

# Crime and Policing Bill — Report Stage

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Secretary Yvette Cooper

[OPC158]

To move the following Clause—

## **“Offence of trespassing with intent to commit criminal offence**

- (1) A person commits an offence if the person trespasses on any premises with intent to commit an offence (whether or not on the premises).
- (2) In subsection (1) “premises” means any building, part of a building or enclosed area.
- (3) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 3 on the standard scale (or both).”

### **Member's explanatory statement**

This amendment replaces an offence in section 4 of the Vagrancy Act 1824 which is repealed by section 81 of the Police, Crime, Sentencing and Courts Act 2022 (not yet in force).

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Secretary Yvette Cooper

[OPC159]

To move the following Clause—

## **“Arranging or facilitating begging for gain**

- (1) A person commits an offence if, for gain, the person arranges or facilitates another person’s begging.
- (2) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (3) In subsection (2) “the maximum term for summary offences” means—
  - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
  - (b) if the offence is committed after that time, 51 weeks.”

### **Member's explanatory statement**

This amendment makes it an offence to arrange or facilitate another’s begging. When the repeal of the Vagrancy Act 1824 by the Police, Crime, Sentencing and Courts Act 2022 comes into force, begging will no longer be a criminal offence, so encouraging or assisting begging will cease to be an offence under the Serious Crime Act 2007.

To move the following Clause—

**“Proving an offence under section 38**

- (1) This section applies for the purposes of section 38.
- (2) Where it is alleged that a person (D) intended to cause a child to commit an offence, it is sufficient to prove that D intended to cause the child to do an act which would amount to the commission of that offence.
- (3) Where it is alleged that a person (D) intended to cause a child to do anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, it is sufficient to prove that D intended to cause the child to do an act which, if done in any part of the United Kingdom, would amount to the commission of that offence.
- (4) Where it is alleged that a person (D) intended to facilitate the causing of a child, in future, to—
  - (a) commit an offence, or
  - (b) do anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom,it is sufficient to prove that D intended to facilitate the causing of the child in future to do an act which would amount to the commission of that offence, or would if done in any part of the United Kingdom amount to the commission of that offence.
- (5) In proving for the purposes of this section whether an act is one which, if done or if done in any part of the United Kingdom, would amount to the commission of an offence—
  - (a) if the offence is one requiring proof of fault, it must be proved that—
    - (i) D believed that, were the act to be done, it would be done with that fault, or
    - (ii) D’s state of mind was such that, were D to do it, it would be done with that fault;
  - (b) if the offence is one requiring proof of particular circumstances or consequences (or both), it must be proved that D intended or believed that, were the act to be done, it would be done in those circumstances or with those consequences.
- (6) For the purposes of subsection (5)(a)(ii), D is to be assumed to be able to do the act in question.”

**Member's explanatory statement**

This new clause and amendments [OPC44] and [OPC47] amend this Chapter so as to adopt a similar approach, as regards what is intended to be caused or facilitated, to that found in Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime). They also cater for the offence being a UK-wide offence.

To move the following Clause—

**“Special measures for witnesses**

- (1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Chapter as it applies to criminal proceedings, but with—
  - (a) the omission of sections 17(4) to (7), 21(4C)(e), 22A, 27(10) and 32 of that Act (which make provision appropriate only in the context of criminal proceedings), and
  - (b) any other necessary modifications.
- (2) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to relevant proceedings under this Chapter—
  - (a) to the extent provided by rules of court, and
  - (b) subject to any modifications provided by rules of court.
- (3) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—
  - (a) to a direction under section 19 of that Act as applied by this section;
  - (b) to a direction discharging or varying such a direction.Sections 49 and 51 of that Act (offences) apply accordingly.
- (4) In this section “relevant proceedings under this Chapter” means any proceedings under this Chapter except proceedings relating to an offence under section 38, 48 or 49.”

**Member's explanatory statement**

This new clause (intended to appear after Clause 49) applies the special measures directions provisions in the Youth Justice and Criminal Evidence Act 1999 to civil proceedings under Chapter 1 of Part 4.

To move the following Clause—

**“Causing internal concealment of item for criminal purpose**

- (1) A person (“A”) commits an offence if—
  - (a) A intentionally causes a person other than A who is a child (“C”) to conceal a specified item inside C’s body, and
  - (b) the condition in subsection (3) is met.
- (2) It does not matter whether the specified item gets inside C’s body by an act of A or C or another person.
- (3) The condition is that A—
  - (a) knows or reasonably suspects that the specified item has been used in connection with criminal conduct, or

- (b) intends the specified item to be, or knows or reasonably suspects that the specified item may be, used in connection with criminal conduct.
- (4) A person ("A") commits an offence if—
  - (a) any of the following occurs, where B is a person other than A who is not a child—
    - (i) A compels B to conceal a specified item inside B's body,
    - (ii) A coerces or deceives B into concealing a specified item inside B's body, or
    - (iii) A engages in controlling or manipulative behaviour towards B, as a result of which B conceals a specified item inside B's body, and
  - (b) the condition in subsection (3) is met.
- (5) It does not matter whether the specified item gets inside B's body by an act of A or B or another person.
- (6) A is to be treated as acting in a way mentioned in subsection (4)(a) where A intentionally causes another person to act in that way (as well as where A acts in that way themselves).
- (7) In considering whether a person's behaviour towards B is controlling or manipulative, regard may be had to the nature of the relationship between the person and B and to any of B's personal circumstances which may make B more vulnerable than other persons.
- (8) For the purposes of this section the following are specified items—
  - (a) controlled drugs within the meaning of the Misuse of Drugs Act 1971;
  - (b) psychoactive substances within the meaning of the Psychoactive Substances Act 2016;
  - (c) a mobile telephone;
  - (d) a SIM card;
  - (e) an electronic device;
  - (f) cash;
  - (g) a payment card;
  - (h) jewellery;
  - (i) any article made or adapted for use for causing injury to persons, or capable of causing serious injury to persons;
  - (j) any weapon to which section 141 of the Criminal Justice Act 1988 (offensive weapons) applies, as that section applies in England and Wales.
- (9) The Secretary of State may by regulations amend this section for the purpose of changing the items which are specified items.
- (10) A person who commits an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

- (11) In this section—
- “child” means a person under the age of 18;
  - “criminal conduct” means—
    - (a) a criminal offence, or
    - (b) anything done outside England and Wales which would constitute a criminal offence if done in England or Wales;
  - “electronic device” means any device on which information is capable of being stored electronically and includes any component of such a device;
  - “payment card” means a credit card, a charge card, a prepaid card or a debit card;
  - “SIM card” means a removable physical subscriber identity module.
- (12) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (inserted by section 38), after the entry for section 38 insert—
- “section (*Causing internal concealment of item for criminal purpose*) (causing internal concealment of item for criminal purpose)”. ”

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Secretary Yvette Cooper

[OPC264]

To move the following Clause—

**“Secretary of State guidance**

- (1) The Secretary of State may issue guidance to relevant officers about the exercise of their functions in connection with—
  - (a) the prevention, detection and investigation of offences under section 38;
  - (b) CCE prevention orders under section 40;
  - (c) CCE prevention orders within the meaning of Chapter 2A of Part 11 of the Sentencing Code (orders made on conviction);
  - (d) the prevention, detection and investigation of offences under section 53;
  - (e) the prevention, detection and investigation of offences under section (*Causing internal concealment of item for criminal purpose*).
- (2) A relevant officer must have regard to any guidance issued under this section.
- (3) “Relevant officer” means—
  - (a) a chief officer of police, within the meaning of section 101(1) of the Police Act 1996,
  - (b) the chief constable of the Ministry of Defence Police,
  - (c) the Chief Constable of the British Transport Police Force, and
  - (d) the Director General of the National Crime Agency.
- (4) But subsections (1) and (2) do not apply to the exercise of functions in connection with the matters in subsection (1)(a) or (d) by—
  - (a) the Chief Constable of the British Transport Police Force, or

- (b) the Director General of the National Crime Agency,  
in relation to Scotland.
- (5) The Secretary of State may revise any guidance issued under this section.
- (6) Before issuing any guidance or revisions under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) Subsection (6) does not apply to revisions if the Secretary of State considers that they are not substantial.
- (8) The Secretary of State must publish any guidance or revisions issued under this section."

**Member's explanatory statement**

This amendment makes provision for guidance by the Secretary of State to the police about the matters dealt with by Part 4.

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**Secretary Yvette Cooper**

[OPC274]

To move the following Clause—

**"Department of Justice guidance**

- (1) The Department of Justice in Northern Ireland ("the Department") may issue guidance to the Chief Constable of the Police Service of Northern Ireland about the exercise of the Chief Constable's functions in connection with—
  - (a) the prevention, detection and investigation of offences under section 38;
  - (b) the prevention, detection and investigation of offences under section 53.
- (2) The Chief Constable of the Police Service of Northern Ireland must have regard to any guidance issued under this section.
- (3) The Department may revise any guidance issued under this section.
- (4) Before issuing any guidance or revisions under this section, the Department must consult such persons as it considers appropriate.
- (5) Subsection (4) does not apply to revisions if the Department considers that they are not substantial.
- (6) The Department must publish any guidance or revisions issued under this section."

**Member's explanatory statement**

This amendment makes provision for guidance by the Department of Justice in Northern Ireland to the Police Service of Northern Ireland about the offences under Part 4 which extend to Northern Ireland.

To move the following Clause—

**“Removal of limitation period in child sexual abuse cases**

- (1) The Limitation Act 1980 is amended as follows.
- (2) After section 11 insert—

**“11ZA Actions in respect of personal injuries attributable to child sexual abuse**

- (1) None of the time limits given in the preceding provisions of this Act apply to an action to which this section applies.
- (2) This section applies to any action for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) which meets conditions 1 to 3.
- (3) Condition 1 is that the damages claimed by the claimant consist of or include damages in respect of personal injuries to the claimant.
- (4) Condition 2 is that the claimant was under 18 on the date on which the cause of action accrued.
- (5) Condition 3 is that the act or omission to which the claimant’s personal injuries were attributable constituted sexual abuse.
- (6) This section applies in relation to actions brought, and causes of action accrued, before (as well as after) this section comes into force.
- (7) But it does not apply in relation to a claim which, before this section comes into force, was settled by agreement between the parties or determined by a court (whether or not the determination is subject to appeal).
- (8) This section does not apply to any action brought for damages under section 3 of the Protection from Harassment Act 1997.
- (9) This section does not apply to a cause of action surviving for the benefit of a person’s estate by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934, except where an action was brought by the person before the person’s death.

**11ZB Dismissal of actions in respect of personal injuries attributable to child sexual abuse**

- (1) This section applies where an action to which section 11ZA applies is brought after the expiration of the time limit that would apply but for that section (disregarding the possibility of the time limit being disapplied under section 33).
- (2) The court must dismiss the action if the defendant satisfies the court that it is not possible for a fair hearing to take place.

- (3) The court must also dismiss the action if—
  - (a) the action was begun, or the cause of action accrued, before section 11ZA came into force,
  - (b) the defendant satisfies the court that, because of the application of section 11ZA, there would be substantial prejudice to the defendant if the action were to proceed, and
  - (c) having regard to that prejudice, and the prejudice to the claimant if the action is dismissed, the court is satisfied that it would not be equitable to allow the action to proceed.
- (4) In this section “the court” means the court in which the action has been brought.”
- (3) In section 12 (special time limit for actions under Fatal Accidents legislation) after subsection (1) insert—
  - “(1A) An action under the Fatal Accidents Act 1976 may not be brought if—
    - (a) section 11ZA would have applied to an action by the person injured to recover damages in respect of the injury, and
    - (b) the death occurred after the expiration of the time limit that would have applied but for that section (disregarding the possibility of that time limit being overridden under section 33).”
- (4) In section 14B(1) (overriding time limit for negligence actions) after “section 11” insert “or 11ZA”.”

**Member's explanatory statement**

This new Clause removes the time limit for bringing a civil claim for personal injury in cases where the personal injury is attributable to child sexual abuse.

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**Secretary Yvette Cooper**

**[OPC192]**

To move the following Clause—

**“Threatening, abusive or insulting behaviour towards emergency workers**

- (1) A person (“D”) commits an offence if conditions 1 to 4 are met.
- (2) Condition 1 is that D—
  - (a) uses towards an emergency worker (“E”) threatening, abusive or insulting words or behaviour, or
  - (b) displays or gives to E any writing, sign or other visible representation which is threatening, abusive or insulting.
- (3) In this section “D’s relevant conduct” means the conduct of D that meets condition 1.
- (4) Condition 2 is that D—
  - (a) intends the words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or



- (b) is aware that they may be threatening, abusive or insulting.
- (5) Condition 3 is that D's relevant conduct is racially or religiously hostile towards E.
- (6) Condition 4 is that D's relevant conduct—
  - (a) is engaged in by D with intent to make E believe, or is likely to make E believe, that immediate unlawful violence will be used against E by D,
  - (b) is engaged in by D with intent to provoke, or is likely to provoke, the immediate use of unlawful violence against E by another person, or
  - (c) is engaged in by D with intent to cause E harassment, alarm or distress, and causes E harassment, alarm or distress.
- (7) A person who commits an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in the magistrates' court or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both)."

**Member's explanatory statement**

This new clause creates a new offence in relation to emergency workers. It is similar to offences in section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences under sections 4 and 4A of the Public Order Act 1986), but unlike those offences can be committed in dwellings.

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**Secretary Yvette Cooper**

**[OPC194]**

To move the following Clause—

**"Threatening or abusive behaviour likely to harass, alarm or distress emergency workers**

- (1) A person ("D") commits an offence if conditions 1 to 3 are met.
- (2) Condition 1 is that D—
  - (a) uses threatening or abusive words or behaviour, or
  - (b) displays any writing, sign or other visible representation which is threatening or abusive,
 within the hearing or sight of an emergency worker ("E") likely to be caused harassment, alarm or distress by D's conduct.
- (3) In this section "D's relevant conduct" means the conduct of D that meets condition 1.
- (4) Condition 2 is that D—
  - (a) intends the words or behaviour, or the writing, sign or other visible representation, to be threatening or abusive, or
  - (b) is aware that they may be threatening or abusive.
- (5) Condition 3 is that D's relevant conduct is racially or religiously hostile towards E.

- (6) It is a defence for D to show that—
  - (a) D had no reason to believe that there was an emergency worker within hearing or sight who was likely to be caused harassment, alarm or distress, or
  - (b) D's conduct was reasonable.
- (7) D is to be taken to have shown a matter if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale."

**Member's explanatory statement**

This new Clause creates a new offence in relation to emergency workers. It is similar to an offence in section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences under section 5 of the Public Order Act 1986), but unlike that offence can be committed in dwellings.

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Secretary Yvette Cooper

[OPC195]

To move the following Clause—

***"Interpretation of sections (*Threatening, abusive or insulting behaviour towards emergency workers*) and (*Threatening or abusive behaviour likely to harass, alarm or distress emergency workers*)***

- (1) This section applies for the interpretation of sections (*Threatening, abusive or insulting behaviour towards emergency workers*) and (*Threatening or abusive behaviour likely to harass, alarm or distress emergency workers*).
- (2) "Emergency worker" means an emergency worker, within the meaning of section 3 of the Assaults on Emergency Workers (Offences) Act 2018, acting in their capacity as such.
- (3) The conduct of a person ("D") is racially or religiously hostile to another person ("E") if—
  - (a) at the time of that conduct, or immediately before or after that time, D demonstrates towards E hostility based on E's membership (or presumed membership) of a racial or religious group, or
  - (b) D's conduct is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.
- (4) It is immaterial whether D's hostility is also based, to any extent, on any other factor not mentioned in subsection (3).
- (5) In subsection (3)—
  - "membership", in relation to a racial or religious group, includes association with members of that group;
  - "presumed" means presumed by D;

“racial group” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;

“religious group” means a group of persons defined by reference to religious belief or lack of religious belief.

- (6) A person whose awareness is impaired by intoxication is to be treated as aware of anything they would be aware of if not intoxicated, unless they show that their intoxication—
  - (a) was not self-induced or
  - (b) was caused solely by the taking or administration of a substance in the course of medical treatment.
- (7) In subsection (6) “intoxication” means any intoxication, whether caused by drink, drugs or other means, or by a combination of means.”

**Member's explanatory statement**

This section defines terms used in new Clauses [OPC192] and [OPC194].

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**Secretary Yvette Cooper**

**[OPC250]**

To move the following Clause—

**“Extraction of online information following seizure of electronic devices**

- (1) Where an electronic device has been lawfully seized, a senior officer may authorise an enforcement officer to extract information accessible by means of one or more online accounts which were accessed by means of the device before it was seized.
- (2) A senior officer may give an authorisation under subsection (1) only if satisfied that there are reasonable grounds to believe that—
  - (a) the information mentioned in subsection (1) includes information that is relevant to a reasonable line of enquiry which is being, or is to be pursued, by an enforcement officer for one or more relevant purposes, and
  - (b) it is not reasonably practicable to obtain that information by other means.
- (3) The power conferred by virtue of subsection (1) may be exercised only to extract information—
  - (a) which was accessible by means of the online accounts at the time the device was seized, and
  - (b) which the person exercising the power considers necessary and proportionate to extract for the purpose of obtaining information which is relevant as mentioned in subsection (2)(a).
- (4) An authorisation under subsection (1) also confers powers to—
  - (a) access an online account of the kind mentioned in that subsection, and
  - (b) examine any information accessible by means of such an account.

- (5) The power conferred by virtue of subsection (4)(b) may be exercised only to the extent that the person exercising the power considers necessary and proportionate for the purpose of determining whether information may be extracted under the authorisation.
- (6) A person who is given an authorisation under subsection (1) may arrange for a person to exercise the powers conferred by the authorisation on their behalf.
- (7) For the purposes of this section, each of the following are “relevant purposes”—
  - (a) in every case, the purpose of preventing, detecting, investigating or prosecuting crime;
  - (b) in a case where the device mentioned in subsection (1) was seized under section 43E of the Terrorism Act 2000, the purpose of protecting the public from the risk of terrorism;
  - (c) in a case where the device was seized under Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011, a purpose connected with—
    - (i) protecting members of the public from a risk of terrorism, or
    - (ii) preventing or restricting an individual's involvement in terrorism-related activity;
  - (d) in a case where the device was seized under Schedule 11 to the National Security Act 2023, a purpose connected with—
    - (i) protecting the United Kingdom from the risk of acts or threats within section 33(3) of that Act, or
    - (ii) preventing or restricting an individual's involvement in foreign power threat activity.
- (8) In this Act, “online account” means an account by means of which information held on a service provided by means of the internet is made accessible.
- (9) References in this Act to the extraction of information include its reproduction in any form.”

