

Policing and Crime Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 3

BARONESS WILLIAMS OF TRAFFORD

- 1 Page 3, line 18, after “effect” insert “on public safety or otherwise have an adverse effect”

Clause 4

BARONESS WILLIAMS OF TRAFFORD

- 2 Page 4, line 38, leave out subsection (8) and insert –
- “(8) A collaboration agreement may be –
- (a) varied with the agreement of all of the parties to the agreement, or
 - (b) replaced by a subsequent collaboration agreement.”

Clause 8

BARONESS WILLIAMS OF TRAFFORD

- 3 Page 12, line 22, at end insert –
- “() Before making the request the mayor must publish, in such manner as the mayor thinks appropriate, the mayor’s response to the representations made or views expressed in response to any consultations on the proposal.”
- 4 Page 12, line 23, leave out “and (5)” and insert “to (5A)”
- 5 Page 12, line 24, leave out “has made” and insert “makes”
- 6 Page 12, line 41, at end insert –
- “(5A) The Secretary of State must publish the independent assessment –
- (a) as soon as is reasonably practicable after making a determination in response to the proposal, and
 - (b) in such manner as the Secretary of State thinks appropriate.”

7 Page 12, line 46, at end insert –

“() The Secretary of State may not make an order under section 107EA(2) in a case within subsection (6)(a) of this section if the Secretary of State thinks that the order would have an adverse effect on public safety.”

8 Page 13, line 23, after “constable” insert “, or

() from the chief constable to the combined authority,”

After Clause 11

BARONESS WILLIAMS OF TRAFFORD

9 Insert the following new Clause –

“Fire Safety inspections

- (1) The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is amended as follows.
- (2) In article 2 (interpretation), in the definition of “fire inspector” –
 - (a) after “inspector” insert “, in relation to Wales,”;
 - (b) for “section 28” substitute “section 28(1)”.
- (3) In article 27 (powers of inspectors), after paragraph (4) insert –

“(5) This article applies to a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England as it applies to an inspector; and article 32(2)(d) to (f), with the necessary modifications, applies accordingly.”
- (4) In article 28 (exercise on behalf of fire inspectors etc of their powers by officers of fire brigades) –
 - (a) in paragraph (1) –
 - (i) omit “, or any other person authorised by the Secretary of State under article 25(e),”;
 - (ii) for “and (3)” substitute “to (4)”;
 - (b) after paragraph (1) insert –

“(1A) The powers conferred by article 27 on an authorised person (by virtue of paragraph (5) of that article) are also exercisable by an employee of a fire and rescue authority in England when authorised in writing by such an authorised person for the purpose of reporting to him or her on any matter falling within the authorised person’s functions under this Order; and articles 27(2) to (4) and 32(2)(d) to (f), with the necessary modifications, apply accordingly.”;
 - (c) in paragraph (2), for “, or other person authorised by the Secretary of State,” substitute “or authorised person”;
 - (d) after paragraph (2) insert –

“(3) In this article, “authorised person” means a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England.””

Clause 27

BARONESS WILLIAMS OF TRAFFORD

- 10 Page 41, leave out lines 9 to 19
- 11 Page 41, line 26, at end insert –
- “(3A) For the purposes of this Part, a person is a “whistle-blower” if –
- (a) the person is, or was at any time, under the direction and control of a chief officer of police,
 - (b) the person raises a concern that is about a police force or a person serving with the police,
 - (c) the matter to which the concern relates is not –
 - (i) about the conditions of service of persons serving with the police, or
 - (ii) a matter that is, or could be, the subject of a complaint by the person under Part 2, and
 - (d) at the time the Commission first becomes aware of the concern, the matter to which it relates is not –
 - (i) under investigation under the direction of the Commission in accordance with paragraph 18 of Schedule 3,
 - (ii) under investigation by the Commission in accordance with paragraph 19 of that Schedule,
 - (iii) being dealt with as a complaint under section 29A under regulations under section 29C (regulations about super-complaints), or
 - (iv) under investigation under this Part.”
- 12 Page 41, line 28, after “2)” insert “and to section 29FA (which deals with the position where the concern is a DSI matter for the purposes of that Part)”
- 13 Page 41, line 40, after “Part,” insert “, except where otherwise provided,”
- 14 Page 42, line 35, at end insert –
- “29FA Special provision for “DSI matters”**
- (1) Before deciding whether to carry out an investigation under section 29D(2), the Commission must consider whether the concern is about a death or serious injury matter (“a DSI matter”) for the purposes of Part 2 (see section 12(2A)).
 - (2) If the Commission determines that the concern is about a DSI matter for the purposes of Part 2 –
 - (a) it may not carry out an investigation under section 29D(2), and
 - (b) it must notify the appropriate authority in relation to the DSI matter.
 - (3) Where the appropriate authority in relation to the DSI matter is notified under subsection (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.

