

# Policing and Crime Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 67**

BARONESS WILLIAMS OF TRAFFORD

**1** Page 88, line 45, at end insert –

- “( ) Where an offence under this section is committed by a person released without charge and on bail under Part 4 of the Police and Criminal Evidence Act 1984, the offence is to be treated as having been committed in England and Wales (whether or not the conduct constituting the offence took place there).
- ( ) Where an offence under this section is committed by a person released without charge and on bail under Part 5 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)), the offence is to be treated as having been committed in Northern Ireland (whether or not the conduct constituting the offence took place there).”

**Clause 105**

BARONESS WILLIAMS OF TRAFFORD

**2** Page 121, line 14, leave out from “offence” to “section” in line 15 and insert “has the meaning given by”

**3** Page 121, line 16, at end insert –

- “(A1) In section 137A, “specified offence” has the meaning given by this section.
- (A2) An offence committed in England and Wales is a specified offence if it is –
  - (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
  - (b) an offence specified in Part 1 of Schedule 7A,
  - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or

- (d) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).
- (A3) An offence committed in Scotland is a specified offence if it is –
- (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
  - (b) an offence specified in Part 2 of Schedule 7A, or
  - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b).
- (A4) An offence committed in Northern Ireland is a specified offence if it is –
- (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
  - (b) an offence specified in Part 3 of Schedule 7A,
  - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
  - (d) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).”
- 4 Page 121, line 18, leave out from “instrument” to end of line 19 and insert “amend Part 1, 2 or 3 of Schedule 7A so as to add an offence to, or remove an offence from, the offences for the time being specified in the Part.”
- 5 Page 121, line 20, leave out from beginning to “only” and insert “Regulations under subsection (1) may add an offence to a Part of Schedule 7A”
- 6 Page 121, line 24, leave out “specify it for the purposes of section 137A” and insert “add the offence to the Part”
- 7 Page 121, line 37, at end insert –
- “( ) In this section –
- (a) a description of an offence in subsection (A2)(a) or (b) or (A4)(a) or (b) includes such an offence committed by aiding, abetting, counselling or procuring;
  - (b) a description of an offence in subsection (A3)(a) or (b) includes such an offence committed by involvement art and part or by aiding, abetting, counselling or procuring;
  - (c) “statutory provision” means any provision of –
    - (i) an Act or subordinate legislation within the meaning of the Interpretation Act 1978;
    - (ii) an Act of the Scottish Parliament or an instrument made under such an Act;
    - (iii) a Measure or Act of the National Assembly for Wales or an instrument made under such a Measure or Act;
    - (iv) Northern Ireland legislation or an instrument made under Northern Ireland legislation.”
- 8 Page 123, line 12, leave out “regulations under subsection (5)” and insert “the modifications made by Part 1 of Schedule 7B”

- 9 Page 123, line 17, at end insert –  
“( ) section 31 of the Children and Young Persons Act 1933 (separation of children and young persons from adults in police stations, courts etc);”
- 10 Page 123, line 22, leave out “regulations under subsection (5)” and insert “the modifications made by Part 2 of Schedule 7B”
- 11 Page 123, line 26, at end insert –  
“( ) section 51 of that Act (duty to consider child’s well-being);  
( ) section 52 of that Act (duties in relation to children in custody).”
- 12 Page 123, line 29, leave out “regulations under subsection (5)” and insert “the modifications made by Part 3 of Schedule 7B”
- 13 Page 123, line 35, at end insert –  
“( ) Article 9 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I.9)) (separation of child in police detention from adults charged with offences);”
- 14 Page 123, line 40, leave out from “instrument” to end of line 47 and insert –  
“(a) amend this section so as to add to the provisions that for the time being apply as mentioned in subsection (2), (3) or (4),  
(b) amend this section so as to remove any of those provisions that were added by virtue of paragraph (a),  
(c) amend Schedule 7B so as to alter the modifications for the time being made by that Schedule, including by adding a modification or removing one;  
(d) amend Schedule 7B so as to provide that any of the provisions that for the time being apply as mentioned in subsection (2), (3) or (4) do not apply in cases or circumstances set out in the Schedule.”
- 15 Page 123, line 47, at end insert –  
“( ) The Secretary of State may not make regulations under subsection (5) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.”
- 16 Page 124, leave out lines 4 to 9
- 17 Page 124, line 9, at end insert –  
“(2) After Schedule 7 to that Act insert, as Schedule 7A to that Act, the Schedule set out in Schedule 14A to this Act.  
(3) After Schedule 7A to that Act (as inserted by subsection (2) above) insert, as Schedule 7B to that Act, the Schedule set out in Schedule 14B to this Act.”

**Before Schedule 15**

BARONESS WILLIAMS OF TRAFFORD

18 Insert the following new Schedule –

“SCHEDULE 14A

Section 105(2)

SCHEDULE TO BE INSERTED AS SCHEDULE 7A TO THE CRIMINAL JUSTICE AND PUBLIC  
ORDER ACT 1994

“OFFENCES SPECIFIED FOR THE PURPOSES OF SECTION 137A

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

- 1 Any of the following offences at common law –
  - (a) false imprisonment;
  - (b) kidnapping;
  - (c) indecent exposure;
  - (d) cheating in relation to the public revenue.
  
