights grounds given after the end of the permitted period must be given”.
- (5) In subsection (7)—
- (a) for “notice of an appeal” there is substituted “notice of application for leave to appeal”;
  - (b) for “consider the appeal” there is substituted “grant leave”;
  - (c) for “to consider the appeal” there is substituted “for the appeal to be heard”.
- (6) In subsection (8), for ““appeal on human rights grounds” means an appeal” there is substituted ““to appeal on human rights grounds” means to appeal”.’.

Secretary Theresa May

90

Schedule 8, page 165, line 26, at end insert—

**Anti-social Behaviour, Crime and Policing Bill, *continued***

In section 110 of that Act (appeal against discharge by Secretary of State), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.

Secretary Theresa May

91

Schedule 8, page 166, line 33, at end insert—

‘PART 4

AMENDMENTS CONSEQUENTIAL ON ESTABLISHMENT OF POLICE SERVICE OF SCOTLAND

*Terrorism Act 2000 (c. 11)*

- (1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- (2) In paragraph 20B(10), for paragraph (b) of the definition of “a specified chief officer of police” there is substituted—
  - “(b) the chief constable of the Police Service of Scotland, where—
    - (i) the person who provided the material, or from whom it was taken, resides in Scotland, or
    - (ii) the chief constable believes that the person is in, or is intending to come to, Scotland.”
- (3) In paragraph 20J—
  - (a) for paragraphs (d) and (e) of the definition of “police force” there is substituted—
    - “(d) the Police Service of Scotland;
    - (e) the Scottish Police Authority;”;
  - (b) in the second of the three definitions of “responsible chief officer of police”, for the words after “the chief constable of” there is substituted “the Police Service of Scotland”.

*Counter-Terrorism Act 2008 (c. 28)*

In section 18D of the Counter-Terrorism Act 2008 (use of retained material), in subsection (2) for “the Scottish Police Services Authority” there is substituted “the Scottish Police Authority”.

In section 18E(1) of that Act (interpretation of sections 18 to 18E), for paragraph (d) of the definition of “police force” there is substituted—

“(d) the Police Service of Scotland;”.

ORDER OF THE HOUSE [10 JUNE 2013]

That the following provisions shall apply to the Anti-social Behaviour, Crime and Policing Bill:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 16 July 2013.

**Anti-social Behaviour, Crime and Policing Bill, *continued***

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

*Other Proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL PROGRAMME (NO.  
2)

Secretary Theresa May

That the following provisions shall apply to the Anti-social Behaviour, Crime and Policing Bill, in place of paragraphs (4) and (5) of the Order of 10 June 2013:

1. Proceedings on Consideration and proceedings on Third Reading shall be taken in two days in accordance with the following provisions of this Order.
2. Proceedings on Consideration—
  - (a) shall be taken on the days and in the order shown in the Table;
  - (b) shall (so far as not previously concluded) be brought to a conclusion at the times shown.

**TABLE**

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to the protection of persons from harm of a sexual nature or relating to violent offender orders.	7.00 pm on the first day
New Clauses and new Schedules relating to Parts 1 to 6 or otherwise relating to anti-social behaviour; amendments to Parts 1 to 6; new Clauses and new Schedules relating to firearms; amendments to Part 8.	10.00 pm on the first day
Remaining New Clauses and new Schedules, except those relating to the control of dogs; amendments to Parts 9 to 13.	2.30 pm on the second day



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**Anti-social Behaviour, Crime and Policing Bill, *continued***

*Proceedings*

*Time for conclusion of proceedings*

New Clauses and new Schedules relating to the control of dogs; amendments to Part 7; remaining proceedings on Consideration.

4.30 pm on the second day

3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 5.30 pm on the second day.

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on: 9 October 2013*

NC13

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