**Member's explanatory statement**

This new clause, together with new clauses [OPC282] to [OPC254], will confer power on the police constables and other enforcement officers to extract information accessible by means of an online account in circumstances where the account has been accessed by means of an electronic device which has been lawfully seized.

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Secretary Yvette Cooper

[OPC282]

To move the following Clause—

***“Section (Extraction of online information following seizure of electronic devices): supplementary***

- (1) An authorisation under section (*Extraction of online information following seizure of electronic devices*) may be given—

- (a) orally or in writing;
  - (b) subject to specified conditions.
- (2) An authorisation under section (*Extraction of online information following seizure of electronic devices*) must specify each of the online accounts in respect of which it is given.
- (3) As soon as reasonably practicable after giving an authorisation under section (*Extraction of online information following seizure of electronic devices*), a senior officer must record in writing—
  - (a) if the authorisation was given orally, the authorisation (including any conditions to which it is subject), and
  - (b) in any case, the senior officer's reasons for being satisfied as mentioned in section (*Extraction of online information following seizure of electronic devices*)(2).
- (4) Any information which has been extracted under an authorisation under section (*Extraction of online information following seizure of electronic devices*) may be retained for so long as is necessary in all the circumstances; but this is subject to section (*Section (Extraction of online information following seizure of electronic devices): confidential information*).
- (5) Section (*Extraction of online information following seizure of electronic devices*) does not limit any other power relating to the extraction of information or otherwise."

**Member's explanatory statement**

See new clause [OPC250].

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**Secretary Yvette Cooper**

[OPC252]

To move the following Clause—

**"Section (*Extraction of online information following seizure of electronic devices*): interpretation**

- (1) In section (*Extraction of online information following seizure of electronic devices*)—
  - (a) "enforcement officer" means a person listed in the first column of the following table, and
  - (b) "senior officer", in respect of an enforcement officer, means a person listed in the corresponding entry in the second column of the table.

<i>Enforcement officer</i>	<i>Senior officer</i>
a constable of a police force in England and Wales	a constable of at least the rank of inspector
a constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) (see section 99 of that Act)	a constable of at least the rank of inspector

<i>Enforcement officer</i>	<i>Senior officer</i>
a police officer within the meaning of the Police (Northern Ireland) Act 2000 (see section 77(1) of that Act)	a police officer of at least the rank of inspector
an officer appointed by the Police Ombudsman for Northern Ireland under section 56(1) or (1A) of the Police (Northern Ireland) Act 1998	an officer of at least the rank of inspector
a member of a civilian police staff	a constable of at least the rank of inspector
a constable of the British Transport Police Force	a constable of at least the rank of inspector
a constable of the Ministry of Defence police	a constable of at least the rank of inspector
a member of the Royal Navy Police or any other person who is under the direction and control of the Provost Marshal of the Royal Naval Police	a member of the Royal Navy of at least the rank of lieutenant
a member of the Royal Military Police or any other person who is under the direction and control of the Provost Marshal of the Royal Military Police	a member of the Royal Military of at least the rank of captain
a member of the Royal Air Force Police or any other person who is under the direction and control of the Provost Marshal of the Royal Air Force Police	a member of the Royal Air Force of at least the rank of flight lieutenant
a member of the tri-service serious crime unit described in section 375(1A) of the Armed Forces Act 2006 or any other person who is under the direction and control of the Provost Marshal for serious crime	a member of the Royal Navy, Royal Military or Royal Air Force of at least the rank of lieutenant, captain or flight lieutenant
a National Crime Agency officer	a National Crime Agency officer of grade 3 or above
an officer of Revenue and Customs	an officer of Revenue and Customs of at least the grade of higher officer
a member of the Serious Fraud Office	a member of the Serious Fraud Office of grade 7 or above

<i>Enforcement officer</i>	<i>Senior officer</i>
a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971	an immigration officer of at least the rank of chief immigration officer
an officer of the department of the Secretary of State for Business and Trade, so far as relating to the Insolvency Service	an officer of the department of the Secretary of State for Business and Trade, so far as relating to the Insolvency Service, of grade 7 or above
an officer of the department of the Secretary of State for Health and Social Care authorised to conduct investigations on behalf of the Secretary of State	an officer of the department of the Secretary of State for Health and Social Care authorised to conduct investigations on behalf of the Secretary of State of grade 7 or above
an officer of the NHS Counter Fraud Authority	an officer of the NHS Counter Fraud Authority of at least pay band 8b

- (2) The Secretary of State may by regulations amend the table in subsection (1)—
- (a) so as to add a reference to a person,
  - (b) so as to remove a reference to a person, or
  - (c) so as to modify a description of a person mentioned in that table.
- (3) In section (*Extraction of online information following seizure of electronic devices*)—
- “crime” means—
- (a) conduct which constitutes one or more criminal offences in any part of the United Kingdom, or
  - (b) conduct which, if it took place in any part of the United Kingdom, would constitute one or more criminal offences;
- “criminal offence” includes—
- (a) a service offence within the meaning of the Armed Forces Act 2006, and
  - (b) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);
- “involvement in foreign power threat activity” has the same meaning as in Part 2 of the National Security Act 2023 (see section 62(1) of that Act);
- “involvement in terrorism-related activity” has the same meaning as in Terrorism Prevention and Investigation Measures Act 2011 (see section 4 of that Act);

“terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).

- (4) References in section (*Extraction of online information following seizure of electronic devices*) to an electronic device which has been lawfully seized include—
- (a) a device possession of which has been taken under—
    - (i) section 448(3) of the Companies Act 1985;
    - (ii) section 2(5) of the Criminal Justice Act 1987;
  - (b) a device which has been produced in compliance with—
    - (i) a notice under section 2(3) of the Criminal Justice Act 1987;
    - (ii) a notice under section 197 of the National Health Service Act 2006.”

**Member's explanatory statement**

See new clause [OPC250].

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**Secretary Yvette Cooper**

[OPC251]

To move the following Clause—

**“Section (*Extraction of online information following seizure of electronic devices*): confidential information**

- (1) This section applies where—
- (a) information has been extracted under the power conferred by virtue of section (*Extraction of online information following seizure of electronic devices*)(1), and
  - (b) it appears to any person accessing the information as a result of the exercise of that power that the information is, or contains, confidential information.
- (2) Subject to subsections (3) and (7), as soon as reasonably practicable after accessing the confidential information, the person must ensure that—
- (a) the information is made inaccessible, or
  - (b) where the extraction involved a copy being made of the confidential information, the copy is destroyed.
- (3) The duty in subsection (2) does not apply if—
- (a) the confidential information is comprised in other information which is not confidential information, and
  - (b) it is not reasonably practicable for the confidential information to be separated from that other information without prejudicing its use in relation to a reasonable line of enquiry of the kind mentioned in section (*Extraction of online information following seizure of electronic devices*)(2)(a).
- (4) Where the duty in subsection (2) is so disapplied, the person accessing the confidential information must ensure that it is not—
- (a) examined or copied, or
  - (b) put to any use other than as mentioned in subsection (3)(b).



- (5) In this section “confidential information” means information which constitutes or may constitute—
  - (a) confidential journalistic material within the meaning of the Investigatory Powers Act 2016 (see section 264(6) and (7) of that Act), or
  - (b) protected material.
- (6) In this section “protected material” means—
  - (a) so far as this section applies to England and Wales—
    - (i) items subject to legal privilege, within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
    - (ii) excluded material within the meaning of that Act (see section 11 of that Act);
    - (iii) special procedure material within the meaning of that Act (see section 14 of that Act);
  - (b) so far as this section applies to Scotland—
    - (i) items in respect of which a claim to confidentiality of communications could be maintained in legal proceedings;
    - (ii) other material of a kind mentioned in paragraph (a)(ii) or (iii) of this subsection;
  - (c) so far as this section applies to Northern Ireland—
    - (i) items subject to legal privilege within the meaning of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (see Article 12 of that Order);
    - (ii) excluded material within the meaning of that Order (see Article 13 of that Order);
    - (iii) special procedure material within the meaning of that Order (see Article 16 of that Order).
- (7) The Secretary of State may by regulations provide for circumstances in which the duty in subsection (2) does not apply in relation to protected material of the kind mentioned in subsection (6)(a)(ii) and (iii), (b)(ii), and (c)(ii) and (iii).”

**Member's explanatory statement**

See new clause [OPC250].

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**Secretary Yvette Cooper**

[OPC254]

To move the following Clause—

***“Section (Extraction of online information following seizure of electronic devices): code of practice***

- (1) The Secretary of State must prepare a code of practice about—
  - (a) the exercise of the power to give an authorisation under section (*Extraction of online information following seizure of electronic devices*)(1), and
  - (b) the exercise of the powers conferred by such an authorisation.

- (2) The code may make different provision for different purposes or areas.
- (3) In preparing the code, the Secretary of State must consult—
  - (a) the Information Commissioner,
  - (b) the Investigatory Powers Commissioner,
  - (c) the Scottish Ministers,
  - (d) the Department of Justice in Northern Ireland, and
  - (e) such other persons as the Secretary of State considers appropriate.
- (4) After preparing the code, the Secretary of State must lay it before Parliament and publish it.
- (5) After the Secretary of State has complied with subsection (4), the Secretary of State may bring the code into force by regulations.
- (6) After the code has come into force the Secretary of State may from time to time revise it.
- (7) A person must have regard to the code of practice for the time being in force under this section in exercising, or deciding whether to exercise, the powers mentioned in subsection (1).
- (8) A failure on the part of a person to act in accordance with the code does not of itself render the person liable to any criminal or civil proceedings.
- (9) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with it in determining a question in the proceedings.
- (10) References in subsections (2) to (9) to the code include a revised code, subject to subsection (11).
- (11) The duty to consult in subsection (3) does not apply in relation to the preparation of a revised code if the Secretary of State considers that the proposed revisions are insubstantial.”

**Member's explanatory statement**

See new clause [OPC250].

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**Secretary Yvette Cooper**

**[OPC255]**

To move the following Clause—

**“Extraction of online information: ports and border security**

- (1) In Schedule 7 to the Terrorism Act 2000 (port and border controls), after paragraph 11A insert—

*“Extraction of online information*

11B(1) This paragraph applies where an electronic device is detained under paragraph 11 after having been—

- (a) searched or found on a search under paragraph 8, or
- (b) examined under paragraph 9.

- (2) A relevant senior officer may authorise a constable to extract information accessible by means of one or more online accounts which were accessed by means of the device before the search or examination began.
  - (3) The power conferred by virtue of sub-paragraph (2) may be exercised only to extract information which was accessible by means of the online accounts at the time the search or examination began.
  - (4) An authorisation under sub-paragraph (2) also confers powers to—
    - (a) access an online account of the kind mentioned in that sub-paragraph, and
    - (b) examine any information accessible by means of such an account.
  - (5) The power conferred by virtue of sub-paragraph (4)(b) may be exercised only for the purpose of determining whether information may be extracted under the authorisation.
  - (6) The powers conferred by virtue of this paragraph are exercisable only for so long as the electronic device continues to be detained under paragraph 11.
  - (7) A constable who is given an authorisation under sub-paragraph (2) may arrange for another person to exercise the powers conferred by the authorisation on their behalf.
  - (8) In this paragraph—
    - “online account” means an account by means of which information held on a service provided by means of the internet is made accessible;
    - “relevant senior officer”, in relation to a constable who is given an authorisation under sub-paragraph (2), means another constable who—
      - (a) is of a higher rank than the constable who is given the authorisation, and
      - (b) has not been directly involved in the exercise of any power under this Part of this Schedule to take the electronic device or to question a person from whom the device was taken.
  - (9) References in this paragraph and paragraph 11C to the extraction of information include its reproduction in any form.
- 11C Any information which has been extracted by virtue of paragraph 11B may be retained by a constable—
- (a) for so long as is necessary for the purpose of determining whether a person falls within section 40(1)(b),
  - (b) while the constable believes that it may be needed for use as evidence in criminal proceedings, or
  - (c) while the constable believes that it may be needed in connection with a decision by the Secretary of State

whether to make a deportation order under the Immigration Act 1971.”

- (2) In Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security), after paragraph 22 insert—

*“Extraction of online information*

22A(1) This paragraph applies where an electronic device is retained under paragraph 11 after having been—

- (a) searched or found on a search under paragraph 8, or
  - (b) examined under paragraph 9.
- (2) A relevant senior officer may authorise a constable to extract information accessible by means of one or more online accounts which were accessed by means of the device before the search or examination began.
- (3) The power conferred by virtue of sub-paragraph (2) may be exercised only to extract information which was accessible by means of the online accounts at the time the search or examination began.
- (4) An authorisation under sub-paragraph (2) also confers powers to—
- (a) access an online account of the kind mentioned in that sub-paragraph, and
  - (b) examine any information accessible by means of such an account.
- (5) The power conferred by virtue of sub-paragraph (4)(b) may be exercised only for the purpose of determining whether information may be extracted under the authorisation.
- (6) The powers conferred by virtue of this paragraph are exercisable only for so long as the electronic device continues to be retained under paragraph 11.
- (7) A constable who is given an authorisation under sub-paragraph (2) may arrange for another person to exercise the powers conferred by the authorisation on their behalf.
- (8) Where a constable makes such an arrangement, the person exercising those powers on their behalf is to be treated as an examining officer for the purposes of Part 4 of this Schedule.
- (9) In this paragraph—
- “online account” means an account by means of which information held on a service provided by means of the internet is made accessible;
  - “relevant senior officer”, in relation to a constable who is given an authorisation under sub-paragraph (2), means another constable who—
    - (a) is of a higher rank than the constable who is given the authorisation, and

- (b) has not been directly involved in the exercise of any power under this Part of this Schedule to take the electronic device or to question a person from whom the device was taken.
- (10) References in this paragraph and paragraph 22B to the extraction of information include its reproduction in any form.
- 22B Any information which has been extracted by virtue of paragraph 22A may be retained by a constable—
  - (a) for so long as it is necessary for the purpose of determining whether a person is or has been engaged in hostile activity,
  - (b) while the constable believes that it may be needed for use as evidence in criminal proceedings,
  - (c) while the constable believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the Immigration Act 1971,
  - (d) while the constable believes it necessary to retain the information—
    - (i) in the interests of national security,
    - (ii) in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security, or
    - (iii) for the purpose of preventing or detecting an act of serious crime, or
  - (e) while the constable believes it necessary to retain the information to prevent death or significant injury.
- 22C(1) Paragraphs 18 to 22 apply to information consisting of or including confidential material that is retained by virtue of paragraph 22B(d) or (e) as they apply to a copy consisting of or including confidential material that is retained by virtue of paragraph 17(3)(d) or (e), but with the following modifications.
  - (2) Paragraph 18(7) is to be read as if the reference to paragraph 17(3)(b) or (c) were a reference to paragraph 22B(b) or (c).
  - (3) Paragraph 19 is to be read as if—
    - (a) the references in sub-paragraph (3)(c) and (6) to the person from whom the article was taken from which the copy was made, and
    - (b) the reference in sub-paragraph (7) to the person from whom an article was taken from which a copy was made,
 were references to the person from whom the device mentioned in paragraph 22A(1) was taken.
  - (4) Paragraph 20(4) is to be read as if the reference to a person from whom the article was taken from which the copy was made were a reference to the person from whom the device mentioned in paragraph 22A(1) was taken.

- (5) Paragraph 21(7) is to be read as if the reference to the person from whom an article was taken from which the copy was made were a reference to the person from whom the device mentioned in paragraph 22A(1) was taken.
- (6) Paragraph 22 is to be read as if—
  - (a) the reference in sub-paragraph (7) to paragraph 17(3)(b) or (c) were a reference to paragraph 22B(b) or (c);
  - (b) the reference in sub-paragraph (9) to the person from whom the article was taken from which the copy was made were a reference to the person from whom the device mentioned in paragraph 22A(1) was taken.””

**Member's explanatory statement**

This new clause confers powers on examining officers to extract information accessible by means of an online account in circumstances where the account has been accessed by means of an electronic device retained by an examining officer under Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-terrorism and Border Security Act 2019.

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Secretary Yvette Cooper

[OPC256]

To move the following Clause—

**“Extraction of online information following agreement etc**

*Schedule (Amendments to Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022) amends Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices) in relation to the extraction of information accessible by means of online accounts.”*

**Member's explanatory statement**

This new clause introduces new Schedule [OPC257].

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Secretary Yvette Cooper

[OPC280]

To move the following Clause—

**“Lawful interception of communications**

- (1) The Investigatory Powers Act 2016 is amended as follows.
- (2) After section 48 insert—

**“48A Interception for accessing online accounts**

- (1) The interception of a relevant communication transmitted by means of a telecommunications system is authorised by this subsection if—
  - (a) the interception is carried out by or on behalf of a person who has been authorised under a relevant power to access one or more online accounts, and

- (b) the interception is carried out for the purpose of enabling the person to access those online accounts.
  - (2) A “relevant communication” means a communication transmitted as part of a process used to—
    - (a) establish or verify the identity of a person, or
    - (b) establish or verify that a person is a natural person.
  - (3) A “relevant power” means a power conferred by—
    - (a) paragraph 11B of Schedule 7 to the Terrorism Act 2000;
    - (b) paragraph 22A of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;
    - (c) section 37(1A) of the Police, Crime, Sentencing and Courts Act 2022 by virtue of section 40 of that Act;
    - (d) section 41(1A) of that Act;
    - (e) section (*Extraction of online information following seizure of electronic devices*) of the Crime and Policing Act 2025.
  - (4) The interception of a communication transmitted by means of a telecommunications system is authorised by this section if it is incidental to, or is reasonably carried out in connection with, conduct that is authorised by virtue of subsection (1).
  - (5) In this section “online account” means an account by means of which information held on a service provided by means of the internet is made accessible.”
- (3) In section 229 (main oversight functions), in subsection (4)(e)(i), after “47” insert “, 48A”.”

**Member's explanatory statement**

This new clause authorises the interception of communications carried out by, or on a behalf of, persons who are authorised to access online accounts under certain powers where the interception is carried out for the purpose of enabling them to access those accounts.

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**Secretary Yvette Cooper**

**[OPC53]**

To move the following Clause—

**“Law enforcement employers may not employ etc barred persons**

- (1) Before employing or appointing any person, a law enforcement employer must check each barred list to ascertain whether the proposed employee or proposed appointee is a barred person.
- (2) A law enforcement employer may not employ a barred person or otherwise appoint a barred person to any position.
- (3) For the purposes of this section a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.
- (4) Before designating a person as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002, a chief

officer of police, and the Chief Constable of the British Transport Police Force, must check each barred list to ascertain whether the person is a barred person.