- (4) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to a DSI matter that, in accordance with subsection (3), is recorded under paragraph 14A of that Schedule but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.
- (5) In this section, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29).”

Clause 32

BARONESS WILLIAMS OF TRAFFORD

- 15 Page 54, line 24, after “the” insert “Independent”
- 16 Page 54, line 28, after “The” insert “Independent”
- 17 Page 54, line 33, after “the” insert “Independent”
- 18 Page 55, line 14, after “the” insert “Independent”

Clause 34

BARONESS WILLIAMS OF TRAFFORD

- 19 Page 57, line 24, before “Office” insert “Independent”
- 20 Page 57, line 26, after second “the” insert “Independent”
- 21 Page 57, line 32, after second “the” insert “Independent”

Clause 35

BARONESS WILLIAMS OF TRAFFORD

- 22 Page 59, line 37, after “functions,” insert “or
(iv) any other person who is, by virtue of any enactment,
carrying out any of the activities of a police force,”

Clause 62

BARONESS WILLIAMS OF TRAFFORD

- 23 Page 78, line 13, after “(3)” insert “or (3A)”
- 24 Page 78, line 21, at end insert –
“(3A) This subsection applies where the custody officer believes that a decision as to whether to charge the person with the relevant offence would be made before the end of the applicable bail period in relation to the person.”
- 25 Page 78, line 22, after “(3)” insert “or (3A)”

After Clause 75

BARONESS WILLIAMS OF TRAFFORD

26 Insert the following new Clause—

“PACE: duty to notify person interviewed that not to be prosecuted

After section 60A of the Police and Criminal Evidence Act 1984 insert—

“60B Notification of decision not to prosecute person interviewed

- (1) This section applies where—
 - (a) a person suspected of the commission of a criminal offence is interviewed by a police officer but is not arrested for the offence, and
 - (b) the police officer in charge of investigating the offence determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
- (2) A police officer must give the person notice in writing that the person is not to be prosecuted.
- (3) Subsection (2) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.
- (4) In this section “caution” includes—
 - (a) a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
 - (b) a youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;
 - (c) a youth caution under section 66ZA of that Act.”

Clause 84

BARONESS WILLIAMS OF TRAFFORD

27 Page 109, line 33, leave out “or in Northern Ireland waters”

28 Page 110, line 5, leave out “or Northern Ireland”

Clause 85

BARONESS WILLIAMS OF TRAFFORD

29 Page 110, line 10, leave out “or Northern Ireland”

Clause 93

BARONESS WILLIAMS OF TRAFFORD

30 Page 114, leave out lines 40 and 41

Clause 96

BARONESS WILLIAMS OF TRAFFORD

31 Page 117, line 12, leave out “or in Northern Ireland waters”

32 Page 117, line 29, leave out “or Northern Ireland”

Clause 97

BARONESS WILLIAMS OF TRAFFORD

33 Page 117, line 35, leave out “or Northern Ireland”

Clause 104

BARONESS WILLIAMS OF TRAFFORD

34 Page 121, leave out lines 35 and 36

After Clause 104

BARONESS WILLIAMS OF TRAFFORD

35 Insert the following new Clause –

“CHAPTER 6A

POLICE POWERS: MARITIME ENFORCEMENT: NORTHERN IRISH OFFENCES

104A Application of maritime enforcement powers: general

- (1) A law enforcement officer may, for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland, exercise any of the maritime enforcement powers in relation to –
 - (a) a United Kingdom ship in Northern Ireland waters,
 - (b) a ship without nationality in Northern Ireland waters,
 - (c) a foreign ship in Northern Ireland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Northern Ireland waters.
- (2) In this Chapter, “the maritime enforcement powers” are the powers set out in –
 - (a) section 104C (power to stop, board, divert and detain);
 - (b) section 104D (power to search and obtain information);
 - (c) section 104E (power of arrest and seizure).

- (3) The following persons are “law enforcement officers” for the purpose of this Chapter –
 - (a) a constable who is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,
 - (b) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847,
 - (c) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act),
 - (d) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or
 - (e) a person of a description specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(e) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (3)(e) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under subsection (3)(e) may not make devolved provision except with the consent of the Department of Justice in Northern Ireland.
- (7) For the purposes of subsection (6), regulations under subsection (3)(e) make devolved provision if and to the extent that –
 - (a) the effect of the regulations is to confer functions under this Chapter on a person of a description specified in the regulations,
 - (b) it would be within the legislative competence of the Northern Ireland Assembly to confer those functions on persons of that description in an Act of the Northern Ireland Assembly, and
 - (c) the consent of the Secretary of State would not be required under section 8 of the Northern Ireland Act 1998 in relation to a Bill conferring such functions.
- (8) This section is subject to section 104B (which makes provision about when the authority of the Secretary of State is required before the maritime enforcement powers are exercised in reliance on this section).”

