

Crime and Policing Bill – Committee stage

LORD HANSON OF FLINT

[OPC811]

Clause 97, page 124, line 14, at end insert –

“(za) in subsection (1)(a) after “order” insert “by a magistrates’ court, a youth court or the Crown Court””

Member's explanatory statement

This amendment clarifies the cases in which an appeal against the making of a stalking protection order can be brought under section 7 of the Stalking Protection Act 2019.

LORD HANSON OF FLINT

[OPC838]

Clause 97, page 124, line 20, at end insert –

“(3B) An appeal under subsection (1), (2) or (3) to the Court of Appeal may be made only with the permission of that court.”

Member's explanatory statement

This amendment clarifies the need for permission of the Court of Appeal to appeal to it against an order made under section 4 of the Stalking Protection Act 2019.

LORD HANSON OF FLINT

[OPC792]

Clause 97, page 124, line 26, after “appeal” insert “under this section”

Member's explanatory statement

This amendment clarifies that the reference to an appeal in new subsection (5)(a) of section 7 of the Stalking Protection Act 2019 is to an appeal under section 7.

LORD HANSON OF FLINT

[OPC793]

Clause 97, page 124, line 29, after “appeal” insert “under this section”

Member's explanatory statement

This amendment clarifies that the reference to an appeal in new subsection (5)(b) of section 7 of the Stalking Protection Act 2019 is to an appeal under section 7.

LORD HANSON OF FLINT

[OPC813]

Clause 98, page 127, line 20, leave out from “by” to “a” in line 23

Member's explanatory statement

This amendment to inserted section 364D of the Sentencing Code, together with my amendment to clause 98, page 127, line 35, provides for applications to vary, renew or discharge a stalking protection order made by any court other than a magistrates' or youth court to be made to the Crown Court.

LORD HANSON OF FLINT

[OPC814]

Clause 98, page 127, line 35, at end insert –

“(c) where the order was made by any other court, the Crown Court;”

Member's explanatory statement

See my amendment to clause 98, page 127, line 20.

LORD HANSON OF FLINT

[OPC841]

Clause 98, page 128, line 28, at end insert –

“(3A) An appeal under subsection (2) to the Court of Appeal may be made only with the permission of that court.”

Member's explanatory statement

This amendment clarifies the need for permission of the Court of Appeal to appeal to it against an order made under section 364D of the Sentencing Code.

LORD HANSON OF FLINT

[OPC680]

After Clause 98, insert the following new Clause –

“Stalking protection orders: Northern Ireland

- (1) The Protection from Stalking Act (Northern Ireland) 2022 (c. 17 (N.I.)) is amended as follows.
- (2) In section 6 (meaning of act associated with stalking and risk associated with stalking), in subsection (1) for “7” substitute “6A”.
- (3) After section 6 insert –

“Meaning of “stalking protection order”

6A. – (1) In this Act “stalking protection order” means an order under this Act which, for the purpose of preventing a person from carrying out acts associated with stalking –

- (a) prohibits the person from doing anything described in the order, or
- (b) requires the person to do anything described in the order.

(2) This Act provides for the making of a stalking protection order –

- (a) on an application under section 7, or

- (b) where a person is acquitted of an offence, successfully appeals against a conviction for an offence, is dealt with in respect of certain findings or is convicted of an offence (see section 8(1)).”
- (4) In section 7 (applications for orders) omit subsection (1).
- (5) In section 8 (power to make orders) –
 - (a) for subsection (1) substitute –
 - “(1) This section applies in respect of a person (“D”) where –
 - (a) the Chief Constable has applied under section 7 to a court of summary jurisdiction for a stalking protection order against D,
 - (b) D is acquitted of an offence by or before a court,
 - (c) a court allows D’s appeal against a conviction for an offence,
 - (d) a court deals with D in respect of a finding that –
 - (i) D is not guilty of an offence by reason of insanity, or
 - (ii) D is under a disability and has done the act charged against D in respect of an offence, or
 - (e) D has been convicted of an offence and a court deals with D for the offence.”;
 - (b) in subsection (2), in the words before paragraph (a), for “the order” substitute “a stalking protection order”.
- (6) In section 10 (variations, renewals and discharges) –
 - (a) in subsection (1), for “a court of summary jurisdiction” substitute “an appropriate court”;
 - (b) after subsection (3) insert –
 - “(4) In subsection (1) “appropriate court” means –
 - (a) where the stalking protection order was made by a court of summary jurisdiction other than a youth court, a court of summary jurisdiction which is not a youth court;
 - (b) where the stalking protection order was made by a youth court –
 - (i) if the defendant is under the age of 18 when the application for variation, renewal or discharge is made, a youth court;
 - (ii) if the defendant is aged 18 or over at the time the application for variation, renewal or discharge is made, a court of summary jurisdiction which is not a youth court;
 - (c) where the stalking protection order was made by any other court, the Crown Court.
- (5) For the purposes of subsection (4) –
 - (a) a stalking protection order made by a court on an appeal is to be treated as made by the court whose decision was appealed against;