- (5) A chief officer of police, and the Chief Constable of the British Transport Police Force, may not designate a barred person as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002.
- (6) A law enforcement employer may not enter into a contract for the provision of services if the terms of the contract would permit a barred person to be involved in the exercise of law enforcement functions.
- (7) A local policing body may not enter into a contract for the provision of services to a chief officer of police if the terms of the contract would permit a barred person to be involved in the exercise of law enforcement functions.
- (8) In this section “barred list” means—
  - (a) the police barred list maintained under Part 4A of the Police Act 1996;
  - (b) the British Transport Police barred list;
  - (c) the Civil Nuclear Constabulary barred list;
  - (d) the Ministry of Defence Police barred list;
  - (e) the National Crime Agency barred list;
  - (f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).
- (9) In this section “barred person” means a person who is included in a barred list.”

#### **Member's explanatory statement**

This new Clause, together with new Clauses [OPC138] to [OPC140], will restrict employment, appointments and contracts in relation to people on a number of barred lists. It replaces and extends existing provision in sections 88C to 88E of the Police Act 1996, which applies to a more limited list of law enforcement employers and the police barred list only.

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**Secretary Yvette Cooper**

**[OPC138]**

To move the following Clause—

#### **“Meaning of “law enforcement employer”**

- (1) In section (*Law enforcement employers may not employ etc barred persons*) “law enforcement employer” means—
  - (a) a chief officer of police;
  - (b) the Director General of the National Crime Agency;
  - (c) the Chief Constable of the British Transport Police Force;
  - (d) the British Transport Police Authority;
  - (e) the Civil Nuclear Police Authority;
  - (f) a local policing body;



- (g) the chief inspector of constabulary appointed under section 54 of the Police Act 1996;
  - (h) the Independent Office for Police Conduct;
  - (i) the Secretary of State, when exercising functions relating to the Ministry of Defence Police;
  - (j) the College of Policing;
  - (k) a person specified in regulations made by the Secretary of State.
- (2) A person may be specified in regulations under subsection (1)(k) only if the person has law enforcement functions.
  - (3) If a person has both law enforcement functions and other functions, the person may be specified only—
    - (a) in relation to the exercise of the person's law enforcement functions, or
    - (b) in relation to the exercise of such of those law enforcement functions as are of a description specified in the regulations.
  - (4) Subsection (1)(i) does not preclude the Secretary of State being specified in relation to the exercise of law enforcement functions of a description not within that subsection.
  - (5) In this section “law enforcement functions” means functions of a public nature that relate to policing or law enforcement.
  - (6) Regulations under this section may not contain provision which would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament.
  - (7) Regulations under this section may not contain provision which—
    - (a) would be within the legislative competence of the Northern Ireland Assembly, if it were contained in an Act of that Assembly, and
    - (b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

**Member's explanatory statement**

See new Clause [OPC53].

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**Secretary Yvette Cooper**

[OPC139]

To move the following Clause—

***“Application of section (Law enforcement employers may not employ etc barred person) to Secretary of State***

- (1) The duties in section (*Law enforcement employers may not employ etc barred person*) (1) and (2) apply in relation to the Secretary of State only to the extent that the proposed employee or proposed appointee will be involved in the exercise of the functions of the Ministry of Defence Police.
- (2) The additional duties in subsections (3) and (4) apply where the Secretary of State is proposing to arrange for an existing employee or existing

appointee to become involved in the exercise of the functions of the Ministry of Defence Police (not having previously been so involved).

- (3) Before making the arrangement, the Secretary of State must check each barred list to ascertain whether the existing employee or existing appointee is a barred person.
- (4) The Secretary of State may not arrange for an existing employee or existing appointee who is a barred person to become involved in the exercise of the functions of the Ministry of Defence Police.
- (5) For the purposes of this section, a person who is seconded to work for the Secretary of State is to be regarded as an existing appointee of the Secretary of State (if not an existing employee).
- (6) In this section references to the Secretary of State are to be read in accordance with section (*Meaning of "law enforcement employer"*)(1)(i)."

**Member's explanatory statement**

See new Clause [OPC53].

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**Secretary Yvette Cooper**

[OPC140]

To move the following Clause—

***"Application of section (Law enforcement employers may not employ etc barred person) to specified law enforcement employer***

- (1) The duties in section (*Law enforcement employers may not employ etc barred person*) (1) and (2) apply in relation to a specified law enforcement employer only to the extent that the proposed employee or proposed appointee will be involved in the exercise of specified law enforcement functions.
- (2) The additional duties in subsections (3) and (4) apply where a specified law enforcement employer is proposing to arrange for an existing employee or existing appointee to become involved in the exercise of specified law enforcement functions (not having previously been so involved).
- (3) Before making the arrangement, the specified law enforcement employer must check each barred list to ascertain whether the existing employee or existing appointee is a barred person.
- (4) The specified law enforcement employer may not arrange for an existing employee or existing appointee who is a barred person to become involved in the exercise of specified law enforcement functions.
- (5) For the purposes of this section, a person who is seconded to work for a specified law enforcement employer is to be regarded as an existing appointee of that person (if not an existing employee).
- (6) In relation to a specified law enforcement employer, section (*Law enforcement employers not to employ etc barred person*)(6) applies as if

the references to law enforcement functions were to specified law enforcement functions.

(7) In this section—

“specified law enforcement employer” means a person who is specified as a law enforcement employer in regulations under section (*Meaning of “law enforcement employer”*)(1)(k);

“specified law enforcement functions” means the law enforcement functions in relation to the exercise of which the person is specified.”

**Member's explanatory statement**

See new Clause [OPC53].

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**Secretary Yvette Cooper**

[OPC142]

To move the following Clause—

**“Duty of law enforcement employers to check advisory lists**

- (1) Before employing or appointing any person, a law enforcement employer must check each advisory list to ascertain whether the proposed employee or proposed appointee is included in an advisory list.
- (2) For the purposes of this paragraph a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.
- (3) Before designating a person as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002, a chief officer of police, and the Chief Constable of the British Transport Police Force, must check each advisory list to ascertain whether the person is included in an advisory list.
- (4) The duty in subsection (1) applies to the Secretary of State only to the extent that the proposed employee or proposed appointee will be involved in the exercise of the functions of the Ministry of Defence Police.
- (5) In subsection (4) references to the Secretary of State are to be read in accordance with section (*Meaning of “law enforcement employer”*)(1)(i).
- (6) In this section “advisory list” means—
  - (a) the police advisory list maintained under Part 4A of the Police Act 1996;
  - (b) the British Transport Police advisory list;
  - (c) the Civil Nuclear Constabulary advisory list;
  - (d) the Ministry of Defence Police advisory list;
  - (e) the National Crime Agency advisory list;
  - (f) the Scottish police advisory list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).”

#### Member's explanatory statement

This new Clause, together with new Clause [OPC143], requires law enforcement employers to check a number of advisory lists before employing or appointing a person. It replaces and extends existing provision in section 88K of the Police Act 1996, which applies to a more limited list of law enforcement employers and the police advisory list only.

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Secretary Yvette Cooper

[OPC143]

To move the following Clause—

***“Application of section (Duty of law enforcement employers to check advisory lists) to specified law enforcement employer***

- (1) The duty in section (*Duty of law enforcement employers to check advisory lists*)(1) applies to a specified law enforcement employer only to the extent that the proposed employee or proposed appointee will be involved in the exercise of specified law enforcement functions.
- (2) The additional duty in subsection (3) applies where a specified law enforcement employer is proposing to arrange for an existing employee or existing appointee to become involved in the exercise of specified law enforcement functions (not having previously been so involved).
- (3) Before making the arrangement, the specified law enforcement employer must check each advisory list to ascertain whether the existing employee or existing appointee is included in an advisory list.
- (4) For the purposes of this section a person who is seconded to work for a specified person is to be regarded as an existing appointee of that person (if not an existing employee of that person).
- (5) In this section—
  - “specified law enforcement employer” means a person who is specified as a law enforcement employer in regulations under section (*Meaning of “law enforcement employer”*)(1)(k);
  - “specified law enforcement functions” means the law enforcement functions in relation to the exercise of which the person is specified.”

#### Member's explanatory statement

See new Clause [OPC142].

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Secretary Yvette Cooper

[OPC144]

To move the following Clause—

***“Interpretation of sections (Law enforcement employers may not employ etc barred persons) to (Application of section (Duty of law enforcement employers to check advisory lists) to specified law enforcement employer)***

In sections (*Law enforcement employers may not employ etc barred persons*) to (*Application of section (Duty of law enforcement employers to check advisory lists) to specified law enforcement employer*)—

- "advisory list" has the meaning given by section (*Duty of law enforcement employers to check advisory lists*)(6);
- "barred list" has the meaning given by section (*Law enforcement employers may not employ etc barred persons*)(8);
- "barred person" has the meaning given by section (*Law enforcement employers may not employ etc barred persons*)(9);
- "British Transport Police advisory list" means the advisory list maintained by the British Transport Police Authority under Part 2 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "British Transport Police barred list" means the barred persons list maintained by the British Transport Police Authority under Part 1 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "chief officer of police" has the same meaning as in the Police Act 1996 (see section 101(1) of that Act);
- "Civil Nuclear Constabulary advisory list" means the advisory list maintained by the Civil Nuclear Police Authority under Part 2 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "Civil Nuclear Constabulary barred list" means the barred persons list maintained by the Civil Nuclear Police Authority under Part 1 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "law enforcement functions" has the meaning given by section (*Meaning of law enforcement employer*)(5);
- "Ministry of Defence Police advisory list" means the advisory list maintained by the Secretary of State under Part 2 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "Ministry of Defence Police barred list" means the barred persons list maintained by the Secretary of State under Part 1 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "National Crime Agency advisory list" means the advisory list maintained by the Director General of the National Crime Agency under Part 2 of Schedule (*Special police forces: barred persons lists and advisory lists*);
- "National Crime Agency barred list" means the barred persons list maintained by the Director General of the National Crime Agency under Part 1 of Schedule (*Special police forces: barred persons lists and advisory lists*)."

**Member's explanatory statement**

This new Clause defines terms used in new Clauses [OPC53] to [OPC143].

To move the following Clause—

**“Special police forces: barred persons lists and advisory lists**

Schedule (*Special police forces: barred persons lists and advisory lists*) makes provision for barred persons lists and advisory lists to be maintained by—

- (a) the British Transport Police Authority,
- (b) the Civil Nuclear Police Authority,
- (c) the Director General of the National Crime Agency, and
- (d) the Secretary of State.”

**Member's explanatory statement**

This New Clause introduces New Schedule [OPC54].

To move the following Clause—

**“Consequential amendments**

- (1) In the Police Act 1996 omit—
  - (a) sections 88C to 88E (effect of inclusion in police barred list);
  - (b) section 88K (effect of inclusion in police advisory list).
- (2) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (3) In section 42(3AA) (person on police barred list not eligible for appointment as Commissioner of Police of the Metropolis)—
  - (a) the words from “the police” to the end become paragraph (a);
  - (b) after that paragraph insert—
    - “(b) the British Transport Police barred list (within the meaning of section (*Interpretation of sections (Law enforcement employers may not employ etc barred persons) to (Application of section (Duty of law enforcement employers to check advisory lists) to specified law enforcement employer)) of the Crime and Policing Act 2025;*
    - (c) the Civil Nuclear Constabulary barred list (within the meaning of that section);
    - (d) the Ministry of Defence Police barred list (within the meaning of that section);
    - (e) the National Crime Agency barred list (within the meaning of that section);
    - (f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).”
- (4) In section 42(3B) (person on police barred list not eligible for appointment as Deputy Commissioner of Police of the Metropolis)—

- (a) the words from “the police” to the end become paragraph (a);
- (b) after that paragraph insert—
  - “(b) the British Transport Police barred list (within the meaning of section (*Interpretation of sections (Law enforcement employers may not employ etc barred persons) to (Application of section (Duty of law enforcement employers to check advisory lists) to specified law enforcement employer*)) of the Crime and Policing Act 2025;
  - (c) the Civil Nuclear Constabulary barred list (within the meaning of that section);
  - (d) the Ministry of Defence Police barred list (within the meaning of that section);
  - (e) the National Crime Agency barred list (within the meaning of that section);
  - (f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).”

**Member's explanatory statement**

This new Clause repeals provisions in the Police Act 1996 that are superseded by new Clauses [OPC53] to [OPC143], and provides that a person on one of the new lists, or the Scottish police barred list, cannot be appointed as Metropolitan Police Commissioner or Deputy Commissioner.

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Secretary Yvette Cooper

[OPC157]

To move the following Clause—

**“Power to give directions to critical police undertakings**

In the Police Act 1996, after section 40C insert—

**“40D Power to give directions to critical police undertakings**

- (1) The Secretary of State may give a notice under this section to a critical police undertaking.
- (2) An undertaking is a “critical police undertaking” if—
  - (a) it provides facilities or services to two or more police forces,
  - (b) the provision of facilities or services to police forces is its principal business activity,
  - (c) it is wholly or partly funded by grants from the Secretary of State, and
  - (d) the Secretary of State considers that the facilities or services it provides to police forces are calculated to promote the efficiency and effectiveness of the police.
- (3) A critical police undertaking to which a notice is given under this section must comply with any directions given to it under this section by the Secretary of State.

- (4) A direction under this section is a direction requiring the critical police undertaking to which it is given to take, or not to take, action specified in the direction.
- (5) The action that a direction may require a critical police undertaking to take includes (for example)—
  - (a) entering into agreements, including contracts of employment;
  - (b) appointing officers;
  - (c) exercising a function of management in a particular way;
  - (d) providing information to the Secretary of State.
- (6) The Secretary of State may give a notice or direction under this section only if the Secretary of State considers that giving the notice or direction is calculated to promote the efficiency and effectiveness of the police.
- (7) Before giving a notice or direction under this section the Secretary of State must consult the critical police undertaking to which the notice or direction is to be given.
- (8) A notice or direction under this section must be given in writing.
- (9) The Secretary of State must lay before Parliament, and publish, a notice or direction given under this section.
- (10) The Secretary of State may vary or revoke a notice or direction given under this section by giving a further notice or direction under this section.
- (11) A requirement to provide information as mentioned in subsection (5)(d) does not authorise or require a disclosure of information in contravention of the data protection legislation within the meaning of the Data Protection Act 2018 (but, in determining whether a disclosure would do so, the power to impose requirements by virtue of this section is to be taken into account).
- (12) In this section “undertaking” has the meaning given by section 1161(1) of the Companies Act 2006.””

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Secretary Yvette Cooper

[OPC259]

To move the following Clause—

**“Ports and border security: retention and copying of articles**

- (1) Schedule 7 to the Terrorism Act 2000 (port and border controls) is amended as follows.
- (2) In paragraph 11—
  - (a) in sub-paragraph (2)(a), for “a period not exceeding” substitute “the period of”;



(b) after sub-paragraph (2) insert—

“(3) Where an article is detained by virtue of paragraph (a) of sub-paragraph (2), a senior officer may extend the period mentioned in that paragraph by up to 7 days.

(4) A senior officer may only exercise the power conferred by sub-paragraph (3) if the senior officer has not been directly involved in the exercise of any power under this Part of this Schedule to take the article or to question a person from whom the article was taken.

(5) In sub-paragraphs (3) and (4) “senior officer” means—

(a) where the examining officer who detained the article is a constable, a constable of a higher rank than the examining officer,

(b) where the examining officer who detained the article is an immigration officer, an immigration officer of a higher grade than the examining officer, and

(c) where the examining officer who detained the article is a customs officer, a customs officer of a higher grade than the examining officer.”

(3) In paragraph 11A, after sub-paragraph (3) insert—

“(4) An examining officer may authorise another person to exercise the power conferred by sub-paragraph (2) on their behalf.”

(4) Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security) is amended as follows.

(5) In paragraph 11—

(a) in sub-paragraph (2)(a), for “a period not exceeding” substitute “the period of”;

(b) after sub-paragraph (2) insert—

“(3) Where an article is retained by virtue of paragraph (a) of sub-paragraph (2), a senior officer may extend the period mentioned in that paragraph by up to 7 days.

(4) A senior officer may exercise the power conferred by sub-paragraph (3) only if the senior officer has not been directly involved in the exercise of any power under this Part of this Schedule to take the article or to question a person from whom the article was taken.

(5) In sub-paragraphs (3) and (4) “senior officer” means—

(a) where the examining officer who retained the article is a constable, a constable of a higher rank than the examining officer,

(b) where the examining officer who retained the article is an immigration officer, an immigration officer of a higher grade than the examining officer, and

- (c) where the examining officer who retained the article is a customs officer, a customs officer of a higher grade than the examining officer."
- (6) In paragraph 12(6), for "the person from whom it was taken" substitute "  
  - (a) the person from whom it was taken, or
  - (b) where the Commissioner considers that there is another person to whom it would be more appropriate to return the article, that person."
- (7) In paragraph 16(6)(b), for "the person from whom it was taken," substitute "  
  - (i) the person from whom it was taken, or
  - (ii) where the Commissioner considers that there is another person to whom it would be more appropriate to return the article, that person,";
- (8) In paragraph 17, after sub-paragraph (3) insert—
  - "(4) An examining officer may authorise another person to exercise the power conferred by sub-paragraph (2) on their behalf.
  - (5) A person authorised under sub-paragraph (4) is to be treated as an examining officer for the purposes of Part 4 of this Schedule."
- (9) In paragraph 19(3)(a), omit "where the examining officer is a constable,".
- (10) In paragraph 20(8), in the definition of "senior officer"—
  - (a) in paragraph (a), omit "where the examining officer is a constable,";
  - (b) omit paragraphs (b) and (c)."

#### **Member's explanatory statement**

This new clause amends Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-terrorism and Border Security Act 2019 to make changes to the provisions dealing with the retention and copying of articles under those Schedules. Those changes include provision for the extension of the period during which articles may be retained by an examining officer for the purpose of examination.