- 2 An offence under any of the following provisions of the Offences against the Person Act 1861 –
  - (a) section 20 (inflicting bodily injury);
  - (b) section 24 (administering poison etc with intent);
  - (c) section 27 (exposing child whereby life is endangered etc);
  - (d) section 31 (setting spring-guns etc with intent);
  - (e) section 37 (assaulting an officer etc on account of his preserving wreck);
  - (f) section 47 (assault occasioning actual bodily harm).
  
- 3 (1) An offence under any of the following provisions of the Sexual Offences Act 1956 –
  - (a) section 10 (incest by a man);
  - (b) section 11 (incest by a woman);
  - (c) section 30 (man living on the earnings of prostitution);
  - (d) section 31 (woman exercising control over a prostitute);
  - (e) section 33A (keeping a brothel used for prostitution).

(2) An offence under section 12 of that Act (buggery), other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over.

(3) An offence under section 13 of that Act (indecentcy between men), where the offence was committed by a man aged 21 or over and the other person involved in the conduct constituting the offence was under the age of 16.
  
- 4 An offence under section 4 of the Criminal Law Act 1967 (assisting offenders).

- 5 An offence under section 5 of the Sexual Offences Act 1967 (living on the earnings of male prostitution).
- 6 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 1(1) (possession etc of firearms or ammunition without certificate);
  - (b) section 2(1) (possession etc of shot gun without certificate);
  - (c) section 3(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 7 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- 8 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.
- 9 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 10 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).
- 11 An offence under either of the following provisions of the Child Abduction Act 1984—
- (a) section 1 (abduction of child by parent etc);
  - (b) section 2 (abduction of child by other persons).
- 12 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 13 An offence under either of the following provisions of the Public Order Act 1986—
- (a) section 2 (violent disorder);
  - (b) section 3 (affray).
- 14 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 15 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 16 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 17 An offence under either of the following provisions of the Protection from Harassment Act 1997—
- (a) section 4 (putting people in fear of violence);

- (b) section 4A (stalking involving fear of violence or serious alarm or distress).
- 18 An offence under section 29(1)(a) or (b) of the Crime and Disorder Act 1998 (certain racially or religiously aggravated assaults).
- 19 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 20 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (sexual activity with a person aged under 18 in abuse of a position of trust).
- 21 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 22 (1) An offence under any of the following provisions of the Sexual Offences Act 2003 –
- (a) section 13 (child sex offences committed by children or young persons);
  - (b) section 16 (abuse of position of trust: sexual activity with a child);
  - (c) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
  - (d) section 18 (abuse of position of trust: sexual activity in the presence of a child);
  - (e) section 19 (abuse of position of trust: causing a child to watch a sexual act);
  - (f) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);
  - (g) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);
  - (h) section 52 (causing or inciting prostitution for gain);
  - (i) section 53 (controlling prostitution for gain).
- (2) An offence under section 25 or 26 of that Act (family child sex offences) where the offence is committed by a person under the age of 18.
- (3) An offence under section 47 of that Act (paying for sexual services of a child), where the offence is committed against a person aged 16 or over.
- 23 An offence under either of the following provisions of the Terrorism Act 2006 –
- (a) section 1 (encouragement of terrorism);
  - (b) section 2 (dissemination of terrorist publications).
- 24 An offence under section 45 of the Serious Crime Act 2015 (participating in activities of organised crime group).
- 25 An offence under section 67 of the Policing and Crime Act 2016 (breach of pre-charge bail conditions relating to travel).

## PART 2

## OFFENCES UNDER THE LAW OF SCOTLAND

- 26 Any of the following offences at common law –
- (a) culpable homicide;
  - (b) treason;
  - (c) rape;
  - (d) assault, where the assault results in serious injury or endangers life;
  - (e) assault with intent to rape or ravish;
  - (f) indecent assault;
  - (g) abduction with intent to rape;
  - (h) public indecency;
  - (i) clandestine injury to women;
  - (j) lewd, indecent or libidinous behaviour or practices;
  - (k) sodomy, other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over;
  - (l) abduction;
  - (m) mobbing;
  - (n) fire-raising;
  - (o) robbery;
  - (p) fraud;
  - (q) extortion;
  - (r) embezzlement;
  - (s) theft;
  - (t) threats;
  - (u) attempting to pervert the course of justice.
- 27 An offence under any of the following provisions of the Firearms Act 1968 –
- (a) section 1(1) (possession etc of firearms or ammunition without certificate);
  - (b) section 2(1) (possession etc of shot gun without certificate);
  - (c) section 3(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 28 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- 29 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.