36

Insert the following new Clause –

“104B Restriction on exercise of maritime enforcement powers

- (1) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section 104A(1), in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Northern Ireland.
- (2) The Secretary of State may give authority under subsection (1) in relation to a foreign ship only if –
 - (a) the home state has requested the assistance of the United Kingdom for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland,

- (b) the home state has authorised the United Kingdom to act for that purpose, or
- (c) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) otherwise permits the exercise of the powers in relation to the ship.”

37 Insert the following new Clause –

“104C Power to stop, board, divert and detain

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that –
 - (a) an offence under the law of Northern Ireland is being, or has been, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section 104A, or
 - (b) a ship in relation to which those powers are so exercisable is otherwise being used in connection with the commission of an offence under that law.
- (2) The law enforcement officer may –
 - (a) stop the ship;
 - (b) board the ship;
 - (c) require the ship to be taken to a port in Northern Ireland.
- (3) The law enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of subsection (2)(c).
- (4) A law enforcement officer must give notice in writing to the master of any ship detained under this section.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a law enforcement officer.”

38 Insert the following new Clause –

“104D Power to search and obtain information

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that there is evidence relating to an offence under the law of Northern Ireland (other than items subject to legal privilege) on a ship in relation to which the powers conferred by this section are exercisable by virtue of section 104A.
- (2) The law enforcement officer may search –
 - (a) the ship;
 - (b) anyone found on the ship;
 - (c) anything found on the ship (including cargo).
- (3) The law enforcement officer may require a person found on the ship to give information about himself or herself.
- (4) The power to search conferred by subsection (2) is a power to search only to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in subsection (1).

- (5) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (6) In exercising a power conferred by subsection (2) or (3), a law enforcement officer may (amongst other things) –
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it, other than anything that the law enforcement officer has reasonable grounds to believe to be an item subject to legal privilege;
 - (c) make photographs or copies of anything the production of which the law enforcement officer has power to require.
- (7) The power in subsection (6)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (8) The power of a law enforcement officer under subsection (2)(b) or (c) or (3) may be exercised on the ship or elsewhere.”

39 Insert the following new Clause –

“104E Power of arrest and seizure

- (1) This section applies if a law enforcement officer has reasonable grounds to suspect that an offence under the law of Northern Ireland has been, or is being, committed on a ship in relation to which the powers conferred by this section are exercisable by virtue of section 104A.
- (2) The law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The law enforcement officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence, other than anything that the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (4) The power of a law enforcement officer under subsection (2) or (3) may be exercised on the ship or elsewhere.”

40 Insert the following new Clause –

“104F Maritime enforcement powers: supplementary: protective searches

- (1) This section applies where a power conferred by section 104C is exercised in relation to a ship.
- (2) A law enforcement officer may search any person found on the ship for anything which the officer has reasonable grounds to believe the person might use to –
 - (a) cause physical injury,
 - (b) cause damage to property, or
 - (c) endanger the safety of any ship.
- (3) The power under subsection (2) may be exercised on board the ship or elsewhere.

- (4) A law enforcement officer searching a person under subsection (2) may seize and retain anything found if the law enforcement officer has reasonable grounds to believe that the person might use it for a purpose mentioned in paragraphs (a) to (c) of that subsection.
- (5) Anything seized under subsection (4) may be retained only for so long as there are reasonable grounds to believe that it might be used as mentioned in that subsection.
- (6) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public, other than an outer coat, jacket or gloves.”

41 Insert the following new Clause –

“104G Maritime enforcement powers: other supplementary provision

- (1) A law enforcement officer may –
 - (a) be accompanied by other persons, and
 - (b) take equipment or materials,
 to assist the officer in the exercise of powers under this Chapter.
- (2) A law enforcement officer may use reasonable force, if necessary, in the performance of functions under this Chapter.
- (3) A person accompanying a law enforcement officer under subsection (1) may perform any of the officer’s functions under this Chapter, but only under the officer’s supervision.
- (4) A law enforcement officer must produce evidence of the officer’s authority if asked to do so.
- (5) The powers conferred by this Chapter do not affect any other powers that a law enforcement officer may have.”

