

LORDS AMENDMENTS TO THE
POLICING AND CRIME BILL

[The page and line references are to HL Bill 48, the bill as first printed for the Lords.]

After Clause 7

1 Insert the following new Clause –

“Authorisations of covert human intelligence sources: conditions

- (1) Section 29 of the Regulation of Investigatory Powers Act 2000 (c. 23) (authorisation of covert human intelligence sources) is amended as follows.
- (2) In subsection (2) for paragraph (c) substitute –
 - “(c) that arrangements exist for the source’s case that satisfy –
 - (i) the requirements of subsection (4A), in the case of a source of a relevant collaborative unit;
 - (ii) the requirements of subsection (4B), in the case of a source of a relevant Scottish collaborative unit;
 - (iii) the requirements of subsection (5), in the case of any other source;and that satisfy such other requirements as may be imposed by order made by the Secretary of State.”
- (3) After subsection (2) insert –
 - “(2A) For the purposes of subsection (2) –
 - (a) a relevant collaborative unit is a unit consisting of two or more police forces whose chief officers of police have made an agreement under section 23(1) of the Police Act 1996 which relates to the discharge by persons holding offices, ranks or positions with any of the forces of functions in connection with the conduct or use of the source; and
 - (b) a relevant Scottish collaborative unit is a unit consisting of two or more Scottish police forces whose chief constables have made an agreement under section 12(1) of the Police (Scotland) Act 1967 which relates to the discharge by

persons holding offices, ranks or positions with any of the forces of functions in connection with the conduct or use of the source.”

(4) After subsection (4) insert –

“(4A) For the purposes of this Part there are arrangements for the source’s case that satisfy the requirements of this subsection if such arrangements are in force as are necessary for ensuring –

- (a) that there will at all times be a qualifying person who will have day-to-day responsibility for dealing with the source, and for the source’s security and welfare;
- (b) that there will at all times be another qualifying person who will have general oversight of the use made of the source;
- (c) that there will at all times be a qualifying person who will have responsibility for maintaining a record of the use made of the source;
- (d) that the records relating to the source that are maintained by virtue of paragraph (c) will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that records maintained by virtue of paragraph (c) that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

(4B) For the purposes of this Part there are arrangements for the source’s case that satisfy the requirements of this subsection if such arrangements are in force as are necessary for ensuring –

- (a) that there will at all times be a Scottish qualifying person who will have day-to-day responsibility for dealing with the source, and for the source’s security and welfare;
- (b) that there will at all times be another Scottish qualifying person who will have general oversight of the use made of the source;
- (c) that there will at all times be a Scottish qualifying person who will have responsibility for maintaining a record of the use made of the source;
- (d) that the records relating to the source that are maintained by virtue of paragraph (c) will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that records maintained by virtue of paragraph (c) that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.”

(5) After subsection (7) insert –

“(7A) For the purposes of subsection (4A) a person is a qualifying person if –

- (a) the person holds an office, rank or position with a police force whose chief officer of police is a party to the agreement mentioned in subsection (2A)(a); and

- (b) persons holding offices, ranks or positions with that force are permitted by the terms of the agreement to have the responsibility mentioned in paragraph (a) or (c) of subsection (4A) or the general oversight mentioned in paragraph (b) of that subsection (as the case may require).
- (7B) For the purposes of subsection (4B), a person is a Scottish qualifying person if—
 - (a) the person holds an office, rank or position with a Scottish police force whose chief constable is a party to the agreement mentioned in subsection (2A)(b); and
 - (b) persons holding offices, ranks or positions with that force are permitted by the terms of the agreement to have the responsibility mentioned in paragraph (a) or (c) of subsection (4B) or the general oversight mentioned in paragraph (b) of that subsection (as the case may require).”
- (6) After subsection (9) insert—
 - “(10) For the purposes of this section—
 - (a) references to a police force are to the following—
 - (i) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
 - (ii) the metropolitan police force; and
 - (iii) the City of London police force; and
 - (b) references to a Scottish police force are to a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.””

Clause 8

- 2 Page 12, line 21, leave out “(subject to subsection (1ZF))”
- 3 Page 12, leave out lines 23 and 24
- 4 Page 13, line 26, leave out “(subject to subsection (3ZF))”
- 5 Page 13, leave out lines 34 and 35

Clause 13

- 6 Page 15, line 36, leave out “used force, deception or threats” and insert “engaged in exploitative conduct”
- 7 Page 16, line 1, leave out “acted” and insert “engaged in that conduct”
- 8 Page 16, line 6, leave out “used force, deception or threats” and insert “engaged in exploitative conduct”
- 9 Page 16, line 7, at end insert—
 - “(2A) C engages in exploitative conduct if—
 - (a) C uses force, threats (whether or not relating to violence) or any other form of coercion, or
 - (b) C practises any form of deception.”
- 10 Page 16, leave out lines 10 and 11