- 30 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 31 An offence under either of the following provisions of the Civic Government (Scotland) Act 1982—
- (a) section 51(2) (publication etc of obscene material);
  - (b) section 52 (taking, distributing etc indecent photographs of children).
- 32 An offence under section 6 of the Child Abduction Act 1984 (parent etc. taking or sending a child out of the United Kingdom).
- 33 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 34 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 35 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 36 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 7 (procuring prostitution etc);
  - (b) section 8(3) (unlawful detention of women and girls);
  - (c) section 10 (parents etc encouraging girls under 16 to engage in prostitution etc);
  - (d) section 11(1)(b) (males soliciting etc for immoral purposes).
- 37 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 38 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 39 An offence under section 313 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (persons providing care services: sexual offences).
- 40 An offence under either of the following provisions of the Terrorism Act 2006—
- (a) section 1 (encouragement of terrorism);
  - (b) section 2 (dissemination of terrorist publications).
- 41 Any of the following offences under the Sexual Offences (Scotland) Act 2009—
- (a) section 8 (sexual exposure);
  - (b) section 9 (voyeurism);
  - (c) section 11 (administering a substance for sexual purposes);
  - (d) section 32 (causing an older child to be present during a sexual activity);
  - (e) section 33 (causing an older child to look at a sexual image);



- (f) section 34(1) (communicating indecently with an older child);
  - (g) section 34(2) (causing an older child to see or hear an indecent communication);
  - (h) section 35 (sexual exposure to an older child);
  - (i) section 36 (voyeurism towards an older child);
  - (j) section 42 (sexual abuse of trust);
  - (k) section 46 (sexual abuse of trust of a mentally disordered person).
- 42 An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 –
- (a) section 38 (threatening or abusive behaviour);
  - (b) section 39 (stalking).
- 43 An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (disclosing etc an intimate photograph or film).

### PART 3

#### OFFENCES UNDER THE LAW OF NORTHERN IRELAND

- 44 Any of the following offences at common law –
- (a) false imprisonment;
  - (b) kidnapping;
  - (c) riot;
  - (d) affray;
  - (e) indecent exposure;
  - (f) cheating in relation to the public revenue.
- 45 An offence under any of the following provisions of the Offences against the Person Act 1861 –
- (a) section 20 (inflicting bodily injury);
  - (b) section 24 (administering poison etc with intent);
  - (c) section 27 (exposing child whereby life is endangered etc);
  - (d) section 31 (setting spring-guns etc with intent);
  - (e) section 37 (assaulting an officer etc on account of his preserving wreck);
  - (f) section 47 (assault occasioning actual bodily harm).
- 46 An offence under section 11 of the Criminal Law Amendment Act 1885 (indecentcy between men), where the offence was committed by a man aged 21 or over and the other person involved in the conduct constituting the offence was under the age of 16.
- 47 An offence under either of the following provisions of the Punishment of Incest Act 1908 –
- (a) section 1 (incest by a man);
  - (b) section 2 (incest by a woman).
- 48 An offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 (assisting offenders).

- 49 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- 50 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.
- 51 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 52 An offence under Article 8 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (living on the earnings of male prostitution).
- 53 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 54 An offence under either of the following provisions of the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17))—
- (a) Article 3 (abduction of child by parent etc);
- (b) Article 4 (abduction of child by other persons).
- 55 An offence under Article 121 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)) (ill-treatment of patients).
- 56 An offence under Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (possession of indecent photograph of a child).
- 57 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 58 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 59 An offence under Article 6 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9)) (putting people in fear of violence).
- 60 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 61 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (sexual activity with a person aged under 18 in abuse of a position of trust).
- 62 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 63 An offence under section 53 of the Sexual Offences Act 2003 (controlling prostitution for gain).

- 64 An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)) –
- (a) Article 3(1)(b) (possession etc of firearms other than handguns without certificate);
  - (b) Article 3(2) (possession etc of ammunition without certificate);
  - (c) Article 24(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 65 An offence under either of the following provisions of the Terrorism Act 2006 –
- (a) section 1 (encouragement of terrorism);
  - (b) section 2 (dissemination of terrorist publications).
- 66 (1) An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) –
- (a) Article 20 (child sex offences committed by children or young persons);
  - (b) Article 23 (abuse of position of trust: sexual activity with a child);
  - (c) Article 24 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
  - (d) Article 25 (abuse of position of trust: sexual activity in the presence of a child);
  - (e) Article 51 (care workers: sexual activity with a person with a mental disorder);
  - (f) Article 53 (care workers: sexual activity in the presence of a person with a mental disorder);
  - (g) Article 62 (causing or inciting prostitution for gain);
  - (h) Article 63 (controlling prostitution for gain);
  - (i) Article 64 (keeping a brothel used for prostitution).
- (2) An offence under Article 32 or 33 of that Order (family child sex offences) where the offence is committed by a person under the age of 18.
- (3) An offence under Article 37 of that Order (paying for sexual services of a child), where the offence is committed against a person aged 16 or over.
- 67 An offence under section 67 of the Policing and Crime Act 2016 (breach of pre-charge bail conditions relating to travel).”

19 Insert the following new Schedule –

“SCHEDULE 14B

Section 105(3)