42 Insert the following new Clause –

“104H Maritime enforcement powers: offences

- (1) A person commits an offence if the person –
 - (a) intentionally obstructs a law enforcement officer in the performance of functions under this Chapter, or
 - (b) fails without reasonable excuse to comply with a requirement imposed by a law enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement imposed by a law enforcement officer in the performance of functions under this Chapter commits an offence if –
 - (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

43 Insert the following new Clause –

“104I Interpretation

(1) In this Chapter –

“designated NCA officer” means a National Crime Agency officer who is either or both of the following –

- (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable who is entitled to exercise the powers and privileges of a Northern Ireland constable (see paragraph 11(6) of Schedule 5 to that Act);
- (b) an officer designated under that section as having the powers of a general customs official;

“foreign ship” means a ship which –

- (a) is registered in a State other than the United Kingdom, or
- (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;

“home state”, in relation to a foreign ship, means –

- (a) the State in which the ship is registered, or
- (b) the State whose flag the ship is otherwise entitled to fly;

“items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (see article 12 of that Order);

“law enforcement officer” has the meaning given by section 104A(3);

“maritime enforcement powers” has the meaning given by section 104A(2);

“Northern Ireland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Northern Ireland;

“relevant territory” means –

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) a British overseas territory;

“ship” includes every description of vessel (including a hovercraft) used in navigation;

“ship without nationality” means a ship which –

- (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant territory, or
- (b) sails under the flags of two or more States or relevant territories, or under the flags of a State and relevant territory, using them according to convenience;

“United Kingdom ship” means a ship which –

- (a) is registered under Part 2 of the Merchant Shipping Act 1995,
- (b) is a Government ship within the meaning of that Act,
- (c) is not registered in any State or relevant territory but is wholly owned by persons each of whom has a United Kingdom connection, or
- (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.

- (2) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (1), a person has a “United Kingdom connection” if the person is –
- (a) a British citizen, a British overseas territories citizen or a British Overseas citizen,
 - (b) an individual who is habitually resident in the United Kingdom, or
 - (c) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.
- (3) References in this Chapter to the United Nations Convention on the Law of the Sea include references to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.”

Clause 105

BARONESS WILLIAMS OF TRAFFORD

44 Page 123, line 29, leave out from “Scotland” to end of line 30

45 Page 126, line 43, at end insert –

- “(9) In subsection (8), in the definition of “investigating force”, the reference to a police force includes a reference to –
- (a) the National Crime Agency;
 - (b) any of the following (to the extent that their functions relate to the investigation of offences) –
 - (i) officers of Revenue and Customs;
 - (ii) immigration officers;
 - (iii) designated customs officials within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act).
- (10) In the application of this section in a case where the investigating force is a police force mentioned in subsection (9)(a) or (b) –
- (a) the reference to a constable in subsections (4)(b) and (5)(b), and the reference to a constable in the investigating force in subsection (7)(a), is to be read as a reference to a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 (“a designated NCA officer”), an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be);
 - (b) any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.”

46 Page 128, line 4, at end insert –

- “() Regulations under subsection (5) may include consequential provision, including provision amending any statutory provision; and, for that purpose, statutory provision has the same meaning as in section 137B (see subsection (10)(c) of that section).”

47 Page 128, line 10, at end insert –

“() In the application of Schedule 7B in a case where the investigating force is a police force mentioned in section 137C(9)(a) or (b), any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.”

After Clause 106

BARONESS WILLIAMS OF TRAFFORD

48 Insert the following new Clause –

“Cross-border enforcement: officers of Revenue and Customs

In section 87 of the Finance Act 2007 (cross-border exercise of powers: officers of Revenue and Customs), in subsection (4) for “only in the exercise of a function relating to tax (including duties and tax credits)” substitute “in the exercise of any function of the Commissioners for Her Majesty’s Revenue and Customs or of officers of Revenue and Customs, within the meaning of the Commissioners for Revenue and Customs Act 2005 (see section 51(2) to (2B) of that Act).”

After Clause 107

BARONESS WILLIAMS OF TRAFFORD

49 Insert the following new Clause –

“Powers to require removal of disguises: oral authorisation

In section 60AA of the Criminal Justice and Public Order Act 1994 (powers to require removal of disguises), for subsection (6) substitute –

- “(6) Subject to subsection (6A), an authorisation under subsection (3) –
- (a) shall be in writing and signed by the officer giving it; and
 - (b) shall specify –
 - (i) the grounds on which it is given;
 - (ii) the locality in which the powers conferred by this section are exercisable; and
 - (iii) the period during which those powers are exercisable.
- (6A) An authorisation under subsection (3) need not be given in writing where it is not practicable to do so but any oral authorisation –
- (a) must state the matters which would otherwise have to be specified under subsection (6), and
 - (b) must be recorded in writing as soon as it is practicable to do so.
- (6B) A direction under subsection (4) shall be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.”