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**Secretary Yvette Cooper**

**[OPC283]**

To move the following Clause—

#### **"Extradition: cases where a person has been convicted**

- (1) The Extradition Act 2003 is amended as follows.
- (2) In section 20 (case where person has been convicted: category 1 territories)—
  - (a) in subsection (5), for the words from "the person" to the end substitute "any of the following applies—
    - (a) the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial;

- (b) the person would be so entitled unless a court in the territory concerned were to decide that they deliberately absented themselves from their trial;
    - (c) the person was entitled as mentioned in paragraph (a) or (b) but expressly waived that entitlement;
    - (d) having been informed that they were entitled as mentioned in paragraph (a) or (b), the person failed to exercise that entitlement before the end of the period permitted for exercising it.”;
  - (b) after subsection (7) insert—
    - “(7A) For the purposes of subsection (1), a person convicted at a trial at which they were legally represented (but not present in person) is to be treated as having been convicted in their presence.”;
  - (c) in subsection (8), in the words before paragraph (a)—
    - (i) after “constitute” insert “(or would have constituted)”;
    - (ii) after “have” insert “(or would have had)”.
- (3) In section 85 (case where person has been convicted: category 2 territories)—
- (a) in subsection (5), for the words from “the person” to the end substitute “any of the following applies—
    - (a) the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial;
    - (b) the person would be so entitled unless a court in the territory concerned were to decide that they deliberately absented themselves from their trial;
    - (c) the person was entitled as mentioned in paragraph (a) or (b) but expressly waived that entitlement;
    - (d) having been informed that they were entitled as mentioned in paragraph (a) or (b), the person failed to exercise that entitlement before the end of the period permitted for exercising it.”;
  - (b) after subsection (7) insert—
    - “(7A) For the purposes of subsection (1), a person convicted at a trial at which they were legally represented (but not present in person) is to be treated as having been convicted in their presence.”;
  - (c) in subsection (8), in the words before paragraph (a)—
    - (i) after “constitute” insert “(or would have constituted)”;
    - (ii) after “have” insert “(or would have had)”.

#### **Member's explanatory statement**

This new clause amends the questions a judge must decide in order to determine whether a person alleged to be unlawfully at large following the person's conviction in a category 1 territory or a category 2 territory may be extradited.

To move the following Schedule—

“SCHEDULE

section

AMENDMENTS TO CHAPTER 3 OF PART 2 OF THE POLICE, CRIME, SENTENCING AND COURTS  
ACT 2022

- 1 Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices) is amended as follows.
- 2 In the Chapter heading—
  - (a) for “information from” substitute “information:”;
  - (b) after “devices” insert “and online accounts”.
- 3 (1) Section 37 (extraction of information from electronic devices: investigations of crime etc) is amended as follows.
  - (2) In the heading, omit “from electronic devices”.
  - (3) After subsection (1) insert—
 

“(1A) An authorised person may extract information accessible by means of an online account if—

    - (a) a user of the account has voluntarily provided access to the account to an authorised person, and
    - (b) that user has agreed to the extraction by an authorised person of information accessible by means of the account.

(1B) The power in subsection (1A)(b) may be exercised only in relation to information which is or was accessible by means of the online account at such time or times as have been agreed by the user of the account.”
  - (4) In subsection (2)—
    - (a) for “power” substitute “powers”;
    - (b) after “(1)” insert “and (1A)”.
  - (5) In subsection (5)—
    - (a) after “(1)” insert “or (1A)”;
    - (b) after “electronic device” (in both places) insert “, or accessible by means of the online account,”.
  - (6) In subsection (6)—
    - (a) in the words before paragraph (a), after “the power” insert “in subsection (1) or (1A)”;
    - (b) in paragraph (b), after “(1)” insert “or (1A)”.
  - (7) In subsection (7), after “(1)” insert “or (1A)”.
  - (8) In subsection (8), after “(1)” insert “or (1A)”.
  - (9) In subsection (9), after “the power” insert “in subsection (1) or (1A)”.
  - (10) In subsection (10)—

- (a) in paragraph (a), for the words from “information” to the end substitute “information—
      - (i) likely to be stored on the device, or
      - (ii) likely to be accessible by means of the online account, and”;
    - (b) in paragraph (b)(ii), after “(1)” insert “or (1A)”.
  - (11) In subsection (11), after “(1)” insert “or (1A)”.
  - (12) In subsection (13)—
    - (a) after the definition of “information” insert—
 

““online account” means an account by means of which information held on a service provided by means of the internet is made accessible;”;
    - (b) for the definition of “user” substitute—
 

““user”—

      - (a) in relation to an electronic device, means a person who ordinarily uses the device;
      - (b) in relation to an online account, means a person who ordinarily uses the account.”
- 4 (1) Section 38 (application of section 37 to children and adults without capacity) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) A child is not to be treated for the purposes of section 37(1A) as being capable of—
- (a) voluntarily providing access to an online account for those purposes, or
  - (b) agreeing for those purposes to the extraction by an authorised person of information accessible by means of the online account.
- (2B) If a child is a user of an online account, a person who is not a user of the account but is listed in subsection (3) may—
- (a) voluntarily provide access to the online account to an authorised person for the purposes of section 37(1A), and
  - (b) agree for those purposes to the extraction by an authorised person of information accessible by means of the online account.”
- (3) In subsection (3), for “subsection (2)” substitute “subsections (2) and (2B)”.
- (4) In subsection (4), after “(2),” insert “or the power under section 37(1A) by virtue of subsection (2B),”.
- (5) In subsection (5)—
- (a) after “37(1)” insert “or (1A)”;
  - (b) after “(2)” insert “or (2B)”.

(6) After subsection (7) insert—

“(7A) An adult without capacity is not to be treated for the purposes of section 37(1A) as being capable of—

- (a) voluntarily providing access to an online account for those purposes, or
- (b) agreeing for those purposes to the extraction by an authorised person of information accessible by means of the online account.

(7B) If a user of an online account is an adult without capacity, a person who is not a user of the online account but is listed in subsection (8) may—

- (a) voluntarily provide access to the online account to an authorised person for the purposes of section 37(1A), and
- (b) agree for those purposes to the extraction by an authorised person of information accessible by means of the online account.”

(7) In subsection (8)—

- (a) in the words before paragraph (a), for “subsection (7)” substitute “subsections (7) and (7B)”;
- (b) after “and (b)” (in each place) insert “, or for the purposes of subsection (7B)(a) and (b),”.

(8) In subsection (9), for the words from “prevents” to the end substitute “prevents—

- (a) any other user of an electronic device who is not a child or an adult without capacity from—
  - (i) voluntarily providing the device to an authorised person for the purposes of section 37(1), or
  - (ii) agreeing for those purposes to the extraction of information from the device by an authorised person;
- (b) any other user of an online account who is not a child or an adult without capacity from—
  - (i) voluntarily providing access to the online account to an authorised person for the purposes of section 37(1A), or
  - (ii) agreeing for those purposes to the extraction by an authorised person of information accessible by means of the online account.”

(9) In subsection (10), after “and (b)” (in each place) insert “or (1A)(a) and (b)”;

(10) In subsection (11), in the definition of “relevant authorised person”, for the words from “person” to the end substitute “person”—

- (a) in relation to the extraction of information from an electronic device for a particular purpose, means an authorised person who may extract the information from the device for that purpose;

- (b) in relation to the extraction of information accessible by means of an online account for a particular purpose, means an authorised person who may extract the information accessible by means of the online account for that purpose;”
- 5 (1) Section 39 (requirements for voluntary provision and agreement) is amended as follows.
  - (2) After subsection (1) insert—
    - “(1A) A person (“P”) is to be treated for the purposes of section 37 or 38 as having—
      - (a) voluntarily provided access to an online account to an authorised person, and
      - (b) agreed to the extraction by an authorised person of information accessible by means of the online account, only if the requirements of this section have been met.”
  - (3) In subsection (2), for the words from “to provide” to the end substitute “to—
    - (a) provide the device or agree to the extraction of information from it, or
    - (b) provide access to the online account or agree to the extraction of information accessible by means of it.”
  - (4) In subsection (3)—
    - (a) in paragraph (d), for the words from “may” to the end substitute “may—
      - (i) refuse to provide the device or agree to the extraction of information from it, or
      - (ii) refuse to provide access to the online account or agree to the extraction of information accessible by means of it, and”;
    - (b) in paragraph (e), for the words from “P refuses” to the end substitute “P—
      - (i) refuses to provide the device or agree to the extraction of information from it, or
      - (ii) refuses to provide access to the online account or agree to the extraction of information accessible by means of it.”
  - (5) In subsection (4), for the words from “that” to the end substitute “that—
    - (a) P has—
      - (i) voluntarily provided the device to an authorised person, and
      - (ii) agreed to the extraction of information from the device by an authorised person, or
    - (b) P has—
      - (i) voluntarily provided access to the online account to an authorised person, and

- (ii) agreed to the extraction by the authorised person of information accessible by means of the online account."
- 6 (1) Section 40 (application of section 37 where user has died etc) is amended as follows.
  - (2) After subsection (1) insert—
    - "(1A) If any of conditions A to C is met, an authorised person may exercise the power in section 37(1A) to extract information accessible by means of an online account even though—
      - (a) access has not been voluntarily provided to an authorised person by a user of the account, or
      - (b) no user of the account has agreed to the extraction by an authorised person of information accessible by means of the account."
  - (3) In subsection (2)—
    - (a) in paragraph (a), for ", and" substitute "and the person was a user of the device immediately before their death, or";
    - (b) for paragraph (b) substitute—
      - "(b) a person who was a user of the online account has died and the person was a user of the online account before their death."
  - (4) In subsection (3)(a), after "device" insert "or online account".
  - (5) In subsection (4)—
    - (a) in paragraph (a), after "device" insert "or online account";
    - (b) in paragraph (b), for the words from "was" to the end substitute "was—
      - (i) a user of the device immediately before they went missing, or
      - (ii) a user of the online account before they went missing, and".
  - (6) In subsection (5), after "(1)" insert "or (1A)".
- 7 (1) Section 41 (extraction of information from electronic devices: investigations of death) is amended as follows.
  - (2) In the heading, omit "from electronic devices".
  - (3) After subsection (1) insert—
    - "(1A) An authorised person may extract information accessible by means of an online account if—
      - (a) a person who was a user of the online account has died, and
      - (b) the person was a user of the account before their death."
  - (4) In subsection (2)—
    - (a) for "power" substitute "powers";
    - (b) after "(1)" insert "and (1A)".



- (5) In subsection (3)—
  - (a) for “the power” substitute “the powers”;
  - (b) after “(1)” insert “and (1A)”;
  - (c) for “that power” substitute “those powers”.
- (6) In subsection (4)—
  - (a) after “(1)” insert “or (1A)”;
  - (b) in paragraph (a), after “device” insert “, or accessible by means of the online account,”.
- (7) In subsection (5), after “the power” insert “in subsection (1) or (1A)”.
- (8) In subsection (7), after “(1)” insert “or (1A)”.
- (9) In subsection (8), after “the power” insert “in subsection (1) or (1A)”.
- (10) In subsection (9)(a), for the words from “information” to the end substitute “information—
  - “(i) likely to be stored on the device, or
  - (ii) likely to be accessible by means of the online account, and”.
- (11) In subsection (10), after “(1)” insert “or (1A)”.
- 8 In section 42 (code of practice about the extraction of information), in subsection (1)—
  - (a) after “37(1) and” insert “(1A) and”;
  - (b) after “41(1)” insert “and (1A)”.
- 9 (1) Section 44 (authorised persons) is amended as follows.
  - (2) In subsection (2), for “power in subsection (1)” substitute “powers in subsections (1) and (1A)”.
  - (3) In subsection (3)—
    - (a) for “power” substitute “powers”;
    - (b) after “41(1)” insert “and (1A)”.
- 10 In Schedule 3 (extraction of information from electronic devices: authorised persons)—
  - (a) in the Schedule heading, omit “from electronic devices”;
  - (b) after “electronic devices” (in each place) insert “, or the extraction of information accessible by means of online accounts,”.

**Member's explanatory statement**

This new clause confers powers on police constables and other authorised persons to extract information accessible by means of an online account in circumstances where a user of the account has agreed to the extraction and in certain other circumstances.

To move the following Schedule—

“SCHEDULE

Section 127(3)

CONFISCATION ORDERS: SCOTLAND

*Cases in which accused has a criminal lifestyle*

- 1 (1) In section 142 of the Proceeds of Crime Act 2002 (criminal lifestyle), in subsection (2)—
  - (a) after “benefited”, in the first place it occurs, insert “, or intended to benefit,”;
  - (b) in paragraph (a)—
    - (i) for “three”, in both places it occurs, substitute “two”;
    - (ii) after “benefited” insert “or intended to benefit”;
  - (c) in paragraph (b), after “benefited” insert “or intended to benefit”.
- (2) The amendments made by sub-paragraph (1)(a), (b)(ii) and (c) do not apply in relation to conduct that took place wholly or partly before the date on which those provisions come into force.

*Compensation directions*

- 2 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) After section 107 insert—

**“107A Increased available amount: compensation directions**

  - (1) This section applies where under section 107(3) a court varies a confiscation order so as to increase the amount required to be paid under the order.
  - (2) The court may make a supplementary compensation direction if—
    - (a) a compensation order has been made against the accused in respect of the offence (or any of the offences) concerned, and
    - (b) at the time the compensation order was made, the amount of the compensatable loss that had been sustained by the person in whose favour it was made was greater than the amount required to be paid by the compensation order.
  - (3) A supplementary compensation direction is a direction that so much of the amount recovered under the confiscation order as the court considers appropriate is to be paid to the person in whose favour the compensation order was made.
  - (4) That amount must not exceed the difference between—

- (a) the amount of the compensatable loss that had been sustained by the person at the time the compensation order was made, and
  - (b) the amount required to be paid to the person by the compensation order,
 or so much of that difference as remains unpaid.
- (5) If the amount mentioned in subsection (4)(a) exceeds any applicable maximum amount, subsection (4) applies as if the amount in subsection (4)(a) were the applicable maximum amount.
- (6) The court may make a compensation direction if—
  - (a) at the time the confiscation order was made, a person was known to the court to have sustained compensatable loss as a result of the offence (or any of the offences) concerned, but
  - (b) a compensation order has not been made against the accused in respect of that compensatable loss.
- (7) A compensation direction is a direction that so much of the amount recovered under the confiscation order as the court considers appropriate is to be paid to the person mentioned in subsection (6)(a).
- (8) That amount must not exceed—
  - (a) the amount of the compensatable loss that had been sustained by the person as a result of the offence (or any of the offences) concerned at the time the confiscation order was made, or
  - (b) so much of that amount as remains unpaid.
- (9) If the amount mentioned in subsection (8)(a) exceeds any applicable maximum amount, subsection (8) applies as if the amount in subsection (8)(a) were the applicable maximum amount.
- (10) In this section—
  - “applicable maximum amount” means the maximum amount of compensation (if any) that a compensation order made against the accused in respect of the offence (or offences) concerned could have required the accused to pay;
  - “compensatable loss” means personal injury, loss or damage of a kind in respect of which a compensation order could have been made;
  - “compensation order” means a compensation order under section 249 of the Procedure Act.”

- (3) In section 131 (sums received by clerk of court) after subsection (6A) insert—

“(6B) If under section 107A (compensation directions) a direction was made for an amount to be paid to a person, the clerk of court must next apply the sums in payment of that amount.””

**Member's explanatory statement**

This amendment changes the meaning of “criminal lifestyle” for the purposes of confiscation orders in Scotland and it enables a court to direct that, where it increases the amount payable under a Scottish confiscation order, in certain cases sums recovered under the order are to be paid by way of compensation to those who suffered loss as a result of the offence.

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**Secretary Yvette Cooper**

**[OPC54]**

To move the following Schedule—

**“SCHEDULE**

**SPECIAL POLICE FORCES: BARRED PERSONS LISTS AND ADVISORY LISTS**

**PART 1**

**BARRED PERSONS LISTS**

*Duty to maintain barred persons lists*

- 1 (1) Each relevant policing authority must maintain a barred persons list.
- (2) In this Schedule “relevant policing authority” means—
  - (a) the British Transport Police Authority;
  - (b) the Civil Nuclear Police Authority;
  - (c) the Director General of the National Crime Agency;
  - (d) the Secretary of State.
- (3) Each barred persons list must include such information in relation to a person included in the list as is specified in regulations made by the Secretary of State.

*Inclusion of NCA officers and constables in barred persons lists*

- 2 (1) The Director General of the National Crime Agency must include a person in the barred persons list maintained by them if—
  - (a) the person ceases to be an NCA officer by virtue of being dismissed at disciplinary proceedings, or
  - (b) the person is a former NCA officer and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been an NCA officer.
- (2) Each other relevant policing authority must include a person in the barred persons list maintained by them if—
  - (a) the person ceases to be a constable of the relevant police force by virtue of being dismissed at disciplinary proceedings, or

- (b) the person is a former constable of the relevant police force and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been a constable of the relevant police force.
- (3) “Relevant police force” means—
  - (a) in relation to the British Transport Police Authority, the British Transport Police Force;
  - (b) in relation to the Civil Nuclear Police Authority, the Civil Nuclear Constabulary;
  - (c) in relation to the Secretary of State, the Ministry of Defence Police.

*Inclusion of civilian employees in barred persons lists*

- 3 (1) This paragraph applies to—
  - (a) the Civil Nuclear Police Authority;
  - (b) the British Transport Police Authority.
- (2) Each relevant policing authority to which this paragraph applies must include a person in the barred persons list maintained by them if—
  - (a) the person ceases to be a civilian employee of the authority by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness, or
  - (b) the person is a former civilian employee of the authority and there is a finding in relation to the person in disciplinary proceedings that, if the person had still been such an employee, the person would have been dismissed as mentioned in paragraph (a).
- (3) In this Schedule “civilian employee”—
  - (a) in relation to the Civil Nuclear Police Authority, means an employee of the Authority who is not a constable;
  - (b) in relation to the British Transport Police Authority, means a person employed by the Authority under section 27 of the Railways and Transport Safety Act 2003 who is—
    - (i) under the direction and control of the Chief Constable of the British Transport Police Force, or
    - (ii) designated as a community support officer or policing support officer by virtue of section 28(1)(a) of that Act.
- (4) For the purposes of this paragraph a person is dismissed if the circumstances in which the person ceases to be a civilian employee amount to dismissal within the meaning of Part 10 of the Employment Rights Act 1996 (see section 95 of that Act).

*Removal of NCA officers and constables from barred persons lists*

- 4 (1) This paragraph applies where—
  - (a) a person included in a barred persons list by virtue of paragraph 2(1)(a) is reinstated as an NCA officer,

- (b) a person included in a barred persons list by virtue of paragraph 2(2)(a) is reinstated as a constable of the relevant police force, or
  - (c) in relation to a person included in a barred persons list by virtue of paragraph 2(1)(b) or (2)(b), the finding that the person would have been dismissed is set aside.
- (2) The relevant policing authority must remove the person from the barred persons list.