SCHEDULE TO BE INSERTED AS SCHEDULE 7B TO THE CRIMINAL JUSTICE AND PUBLIC  
ORDER ACT 1994

“RIGHTS OF PERSONS ARRESTED UNDER SECTION 137A:  
MODIFICATIONS

PART 1

ARRESTS IN RESPECT OF OFFENCES COMMITTED IN ENGLAND AND WALES

- 1 (1) This Part sets out the modifications mentioned in section 137D(2), that is, modifications of the provisions which apply in relation to persons arrested under section 137A in respect of a specified offence committed in England and Wales.
- (2) Except as expressly provided by this Part, a reference to a constable in any of those provisions is to be read as a reference to a constable of the arresting force.
- (3) In this Part, references to the arresting force and the investigating force have the same meaning as in section 137C (see subsection (8) of that section).
- 2 (1) Section 56 of the Police and Criminal Evidence Act 1984 (right to have someone informed when arrested) is modified as follows.
- (2) Subsection (1) is to be read as if (instead of referring to the case where a person has been arrested and is being held in custody in a police station or other premises) it referred to the case where a person has been arrested under section 137A and is being detained under section 137C.
- (3) Subsection (2)(a) does not apply.
- (4) Subsection (2)(b) is to be read as if (instead of referring to an officer of at least the rank of inspector) it referred –
  - (a) in relation to delay during the period of 24 hours beginning with the time of the arrest under section 137A, to an officer of the investigating force of at least the rank of inspector;
  - (b) in relation to delay during any remaining period for which the person may be detained under section 137C, to an officer of the investigating force of a rank above that of inspector.
- (5) Subsection (3) does not apply.
- (6) The reference in subsection (5)(a) to an indictable offence is to be read as a reference to an offence that is an indictable offence under the law of England and Wales.
- (7) Subsection (5A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.

- (8) Subsection (6)(b) is to be read as if (instead of referring to a person's custody record) it referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
  - (9) Subsection (8) is to be read as if (instead of referring to a person detained at a police station or other premises) it referred to a person detained under section 137C.
- 3
- (1) Section 58 of the Police and Criminal Evidence Act 1984 (access to legal advice) is modified as follows.
    - (2) Subsection (1) is to be read as if (instead of referring to a person held in custody in a police station or other premises) it referred to a person detained under section 137C.
    - (3) Subsections (2) and (9)(b) are to be read as if (instead of referring to a person's custody record) they referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
    - (4) Subsections (3) and (5) do not apply.
    - (5) Subsection (6)(a) does not apply.
    - (6) The reference in subsection (6)(b) to an officer of at least the rank of superintendent is to be read as a reference to an officer of at least that rank in the investigating force.
    - (7) The reference in subsection (8)(a) to an indictable offence is to be read as a reference to an indictable offence under the law of England and Wales.
    - (8) Subsection (8A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.
- 4
- (1) Section 34 of the Children and Young Persons Act 1933 (attendance at court of parent of child or young person charged with an offence, etc) is modified as follows.
    - (2) Subsection (2) is to be read as if (instead of referring to the case where a child or young person is in police detention) it referred to the case where a child or young person is being detained under section 137C.
    - (3) Subsection (3) is to be read as if (in addition to the information mentioned in paragraphs (a) to (c)) it also mentioned the information set out in section 137D(1)(a) and (b).
    - (4) The reference in subsection (9) to a child's or young person's rights under section 56 of the Police and Criminal Evidence Act 1984 is to be read as a reference to that section as modified by this Schedule.

## PART 2

## ARRESTS IN RESPECT OF OFFENCES COMMITTED IN SCOTLAND

- 5 (1) This Part sets out the modifications mentioned in section 137D(3), that is, modifications of the provisions which apply in relation to persons arrested under section 137A in respect of a specified offence committed in Scotland.
- (2) Except as expressly provided by this Part, a reference to a constable in any of those provisions is to be read as a reference to a constable of the arresting force.
- (3) A reference to a person in police custody in any of those provisions is to be read as a reference to a person detained under section 137C.
- (4) In this Part, references to the arresting force and the investigating force have the same meaning as in section 137C (see subsection (8) of that section).
- 6 (1) Section 38 of the Criminal Justice (Scotland) Act 2016 (right to have intimation sent to other person) is modified as follows.
- (2) Subsection (6) applies as if (instead of the provision made by that subsection) it defined “an appropriate constable” as being—
- (a) in relation to delay during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector;
- (b) in relation to delay during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector.
- 7 (1) Section 40 of that Act (right of under 18s to have access to another person) is modified as follows.
- (2) Subsection (5) applies as if (instead of the provision made by that subsection) it provided for a decision to refuse or restrict access to a person under subsection (1) or (2) to be taken only by—
- (a) in the case of a decision to refuse or restrict access during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector;
- (b) in the case of a decision to refuse or restrict access during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector.
- 8 (1) Section 41 of that Act (social work involvement in relation to under 18s) is modified as follows.

- (2) Subsection (6) applies as if (instead of the provision made by that subsection) it provided for a decision to refuse or restrict access to a person under subsection (4)(b) to be taken only by –
    - (a) in the case of a decision to refuse or restrict access during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector;
    - (b) in the case of a decision to refuse or restrict access during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector.
- 9
  - (1) Section 42 of that Act (support for vulnerable persons) is modified as follows.
  - (2) Subsection (5)(b)(ii) is to be read as if (instead of referring to a person appointed as a member of police staff under section 26(1) of the Police and Fire Reform (Scotland) Act 2012) it referred to a person who performs a function which is equivalent to a function performed at a police station in Scotland by a person appointed as a member of police staff under section 26(1) of that Act.
- 10
  - (1) Section 43 of that Act (right to have intimation sent to solicitor) is modified as follows.
  - (2) Subsection (1) is to be read as if the list of matters of which a person has a right to have intimation sent to a solicitor –
    - (a) did not include paragraph (d), but
    - (b) did include the matters mentioned in section 137D(1)(a) and (b).
- 11
  - (1) Section 44 of that Act (right to consultation with solicitor) is modified as follows.
  - (2) Subsection (3) applies as if (instead of the provision made by that subsection) it provided for a decision to delay the exercise of the right under subsection (1) to be taken only by –
    - (a) in the case of a delay during the period of 24 hours beginning with the time of the arrest under section 137A, an officer of the investigating force of at least the rank of inspector;
    - (b) in the case of a delay during any remaining period for which a person may be detained under section 137C, an officer of the investigating force of a rank above that of inspector.
- 12
  - (1) Section 51 of that Act (duty to consider child’s wellbeing) is modified as follows.
  - (2) Subsection (1) is to be read as if it did not include paragraphs (a), (c) and (d).