Clause 14

- 11 Page 16, line 20, leave out “used force, deception or threats” and insert “engaged in exploitative conduct”
- 12 Page 16, line 23, leave out “acted” and insert “engaged in that conduct”
- 13 Page 16, line 28, leave out “used force, deception or threats” and insert “engaged in exploitative conduct”
- 14 Page 16, line 29, at end insert—
 “(2A) C engages in exploitative conduct if—
 (a) C uses force, threats (whether or not relating to violence) or any other form of coercion, or
 (b) C practises any form of deception.”
- 15 Page 16, leave out lines 33 and 34

Clause 26

- 16 Page 22, line 26, leave out “sex encounter venue” and insert “sexual entertainment venue”
- 17 Page 22, line 29, leave out “*sex encounter venue*” and insert “*sexual entertainment venue*”
- 18 Page 22, line 30, leave out “sex encounter venue” and insert “sexual entertainment venue”
- 19 Page 22, line 40, leave out “sex encounter venues” and insert “sexual entertainment venues”
- 20 Page 24, line 8, leave out “sex encounter venue” and insert “sexual entertainment venue”
- 21 Page 24, line 30, at end insert—
 “(3A) In paragraph 9(1) (duration of licence) after “paragraph 16” insert “or 27A below”.”
- 22 Page 24, line 38, leave out “sex encounter venues” and insert “sexual entertainment venues”
- 23 Page 24, line 39, leave out “sex encounter venues” and insert “sexual entertainment venues”
- 24 Page 25, line 30, at end insert—
 “(8A) After paragraph 27 (appeals) insert—
 “*Premises which are deemed sexual entertainment venues*
 27A (1) This paragraph applies if—
 (a) premises are subject to a licence for a sexual entertainment venue; and
 (b) their use would be use as such a venue but for the operation of paragraph 2A(3)(b).
 (2) This Schedule applies as if—
 (a) the premises were a sexual entertainment venue; and

- (b) the use or business of the premises was use as, or the business of, such a venue.
- (3) But the appropriate authority must cancel the licence if the holder of the licence asks them in writing to do so.
- (4) In this paragraph “premises” has the same meaning as in paragraph 2A.”

Clause 27

25 Leave out Clause 27

Clause 31

26 Page 27, line 11, leave out from beginning to “for” in line 12 and insert –

- “(1) Section 27 of the Violent Crime Reduction Act 2006 (c. 38) (power to require person to leave a public place etc) is amended as follows.
- (2) In subsection (1)”

27 Page 27, line 13, at end insert –

- “(3) After subsection (4) insert –
- “(4A) A constable who gives a direction under this section may, if the constable reasonably suspects that the individual to whom it is given is aged under 16, remove the person to a place where the person resides or a place of safety.””

Clause 32

28 Page 27, line 15, leave out “general” and insert “mandatory”

After Clause 32

29 Insert the following new Clause –

“Individual members of licensing authorities to be interested parties

- (1) In section 13(3) of the Licensing Act 2003 (meaning of “interested party”: premises licences) after paragraph (d) insert –
- “(e) a member of the relevant licensing authority.”
- (2) In section 69(3) of that Act (meaning of “interested party”: club premises certificates) after paragraph (d) insert –
- “(e) a member of the relevant licensing authority.””

Clause 35

30 Page 28, line 33, leave out subsection (2) and insert –

- “(2) The injunction may not include a prohibition or requirement that has effect after the end of the period of 2 years beginning with the day on which the injunction is granted (“the injunction date”).”

31 Page 28, line 37, leave out “a review hearing on a specified date” and insert “one or

more review hearings on a specified date or dates”

32 Page 28, line 38, at end insert –

“(3A) If any prohibition or requirement in the injunction is to have effect after the end of the period of 1 year beginning with the injunction date, the court must order the applicant and the respondent to attend a review hearing on a specified date within the last 4 weeks of the 1 year period (whether or not the court orders them to attend any other review hearings).”

Clause 39

33 Page 30, line 10, leave out from beginning to “an” in line 12

Clause 40

34 Page 30, line 16, leave out from “if” to end of line 17 and insert “–

- (a) an application without notice is made by virtue of section 38, and
- (b) the proceedings are adjourned (otherwise than at a full hearing within the meaning of that section).”

35 Page 30, line 21, leave out paragraph (a)

Clause 41

36 Page 30, line 35, at end insert –

“(2A) The power to vary an injunction includes power to –

- (a) include an additional prohibition or requirement in the injunction;
- (b) extend the period for which a prohibition or requirement in the injunction has effect (subject to section 35(2));
- (c) attach a power of arrest or extend the period for which a power of arrest attached to the injunction has effect.”