*Removal of civilian employees from barred persons lists*

- 5 (1) This paragraph applies where—
- (a) the dismissal of a person included in a barred persons list by virtue of paragraph 3(2)(a) is found to have been an unfair dismissal following a complaint under section 111 of the Employment Rights Act 1996 (whether by an employment tribunal or on appeal), or
  - (b) the finding that a person included in a barred persons list by virtue of paragraph 3(2)(b) would have been dismissed is set aside at proceedings that are identified as appeal proceedings by regulations made by the Secretary of State.
- (2) The relevant policing authority must remove the person from the barred persons list maintained by the authority.

*Removal from barred lists: further provision*

- 6 The Secretary of State may by regulations make provision in connection with the removal of persons from barred persons lists otherwise than under paragraph 4 or 5.

*Publication of information in barred persons lists*

- 7 (1) This paragraph applies to—
- (a) the British Transport Police Authority;
  - (b) the Civil Nuclear Police Authority;
  - (c) the Secretary of State.
- (2) The Secretary of State may by regulations require a relevant policing authority to which this paragraph applies to publish information about persons included in the barred persons list maintained by the authority.
- (3) The regulations may in particular make provision about—
- (a) the persons included in the barred persons list about whom information is to be published;
  - (b) the information which is to be published;
  - (c) when the information is to be published;
  - (d) the period for which the information is to remain published;
  - (e) how the information is to be published.

*Power to disclose information in barred persons list*

- 8 A relevant policing authority may, if it considers it to be in the public interest to do so, disclose to any person information included in its barred persons list which relates to a particular person who is included in that list.

**PART 2**

**ADVISORY LISTS**

*Duty to maintain advisory lists*

- 9 (1) Each relevant policing authority must maintain an advisory list.  
(2) An advisory list must include such information in relation to a person as is specified in regulations made by the Secretary of State.

*Inclusion of persons in advisory lists*

- 10 (1) The Director General of the National Crime Agency must include a person in the advisory list maintained by them if—  
(a) the person ceases to be an NCA officer by resigning or retiring, and  
(b) Condition 1 or Condition 2 is met in relation to the person.
- (2) Each other relevant policing authority must include a person in the advisory list maintained by them if—  
(a) the person ceases to be a constable of the relevant police force by resigning or retiring, and  
(b) Condition 1 or Condition 2 is met in relation to the person.
- (3) The Civil Nuclear Police Authority and the British Transport Police Authority must also include a person in the advisory list maintained by them if—  
(a) the person ceases to be a civilian employee of the authority by resigning or retiring, and  
(b) Condition 1 or Condition 2 is met in relation to the person.
- (4) Condition 1 is that the resignation or retirement took place—  
(a) after a relevant allegation about the person came to the attention of the relevant policing authority, but  
(b) before disciplinary proceedings in respect of the allegation were brought or, if brought, before they concluded.
- (5) But Condition 1 is not met if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.
- (6) Condition 2 is that a relevant allegation about the person came to the attention of the relevant policing authority after the person resigned or retired.
- (7) For the purposes of this paragraph an allegation about a person is a relevant allegation if—

- (a) it relates to the conduct, efficiency or effectiveness of the person, and
- (b) the allegation (if proved) is of a type that might have resulted in the person being dismissed if the person had not resigned or retired.

*Removal from advisory list*

- 11 (1) A relevant policing authority must remove a person from the advisory list maintained by the authority if—
- (a) it is determined that no disciplinary proceedings will be brought against the person,
  - (b) disciplinary proceedings brought against the person are withdrawn, or
  - (c) disciplinary proceedings brought against the person are concluded without there being a finding that the person would have been dismissed if the person had not resigned or retired.
- (2) A relevant policing authority must remove a person from the advisory list maintained by the authority if the person is included in the barred persons list maintained by the authority.
- (3) The Secretary of State may by regulations make provision in connection with removals from an advisory list otherwise than under sub-paragraph (1) or (2).

*Power to disclose information in advisory list*

- 12 A relevant policing authority may, if it considers it to be in the public interest to do so, disclose to any person information included in the advisory list maintained by the authority which relates to a particular person who is included in that advisory list.

### **PART 3**

#### **SUPPLEMENTARY PROVISION**

*Meaning of “disciplinary proceedings”*

- 13 In this Schedule “disciplinary proceedings”—
- (a) in relation to an officer or former officer of the National Crime Agency, means any proceedings or process relating to the person’s conduct and any action to be taken as a result of that conduct;
  - (b) in relation to a constable or former constable of the British Transport Police Force, means proceedings under regulations made under section 36, 37, 40 or 42 of the Railways and Transport Safety Act 2003 which apply, or deal with matters that could be dealt with by, regulations under section 50(3) or (3A) or section 51(2A) or (2B) of the Police Act 1996;
  - (c) in relation to a constable or former constable of the Civil Nuclear Constabulary, means proceedings under provision relating to



- matters which are the subject of regulations under section 50(3) or (3A) of the Police Act 1996;
- (d) in relation to a constable or former constable of the Ministry of Defence Police, means proceedings under regulations made under section 3A of the Ministry of Defence Police Act 1987;
  - (e) in relation to a civilian employee of the British Transport Police Authority or the Civil Nuclear Police Authority, has the meaning given by regulations made by the Secretary of State.

*Interpretation: general*

14 In this Schedule—

- “advisory list” means a list maintained by a relevant policing authority under paragraph 9(1);
- “barred persons list” means a list maintained by a relevant policing authority under paragraph 1(1);
- “civilian employee” has the meaning given by paragraph 3(3);
- “NCA officer” has the meaning given in section 16(1) of the Crime and Courts Act 2013;
- “relevant police force” has the meaning given by paragraph 2(3);
- “relevant policing authority” has the meaning given by paragraph 1(2).

*Regulations*

- 15 (1) The Secretary of State must consult the Scottish Ministers before making regulations under this Schedule containing provision which would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament.
- (2) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under this Schedule containing provision which—
  - (a) would be within the legislative competence of the Northern Ireland Assembly, if it were contained in an Act of that Assembly, and
  - (b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

**Member's explanatory statement**

This new Schedule requires the British Transport Police Authority, Civil Nuclear Police Authority, National Crime Agency and Ministry of Defence Police to maintain lists of barred persons and advisory lists. Part 4A of the Police Act 1996 already makes such provision for regional police forces in England and Wales.

Clause 30, page 38, line 24, at end insert—

**“40B Offence of UK seller delivering etc bladed product to collection point:  
England and Wales**

- (1) This section applies if—
  - (a) a person (“the seller”) sells a bladed product to another person (“the buyer”), and
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is within the United Kingdom at that time.
- (2) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller—
  - (a) delivers the bladed product to a collection point in England or Wales, or
  - (b) arranges for the bladed product to be delivered to a collection point in England or Wales.
- (3) It is a defence for a person charged with an offence under subsection (2)(a) to show that—
  - (a) when the package containing the bladed product was delivered to the collection point, it was clearly marked to indicate that it contained a bladed product and should only be given into the hands of a person who—
    - (i) is aged 18 or over, and
    - (ii) if the buyer is an individual, is the buyer, and
  - (b) they took all reasonable precautions and exercised all due diligence to ensure that the package containing the bladed product would be given into the hands of such a person.
- (4) It is a defence for a person charged with an offence under subsection (2)(b) to show that—
  - (a) when the package containing the bladed product was given to the person with whom the arrangement was made, it was clearly marked to indicate that it contained a bladed product and should only be given into the hands of a person who—
    - (i) is aged 18 or over, and
    - (ii) if the buyer is an individual, is the buyer, and
  - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the package containing the bladed product would be given into the hands of such a person.
- (5) A person is to be taken to have shown a matter for the purposes of this section if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine.

- (7) "Collection point" means a place—
  - (a) from which the bladed product may be collected by the buyer or a person acting on behalf of the buyer, and
  - (b) where on collection the bladed product is given by an individual to the buyer or a person acting on behalf of the buyer.
- (8) Section 39(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 39(1)(b).
- (9) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

**40C Offence of courier delivering bladed product sold by UK seller to collection point: England and Wales**

- (1) This section applies if—
  - (a) a person ("the seller") sells a bladed product to another person ("the buyer"),
  - (b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time,
  - (c) before the sale the seller entered into an arrangement with a person ("the courier") by which the person agreed to deliver bladed products for the seller, and
  - (d) the courier was aware when they entered into the arrangement that it covered the delivery of bladed products.
- (2) The courier commits an offence if, pursuant to the arrangement, they deliver a bladed product to a collection point in England or Wales.
- (3) It is a defence for a person charged with an offence under this section to show that—
  - (a) when the package containing the bladed product was delivered to the collection point, it was clearly marked to indicate that it contained a bladed product and should only be given into the hands of a person who—
    - (i) is aged 18 or over, and
    - (ii) if the buyer is an individual, is the buyer, and
  - (b) they took all reasonable precautions and exercised all due diligence to ensure that the package containing the bladed product would be given into the hands of such a person.
- (4) It is a defence for a person charged with an offence under this section to show that the person did not know, and a reasonable person would not have known, that the product was a bladed product.
- (5) A person is to be taken to have shown a matter for the purposes of this section if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.

- (6) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (7) "Collection point" has the meaning given in section 40B.
- (8) Section 39(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 39(1)(b).
- (9) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

**40D Handing over bladed products sold by UK seller at collection point: England and Wales**

- (1) This section applies if—
  - (a) a person ("the seller") sells a bladed product to another person ("the buyer"),
  - (b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time,
  - (c) the bladed product is delivered to a collection point in England or Wales, and
  - (d) condition A or condition B is satisfied.
- (2) Condition A is that—
  - (a) the delivery is pursuant to an arrangement entered into before the delivery by—
    - (i) the person operating the collection point (the "operator"), and
    - (ii) the seller or the person delivering the bladed product to the collection point, and
  - (b) the operator was aware when they entered into the arrangement that it covered the delivery to the collection point of bladed products.
- (3) Condition B is that the seller is the operator of the collection point.
- (4) The operator commits an offence if, when the bladed product is collected, it is not given into the hands of an eligible person.
- (5) A person acting on behalf of the operator commits an offence if—
  - (a) they give it to a person collecting it, but
  - (b) do not give it into the hands of an eligible person.
- (6) "Eligible person" means a person who—
  - (a) is aged 18 or over, and
  - (b) if the buyer is an individual, is the buyer.
- (7) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the collection conditions were met.
- (8) The collection conditions are that—
  - (a) the person ("P") who collected the bladed product showed the individual giving it to them an identity document issued to P, and

- (b) on the basis of that document a reasonable person would have been satisfied—
    - (i) that P was over 18, and
    - (ii) if the buyer was an individual, that P was the buyer.
- (9) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the person did not know, and a reasonable person would not have known, that the product was a bladed product.
- (10) A person is to be taken to have shown a matter for the purposes of this section if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (11) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (12) In this section—
  - “collection point” has the meaning given in section 40B;
  - “identity document” has the meaning given in section 39A.
- (13) Section 39(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 39(1)(b).
- (14) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.”

**Member's explanatory statement**

This amendment makes changes to the offences and defences relating to delivery of knives to collection points in England or Wales following a remote sale.

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**Secretary Yvette Cooper**

**[OPC166]**

Clause 30, page 40, line 17, leave out “40A” and insert “40D”

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC111].

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**Secretary Yvette Cooper**

**[OPC167]**

Clause 30, page 40, line 18, leave out “40A” and insert “40D”

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC111].

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**Secretary Yvette Cooper**

**[OPC168]**

Clause 30, page 40, line 19, leave out “40A” and insert “40D”

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC111].

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**Secretary Yvette Cooper**

**[OPC245]**

Clause 32, page 44, line 39, at end insert—

**“1F Offence of seller etc delivering crossbows or parts of crossbows to collection point in England or Wales**

- (1) This section applies if—
  - (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”), and
  - (b) A and B are not in each other’s presence at the time of the sale or letting on hire and A is within the United Kingdom at that time.
- (2) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A—
  - (a) delivers the crossbow or part of a crossbow to a collection point in England or Wales, or
  - (b) arranges for the crossbow or part of a crossbow to be delivered to a collection point in England or Wales.
- (3) It is a defence for a person charged with an offence under subsection (2)(a) to show that—
  - (a) when the package containing the crossbow or part of a crossbow was delivered to the collection point, it was clearly marked to indicate that it contained a crossbow or a part of a crossbow and should only be given into the hands of a person who—
    - (i) is aged 18 or over, and
    - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and
  - (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.
- (4) It is a defence for a person charged with an offence under subsection (2)(b) to show that—
  - (a) when the package containing the crossbow or part of a crossbow was given to the person with whom the arrangement was made, it was clearly marked to indicate that it contained a crossbow or a part of a crossbow and should only be given into the hands of a person who—
    - (i) is aged 18 or over, and
    - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and
  - (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the package

containing the crossbow or part of a crossbow would be given into the hands of such a person.

- (5) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (6) "Collection point" means a place—
  - (a) from which the crossbow or part of a crossbow may be collected by the person to whom the crossbow or part of a crossbow was sold or let on hire or a person acting on behalf of that person, and
  - (b) where on collection the crossbow or part of a crossbow is given by an individual to the person to whom the crossbow or part of a crossbow was sold or let on hire, or a person acting on behalf of that person.
- (7) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

**1G Offence of delivery business delivering crossbows or parts of crossbows to collection point in England or Wales**

- (1) This section applies if—
  - (a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"),
  - (b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,
  - (c) before the sale or letting on hire A entered into an arrangement with a person ("C") by which C agreed to deliver crossbows or parts of crossbows for A, and
  - (d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows.
- (2) C commits an offence if, pursuant to the arrangement, they deliver a crossbow or a part of a crossbow to a collection point in England or Wales.
- (3) It is a defence for a person charged with an offence under this section to show that—
  - (a) when the package containing the crossbow or part of a crossbow was delivered to the collection point, it was clearly marked to indicate that it contained a crossbow or part of a crossbow and should only be given into the hands of a person who—
    - (i) is aged 18 or over, and
    - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual, and
  - (b) they took all reasonable precautions and exercised all due diligence to ensure that the package containing the crossbow or part of a crossbow would be given into the hands of such a person.
- (4) It is a defence for a person charged with an offence under this section to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or a part of a crossbow.

- (5) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (6) "Collection point" has the meaning given in section 1F.
- (7) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.

#### **1H Handling over crossbows or parts of crossbows at collection point in England or Wales**

- (1) This section applies if—
  - (a) a person ("A") sells or lets on hire a crossbow or part of a crossbow to another person ("B"),
  - (b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,
  - (c) the crossbow or part of a crossbow is delivered to a collection point in England or Wales, and
  - (d) condition A or condition B is satisfied.
- (2) Condition A is that—
  - (a) the delivery is pursuant to an arrangement entered into before the delivery by—
    - (i) the person operating the collection point (the "operator"), and
    - (ii) A or the person delivering the crossbow or part of a crossbow to the collection point, and
  - (b) the operator was aware when they entered into the arrangement that it covered the delivery to the collection point of crossbows or parts of crossbows.
- (3) Condition B is that A is the operator of the collection point.
- (4) The operator commits an offence if, when the crossbow or part of a crossbow is collected, it is not given into the hands of an eligible person.
- (5) A person acting on behalf of the operator commits an offence if—
  - (a) they give it to a person collecting it, but
  - (b) do not give it into the hands of an eligible person.
- (6) "Eligible person" means a person who—
  - (a) is aged 18 or over, and
  - (b) if the person to whom the crossbow or part of a crossbow was sold or let on hire is an individual, is that individual.
- (7) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the collection conditions were met.
- (8) The collection conditions are that—
  - (a) the person ("P") who collected the crossbow or part of a crossbow showed the individual giving it to them an identity document issued to P, and
  - (b) on the basis of that document a reasonable person would have been satisfied—



- (i) that P was over 18, and
  - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire was an individual, that P was that individual.
- (9) It is a defence for a person charged with an offence under subsection (4) or (5) to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or a part of a crossbow.
- (10) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (11) In this section—
  - “collection point” has the meaning given in section 1F;
  - “identity document” has the meaning given in section 1B(5).
- (12) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.”

**Member's explanatory statement**

This amendment creates offences relating to delivery of crossbows to collection points in England or Wales following a remote sale or letting on hire.

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**Secretary Yvette Cooper**

[OPC260]

Clause 32, page 45, line 1, leave out “1F” and insert “1I”

**Member's explanatory statement**

This amendment is consequential on amendment [OPC245].

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**Secretary Yvette Cooper**

[OPC246]

Clause 33, page 46, line 5, leave out “1F” and insert “1I”

**Member's explanatory statement**

This amendment is consequential on amendment [OPC245].

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**Secretary Yvette Cooper**

[OPC247]

Clause 33, page 46, line 6, leave out “1G” and insert “1J”

**Member's explanatory statement**

This amendment is consequential on amendment [OPC245].

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**Secretary Yvette Cooper**

[OPC248]

Clause 33, page 46, line 6, leave out “1F” and insert “1I”

**Member's explanatory statement**

This amendment is consequential on amendment [OPC245].

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**Secretary Yvette Cooper**

[OPC249]

Clause 33, page 46, line 28, leave out "or 1E(7)" and insert ", 1E(7), 1F(7), 1G(7) or 1H(12)"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC245].

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**Secretary Yvette Cooper**

[OPC44]

Clause 38, page 51, line 29, leave out from "of" to end of line 30 and insert "—

- (i) causing the child to commit an offence,
- (ii) causing the child to do anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, or
- (iii) facilitating the causing of the child, in future, to commit an offence or do anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, and"

**Member's explanatory statement**

See the statement for new clause [OPC45].

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**Secretary Yvette Cooper**

[OPC47]

Clause 38, page 51, line 35, leave out subsection (2) and insert—

"(2) In this section and section (*Proving an offence under section 38*)—

- (a) "act" includes omission (and similar references, including references to doing anything, are to be construed accordingly);
- (b) "child" means a person under the age of 18;
- (c) "offence" means an offence under the law of England and Wales, Scotland or Northern Ireland."

**Member's explanatory statement**

See the statement for new clause [OPC45].

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**Secretary Yvette Cooper**

[OPC50]

Clause 38, page 52, line 7, at end insert—

"(2A) Where—

- (a) a person (D1) arranges for another person (D2) to engage in conduct towards or in respect of a child, and

- (b) D2 engages in that conduct,  
D1 is to be treated for the purposes of this section and section (*Proving an offence under section 38*) as also having engaged in that conduct."

**Member's explanatory statement**

This amendment provides that where a person (D1) arranges for another to engage in conduct towards or in respect of a child, and the other person engages in that conduct, D1 is also treated as engaging in the conduct.

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**Secretary Yvette Cooper**

[OPC207]

Clause 38, page 52, line 9, after "conviction" insert "in England and Wales"

**Member's explanatory statement**

This amendment provides that the penalty mentioned in paragraph (a) of subsection (3) is for summary convictions in England and Wales.