## PART 3

## ARRESTS IN RESPECT OF OFFENCES COMMITTED IN NORTHERN IRELAND

- 13 (1) This Part sets out the modifications mentioned in section 137D(4), that is, modifications of the provisions which apply in relation to persons arrested under section 137A in respect of a specified offence committed in Northern Ireland.
- (2) Except as expressly provided by this Part, a reference to a constable in any of those provisions is to be read as a reference to a constable of the arresting force.
- (3) In this Part, references to the arresting force and the investigating force have the same meaning as in section 137C (see subsection (8) of that section).
- 14 (1) Article 57 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (right to have someone informed when arrested) is modified as follows.
- (2) Paragraph (1) is to be read as if (instead of referring to the case where a person has been arrested and is being held in custody in a police station or other premises) it referred to the case where a person has been arrested under section 137A and is being detained under section 137C.
- (3) Paragraph (2)(a) does not apply.
- (4) Paragraph (2)(b) is to be read as if (instead of referring to an officer of at least the rank of inspector) it referred –
- (a) in relation to delay during the period of 24 hours beginning with the time of the arrest under section 137A, to an officer of the investigating force of at least the rank of inspector;
- (b) in relation to delay during any remaining period for which the person may be detained under section 137C, to an officer of the investigating force of a rank above that of inspector.
- (5) Paragraph (3) does not apply.
- (6) The reference in paragraph (5)(a) to an indictable offence is to be read as a reference to an offence that is an indictable offence under the law of Northern Ireland.
- (7) Paragraph (5A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.
- (8) Paragraph (6)(b) is to be read as if (instead of referring to a person's custody record) it referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
- (9) Paragraph (8) is to be read as if (instead of referring to a person detained at a police station or other premises) it referred to a person detained under section 137C.



- 15 (1) Article 59 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (access to legal advice) is modified as follows.
- (2) Paragraph (1) is to be read as if (instead of referring to a person held in custody in a police station or other premises) it referred to a person detained under section 137C.
- (3) Paragraphs (2) and (9)(b) are to be read as if (instead of referring to a person's custody record) they referred to the record made by the arresting force in relation to the person's arrest under section 137A and detention under section 137C.
- (4) Paragraphs (3) and (5) do not apply.
- (5) Paragraph (6)(a) does not apply.
- (6) The reference in paragraph (6)(b) to an officer of at least the rank of superintendent is to be read as a reference to an officer of at least that rank in the investigating force.
- (7) The reference in paragraph (8)(a) to an indictable offence is to be read as a reference to an indictable offence under the law of Northern Ireland.
- (8) Paragraph (8A)(a) is to be read as if (instead of referring to the person detained for the indictable offence) it referred to the person detained under section 137C.
- 16 (1) Article 10 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (duty to inform person responsible for welfare of child in police detention) is modified as follows.
- (2) Paragraph (1) is to be read as if (instead of referring to the case where a child is in police detention) it referred to the case where a child is being detained under section 137C.
- (3) That paragraph is also to be read as if (in addition to the information mentioned in sub-paragraphs (a) to (c)) it also mentioned the information set out in section 137D(1)(a) and (b).
- (4) The reference in paragraph (6) to a child's rights under Article 57 of the Police and Criminal Evidence (Northern Ireland) Order 1989 is to be read as a reference to that Article as modified by this Schedule.”

### Clause 112

#### BARONESS WILLIAMS OF TRAFFORD

20

Page 128, line 40, leave out from beginning to end of line 2 on page 129 and insert –

- “(a) either the conditions in subsection (2AA) are met or the condition in subsection (2AB) is met, and
- (b) if an additional condition is specified in regulations under subsection (2AC), that condition is also met.

- (2AA) The conditions in this subsection are that –
- (a) the firearm’s chamber or, if the firearm has more than one chamber, each of its chambers is either –
    - (i) a chamber that the firearm had when it was manufactured, or
    - (ii) a replacement for such a chamber that is identical to it in all material respects;
  - (b) the firearm’s chamber or (as the case may be) each of the firearm’s chambers is designed for use with a cartridge of a description specified in regulations made by statutory instrument by the Secretary of State (whether or not it is also capable of being used with other cartridges).
- (2AB) The condition in this subsection is that the firearm’s ignition system is of a description specified in regulations made by statutory instrument by the Secretary of State.
- (2AC) The Secretary of State may by regulations made by statutory instrument specify either of the following conditions for the purposes of subsection (2A)(b) –
- (a) a condition that a number of years specified in the regulations has elapsed since the date on which the firearm was manufactured;
  - (b) a condition that the firearm was manufactured before a date specified in the regulations.”