37 Page 30, line 35, at end insert –

“(2B) Section 35(3A) does not apply where an injunction is varied to include a prohibition or requirement which is to have effect as mentioned in that provision but the variation is made within (or at any time after) the period of 4 weeks mentioned in it.”

Clause 46

38 Page 32, line 14, at end insert –

“(2A) Before issuing or revising any guidance under this section the Secretary of State must consult the Lord Chief Justice of England and Wales and such other persons as the Secretary of State thinks appropriate.”

After Clause 48

39 Insert the following new Clause –

“Review of operation of this Part

- (1) The Secretary of State must –
 - (a) review the operation of this Part, and

- (b) prepare and publish a report on the outcome of the review.
- (2) The report must be published before the end of the period of 3 years beginning with the day on which this Part comes into force.
- (3) The Secretary of State must lay the report before Parliament.”

Clause 96

40 Leave out Clause 96

Clause 97

41 Leave out Clause 97

Clause 98

42 Leave out Clause 98

After Clause 111

43 Insert the following new Clause –

“Removal of limitation on warrants under Misuse of Drugs Act 1971

- (1) Section 23 of the Misuse of Drugs Act 1971 (c. 38) (powers to search and obtain evidence) is amended as follows.
- (2) In subsection (3) omit “acting for the police area in which the premises are situated”.
- (3) Omit subsection (5).”

Clause 116

44 Page 134, line 4, after “100” insert “and Part 9 of Schedule 8 (and section 112(2) so far as relating to that Part)”

45 Page 134, line 14, leave out “and” and insert –
 “(ba) section [*Removal of limitation on warrants under Misuse of Drugs Act 1971*] and Part 11A of Schedule 8 (and section 112(2) so far as relating to that Part), and”

Schedule 1

46 Page 138, line 22, after “practicable” insert “and in any event before the end of the period of 72 hours beginning with the time of the arrest”

Schedule 2

47 Page 143, line 43, leave out “two” and insert “three”

48 Page 144, line 17, at end insert –

“(9A) The third condition is that the court is satisfied that –

- (a) before the issue of the closure notice was authorised, reasonable steps were taken to establish the identity of any person of a description mentioned in section 136B(7)(b), and
- (b) a constable complied with section 136C(3)(d) in relation to the persons so identified.”

Schedule 3

49 Page 153, line 28, leave out from “Act” to “, of” in line 29 and insert “or paragraph 2(2) above”.

50 Page 153, line 39, at end insert –

“Duty to consult about adopting Schedule 3 to the 1982 Act as amended

- 3A (1) Sub-paragraph (2) applies if a local authority has not made a resolution under section 2 of the 1982 Act or (as the case may be) paragraph 2(2) above within the period of one year beginning with the coming into force of section 26.
- (2) The local authority must, as soon as reasonably practicable, consult local people about whether the local authority should make such a resolution.
- (3) In sub-paragraph (2) “local people” means persons who live or work in the area of the local authority.”

51 Page 154, line 7, at end insert –

“; and references in this Schedule to the coming into force of section 26 are references to the coming into force of that section for purposes other than the purposes of the Secretary of State or the Welsh Ministers making orders.”

Schedule 4

52 Page 154, line 31, after “may” insert “ –
(a) ”

53 Page 154, line 32, at end insert –

“(b) specify conditions which involve, or consist of, the exercise of a discretion by any person.”

54 Page 155, line 2, at end insert –

- “(4A) Any conditions included, or treated as included, in relevant premises licences by virtue of section 19(4) and this section cease to have effect so far as they cease to be specified under this section in relation to those licences.
- (4B) Any conditions treated as mentioned in subsection (4)(b) cease to be so treated so far as they cease to be specified under this section in relation to the relevant premises licences concerned.
- (4C) So far as conditions cease to be treated as mentioned in subsection (4)(b), the existing conditions revive.
- (4D) Subsections (4A) to (4C) are subject to any alternative transitional or saving provision made by the order revoking the specification.”