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**Secretary Yvette Cooper**

[OPC208]

Clause 38, page 52, line 10, at end insert—

- "(aa) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (ab) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);"

**Member's explanatory statement**

This amendment provides for the penalty for summary convictions in Scotland and Northern Ireland.

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**Secretary Yvette Cooper**

[OPC206]

Clause 39, page 52, line 35, leave out subsections (3) to (7) and insert—

- "(3) The first condition is that—
  - (a) in any case, the court is satisfied that the defendant has engaged in child criminal exploitation or in conduct associated with child criminal exploitation, or
  - (b) in a case within subsection (1)(d), the offence in question is an offence under section 38.
- (4) The second condition is that the court considers that there is a risk that the defendant will engage in child criminal exploitation.
- (5) The third condition is that the court considers that it is necessary to make the order to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.

- (6) In subsection (3)—
  - (a) in paragraph (a), the reference to engaging in anything includes engaging in it before (as well as after) the time when this section comes into force;
  - (b) paragraph (b) applies in relation to findings made in respect of conduct occurring before (as well as after) that time.
- (7) In this section and sections 40 to 49—
  - (a) a reference to a person “engaging in child criminal exploitation” is to the person doing anything that constitutes an offence, in England and Wales, under section 38;
  - (b) a reference to a person “engaging in conduct associated with child criminal exploitation” is to the person doing anything associated with the doing of anything that constitutes such an offence.”

**Member's explanatory statement**

This amendment and amendments [OPC231], [OPC232], [OPC48], [OPC233], [OPC234], [OPC235], [OPC236], [OPC237] and [OPC239] are consequential on new clause [OPC45] and amendment [OPC44].

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**Secretary Yvette Cooper**

[OPC231]

Clause 40, page 53, line 22, leave out from “of” to end of line 23 and insert “preventing the defendant from engaging, or reducing the likelihood of the defendant engaging, in child criminal exploitation.”

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

[OPC261]

Clause 45, page 56, line 30, leave out paragraphs (a) to (c) and insert—

- “(a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or”

**Member's explanatory statement**

This amendment generalises the provision currently made by paragraphs (a) to (c) (periods to be disregarded).

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**Secretary Yvette Cooper**

[OPC232]

Clause 46, page 57, line 16, leave out from “to” to end of line 17 and insert “prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation.”

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

**[OPC294]**

Clause 47, page 58, line 27, leave out from “if” to end of line 29 and insert “the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence.”

**Member's explanatory statement**

This amendment clarifies how a defendant may appeal against the making of an order, in cases where the order is made otherwise than on application.

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**Secretary Yvette Cooper**

**[OPC301]**

Clause 48, page 59, line 17, at end insert—

“(5) In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available) after paragraph (f) insert—

“(g) section 48(3) of the Crime and Policing Act 2025 (breach of CCE prevention order);”.

**Member's explanatory statement**

This amendment inserts an amendment consequential on the provision made by subsection (3).

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**Secretary Yvette Cooper**

**[OPC296]**

Clause 49, page 59, line 21, leave out subsection (2) and insert—

“(2) The person commits an offence if—

- (a) without reasonable excuse, they fail to comply with that section, or
- (b) in purported compliance with that section, they notify to the police any information which they know to be false.”

**Member's explanatory statement**

This amendment expands the offence under this clause so as to cover a failure to comply with clause 45 (notification requirements).

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**Secretary Yvette Cooper**

**[OPC297]**

Clause 49, page 59, line 27, at end insert—

“(3A) A person commits an offence under subsection (2)(a) on the day on which they first fail, without reasonable excuse, to comply with section 45.

(3B) The person continues to commit the offence throughout any period during which the failure continues.

(3C) But the person may not be prosecuted more than once in respect of the same failure.”

**Member's explanatory statement**

This amendment provides that a failure to comply with clause 45 (notification requirements) is a continuing offence.

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**Secretary Yvette Cooper**

[OPC48]

Clause 50, page 59, leave out lines 33 to 35

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

[OPC233]

Clause 50, page 59, line 36, at end insert—

““engaging in child criminal exploitation” has the meaning given by section 39 (and related expressions are to be construed accordingly).”

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

[OPC265]

Page 60, line 16, leave out Clause 52

**Member's explanatory statement**

This amendment removes a power for the Secretary of State to issue guidance which is no longer needed because it is subsumed in the wider power in new Clause [OPC264].

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**Secretary Yvette Cooper**

[OPC148]

Clause 56, page 63, line 5, at end insert—

“(bc) an offence under section (*Causing internal concealment of item for criminal purpose*) of that Act (causing internal concealment of item for criminal purpose);”

**Member's explanatory statement**

This amendment adds the new offences created by amendment [OPC145] to the provision in the Youth Justice and Criminal Evidence Act 1999 which makes victims of the offences mentioned eligible for special measures in criminal proceedings.

Clause 56, page 63, line 10, at end insert—

- “(g) an offence under section (*Causing internal concealment of item for criminal purpose*) of that Act (causing internal concealment of item for criminal purpose);”

**Member's explanatory statement**

This amendment adds the new offences created by amendment [OPC145] to the provision in the Youth Justice and Criminal Evidence Act 1999 which provides for a rebuttable presumption about the age of victims of the offences mentioned.

Clause 56, page 63, line 15, at end insert—

- “(ac) an offence under section (*Causing internal concealment of item for criminal purpose*) of that Act (causing internal concealment of item for criminal purpose);”

**Member's explanatory statement**

This amendment adds the new offences created by amendment [OPC145] to the provision in the Youth Justice and Criminal Evidence Act 1999 which prevents a defendant from cross-examining a victim of any of the offences mentioned.

Clause 56, page 63, line 19, leave out from “section” to end of line 21 and insert “38 of the Crime and Policing Act 2025 (child criminal exploitation);

- (f) an offence under section 53 of that Act (controlling another’s home for criminal purposes).”; ”

**Member's explanatory statement**

This amendment provides for complainants who are witnesses in proceedings for an offence under clause 38 (as well as an offence under clause 53) to be eligible for assistance by virtue of Article 5 of the Criminal Evidence (Northern Ireland) Order 1999.

Clause 56, page 63, line 24, leave out from “offence” to end of line 27 and insert—

- “(b) an offence under section 38 of the Crime and Policing Act 2025 (child criminal exploitation), or  
(c) an offence under section 53 of that Act (controlling another’s home for criminal purposes).”.

**Member's explanatory statement**

This amendment provides that in cases of uncertainty as the age of a witness who is a complainant in respect of an offence under clause 38 (as well as an offence under clause 53),

they are presumed for the purposes of Part 2 of the Criminal Evidence (Northern Ireland) Order 1999 to be under 18.

---

**Secretary Yvette Cooper**

**[OPC211]**

Clause 56, page 63, line 30, leave out from “section” to end of line 32 and insert “38 of the Crime and Policing Act 2025 (child criminal exploitation);

(cg) an offence under section 53 of that Act (controlling another’s home for criminal purposes);”;“

**Member's explanatory statement**

This amendment provides that Article 23 of the Criminal Evidence (Northern Ireland) Order 1999 (which prohibits the cross-examination in person of certain witnesses) applies in relation to an offence under clause 38 (as well as to an offence under clause 53).

---

**Secretary Yvette Cooper**

**[OPC151]**

Clause 56, page 64, line 2, at end insert—

“(3) An offence under section (*Causing internal concealment of item for criminal purpose*) of that Act (causing internal concealment of item for criminal purpose).”

**Member's explanatory statement**

This amendment adds the new offences created by amendment [OPC145] to Schedule 2 of the Proceeds of Crime Act 2002 with the effect that the offences are criminal lifestyle offences.

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**Secretary Yvette Cooper**

**[OPC196]**

Clause 56, page 64, line 3, leave out paragraph (b)

**Member's explanatory statement**

This amendment removes a provision that would have made the offence in clause 53 of the Bill, of controlling another’s home for criminal purposes, a lifestyle offence for the purposes of the Proceeds of Crime Act 2002 as it applies in Scotland.

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**Secretary Yvette Cooper**

**[OPC212]**

Clause 56, page 64, leave out lines 10 and 11 and insert—

“3B (1) An offence under section 38 of the Crime and Policing Act 2025 (child criminal exploitation).

(2) An offence under section 53 of that Act (controlling another’s home for criminal purposes).”

**Member's explanatory statement**

This amendment provides that an offence under clause 38 (as well as an offence under clause 53) is a lifestyle offence in Northern Ireland for the purposes of the Proceeds of Crime Act 2002.



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**Secretary Yvette Cooper**

**[OPC240]**

Clause 57, page 65, line 7, leave out “any service,”

**Member's explanatory statement**

This amendment clarifies that a CSA image-generator is, for the purposes of section 46A of the Sexual Offences Act (inserted by this clause), a thing (and not a service).

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**Secretary Yvette Cooper**

**[OPC241]**

Clause 57, page 65, leave out lines 22 to 27

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC240].

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**Secretary Yvette Cooper**

**[OPC242]**

Clause 57, page 66, leave out lines 4 to 6 and insert—

- “(2) An internet service provider does not commit an offence under section 46A by—
  - (a) providing access to a communication network, or
  - (b) transmitting, in a communication network, information provided by a user, if the provider does not—
    - (i) initiate the transmission,
    - (ii) select the recipient of the transmission, or
    - (iii) select or modify the information contained in the transmission.
- (2A) The references in subsection (2) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—
  - (a) is automatic, intermediate and transient,
  - (b) is solely for the purpose of carrying out the transmission in the network, and
  - (c) is for no longer than is reasonable necessary for the transmission.
- (2B) An internet service provider does not commit an offence under section 46A by storing information provided by a user for transmission in a communication network if—
  - (a) the storage of the information—
    - (i) is automatic, intermediate and temporary, and
    - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
  - (b) the internet service provider—
    - (i) does not modify the information,

- (ii) complies with any conditions attached to having access to the information, and
  - (iii) on obtaining actual knowledge of a matter within subsection (2C), promptly removes the information or disables access to it.
- (2C) The matters within this subsection are that—
  - (a) the information at the initial source of the transmission has been removed from the network,
  - (b) access to it has been disabled, or
  - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (2D) An internet service provider does not commit an offence under section 46A by storing information provided by a user who is not acting under the authority or control of the provider if—
  - (a) the provider had no actual knowledge when the information was provided that it was, or contained, a CSA image-generator, or
  - (b) on obtaining actual knowledge that the information was, or contained, a CSA image-generator, the provider promptly removed the information or disabled access to it.”

**Member's explanatory statement**

This amendment provides protection against liability for the offence of making, adapting, possessing, supplying or offering to supply a CSA image-generator to a provider of an internet service who acts as a mere conduit for, or who caches or unknowingly hosts, a CSA image-generator provided by a user.

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**Secretary Yvette Cooper**

[OPC317]

Clause 57, page 66, line 6, at end insert—

- “(2E) Section 72(1) applies in relation to an act which, if done in England and Wales, would constitute an offence under section 46A as if references to a United Kingdom national included—
- (a) a body incorporated under the law of any part of the United Kingdom, or
  - (b) an unincorporated association formed under the law of any part of the United Kingdom.”

**Member's explanatory statement**

This amendment provides that a body incorporated (or an unincorporated association formed) in the United Kingdom may commit an offence relating to a child sexual abuse image-generator under section 46A of the Sexual Offences Act 2003 (inserted by this clause) by doing an act outside the United Kingdom.

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**Secretary Yvette Cooper**

[OPC266]

Clause 57, page 66, line 7, leave out “and (7) apply” and insert “applies”

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC241].

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**Secretary Yvette Cooper**

[OPC277]

Clause 57, page 66, line 13, at end insert—

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

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC242].

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**Secretary Yvette Cooper**

[OPC238]

Clause 57, page 66, line 13, at end insert—

**“46C Liability for offence under section 46A committed by a body**

- (1) This section applies where an offence under section 46A is committed by a body.
- (2) If the offence is committed with the consent or connivance of—
  - (a) a relevant person in relation to the body, or
  - (b) a person purporting to act in the capacity of a relevant person in relation to the body,the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) In this section—
  - “body” means a body corporate, a partnership or an unincorporated association other than a partnership;
  - “relevant person”, in relation to a body, means—
    - (a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;
    - (b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;
    - (c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);
    - (d) in the case of any other partnership, a partner;

- (e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it.””

**Member's explanatory statement**

This amendment provides that where a body commits an offence relating to a child sexual abuse image-generator under section 46A of the Sexual Offences Act 2003 (inserted by this clause), and the offence is committed with the consent or connivance of a person who manages the body (or a partner in a partnership), that person is liable for the offence (as well as the body).

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**Secretary Yvette Cooper**

**[OPC278]**

Clause 57, page 66, line 31, leave out from “may” to “the” in line 32 and insert “have been made or adapted for use for creating, or facilitating”

**Member's explanatory statement**

This amendment clarifies that regulations under subsection (5) may authorise the carrying out of tests for the purpose of investigating only technology that may have been made or adapted for use for creating, or facilitating the creation of, CSA images.

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**Secretary Yvette Cooper**

**[OPC244]**

Page 68, line 27, that subsection (4) of clause 59 be transferred to the end of line 8 on page 69.

**Member's explanatory statement**

This motion to move subsection (4) of clause 59 is consequential on Amendment [OPC243].

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**Secretary Yvette Cooper**

**[OPC243]**

Clause 59, page 69, line 8, at end insert—

- “(6) The Secretary of State may by regulations amend Schedule 7.
- (7) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (6) which amend Part 2 of Schedule 7.
- (8) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under subsection (6) which amend Part 3 of Schedule 7.”

**Member's explanatory statement**

This amendment enables the Secretary of State to amend the list of child sexual exploitation and abuse offences specified for the purposes of clause 59, subject to consultation requirements if the amendments concern offences under the law of Scotland or Northern Ireland.

Secretary Yvette Cooper

[OPC318]

Clause 62, page 72, line 10, leave out "38" and insert "(Causing internal concealment of item for criminal purpose) (inserted by section (Causing internal concealment of item for criminal purpose))"

**Member's explanatory statement**

This amendment is consequential on the amendment to the Modern Slavery Act 2015 made by new Clause [OPC145].

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Secretary Yvette Cooper

[OPC223]

Clause 76, page 82, line 22, at end insert—

"(2A) Subsections (1) and (2) do not apply in relation to functions of the Chief Constable of the British Transport Police in relation to Scotland."

**Member's explanatory statement**

This amendment means the Secretary of State's power to issue guidance about disclosure of information by police for purpose of preventing sex offending does not apply in relation to the British Transport Police in Scotland.

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Secretary Yvette Cooper

[OPC308]

Clause 91, page 113, line 20, leave out "(c)" and insert "(ca) (inserted by paragraph 28 of Schedule 1)"

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC307].

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Secretary Yvette Cooper

[OPC309]

Clause 91, page 113, line 21, leave out "(ca)" and insert "(cb)"

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC307].

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Secretary Yvette Cooper

[OPC303]

Clause 91, page 113, line 23, leave out paragraph (b) and insert—

"(b) after paragraph (ea) (inserted by paragraph 2 of Schedule 5) insert—  
"(eb) section 364G(3) (breach of stalking protection order);"."

**Member's explanatory statement**

This is consequential on amendment OPC302.

Clause 99, page 121, line 8, at end insert—

“(6A) The Road Traffic Offenders Act 1988 is amended as set out in subsections (6B) to (9).

(6B) In section 23 (alternative verdicts in Scotland)—

- (a) in subsection (1), after “vehicle” insert “, or the riding of a cycle,”;
- (b) in subsection (1A) omit “and” after paragraph (b) and after paragraph (c) insert—

“(d) an offence under section 27A of that Act (causing death by dangerous cycling), and

(e) an offence under section 27B of that Act (causing serious injury by dangerous cycling).”

(6C) In section 24 (alternative verdicts: general)—

- (a) in subsection (A1)(a) after “vehicle” insert “, or the riding of a cycle,”;
- (b) in subsection (A2) omit “and” after paragraph (c) and after that paragraph insert—

“(ca) an offence under section 27A of that Act (causing death by dangerous cycling),

(cb) an offence under section 27B of that Act (causing serious injury by dangerous cycling), and”;

- (c) in subsection (1), in the Table, after the entry relating to section 5A(1)(a) and (2) of the Road Traffic Act 1988 insert—

“Section 27A (causing death by dangerous cycling)	Section 28 (dangerous cycling) Section 28B (causing death by careless, or inconsiderate, cycling) Section 29 (careless, and inconsiderate, cycling)
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Section 27B (causing serious injury by dangerous cycling)	Section 28 (dangerous cycling) Section 28C (causing serious injury by careless, or inconsiderate, cycling) Section 29 (careless, and inconsiderate, cycling)”
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- (d) in subsection (1), in the Table, after the entry relating to section 28 of the Road Traffic Act 1988 insert—

“Section 28B (causing death by careless, or inconsiderate, cycling)	Section 29 (careless, and inconsiderate, cycling)
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Section 28C (causing serious injury by careless, or inconsiderate, cycling)	Section 29 (careless, and inconsiderate, cycling)”
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**Member's explanatory statement**

This amendment makes further provision in consequence of the new offences relating to causing death etc by dangerous cycling, enabling alternative verdicts to be imposed of a kind corresponding to the alternative verdicts available for causing death or serious injury by dangerous driving.

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**Secretary Yvette Cooper**

[OPC199]

Clause 99, page 121, line 9, leave out "to the Road Traffic Offenders Act 1988"

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC201].

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**Secretary Yvette Cooper**

[OPC200]

Clause 99, page 121, line 40, at end insert—

"(10) The following provisions are amended as follows—

- (a) in Schedule 15 to the Criminal Justice Act 2003 (specified offences for purposes of sections 244ZA and 325), in Part 1 (specified violent offences), after paragraph 49 insert—

"49A An offence under section 27A of that Act (causing death by dangerous cycling).";

- (b) in Schedule 18B to the Criminal Justice Act 2003 (offences relevant to public protection decisions), in Part 2 (statutory offences), in paragraph 34 after paragraph (c) insert—

"(d) section 27A (causing death by dangerous cycling).";

- (c) in Schedule 18 to the Sentencing Code (specified offences for purposes of section 306), in Part 1 (specified violent offences), in paragraph 18 after paragraph (c) insert—

"(d) section 27A (causing death by dangerous cycling).";

**Member's explanatory statement**

This amendment makes further provision in consequence of the new offences relating to causing death etc by dangerous cycling.

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**Secretary Yvette Cooper**

[OPC180]

Clause 112, page 130, line 38, leave out "war"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC187].