- 21 Page 129, line 3, for “(2A)” substitute “(2AA), (2AB) or (2AC)”
- 22 Page 129, line 6, for “(2A)” substitute “(2AA), (2AB) or (2AC)”
- 23 Page 129, line 9, for “(2A)” substitute “(2AA) or (2AB)”
- 24 Page 129, line 20, leave out “58(2A)” and insert “58(2AA), (2AB) or (2AC)”

#### After Clause 114

#### BARONESS WILLIAMS OF TRAFFORD

- 25 Insert the following new Clause –
- “Controls on ammunition which expands on impact**
- (1) The Firearms Act 1968 is amended in accordance with subsections (2) and (3).
  - (2) In section 5 (weapons subject to general prohibition), in subsection (1A), for paragraph (f) substitute –
    - “(f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;”.
  - (3) In section 5A (exemptions from requirement of authority under section 5), in subsection (8)(a), after “which”, in the first place it occurs, insert “is designed to be used with a pistol and”.
  - (4) In consequence of the amendment made by subsection (2), omit section 9 of the Firearms (Amendment) Act 1997.”

26 Insert the following new Clause—

**“Limited extension of firearm certificates etc**

- (1) After section 28A of the Firearms Act 1968 (certificates: supplementary) insert—

**“28B Certificates: limited extension**

- (1) This section applies where—
- (a) an application is made for the renewal of a certificate on or before the day which falls 8 weeks before the day at the end of which the certificate is due to expire, but
  - (b) the chief officer of police does not determine whether or not to grant the application before the certificate is due to expire.
- (2) The certificate continues in force by virtue of this subsection until whichever of the following events occurs first—
- (a) the chief officer determines whether or not to grant the application;
  - (b) the extension period ends.
- (3) In subsection (2), “the extension period” means the period of 8 weeks beginning with the day after the day at the end of which the certificate was due to expire.
- (4) If the event mentioned in subsection (2)(a) occurs first, and the chief officer grants the application, any period for which the certificate continued in force under subsection (2) is to be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force.
- (5) This section does not apply in relation to the renewal of a certificate granted or last renewed in Northern Ireland.”
- (2) In consequence of the amendment made by subsection (1), in section 28A of that Act (certificates: supplementary), after subsection (1) insert—
- “(1A) Subsection (1) is subject to the provision made by section 28B for circumstances in which a certificate may continue in force after the period of five years from the date when it was granted or last renewed.””

**Clause 119**

BARONESS WILLIAMS OF TRAFFORD

27 Page 134, line 34, at end insert—

“and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.”

**Clause 120**

BARONESS WILLIAMS OF TRAFFORD

28 Page 136, leave out lines 23 to 29

## After Clause 122

BARONESS WILLIAMS OF TRAFFORD

29 Insert the following new Clause—

**“Cumulative impact assessments**

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 5 (statement of licensing policy), after subsection (6C) insert—
  - “(6D) In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A.
  - (6E) A licensing statement must—
    - (a) summarise any cumulative impact assessments published by the licensing authority under section 5A, and
    - (b) explain how the licensing authority has discharged its duty under subsection (6D).”
- (3) After section 5 of the Licensing Act 2003 (statement of licensing policy) insert—

**“5A Cumulative impact assessments**

- (1) A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
- (2) A cumulative impact assessment must set out the evidence for the authority’s opinion as set out in the assessment in accordance with subsection (1).
- (3) For the purposes of this section, “relevant authorisations” means—
  - (a) premises licences;
  - (b) club premises certificates.
- (4) A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.
- (5) Before publishing a cumulative impact assessment, the licensing authority must consult the persons mentioned in section 5(3).
- (6) For the purposes of the consultation, the licensing authority must provide the persons mentioned in section 5(3) with the following information—
  - (a) the reasons why it is considering publishing a cumulative impact assessment;
  - (b) a general indication of the part or parts of its area which it is considering describing in the assessment;

- (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- (7) Where a licensing authority publishes a cumulative impact assessment, it must, before the end of each relevant period, consider whether it remains of the opinion stated in the assessment.
- (8) Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- (9) If the licensing authority is no longer of that opinion—
  - (a) it must publish a statement to that effect, and
  - (b) the duties in section 5(6D) and (6E) and subsection (7) of this section cease to apply in relation to the assessment.
- (10) If the licensing authority remains of that opinion, it must revise the cumulative impact assessment so that it—
  - (a) includes a statement to that effect, and
  - (b) sets out the evidence as to why the authority remains of that opinion.
- (11) A licensing authority must publish any revision of a cumulative impact assessment.
- (12) In subsection (7), “relevant period” means the period of three years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment.””

30 Insert the following new Clause—

**“Late night levy requirements**

- (1) Section 125 of the Police Reform and Social Responsibility Act 2011 (late night levy requirement) is amended as follows.
- (2) For subsections (1) and (2) substitute—
  - “(1) In this Chapter, “a late night levy requirement” means a requirement to pay a late night levy in accordance with this Chapter.
  - (2) A licensing authority may decide that a late night levy requirement is to apply in its area or in a part of its area in respect of—
    - (a) relevant late night alcohol authorisations relating to premises in the area or the part, or
    - (b) relevant late night alcohol authorisations and relevant late night refreshment authorisations relating to premises in the area or the part.
  - (2A) Accordingly, references in this Chapter to a late night authorisation to which a late night levy requirement relates are references to any relevant late night alcohol authorisation or relevant late night refreshment authorisation in respect of which the late night levy requirement applies.
  - (2B) A licensing authority may decide under subsection (2) that different late night levy requirements are to apply in different parts of its area.”