After Clause 109

BARONESS WILLIAMS OF TRAFFORD

50 Insert the following new Clause –

“Deputy Mayor for Policing and Crime as member of local authority

- (1) Section 1 of the Local Government and Housing Act 1989 (disqualification and political restriction of certain local authority officers and staff) is amended as follows.
- (2) In subsection (9) (references to a person holding a politically restricted post under a local authority include every member of the staff of an elected local policing body) omit “, except for a deputy police and crime commissioner”.
- (3) After that subsection insert –
 - “(10) The reference in subsection (9) to every member of the staff of an elected local policing body does not include a deputy police and crime commissioner.
 - (11) For the purposes of subsection (1) only, the reference in subsection (9) to every member of the staff of an elected local policing body does not include the Deputy Mayor for Policing and Crime appointed under section 19(1)(a) of the Police Reform and Social Responsibility Act 2011.”

Clause 111

BARONESS WILLIAMS OF TRAFFORD

- 51 Page 132, line 22, leave out from “description” to end of line 24 and insert “which –
- (a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and
 - (b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level.”
- 52 Page 132, line 26, at end insert –
“() is spherical, and”
- 53 Page 132, line 27, leave out “6” and insert “8”
- 54 Page 132, line 29, leave out from “which” to “successively” in line 30 and insert “is capable of discharging two or more missiles”

Clause 112

BARONESS WILLIAMS OF TRAFFORD

- 55 Page 133, line 25, leave out “ignition” and insert “propulsion”
- 56 Page 133, line 35, at end insert –
“() In its application to Scotland, subsection (2C) does not apply in relation to a firearm that is an air weapon.”

57 Page 133, line 45, leave out “ignition” and insert “propulsion”

Clause 114

BARONESS WILLIAMS OF TRAFFORD

58 Page 135, leave out line 35 and insert “technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.

(4A) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).

(4B) The technical specifications document may set out different technical specifications for different kinds of weapon.

(4C) The Secretary of State—

(a) may from time to time revise the technical specifications document, and

(b) where it is revised—

(i) must publish the document as revised, and

(ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.”

59 Page 135, line 36, leave out subsection (5)

60 Page 135, line 40, at end insert—

“() In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.”

61 Page 135, line 42, at end insert—

“() In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.”

Clause 119

BARONESS WILLIAMS OF TRAFFORD

62 Page 139, line 16, leave out “in England”

63 Page 139, line 17, leave out “in England”

Clause 132

BARONESS WILLIAMS OF TRAFFORD

64 Page 152, line 8, at end insert—

“(5A) If on a review under subsection (4) the Minister decides to uphold the Treasury’s decision to impose the penalty and its amount, or to uphold the Treasury’s decision to impose the penalty but to substitute a different amount, the person may appeal (on any ground) to the Upper Tribunal.

(5B) On an appeal under subsection (5A), the Upper Tribunal may quash the Minister’s decision and if it does so may—

- (a) quash the Treasury’s decision to impose the penalty;
- (b) uphold that decision but substitute a different amount for the amount determined by the Treasury (or, in a case where the Minister substituted a different amount, by the Minister).”

Clause 141

BARONESS WILLIAMS OF TRAFFORD

65 Page 158, line 29, leave out “any of the Channel Islands” and insert “the Bailiwick of Guernsey”

66 Page 158, line 35, leave out “any of the Channel Islands” and insert “the Bailiwick of Guernsey”

Clause 145

BARONESS WILLIAMS OF TRAFFORD

67 Page 162, line 41, leave out from second “individual” to end of line 42 and insert “, one or more documents that enable the individual’s nationality or citizenship to be established;”

After Clause 145

68 Insert the following new Clause—

“Pilot schemes

- (1) The Secretary of State may by regulations made by statutory instrument provide for any provision of sections 144 and 145 to come into force for a period of time to be specified in or under the regulations for the purpose of assessing the effectiveness of the provision.
- (2) Regulations under subsection (1) may make different provision for different purposes or different areas.
- (3) More than one set of regulations may be made under subsection (1).
- (4) Provision included in regulations under subsection (1) does not affect the provision that may be included in relation to sections 144 and 145 in regulations under section 160 (commencement).”

Clause 159

BARONESS WILLIAMS OF TRAFFORD

- 69 Page 185, line 29, leave out paragraphs (p) and (q)
- 70 Page 186, line 10, at end insert –
 “() section (*Deputy Mayor for Policing and Crime as member of local authority*);”
- 71 Page 186, line 10, at end insert –
 “() sections 82(2) to (5), 84 to 90 and 93;
 () sections 94(2) to (7), 96 to 102 and 104;”
- 72 Page 186, line 22, at beginning insert “Chapter 6A of Part 4 and”