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**Secretary Yvette Cooper**

[OPC181]

Clause 112, page 131, line 3, leave out "war"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC187].

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**Secretary Yvette Cooper**

[OPC182]

Clause 112, page 131, line 4, leave out "war"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC187].

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**Secretary Yvette Cooper**

[OPC183]

Clause 112, page 131, line 5, leave out "war"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC187].

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**Secretary Yvette Cooper**

[OPC184]

Clause 112, page 131, line 7, leave out "war"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC187].

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**Secretary Yvette Cooper**

[OPC187]

Clause 112, page 131, line 9, at end insert—

“(c) a memorial or a part of a memorial specified in Part 3 of Schedule 12.”

**Member's explanatory statement**

This amendment expands the offence in clause 112 beyond war memorials to include other specified memorials.

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**Secretary Yvette Cooper**

[OPC225]

Clause 112, page 131, line 10, at end insert—

“(4A) The Secretary of State may make regulations adding a memorial, or a part of a memorial, to Schedule 12 only if the Secretary of State considers that there is a significant public interest in it being a specified memorial for the purposes of this section.”



**Member's explanatory statement**

This amendment provides that the Secretary of State can only add a memorial to Schedule 12 if she considers there is a significant public interest in the memorial being specified.

---

**Secretary Yvette Cooper**

[OPC226]

Clause 112, page 131, line 13, at end insert—

- “(6) In this section “memorial” means a building or other structure, or any other thing, erected or installed on land (or in or on any building or other structure on land) which has a commemorative purpose.
- (7) Something has a commemorative purpose if at least one of its purposes is to commemorate—
  - (a) one or more individuals or animals, or a description of individuals or animals (whether living or dead and whether or not capable of being identified), or
  - (b) an event or series of events (such as an armed conflict).
- (8) In subsection (6) references to a building or structure include part of a building or structure.”

**Member's explanatory statement**

This amendment defines “memorial”.

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**Secretary Yvette Cooper**

[OPC78]

Clause 113, page 131, line 18, leave out from “assembly” to the end of line 22 and insert “has the meaning given by section 16 of that Act;”

**Member's explanatory statement**

This amendment is consequential on clause 116, which was inserted into the Bill at Committee stage and amends the definition of “public assembly” in the Public Order Act 1986.

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**Secretary Yvette Cooper**

[OPC83]

Clause 113, page 131, line 23, leave out “section 16 of the Public Order Act 1986” and insert “that section”

**Member's explanatory statement**

This amendment is consequential on amendment [OPC78], which amends the definition of “public assembly” for the Chapter.

Clause 120, page 142, line 9, at end insert—

“an employee of the Law Officers’  
Department

His Majesty’s Attorney General for  
Jersey”

**Member's explanatory statement**

The purpose of this amendment is to make employees of the Economic Crime and Confiscation Unit in Jersey authorised persons.

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Secretary Yvette Cooper

[OPC175]

Clause 127, page 148, line 18, at end insert—

“(3) Schedule (*Confiscation orders: Scotland*) makes provision about confiscation orders in Scotland.”

**Member's explanatory statement**

This amendment introduces the Schedule inserted by amendment [OPC179].

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Secretary Yvette Cooper

[OPC106]

Clause 128, page 149, line 4, leave out from “expenses” to the end of line 5 and insert “—

- (a) of proceedings for a recovery order that are started before the day on which this section comes into force (the “commencement day”), or
  - (b) that are incurred in respect of a pre-commencement interim application.
- (3) A “pre-commencement interim application” means an application, made by the enforcement authority before the commencement day, for a property freezing order, an interim receiving order, a prohibitory property order or an interim administration order (including such an application made in relation to proceedings for a recovery order that are started on or after the commencement day).
- (4) Terms used in this section and in Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 have the same meaning in this section as they have in that Chapter (see section 316 of that Act).”

**Member's explanatory statement**

This amendment provides that the new limits on when the court can make a costs or expenses order against an enforcement authority under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 will apply only in the case of civil recovery proceedings started after new section 288A comes into force.

**Secretary Yvette Cooper**

**[OPC171]**

Clause 139, page 166, line 18, leave out "21" and insert "22"

**Member's explanatory statement**

This amendment enables an application to be made for a youth diversion order in respect of a person in England and Wales or Northern Ireland who is aged 21.

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**Secretary Yvette Cooper**

**[OPC172]**

Clause 139, page 166, line 19, leave out "21" and insert "22"

**Member's explanatory statement**

This amendment enables an application to be made for a youth diversion order in respect of a person in Scotland who is aged 21.

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**Secretary Yvette Cooper**

**[OPC219]**

Clause 141, page 168, line 17, leave out from "electronic" to end of line 19 and insert "communication devices, including in particular a requirement that a device may only be possessed or used subject to specified conditions;"

**Member's explanatory statement**

This amendment provides that a youth diversion order may impose conditions relating to the respondent's possession or use of electronic communication devices (the definition of which is inserted by Amendment [OPC220]).

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**Secretary Yvette Cooper**

**[OPC221]**

Clause 141, page 168, line 35, at end insert—

- "(4A) The conditions specified under subsection (2)(c) may, in particular include conditions in relation to—
- (a) the manner in which a device is used;
  - (b) the monitoring of such use;
  - (c) the granting to a constable of access to premises for the purpose of the inspection or modification of a device;
  - (d) the surrendering to a constable of a device on a temporary basis for the purpose of its inspection or modification at another place;
  - (e) the disclosure to a constable of such details as may be specified of any device possessed or used by the respondent or any other person with whom the respondent lives."

**Member's explanatory statement**

This amendment sets out a non-exhaustive list of the kinds of conditions relating to a person's possession or use of electronic communications devices that may be specified in a youth diversion order by virtue of the provision inserted by Amendment [OPC219].

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**Secretary Yvette Cooper**

[OPC220]

Clause 141, page 169, line 14, at end insert—

““electronic communication device” has the meaning given by paragraph 7(5) of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011;”

**Member's explanatory statement**

See the explanatory statement for Amendment [OPC219].

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**Secretary Yvette Cooper**

[OPC304]

Clause 142, page 170, line 12, leave out from “of” to end of line 19 and insert “—

- (a) any time when the respondent is, within the United Kingdom, lawfully detained or otherwise lawfully deprived of their liberty, or
- (b) any time when the respondent is outside the United Kingdom.”

**Member's explanatory statement**

This amendment generalises the provision currently made by paragraphs (a) to (d) (periods of time to be disregarded in determining the period for complying with a notification requirement).

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**Secretary Yvette Cooper**

[OPC229]

Clause 150, page 174, line 31, leave out “or Northern Ireland”

**Member's explanatory statement**

See the explanatory statement for Amendment [OPC230].

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**Secretary Yvette Cooper**

[OPC230]

Clause 150, page 174, line 32, at end insert—

“(c) in Northern Ireland, to the county court.”

**Member's explanatory statement**

This amendment, together with Amendment [OPC229], provides that an appeal against a decision made in relation to a youth diversion order in Northern Ireland is to be made to the county court (instead of the Crown Court).

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**Secretary Yvette Cooper**

[OPC263]

Clause 150, page 174, line 33, leave out subsection (3) and insert—

- “(3) Where in England and Wales the Crown Court makes a decision on an appeal under subsection (1), any person who was a party to the appeal may appeal against that decision to the Court of Appeal.”

**Member's explanatory statement**

This is a drafting change made in light of [OPC229].

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**Secretary Yvette Cooper**

**[OPC285]**

Clause 151, page 175, line 24, leave out from "person" to end of line 25 and insert "—

- (a) to fail, without reasonable excuse, to comply with that section, or
- (b) in purported compliance with that section, to notify to the police any information which the person knows to be false."

**Member's explanatory statement**

This amendment makes failing, without reasonable excuse, to comply with clause 142 (youth diversion orders: notification requirements) an offence distinct from the offence under clause 151(1) (failure to comply with a youth diversion order).

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**Secretary Yvette Cooper**

**[OPC305]**

Clause 151, page 175, line 40, at end insert—

- "(5A) A person commits an offence under subsection (3)(a) on the day on which the person first fails, without reasonable excuse, to comply with section 142.
- (5B) The person continues to commit the offence throughout any period during which the failure continues.
- (5C) But the person may not be prosecuted more than once in respect of the same failure."

**Member's explanatory statement**

This amendment provides that, where a person no longer has a reasonable excuse for failing to comply with a notification requirement under clause 142 but continues to fail to comply with the requirement, the person commits an offence under clause 151(3)(a) (inserted by Amendment [OPC285]).

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**Secretary Yvette Cooper**

**[OPC306]**

Clause 151, page 176, line 5, at end insert—

- "(7) In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available), after paragraph (g) (inserted by section 48(5) of this Act) insert—
  - "(h) section 151(5) of that Act (breach of youth diversion order)."

**Member's explanatory statement**

This amendment inserts an amendment consequential on the provision made by subsection (5).

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**Secretary Yvette Cooper**

[OPC204]

Clause 166, page 186, line 8, at end insert—

“(c) section 99.”

**Member's explanatory statement**

This amendment enables the Scottish Ministers to make amendments in consequence of clause 99 (which provides for new offences in relation to dangerous cycling etc) that are within Scottish devolved competence.

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**Secretary Yvette Cooper**

[OPC298]

Clause 166, page 186, line 8, at end insert—

“(c) section 127(3) and Schedule (*Confiscation orders: Scotland*).”

**Member's explanatory statement**

This amendment enables the Scottish Ministers to make amendments in consequence of new Schedule [OPC179] (which contains provision about confiscation orders in Scotland) that are within Scottish devolved competence.

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**Secretary Yvette Cooper**

[OPC152]

Clause 167, page 186, line 36, after “55(1),” insert “(*Causing internal concealment of item for criminal purpose*)(9),”

**Member's explanatory statement**

This amendment makes regulations under the Secretary of State’s power to amend the list of specified items in new Clause [OPC145] subject to the affirmative resolution procedure.

---

**Secretary Yvette Cooper**

[OPC90]

Clause 167, page 186, line 36, after “55(1),” insert “59(6),”

**Member's explanatory statement**

This amendment makes regulations which amend the list of child sexual exploitation and abuse offences specified for the purposes of clause 59 subject to the affirmative Parliamentary procedure.

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**Secretary Yvette Cooper**

[OPC258]

Clause 167, page 186, line 36, leave out “or 112” and insert “112, (*Section (Extraction of online information following seizure of electronic devices): interpretation*)(2)(a) or (b) or (*Section (Extraction of online information following seizure of electronic devices): confidential information*)(7)”

**Member's explanatory statement**

This amendment provides for the regulation-making powers in new clauses [OPC252] and [OPC251] to be subject to the affirmative procedure.

---

**Secretary Yvette Cooper**

[OPC56]

Clause 167, page 186, line 36, at end insert "*or (Meaning of "law enforcement employer")*(1)(k)"

**Member's explanatory statement**

This amendment provides for regulations specifying additional "law enforcement employers" for the purposes of new Clauses [OPC53] to [OPC143] to be subject to the affirmative procedure.

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**Secretary Yvette Cooper**

[OPC313]

Clause 169, page 188, line 2, at end insert—

"(ba) section 37(2)(d);"

**Member's explanatory statement**

This amendment provides for clause 37(2)(d) (which amends the Armed Forces Act 2006) to have UK extent.

---

**Secretary Yvette Cooper**

[OPC213]

Clause 169, page 188, line 2, at end insert—

"(ba) sections 38 and (*Proving an offence under section 38*);"

**Member's explanatory statement**

This amendment provides for clause 38 and new clause [OPC45] to extend to Scotland and Northern Ireland (as well as England and Wales).

---

**Secretary Yvette Cooper**

[OPC293]

Clause 169, page 188, line 3, at end insert—

"(ca) section (*Secretary of State guidance*);"

**Member's explanatory statement**

This amendment provides for new Clause [OPC264] to have UK extent.

---

**Secretary Yvette Cooper**

[OPC315]

Clause 169, page 188, line 4, at end insert—

"(da) section 64(2);"

**Member's explanatory statement**

This amendment provides for clause 64(2) (which amends the Armed Forces Act 2006) to have UK extent.

---

**Secretary Yvette Cooper**

[OPC268]

Clause 169, page 188, line 14, at end insert—

“(na) sections (*Extraction of online information following seizure of electronic devices*), (*Section (Extraction of online information following seizure of electronic devices): supplementary*), (*Section (Extraction of online information following seizure of electronic devices): interpretation*), (*Section (Extraction of online information following seizure of electronic devices): confidential information*) and (*Section (Extraction of online information following seizure of electronic devices): code of practice*);”

**Member's explanatory statement**

This amendment provides for new clauses [OPC250] to [OPC254] to have UK extent.

---

**Secretary Yvette Cooper**

[OPC273]

Clause 169, page 188, line 14, at end insert—

“(na) section (*Extraction of online information following agreement etc*);”

**Member's explanatory statement**

This amendment provides for new clause [OPC256] to have UK extent.

---

**Secretary Yvette Cooper**

[OPC55]

Clause 169, page 188, line 15, at end insert—

“(oa) sections (*Law enforcement employers may not employ etc barred persons*) to (*Special police forces: barred persons lists and advisory lists*) and Schedule (*Special police forces: barred persons lists and advisory lists*);”

**Member's explanatory statement**

This amendment provides for New Clause [OPC53] to [OPC141] and New Schedule [OPC54] to have UK extent.

---

**Secretary Yvette Cooper**

[OPC314]

Clause 169, page 188, line 17, at end insert—

“(r) paragraph 17 of Schedule 9.”



**Member's explanatory statement**

This amendment provides for paragraph 17 of Schedule 9 (which amends the Armed Forces Act 2006) to have UK extent.

---

**Secretary Yvette Cooper**

[OPC275]

Clause 169, page 188, line 22, after "sections" insert "(*Department of Justice guidance*),"

**Member's explanatory statement**

This amendment provides for the guidance provision inserted by new Clause [OPC274] to extend to Northern Ireland only.

---

**Secretary Yvette Cooper**

[OPC205]

Clause 169, page 188, line 22, after "160" insert ", and paragraphs 4(3) and 5(5) of Schedule 16,"

**Member's explanatory statement**

This amendment of the extent clause provides for the transitional provision in the Schedule about confiscation orders in Northern Ireland to have Northern Ireland extent.

---

**Secretary Yvette Cooper**

[OPC176]

Clause 169, page 188, line 22, at end insert—

"(6A) Section 127(3) and Schedule (*Confiscation orders: Scotland*) extend to Scotland."

**Member's explanatory statement**

This amendment of the extent clause is consequential on amendments [OPC175] and [OPC179].

---

**Secretary Yvette Cooper**

[OPC60]

Clause 169, page 188, line 34, at end insert—

"(ja) sections 114 to 116;"

**Member's explanatory statement**

This amendment provides that amendments made by clauses 114 to 116 (which were inserted into the Bill at Committee stage) have the same extent as the provision amended.

---

**Secretary Yvette Cooper**

[OPC269]

Clause 169, page 188, line 34, at end insert—

"(ja) section (*Extraction of online information: ports and border security*);"

**Member's explanatory statement**

This amendment provides for the amendments made by new clause [OPC255] to have the same extent as the provisions they amend.

---

**Secretary Yvette Cooper**

[OPC281]

Clause 169, page 188, line 34, at end insert—

“(ja) section (*Lawful interception of communications*);”

**Member's explanatory statement**

This amendment provides for any amendment made by new clause [OPC280] to have the same extent as the provision amended.

---

**Secretary Yvette Cooper**

[OPC272]

Clause 169, page 188, line 36, at end insert—

“(la) section (*Ports and border security: retention and copying of articles*);”

**Member's explanatory statement**

This amendment provides for the amendments made by new clause [OPC259] to have the same extent as the provisions they amend.

---

**Secretary Yvette Cooper**

[OPC295]

Clause 169, page 188, line 36, at end insert—

“(la) section (*Extradition: cases where a person has been convicted*)”

**Member's explanatory statement**

This amendment is consequential on Amendment [OPC283].

---

**Secretary Yvette Cooper**

[OPC270]

Clause 169, page 188, line 37, at end insert—

“(ma) Schedule (*Amendments to Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022*);”

**Member's explanatory statement**

This amendment provides for any amendment made by new Schedule [OPC257] to have the same extent as the provision amended.

**Secretary Yvette Cooper**

[OPC276]

Clause 170, page 189, line 20, leave out "52" and insert "(Secretary of State guidance), (Department of Justice guidance)"

**Member's explanatory statement**

This amendment provides for the guidance provisions inserted by new Clauses [OPC264] and [OPC274] to commence on Royal Assent.

---

**Secretary Yvette Cooper**

[OPC153]

Clause 170, page 189, line 21, after "sections" insert "(Causing internal concealment of item for criminal purpose),"

**Member's explanatory statement**

This amendment makes the Secretary of State's power to amend the list of specified items in amendment [OPC145] come into force on Royal Assent.

---

**Secretary Yvette Cooper**

[OPC165]

Clause 170, page 189, line 26, at end insert—

"(aa) section (Removal of limitation period in child sexual abuse cases);"

**Member's explanatory statement**

This amendment provides for new Clause [OPC164] to come into force two months after Royal Assent.

---

**Secretary Yvette Cooper**

[OPC67]

Clause 170, page 189, line 26, at end insert—

"(aa) section 114;  
(ab) section 116;"

**Member's explanatory statement**

This amendment makes clauses 114 and 116 (which were inserted into the Bill at Committee stage) commence two months after Royal Assent.

---

**Secretary Yvette Cooper**

[OPC214]

Clause 170, page 189, line 39, at beginning insert "Sections 38 and (Proving an offence under section 38), and"

**Member's explanatory statement**

This amendment provides for clause 38 and new clause [OPC45] to come into force, so far as extending to Scotland or Northern Ireland, by order made by the Scottish Ministers or the Department of Justice respectively.

---

Secretary Yvette Cooper

[OPC215]

Clause 170, page 190, line 6, at end insert—

“(za) section 56(2), (3) and (4)(c) so far as relating to an offence under section 38;”

**Member's explanatory statement**

This amendment provides for certain provisions of clause 56 which contain supplementary provision for Northern Ireland for offences under clause 38 to come into force in accordance with an order made by the Department of Justice.

---

Secretary Yvette Cooper

[OPC177]

Clause 170, page 190, line 8, at end insert—

“(8A) Section 127(3) and Schedule (*Confiscation orders: Scotland*) come into force on such day as the Scottish Ministers may by order appoint.”

**Member's explanatory statement**

This amendment of the commencement clause provides that the Scottish Ministers may bring into force the provision about confiscation orders in Scotland which is added to the Bill by amendments [OPC175] and [OPC179].