- (b) a stalking protection order that is confirmed, varied or renewed on an appeal remains an order of the court that first made it (or, if it was made on an appeal, the court that is treated as having made it under paragraph (a)).”
- (7) In section 11 (interim stalking protection orders), in subsection (2), after “application” in the first place it occurs insert “under section 7”.
- (8) In section 12 (procedure) –
 - (a) after subsection (3) insert –
 - “(3A) An application to the Crown Court under section 10 is to be made in accordance with Crown Court rules.”;
 - (b) in subsection (5) omit “10 or”.
- (9) After section 12 insert –

“Appeals

12A. – (1) Where a stalking protection order is made in the circumstances mentioned in section 8(1)(b), (c) or (d), D may appeal against the making of the order as if –

- (a) D had been convicted of the offence and,
- (b) the order were a sentence passed on D for the offence by the court which made the order,

(if an appeal would lie against such a sentence).

(2) Where a stalking protection order is made in the circumstances mentioned in section 8(1)(e), D may appeal against the making of the order as if the order were a sentence passed on D for the offence by the court which made the order (if an appeal would lie against such a sentence).

(3) The following may appeal against a decision under section 10 made by the Crown Court –

- (a) the person against whom the stalking protection order in question was made;
- (b) the Chief Constable.

(4) An appeal under subsection (3) is to be made to the Court of Appeal, and may be made only with the permission of that court.

(5) On an appeal under this section, the court may make –

- (a) such orders as may be necessary to give effect to its determination of the appeal, and
- (b) such incidental or consequential orders as appear to it to be appropriate.

(6) For appeals against decisions of a court of summary jurisdiction on an application under section 7, 10 or 11, see Article 143 of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26) (appeal to county court against proceedings on complaint)).”

- (10) In section 21 (interpretation) –
 - (a) in the definition of “stalking protection order”, for “section 7(1)” substitute “section 6A(1)”;

(b) at the end insert –

““youth court” has the meaning given by section 12.”

(11) In section 20(3) (report on the operation of Act) –

(a) in paragraph (b) omit “and the number of orders made under section 8”;

(b) after paragraph (b) insert –

“(ba) the number of stalking protection orders made under each paragraph of section 8(1);”.

Member's explanatory statement

This amendment makes provision extending the power of courts in Northern Ireland to make stalking protection orders at the end of criminal proceedings, similar to the provision made for England and Wales by clauses 97 and 98.

LORD HANSON OF FLINT

[OPC681]

After Clause 100, insert the following new Clause –

“Guidance about disclosure of information by police: Northern Ireland

In the Protection from Stalking Act (Northern Ireland) 2022 (c. 17 (N.I.)), in section 17 –

(a) in subsection (2) for “this section” substitute “subsection (1)”;

(b) after subsection (2) insert –

“(2A) The Department must issue guidance to the Chief Constable about the disclosure of police information for the purpose of protecting persons from risks associated with stalking.

(2B) The Chief Constable must have regard to guidance issued under subsection (2A).”;

(c) in subsection (3) for “subsection (1)” substitute “this section”.

Member's explanatory statement

This clause requires the Department of Justice in Northern Ireland to issue guidance to the Chief Constable of the Police Service of Northern Ireland about disclosure of police information about stalking.

LORD HANSON OF FLINT

[OPC329]

Clause 138, page 171, line 11, at end insert –

“(5A) The Secretary of State may not make driver information regulations in relation to Northern Ireland authorised persons without the consent of the Department of Justice in Northern Ireland.

(5B) “Northern Ireland authorised persons” means authorised persons who –

(a) are under the direction and control of –

(i) the Chief Constable of the Police Service of Northern Ireland,

- (ii) the Belfast Harbour Commissioners, or
- (iii) Belfast International Airport Limited, or
- (b) are officers of the Police Ombudsman for Northern Ireland.”

Member's explanatory statement

This amendment provides that the Secretary of State may not make driver information regulations in relation to the Northern Ireland police without the consent of the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

[OPC330]

Clause 138, page 175, line 5, after “2025” insert “first”

Member's explanatory statement

This amendment is consequential on my amendment to clause 138, page 175, line 5.

LORD HANSON OF FLINT

[OPC331]

Clause 138, page 175, line 5, at end insert “for any purpose, other than the purposes of making regulations”

Member's explanatory statement

This amendment means that the period to be covered by the Secretary of State’s first annual report starts when clause 138 comes into force for a purpose other than making regulations.

LORD HANSON OF FLINT

[OPC682]

Clause 200, page 230, line 33, after “61” insert “(Stalking protection orders: Northern Ireland), (Guidance about disclosure of information about stalkers: Northern Ireland)”

Member's explanatory statement

This amendment provides for the specified new clauses to extend to Northern Ireland.

LORD HANSON OF FLINT

[OPC683]

Clause 201, page 232, line 31, at end insert –

- “(aa) sections (Stalking protection orders: Northern Ireland) and (Guidance about disclosure of information about stalkers: Northern Ireland);”

Member's explanatory statement

This amendment provides for the Department of Justice in Northern Ireland to commence the specified new clauses.