Clause 160

BARONESS WILLIAMS OF TRAFFORD

- 73 Page 186, line 28, leave out “(2)” and insert “(1A)”
- 74 Page 186, line 30, at end insert –
 “(1A) Chapter 6A of Part 4 comes into force on such day as the Department of Justice in Northern Ireland appoints by order, and the power conferred by this subsection is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (N.I.12).”
- 75 Page 187, line 13, after “than” insert “Chapter 6A of Part 4 or”
- 76 Page 187, line 13, at end insert –
 “(7A) The Department of Justice in Northern Ireland may by order make such transitional, transitory or saving provision as it considers appropriate in connection with the coming into force of any provision of Chapter 6A of Part 4, and the power conferred by this subsection is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (N.I.12).”
- 77 Page 187, line 17, after “(7)” insert “, (7A)”

Schedule 1

BARONESS WILLIAMS OF TRAFFORD

- 78 Page 189, line 13, at end insert –
 “() The Secretary of State may not make an order under this section in a case within subsection (5)(a) if the Secretary of State thinks that the order would have an adverse effect on public safety.”
- 79 Page 195, line 8, at end insert –
 “() The Secretary of State may not make an order under this section in a case within subsection (5)(a) if the Secretary of State thinks that the order would have an adverse effect on public safety.”

- 80 Page 195, line 27, at end insert “, or
() from that chief constable to the fire and rescue authority to which the order applies.”
- 81 Page 195, line 28, leave out “(1)” and insert “(1)(a)”
- 82 Page 202, line 10, leave out “make arrangements to seek the views of” and insert “consult”
- 83 Page 202, line 11, at end insert –
“(c) consult each of the following about the proposal –
(i) persons appearing to the commissioner to represent employees who may be affected by the proposal;
(ii) persons appearing to the commissioner to represent members of a police force who may be so affected”
- 84 Page 202, line 11, at end insert “, and
“(d) publish, in such manner as the commissioner thinks appropriate, the commissioner’s response to the representations made or views expressed in response to those consultations.”
- 85 Page 202, line 11, at end insert –
“() Each consultation under sub-paragraph (1) is to be carried out in such manner as the relevant police and crime commissioner thinks appropriate.”
- 86 Page 202, line 13, leave out “and (3)” and insert “to (4)”
- 87 Page 202, line 24, after “proposal,” insert –
“() a summary of the views expressed about the proposal by persons consulted under paragraph 3(1)(c),”
- 88 Page 202, line 32, at end insert –
“(4) The Secretary of State must publish the independent assessment –
(a) as soon as is reasonably practicable after making a determination in response to the proposal, and
(b) in such manner as the Secretary of State thinks appropriate.”
- 89 Page 219, line 28, leave out “Subsection (5B) applies” and insert “Subsections (5B) to (5E) apply”
- 90 Page 219, line 33, after “(5B)” insert “Subject to subsection (5E),”
- 91 Page 219, line 41, at end insert –
“(5C) A police and crime plan which the police and crime commissioner is required to prepare may be prepared jointly by the commissioner and the fire and rescue authority.
(5D) If the police and crime commissioner and the fire and rescue authority prepare a joint police and crime plan, the plan must also set out the fire and rescue authority’s priorities and objectives, for the period of the plan, in connection with the discharge of the authority’s functions.
(5E) Subsection (5B)(b) does not apply to a joint police and crime plan.”

Schedule 2

BARONESS WILLIAMS OF TRAFFORD

- 92 Page 224, line 19, at end insert “or any other local authority within the meaning of sections 1, 2 and 3A of the Local Government and Housing Act 1989.”
- 93 Page 229, line 7, leave out “panel” and insert “committee”
- 94 Page 229, line 8, leave out “panel” and insert “committee”
- 95 Page 229, line 35, leave out “panel” and insert “committee”
- 96 Page 230, line 24, at end insert “, or
() any other matters which the Assembly considers to be of importance to fire and rescue services in Greater London.”
- 97 Page 230, line 24, at end insert –
“() The Assembly may investigate, and prepare reports about, the actions and decisions of the Deputy Mayor for Fire.”

Schedule 3

BARONESS WILLIAMS OF TRAFFORD

- 98 Page 247, line 17, at end insert –
“(e) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England.”
- 99 Page 248, line 19, after “England,” insert “or
(iii) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England,”

Schedule 6

BARONESS WILLIAMS OF TRAFFORD

- 100 Page 278, line 29, leave out “15(5)” and insert “15(5B)”
- 101 Page 278, line 40, at end insert –

“Procedure where DSI matter is revealed during investigation

- 4A (1) If, during the course of an investigation under section 29D(2), it appears to the person in charge that the matter may be a DSI matter, the person must make a submission to that effect to the Commission.
- (2) If, after considering the submission, the Commission determines the matter is a DSI matter, it must –
- (a) notify the appropriate authority in relation to the DSI matter, and
 - (b) send to it a copy of the submission under sub-paragraph (1).