---

Secretary Yvette Cooper

[OPC178]

Clause 170, page 190, line 9, leave out “or (8)” and insert “, (8) or (8A)”

**Member's explanatory statement**

This amendment of the commencement clause enables transitional or saving provision, and different provision for different purposes, to be included in an order bringing into force the provision about confiscation orders in Scotland which is added to the Bill by amendments [OPC175] and [OPC179].

---

Secretary Yvette Cooper

[OPC197]

Clause 170, page 190, line 12, after “(7)(a)” insert “or (8A)”

**Member's explanatory statement**

This amendment of the commencement clause is consequential on amendment [OPC177].

---

Schedule 1, page 199, line 5, at end insert—

*“Sentencing Code*

- 28 In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available), after paragraph (c) insert—

“(ca) section 11(4) of the Anti-social Behaviour, Crime and Policing Act 2014 (breach of respect order);”.

**Member's explanatory statement**

This amendment inserts an amendment consequential on the provision inserted by clause 1(2).

---

Secretary Yvette Cooper

[OPC234]

Schedule 5, page 210, line 13, leave out from “in” to end of line 15 and insert “child criminal exploitation or in conduct associated with child criminal exploitation, or”

**Member's explanatory statement**

See the statement for amendment [OPC206].

---

Secretary Yvette Cooper

[OPC235]

Schedule 5, page 210, leave out lines 18 to 32 and insert—

- “(4) The second condition is that the court considers that there is a risk that the offender will engage in child criminal exploitation.
- (5) The third condition is that the court considers that it is necessary to make the order to prevent the offender from engaging, or reduce the likelihood of the offender engaging, in child criminal exploitation.
- (6) In subsection (3)—
- (a) the reference to engaging in anything includes engaging in it before (as well as after) the time when Schedule 5 to the Crime and Policing Act 2025 comes into force;
  - (b) the reference to an offence includes an offence committed before (as well as after) that time.
- (7) In this Chapter—
- (a) a reference to a person “engaging in child criminal exploitation” is to the person doing anything that constitutes an offence, in England and Wales, under section 38 of the Crime and Policing Act 2025;
  - (b) a reference to a person “engaging in conduct associated with child criminal exploitation” is to the person doing anything associated with the doing of anything that constitutes such an offence.””

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

[OPC236]

Schedule 5, page 211, line 7, leave out from “of” to end of line 8 and insert “preventing the offender from engaging, or reducing the likelihood of the offender engaging, in child criminal exploitation.”

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

[OPC316]

Schedule 5, page 211, line 22, at end insert—

“(5A) Where—

- (a) the offender has been remanded in or committed to custody by an order of a court, or
  - (b) a custodial sentence has been imposed on the offender or the offender is serving or otherwise subject to a such a sentence,
- a CCE prevention order may provide that it does not take effect until the offender is released from custody or ceases to be subject to a custodial sentence.”

**Member's explanatory statement**

This amendment enables the court to provide that a CCE prevention order takes effect on the offender being released from custody or ceasing to be subject to a custodial sentence.

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**Secretary Yvette Cooper**

[OPC262]

Schedule 5, page 212, leave out lines 28 to 32 and insert—

“(a) lawfully detained or otherwise lawfully deprived of their liberty, in the United Kingdom, or”

**Member's explanatory statement**

This amendment generalises the provision currently made by paragraphs (a) to (c) of inserted section 358C(8) (periods to be disregarded).

---

**Secretary Yvette Cooper**

[OPC237]

Schedule 5, page 214, line 6, leave out from “to” to end of line 8 and insert “prevent the offender from engaging, or reduce the likelihood of the offender engaging, in child criminal exploitation.”

**Member's explanatory statement**

See the statement for amendment [OPC206].

Schedule 5, page 215, leave out lines 24 to 26 and insert—

- “(2) The person commits an offence if—
- (a) without reasonable excuse, they fail to comply with that section, or
  - (b) in purported compliance with that section, they notify to the police any information which they know to be false.”

**Member's explanatory statement**

This amendment expands the offence under inserted section 358H so as to cover a failure to comply with section 358C (notification requirements).

Schedule 5, page 215, line 32, at end insert—

- “(4) A person commits an offence under subsection (2)(a) on the day on which they first fail, without reasonable excuse, to comply with section 358C.
- (5) The person continues to commit the offence throughout any period during which the failure continues.
- (6) But the person may not be prosecuted more than once in respect of the same failure.
- (7) Section 358G(4) applies for the purposes of this section.”

**Member's explanatory statement**

This amendment provides that a failure to comply with inserted section 358C (notification requirements) is a continuing offence. It also makes provision about how the existence and terms of the order are proved in proceedings for an offence under inserted section 358H.

Schedule 5, page 215, line 32, at end insert—

**“358HA Special measures for witnesses**

- (1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Chapter as it applies to criminal proceedings, but with—
  - (a) the omission of sections 17(4) to (7), 21(4C)(e), 22A, 27(10) and 32 of that Act (which make provision appropriate only in the context of criminal proceedings), and
  - (b) any other necessary modifications.
- (2) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to relevant proceedings under this Chapter—
  - (a) to the extent provided by rules of court, and

- (b) subject to any modifications provided by rules of court.
- (3) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—
  - (a) to a direction under section 19 of that Act as applied by this section;
  - (b) to a direction discharging or varying such a direction.Sections 49 and 51 of that Act (offences) apply accordingly.
- (4) In this section “relevant proceedings under this Chapter” means any proceedings under this Chapter except proceedings relating to an offence under section 358G or 358H.”

**Member's explanatory statement**

This amendment applies the special measures directions provisions in the Youth Justice and Criminal Evidence Act 1999 to civil proceedings under the new Chapter 2A (which is to be inserted into Part 11 of the Sentencing Code).

---

**Secretary Yvette Cooper**

[OPC239]

Schedule 5, page 216, leave out lines 1 to 10 and insert—

““engaging in child criminal exploitation” has the meaning given by section 358A (and related expressions are to be construed accordingly).”

**Member's explanatory statement**

See the statement for amendment [OPC206].

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**Secretary Yvette Cooper**

[OPC302]

Schedule 5, page 216, line 21, at end insert—

“2 In section 80(3) of the Sentencing Code (list of circumstances where an order for conditional discharge is not available) after paragraph (e) insert—

“(ea) section 358G(3) (breach of CCE prevention order);”.

**Member's explanatory statement**

This amendments inserts an amendment consequential on the provision made by paragraph 1.

---

**Secretary Yvette Cooper**

[OPC91]

Schedule 7, page 223, line 14, at end insert—

“(aa) sections 9 and 10 of the Criminal Law (Consolidation) (Scotland) Act 1995 (permitting girl to use premises for intercourse and seduction, prostitution, etc., of girl under 16);”



**Member's explanatory statement**

This amendment adds further Scottish offences to the list of child sexual exploitation and abuse offences specified for the purposes of clause 59.

---

**Secretary Yvette Cooper**

[OPC92]

Schedule 7, page 223, line 22, at end insert—

- "5A      An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 where the victim, or intended victim, was aged under 18—
- (a) section 1 (incest);
  - (b) section 2 (intercourse with step-child);
  - (c) section 7 (procuring)."

**Member's explanatory statement**

This amendment adds further Scottish offences to the list of child sexual exploitation and abuse offences specified for the purposes of clause 59.

---

**Secretary Yvette Cooper**

[OPC93]

Schedule 7, page 223, line 27, at end insert—

- "6A      An offence under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (human trafficking) against a person aged under 18, committed with a view to exploitation that consists of or includes behaviour within section 3(3) to (5) of that Act (prostitution and sexual exploitation)."

**Member's explanatory statement**

This amendment adds a further Scottish offence to the list of child sexual exploitation and abuse offences specified for the purposes of clause 59.

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**Secretary Yvette Cooper**

[OPC103]

Schedule 7, page 223, line 28, leave out "5 or 6" and insert "5, 5A, 6 or 6A"

**Member's explanatory statement**

This amendment is consequential on Amendments [OPC92] and [OPC93].

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**Secretary Yvette Cooper**

[OPC104]

Schedule 7, page 223, line 30, leave out "5 or 6" and insert "5, 5A, 6 or 6A"

**Member's explanatory statement**

This amendment is consequential on Amendments [OPC92] and [OPC93].

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**Secretary Yvette Cooper**

[OPC105]

Schedule 7, page 223, line 32, leave out "5 or 6" and insert "5, 5A, 6 or 6A"

**Member's explanatory statement**

This amendment is consequential on Amendments [OPC92] and [OPC93].

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**Secretary Yvette Cooper**

[OPC18]

Schedule 9, page 231, line 36, at end insert—

"5A In section 66G (definitions for purposes of sections 66E and 66F), omit subsection (8)."

**Member's explanatory statement**

This amendment removes a definition of "the maximum term for summary offences" which is no longer needed because the term will be defined by section 79 of the Sexual Offences Act 2003 as amended by para. 10 of Schedule 9. Section 66G is inserted by the Data (Use and Access) Bill.

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**Secretary Yvette Cooper**

[OPC154]

Schedule 9, page 234, line 23, leave out "In the Armed Forces Act 2006" and insert—

"(1) The Armed Forces Act 2006 is amended as follows.  
(2)"

**Member's explanatory statement**

This amendment is consequential on amendment [OPC155].

---

**Secretary Yvette Cooper**

[OPC155]

Schedule 9, page 234, line 35, at end insert—

"(3) In section 177DA (treatment of purported intimate images for purposes of deprivation orders)—

- (a) in subsection (1), for "This section" substitute "Subsection (2)";
- (b) after subsection (2) insert—

"(3) Subsection (4) applies where a person commits an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence under section 66F of the Sexual Offences Act 2003 (requesting the creation of purported intimate image of adult).

- (4) A purported intimate image which is connected with the offence, and anything containing it, is to be regarded for the purposes of 177C(3) (and section 94A(3)(b)(ii)) as used for the purposes of committing the offence (including

where it is committed by aiding, abetting, counselling or procuring).

- (5) A purported intimate image is connected with the offence if—
- (a) it appears to be of a person who was the subject of the request to which the offence relates (whether or not it is what was requested), and
  - (b) it was in the offender's possession, or under the offender's control, as a result of that request."

**Member's explanatory statement**

This amendment provides that a deprivation order can be made under section 177DA of the Armed Forces Act in connection with an offence under section 66F of the Sexual Offences Act 2003 (requesting the creation of purported intimate image of adult). Both those sections are inserted by the Data (Use and Access) Bill.

---

Secretary Yvette Cooper

[OPC188]

Schedule 12, page 254, line 9, at end insert—

**"PART 3**

**OTHER MEMORIALS**

- 1 Statue of Sir Winston Churchill, Parliament Square, London"

**Member's explanatory statement**

This amendment makes the statue of Sir Winston Churchill in Parliament Square a specified memorial for the purposes of clause 112.

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Secretary Yvette Cooper

[OPC216]

Schedule 15, page 320, line 18, at end insert—

**"PART 13**

**CONFISCATION ORDERS MADE UNDER SAVED LEGISLATION: PROVISIONAL DISCHARGE**

*Provisional discharge of confiscation orders made under saved legislation*

- 54 (1) This paragraph applies if—
- (a) an amount remains to be paid under a confiscation order made under—
    - (i) section 1 of the Drug Trafficking Offences Act 1986,
    - (ii) section 71 of the Criminal Justice Act 1988, or
    - (iii) section 2 of the Drug Trafficking Act 1994, and
  - (b) the relevant two-year period has ended.
- (2) The Crown Court may, of its own motion or on an application made by a person listed in sub-paragraph (3), discharge the confiscation order

on a provisional basis if the court considers that it is in the interests of justice to do so.

- (3) The persons are—
  - (a) the prosecutor;
  - (b) the designated officer for a magistrates' court;
  - (c) a receiver appointed under—
    - (i) section 11 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;
    - (ii) section 80 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;
    - (iii) section 29 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.
- (4) In deciding whether it is in the interests of justice to discharge a confiscation order on a provisional basis the court must, in particular, take into account—
  - (a) any amount that the defendant has already paid under the confiscation order;
  - (b) the extent to which the amount that remains to be paid under the order represents interest payable in respect of the order;
  - (c) any steps that have already been taken in relation to the enforcement of the order;
  - (d) the extent to which there are reasonable steps (or further reasonable steps) that could be taken in relation to the enforcement of the order;
  - (e) the amount that the court considers would be recovered if all such reasonable steps (or further reasonable steps) were to be taken.
- (5) Where an application under this paragraph is refused, a further application in relation to the confiscation order concerned may only be made—
  - (a) after the end of the period of two years beginning with the date of the refusal, or
  - (b) before the end of that period, with the leave of the court.
- (6) There is no right of appeal against a decision of the court under this paragraph to discharge, or not to discharge, a confiscation order on a provisional basis.
- (7) In sub-paragraph (1), the "relevant two-year period" means the period of two years beginning with—
  - (a) the day on which the confiscation order was made, or
  - (b) in a case where the order has been varied under the Drug Trafficking Offences Act 1986, Part 6 of the Criminal Justice Act 1998 or, as the case may be, Part 1 of the Drug Trafficking Act 1994, the day on which the order was varied.

*Effect of provisional discharge under paragraph 54 and revocation of discharge*

- 55 (1) This paragraph applies where a confiscation order has been discharged under paragraph 54 on a provisional basis.
- (2) The order is to be treated as satisfied, and accordingly the proceedings against the defendant are to be treated as having concluded for the purposes of the Drug Trafficking Offences Act 1986, the Criminal Justice Act 1988 or, as the case may be, the Drug Trafficking Act 1994, subject to the rest of this paragraph.
- (3) The provisional discharge of the order does not prevent the making of an application in respect of the order under—
- (a) section 14 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;
  - (b) section 74C or 83 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;
  - (c) section 15, 16 or 17 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.
- (4) Where, on an application under any of those provisions, the court varies the order, the court may also revoke the provisional discharge of the order.
- (5) The Crown Court may, on an application made by a person listed in sub-paragraph (6), revoke the provisional discharge of the order if the court considers that it is in the interests of justice to do so.
- (6) The persons are—
- (a) the prosecutor;
  - (b) a receiver appointed under—
    - (i) section 11 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;
    - (ii) section 80 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;
    - (iii) section 29 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.
- (7) In deciding whether it is in the interests of justice to revoke the provisional discharge of a confiscation order the court must, in particular, take into account the matters listed in paragraph 54(4).
- (8) Where the court revokes the provisional discharge of a confiscation order under this paragraph—
- (a) the order is, from the time of the revocation, no longer to be treated as satisfied, and
  - (b) accordingly—
    - (i) from that time the proceedings against the defendant are to be treated as not having been concluded, and
    - (ii) any interest which was payable in respect of the order for a period before the provisional discharge of the order but which had not been paid at the time of the provisional discharge becomes payable.

- (9) There is no right of appeal against a decision of the court under this paragraph to revoke, or not to revoke, the provisional discharge of a confiscation order.

*Time for payment where provisional discharge of order is revoked*

- 56 (1) This paragraph applies where a court revokes the provisional discharge of a confiscation order—
  - (a) under paragraph 55(4) on an application under section 74C of the Criminal Justice Act 1988 or section 15 or 16 of the Drug Trafficking Act 1994, or
  - (b) under paragraph 55(5).
- (2) If the court is satisfied that the defendant is unable to pay the full amount ordered to be paid under the order on the day on which the provisional discharge is revoked, the court may make an order requiring whatever cannot be paid on that day to be paid—
  - (a) in a specified period, or
  - (b) in specified periods each of which relates to a specified amount.
- (3) A specified period—
  - (a) must start with the day on which the provisional discharge is revoked, and
  - (b) must not exceed three months.
- (4) If—
  - (a) within any specified period the defendant applies to the relevant court for that period to be extended, and
  - (b) the relevant court is satisfied that, despite having made all reasonable efforts, the defendant is unable to pay the amount to which the specified period relates within that period,the court may make an order extending the period (for all or any part or parts of the amount in question).
- (5) “The relevant court” means—
  - (a) in a case where the Crown Court revoked the provisional discharge of the order, the Crown Court;
  - (b) in a case where a magistrates’ court revoked the provisional discharge of the order, a magistrates’ court.
- (6) An extended period—
  - (a) must start with the day on which the provisional discharge is revoked, and
  - (b) must not exceed six months.
- (7) An order under sub-paragraph (4)—
  - (a) may be made after the end of the specified period to which it relates, but
  - (b) must not be made after the end of the period of six months starting with the day on which the provisional discharge is revoked.

- (8) Periods specified or extended under this paragraph must be such that, where the court believes that a defendant will by a particular day be able—
  - (a) to pay the amount remaining to be paid, or
  - (b) to pay an amount towards what remains to be paid,
 that amount is required to be paid no later than that day.
- (9) If—
  - (a) an application has been made under sub-paragraph (4) for a specified period to be extended,
  - (b) the application has not been determined by the court, and
  - (c) the period of six months starting with the day on which the provisional discharge was revoked has not ended,
 the amount on which interest is payable in respect of the order does not include the amount to which the specified period relates.
- (10) The court must not make an order under sub-paragraph (2) or (4) unless it gives the prosecutor an opportunity to make representations.

#### *Financial status orders*

- 57 (1) This paragraph applies where—
- (a) the Crown Court has decided of its own motion to consider whether to discharge a confiscation order on a provisional basis,
  - (b) an application has been made under paragraph 54 or 55, or
  - (c) the court has discharged a confiscation order on a provisional basis and an application has been made under—
    - (i) section 14 of the Drug Trafficking Offences Act 1986, in the case of a confiscation order made under section 1 of that Act;
    - (ii) section 74C or 83 of the Criminal Justice Act 1988, in the case of a confiscation order made under section 71 of that Act;
    - (iii) section 15, 16 or 17 of the Drug Trafficking Act 1994, in the case of a confiscation order made under section 2 of that Act.
- (2) The relevant court may order the defendant to give the court, before the end of the period specified in the order—
- (a) any information about the defendant's assets and other financial circumstances, and
  - (b) any documentary or other evidence in support of that information, that the court may require in connection with the exercise of its functions under paragraph 54 or 55.
- (3) "The relevant court" means—
- (a) where this paragraph applies as a result of sub-paragraph (1)(a) or (b), the Crown Court;
  - (b) where this paragraph applies as a result of sub-paragraph (1)(c), the court to which the application mentioned in that sub-paragraph is made."

**Member's explanatory statement**

This amendment enables a court, where it considers that it is in the interests of justice to do so, to discharge on a provisional basis a confiscation order made under legislation that pre-dates the Proceeds of Crime Act 2002 and to revoke such a provisional discharge.