- (3) In subsection (3)(a), after “supply of alcohol” substitute “or late night refreshment”.
- (4) Omit subsection (4).
- (5) Schedule (*Late night levy requirements*) makes further amendments of Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy).”

### Before Schedule 16

#### BARONESS WILLIAMS OF TRAFFORD

31 Insert the following new Schedule –

#### “SCHEDULE 15A

##### LATE NIGHT LEVY REQUIREMENTS

- 1 Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy) is amended as follows.
- 2 (1) Section 126 (“relevant late night authorisation” and related definitions) is amended as follows.
  - (2) In subsection (2) –
    - (a) for ““Relevant late night authorisation”” substitute ““Relevant late night alcohol authorisation””;
      - (b) after “licensing authority” insert “, a late night levy requirement”;
      - (c) at the end of paragraph (b) insert “(whether or not it also authorises the provision of late night refreshment at a time or times during such a period)”.
  - (3) After subsection (2) insert –
 

“(2A) “Relevant late night refreshment authorisation”, in relation to a licensing authority, a late night levy requirement and a levy year, means a premises licence which –

    - (a) is granted by the authority,
    - (b) authorises the provision of late night refreshment at a time or times during the late night supply period on one or more days in the related payment year, and
    - (c) does not also authorise the supply of alcohol at a time or times during any such period.”
  - (4) After subsection (3) insert –
 

“(3A) Where a licensing authority decides under section 125(2) to apply a late night levy requirement in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the licensing authority may determine under section 132(1) –

    - (a) a single late night levy period that is to apply in respect of both kinds of authorisations, or

- (b) two late night levy periods, one of which is to apply in respect of relevant late night alcohol authorisations and the other of which is to apply in respect of relevant late night refreshment authorisations.”
  - (5) In subsection (5), for “The late night supply period” substitute “A late night supply period”.
  - (6) In subsection (8) –
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) omit “in its area”.
- 3
- (1) Section 127 (liability to pay late night levy) is amended as follows.
    - (2) In subsection (1) –
      - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
      - (b) after “the area” insert “or part of the area”;
      - (c) for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
    - (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
    - (4) After subsection (2) insert –
      - “(2A) In addition, if the requirement relates to a late night authorisation that is a relevant late night refreshment authorisation, the holder of the authorisation is not liable to pay the late night levy for a levy year if only hot drinks are supplied (or held out for supply) in reliance on the authorisation during the levy year.”
    - (5) In subsection (3), for “in its area” substitute “in relation to the late night levy requirement”.
- 4
- (1) Section 128 (amount of late night levy) is amended as follows.
    - (2) In subsection (1) after “For” insert “any levy requirement and”.
    - (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.
    - (4) In subsection (3) –
      - (a) after “in relation to” insert “a late night levy requirement and”;
      - (b) for “in its area” substitute “in relation to the late night levy requirement”.
    - (5) In subsection (4) –
      - (a) for “the late night levy” substitute “a late night levy”;
      - (b) after “the same” insert “, in respect of all late night levy requirements”;
      - (c) for “the levy” substitute “a levy”;
      - (d) omit “for the levy year”.
- 5
- (1) Section 129 (payment and administration of the levy) is amended as follows.

- (2) In subsection (1), in the closing words, for “the late night levy” substitute “a late night levy”.
  - (3) In subsection (2)–
    - (a) for “the levy” substitute “a levy”;
    - (b) for “relevant late night authorisations” substitute “a late night authorisation to which a late night levy requirement relates”.
  - (4) In subsection (4)–
    - (a) in paragraph (a), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
    - (b) in paragraph (b), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
    - (c) in paragraph (c), for “the relevant late night authorisation” substitute “a relevant late night alcohol authorisation to which a late night levy requirement relates”;
    - (d) in the closing words, for “the levy year” substitute “the levy year in question”.
  - (5) In subsection (5), for “the late night levy” substitute “a late night levy”.
  - (6) In subsection (6), in the closing words, for “the late night levy” (in both places where it occurs) substitute “a late night levy”.
- 6
- (1) Section 130 (net amount of levy payments) is amended as follows.
    - (2) In subsection (1), after “In this Chapter” insert “, in relation to a late night levy requirement,”.
    - (3) In subsection (3), for “the late night levy requirement” substitute “a late night levy requirement”.
    - (4) In subsection (5), in the opening words, at the beginning insert “In relation to a late night levy requirement,”.
- 7
- (1) Section 131 (application of net amount of levy payments) is amended as follows.
    - (2) In subsection (1), at the beginning insert “In relation to a late night levy requirement,”.
    - (3) After subsection (4) insert –
      - “(4A) The licensing authority must publish information as to how it applies the remainder of the net amount mentioned in subsection (2)(b).
      - (4B) The information must be published at least once in each calendar year during which any part of the remainder is applied.
      - (4C) It is for the licensing authority to determine the manner in which the information is published.”
    - (4) In subsection (6)(b), for “in respect of the levy” substitute “in respect of a levy”.
- 8
- (1) Section 132 (introduction of late night levy requirement) is amended as follows.