- 55 Page 155, line 14, leave out paragraph 3
- 56 Page 157, line 1, after “may” insert “ –
(a) ”
- 57 Page 157, line 2, at end insert –
“(b) specify conditions which involve, or consist of, the
exercise of a discretion by any person.”
- 58 Page 157, line 11, at end insert –
“(4A) Any conditions included, or treated as included, in relevant club
premises certificates by virtue of section 73A and this section
cease to have effect so far as they cease to be specified under this
section in relation to those certificates.
(4B) Any conditions treated as mentioned in subsection (4)(b) cease to
be so treated so far as they cease to be specified under this section
in relation to the relevant club premises certificates concerned.
(4C) So far as conditions cease to be treated as mentioned in
subsection (4)(b), the existing conditions revive.
(4D) Subsections (4A) to (4C) are subject to any alternative transitional
or saving provision made by the order revoking the
specification.”
- 59 Page 157, line 24, leave out paragraph 6

Schedule 7

- 60 Page 172, line 29, leave out “*Sex encounter venues*” and insert “*Sexual entertainment venues*”
- 61 Page 172, line 30, leave out from “of” to end of line 38 and insert “relevant entertainment –
(a) at premises for which a licence for a sexual entertainment venue
is required (or the requirement has been waived) by virtue of
Schedule 3 to the Local Government (Miscellaneous Provisions)
Act 1982, and
(b) of a kind, and in a way, by virtue of which the premises qualify
as such a venue,
is not to be regarded as the provision of regulated entertainment for the
purposes of this Act.
(1A) The provision of relevant entertainment –
(a) at premises which are subject to a licence for a sexual
entertainment venue but are not such a venue merely because of
the operation of paragraph 2A(3)(b) of Schedule 3 to the Act of
1982, and
(b) of a kind, and in a way, by virtue of which the premises would
qualify as such a venue but for the operation of that paragraph,
is not to be regarded as the provision of regulated entertainment for the
purposes of this Act.
(1B) The provision of entertainment consisting of the performance of live
music or the playing of recorded music is not to be regarded as the
provision of regulated entertainment for the purposes of this Act to the

extent that it is an integral part of such provision of relevant entertainment as falls within sub-paragraph (1) or (1A).

(1C) The provision of entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is for the purposes of such provision of entertainment as falls within sub-paragraph (1), (1A) or (1B).

(2) In this paragraph – ”

- 62 Page 172, line 40, at end insert –
 ““relevant entertainment” has the meaning given by paragraph 2A(2) of that Schedule to that Act;”
- 63 Page 172, line 41, leave out “sex encounter venue” and insert “sexual entertainment venue”
- 64 Page 174, line 13, at end insert –
 “30A In section 25A(6) (grant of premises licence: supply of alcohol from community premises) for “(4)” substitute “(5).”
- 65 Page 174, line 15, leave out from second “21” to end of line 18
- 66 Page 174, line 18, at end insert –
 “31A In section 41D(5) (variation of premises licence: supply of alcohol from community premises) for “(4)” substitute “(5).”
- 67 Page 174, line 21, leave out from second “21” to end of line 24
- 68 Page 174, line 24, at end insert –
 “32A In section 52A(3) (review: supply of alcohol from community premises) for “20 and 21” substitute “19(4) and 19A to 21.”
- 69 Page 174, line 26, leave out from second “21” to end of line 29
- 70 Page 174, line 32, leave out “general” and insert “mandatory”
- 71 Page 174, line 35, leave out “general” and insert “mandatory”
- 72 Page 174, line 38, leave out “general” and insert “mandatory”
- 73 Page 174, line 40, leave out “general” and insert “mandatory”
- 74 Page 174, line 42, leave out “section 19(4), 19A or 21A” and insert “section 19(4) or 19A”
- 75 Page 175, line 7, at end insert “and”
- 76 Page 175, line 8, leave out from ““alcohol”” to end of line 11
- 77 Page 175, line 14, at end insert “and”
- 78 Page 175, line 15, leave out from ““alcohol”” to end of line 18
- 79 Page 175, line 21, leave out “general” and insert “mandatory”
- 80 Page 175, line 23, leave out “general” and insert “mandatory”
- 81 Page 175, line 26, leave out “general” and insert “mandatory”
- 82 Page 175, line 28, leave out “general” and insert “mandatory”

- 83 Page 175, line 30, leave out “section 73A, 73B or 74A” and insert “section 73A or 73B”
- 84 Page 175, line 32, leave out from second “21” to end of line 35
- 85 Page 175, leave out lines 38 to 40 and insert –
 “(aa) an order under section 19A or 73B (orders in relation to mandatory licensing conditions).”
- 86 Page 176, line 1, leave out sub-paragraph (4)
- 87 Page 192, line 2, at end insert –

“PART 8A

EXTRADITION

- 113A In section 185(5) of the Extradition Act 2003 (c. 41) (limit on fees and expenses) after “amount” insert “allowed”.

Schedule 8

- 88 Page 200, line 26, at end insert –

“PART 11A

MISUSE OF DRUGS ACT 1971: WARRANTS

<i>Reference</i>	<i>Extent of repeal</i>
Misuse of Drugs Act 1971 (c. 38)	In section 23 – (a) in subsection (3), “acting for the police area in which the premises are situated”, and (b) subsection (5).”