- (3) Where the appropriate authority in relation to the DSI matter is notified under sub-paragraph (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.
- (4) Where a matter is, in accordance with sub-paragraph (3), recorded under paragraph 14A of Schedule 3 as a DSI matter –
 - (a) the person in charge of the investigation under section 29D(2) must (subject to any determination made by the Commission under paragraph 15(5B) of Schedule 3) continue the investigation as if appointed or designated to investigate the DSI matter, and
 - (b) the other provisions of Schedule 3 apply in relation to that matter accordingly (subject to regulations under sub-paragraph (5)).
- (5) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to an investigation that, in accordance with sub-paragraph (3), is recorded under paragraph 14A of that Schedule as a DSI matter but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.
- (6) In this paragraph, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29)."

Schedule 9

BARONESS WILLIAMS OF TRAFFORD

- 102 Page 298, line 39, after “The” insert “Independent”
- 103 Page 304, line 22, after second “the” insert “Independent”
- 104 Page 304, line 28, after “General” insert “of the Independent Office for Police Conduct”
- 105 Page 305, line 3, at end insert –
- “44A(1) Section 29FA (special provision for “DSI matters”) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
 - (3) In subsection (2), for “it”, in both places, substitute “the Director General”.
- 106 Page 305, line 25, after “the” insert “Independent”
- 107 Page 305, line 28, after “the” insert “Independent”
- 108 Page 305, line 31, after “the” insert “Independent”
- 109 Page 305, line 34, after “The” insert “Independent”
- 110 Page 311, line 7, at end insert –
- “() In paragraph 4A(1)–
- (a) for “it appears to the person in charge” substitute “the Director General determines”;
 - (b) for “the person must make a submission to that effect to the Commission” substitute “the Director General must proceed under sub-paragraph (2)”.

() For paragraph 4A(2) substitute –

“() The Director General must –

- (a) prepare a record of the determination,
- (b) notify the appropriate authority in relation to the DSI matter, and
- (c) send to it a copy of the determination prepared under paragraph (a).”

- 111 Page 311, line 25, after “The” insert “Independent”
- 112 Page 311, line 39, after “The” insert “Independent”
- 113 Page 312, line 3, after “The” insert “Independent”
- 114 Page 312, line 7, before “Office” insert “Independent”
- 115 Page 312, line 12, after “the” insert “Independent”
- 116 Page 312, line 15, before “Office” insert “Independent”
- 117 Page 312, line 21, after “the” insert “Independent”
- 118 Page 312, line 25, after “the” insert “Independent”
- 119 Page 312, line 34, before “Office” insert “Independent”
- 120 Page 313, line 3, after first “the” insert “Independent”
- 121 Page 313, line 14, after “the” insert “Independent”
- 122 Page 313, line 15, after “The” insert “Independent”
- 123 Page 313, line 19, after “the” insert “Independent”
- 124 Page 313, line 25, after “the” insert “Independent”
- 125 Page 313, line 29, after first “the” insert “Independent”
- 126 Page 313, line 41, after “the” insert “Independent”
- 127 Page 314, line 7, after first “the” insert “Independent”
- 128 Page 314, line 20, after “the” insert “Independent”
- 129 Page 314, line 25, after “the” insert “Independent”
- 130 Page 314, line 31, after “the” insert “Independent”
- 131 Page 314, line 34, after “the” insert “Independent”
- 132 Page 314, line 39, after “the” insert “Independent”
- 133 Page 314, line 40, after “The” insert “Independent”
- 134 Page 315, line 3, before “Office” insert “Independent”
- 135 Page 315, line 6, after “the” insert “Independent”
- 136 Page 315, line 12, after second “the” insert “Independent”
- 137 Page 315, line 18, at beginning insert “Independent”
- 138 Page 315, line 22, after second “the” insert “Independent”
- 139 Page 315, line 26, after second “the” insert “Independent”

- 140 Page 315, line 33, before “Office” insert “Independent”
 141 Page 316, line 4, column 1, at beginning insert “Independent”

Schedule 16

BARONESS WILLIAMS OF TRAFFORD

- 142 Page 344, line 30, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 143 Page 344, line 33, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 144 Page 344, line 42, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 145 Page 344, line 46, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 146 Page 345, line 9, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 147 Page 345, line 13, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 148 Page 345, line 37, at end insert “who has not been involved in the investigation in connection with which the arrest was made”
 149 Page 345, line 41, at end insert “who has not been involved in the investigation in connection with which the arrest was made”

Schedule 17

BARONESS WILLIAMS OF TRAFFORD

- 150 Page 350, line 42, leave out sub-paragraph (4)
 151 Page 351, line 24, leave out sub-paragraphs (2) and (3)
 152 Page 351, line 27, at end insert –
 “() After subsection (2) insert –
 “(2A) In the application of section 137C where a person is arrested under section 137A by an officer of Revenue and Customs in respect of a specified offence that is being investigated by an officer of Revenue and Customs –
 (a) subsection (2)(b) is to be read as if (instead of requiring the detention to be authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force) it required the detention to be authorised by an officer of Revenue and Customs of at least the grade equivalent to the rank of inspector;