- (2) In subsection (1) –
    - (a) in the opening words, for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) in those words, omit “in its area”;
    - (c) in paragraph (b) –
      - (i) in sub-paragraph (i), after “period” insert “or periods (as to which see section 126(3A))”;
      - (ii) in sub-paragraph (ii), omit “in its area”;
      - (iii) in sub-paragraph (iii), omit “in its area”.
- 9 (1) Section 133 (amendment of late night levy requirement) is amended as follows.
- (2) In subsection (1) –
    - (a) in the opening words, for the words from the beginning to “section 125,” substitute “Where, in consequence of a decision by a licensing authority under section 125, a late night levy requirement applies,”
    - (b) in paragraph (a), omit “in the area”;
    - (c) in paragraph (c), for “in the area” substitute “in relation to the late night levy requirement”.
  - (3) After subsection (1) insert –

“(1A) Where the late night levy requirement is in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the power conferred by subsection (1)(b) includes –

    - (a) where a single late night levy period applies, power to decide that two late night levy periods are to apply instead;
    - (b) where two late night levy periods apply, power to decide that a single late night levy period is to apply instead.”
  - (4) In subsection (4) –
    - (a) in paragraph (b), omit “in the area of a licensing authority”;
    - (b) in that paragraph, after “relevant decision” insert “by a licensing authority”;
    - (c) in the closing words, omit “in its area”.
- 10 (1) Section 134 (introduction or variation of late night levy requirement: procedure) is amended as follows.
- (2) In subsection (1) –
    - (a) in paragraph (a), for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) in that paragraph, omit “in the area of the licensing authority”;
    - (c) in paragraph (b), for “the late night levy requirement” substitute “a late night levy requirement”;
    - (d) in that paragraph omit “in the area of the licensing authority”.
  - (3) In subsection (2) –
    - (a) in paragraph (a)(iii), for “relevant late night authorisations” substitute “late night authorisations to which the levy requirement in question relates or would relate”;

- (b) in paragraph (c)(i), for “so as to cease to be a relevant late night authorisation before the beginning of the first levy year” substitute “so that it is not a late night authorisation to which the levy requirement relates at the beginning of the first levy year”.
  - (4) In subsection (3)—
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) omit “to the area of a licensing authority”.
  - (5) In subsection (4)—
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) omit “in its area”.
  - (6) Omit subsection (5).
- 11 (1) Section 135 (permitted exemption and reduction categories) is amended as follows.
- (2) In subsection (1)—
    - (a) in paragraph (a), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
    - (b) in that paragraph, for “the requirement to pay the late night levy is not to apply” substitute “no requirement to pay a late night levy is to apply”;
    - (c) in paragraph (b), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
    - (d) in that paragraph, for “the levy” substitute “a levy”.
  - (3) In subsection (2), omit “in its area”.
  - (4) In subsection (4)—
    - (a) in paragraph (a), for “the levy” substitute “a levy”;
    - (b) in paragraph (b), for “the levy” substitute “a levy”;
    - (c) in the closing words—
      - (i) for “the late night levy” substitute “a late night levy”;
      - (ii) after “the same” insert “, in respect of all late night levy requirements,”;
      - (iii) for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
      - (iv) omit “for a levy year”.

12 After section 136 insert—

**“136A Late night levy: requests by relevant local policing bodies**

- (1) The relevant local policing body in relation to a licensing authority may request the licensing authority to make a proposal for a decision under section 125(2) that a late night levy requirement of a kind described in the request is to apply.
- (2) In deciding whether to make a request, the relevant local policing body must consider the matters mentioned in section 125(3).

- (3) A request must be accompanied by any evidence the relevant local policing body has in support of its request.
  - (4) In deciding how to respond to the request, the licensing authority must consider the matters mentioned in section 125(3).
  - (5) The licensing authority must publish—
    - (a) the request, including the evidence accompanying it, and
    - (b) its response to the request.
  - (6) The response must include reasons, including an explanation of the outcome of the authority’s consideration of the matters mentioned in section 125(3).
  - (7) It is for the licensing authority to determine the manner in which it publishes the request and its response under subsection (4).”
- 13 (1) Section 137 (interpretation) is amended as follows.
- (2) For ““the late night levy requirement” substitute ““a late night levy requirement”.
  - (3) At the appropriate place insert—
 

““late night refreshment” has the same meaning as in the Licensing Act 2003 (see Schedule 2 to that Act);”.
  - (4) In the definition of ““levy year”—
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) omit “in the area of the authority”.
  - (5) In the definition of ““payment year”, for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.

### Clause 149

#### BARONESS WILLIAMS OF TRAFFORD

- 32 Page 169, line 38, leave out “and 83” and insert “, 83 and (*Energy Act 2013 (c. 32)*)”
- 33 Page 170, line 19, after “107” insert “(*Schedule to be inserted as Schedule 7A to the Criminal Justice and Public Order Act 1994*), (*Schedule to be inserted as Schedule 7B to the Criminal Justice and Public Order Act 1994*)”
- 34 Page 170, line 46, at end insert “and section (*Controls on ammunition which expands on impact*)”
- 35 Page 170, line 46, at end insert “and section (*Limited extension of firearm certificates etc*)”