- (b) subsection (2)(c) is to be read as if (instead of requiring the detention to be authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force) it required the detention to be authorised by an officer of Revenue and Customs of a grade above that equivalent to the rank of inspector;
 - (c) subsection (3) is omitted;
 - (d) in subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs;
 - (e) in subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate officer of Revenue and Customs (as defined by subsection (7));
 - (f) subsection (6)(a) is omitted;
 - (g) in subsection (7)(b), the reference to an officer of at least the rank of inspector is to be read as a reference to an officer of Revenue and Customs of at least the equivalent grade;
 - (h) in subsection (7)(c), the reference to an officer of a rank above that of inspector is to be read as a reference to an officer of Revenue and Customs of above the equivalent grade;
 - (i) subsections (8) to (10) are omitted.
- (2B) Where section 137C applies in accordance with subsection (2A), Schedule 7B applies with the following modifications –
- (a) any reference to a constable in the arresting force is to be read as a reference to an officer of Revenue and Customs;
 - (b) any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to an officer of Revenue and Customs of at least, or above, the equivalent grade;
 - (c) any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to officers of Revenue and Customs;
 - (d) instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to officers of Revenue and Customs;
 - (e) the Schedule is to be read as if it also provided for references in the provisions applied by section 137D(2)(d), (3)(d) and (4)(d) to a police station to include references to an office of Revenue and Customs.

- (2C) In the application of section 137C where a person is arrested under section 137A by an officer of Revenue and Customs in respect of a specified offence other than one that is being investigated by an officer of Revenue and Customs—
- (a) any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an officer of Revenue and Customs of at least, or above, the equivalent grade;
 - (b) the reference in subsection (6)(a) to the arresting force is to be read as a reference to any officer of Revenue and Customs.
- (2D) Where section 137C applies in accordance with subsection (2C), Schedule 7B applies with the following modifications—
- (a) any reference to a constable in the arresting force is to be read as a reference to an officer of Revenue and Customs;
 - (b) any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to officers of Revenue and Customs;
 - (c) instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to officers of Revenue and Customs;
 - (d) the Schedule is to be read as if it also provided for references in the provisions applied by section 137D(2)(d), (3)(d) and (4)(d) to a police station to include references to an office of Revenue and Customs.”

153 Page 351, line 29, leave out paragraph 10

154 Page 351, line 34, at end insert—

- “
- (1) In Schedule 21 to the Crime and Courts Act 2013 (powers of immigration officers), Part 2 (modification of applied enactments) is amended as follows.
 - (2) In paragraph 41, for “Paragraphs 42 and 43” substitute “Paragraphs 42 to 43”.
 - (3) After paragraph 42 insert—
 - “42A(1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence that is being investigated by an immigration officer.
 - (2) Subsection (2)(b) is to be read as if (instead of requiring the detention to be authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force) it required the detention to be authorised by an immigration officer of at least the grade equivalent to the rank of inspector.

- (3) Subsection (2)(c) is to be read as if (instead of requiring the detention to be authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force) it required the detention to be authorised by an immigration officer of a grade above that equivalent to the rank of inspector.
 - (4) Subsection (3) is omitted.
 - (5) In subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs.
 - (6) In subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate immigration officer (as defined by subsection (7)).
 - (7) Subsection (6)(a) is omitted.
 - (8) In subsection (7) –
 - (a) in paragraph (b), the reference to an officer of at least the rank of inspector is a reference to an immigration officer of at least the equivalent grade;
 - (b) in paragraph (c), the reference to an officer of a rank above that of inspector is to be read as a reference to an immigration officer of above the equivalent grade.
 - (9) Subsections (8) to (10) are omitted.
- 42B (1) Where section 137C applies in accordance with paragraph 42A, Schedule 7B applies with the following modifications.
- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
 - (3) Any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to an immigration officer who is at least, or above, the equivalent grade.
 - (4) Any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
 - (5) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.
- 42C (1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence other than one that is being investigated by an immigration officer.
- (2) Any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an immigration officer of at least, or above, the equivalent grade.

- (3) The reference in subsection (6)(a) to the arresting force is to be read as a reference to any immigration officer.
- 42D (1) Where section 137C applies in accordance with paragraph 42C, Schedule 7B applies with the following modifications.
- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
- (3) Any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
- (4) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.”

In the Title

BARONESS WILLIAMS OF TRAFFORD

- 155** Line 15, after “enforcement;” insert “to make provision about the powers of the police to require removal of disguises;”
- 156** Line 16, after “commissioners” insert “and the Deputy Mayor for Policing and Crime”