

Crime and Policing Bill – Report stage

LORD HANSON OF FLINT

[OPC860]

Clause 1, page 9, line 33, at end insert –

- “(2A) Before issuing or revising guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (2B) Subsection (2A) does not apply to revisions that the Secretary of State considers are not substantial.
- (2C) The requirement in subsection (2A) to consult before issuing guidance may be satisfied by consultation carried out wholly or partly before this section comes into force.”

Member's explanatory statement

This amendment adds a consultation requirement to section M1, inserted into the Anti-social Behaviour, Crime and Policing Act 2014 by clause 1 of the Bill.

LORD HANSON OF FLINT

[OPC859]

Clause 7, page 16, line 28, at end insert –

- “(6A) The requirement in subsection (6) may be satisfied by consultation carried out wholly or partly before this section comes into force.”

Member's explanatory statement

This amendment to section 105A of the Anti-social Behaviour, Crime and Policing Act 2014 (inserted by clause 7 of the Bill) allows pre-commencement consultation to satisfy the requirement on the Secretary of State to consult on regulations about information about anti-social behaviour.

LORD HANSON OF FLINT

[OPC832]

Clause 9, page 17, line 32, at end insert –

- (3A) A draft of any guidance or revised guidance proposed to be issued under this section must be laid before each House of Parliament.”

Member's explanatory statement

This amendment requires draft guidance to be laid before Parliament.

LORD HANSON OF FLINT

[OPC833]

Clause 9, page 17, line 33, leave out “issuing or revising guidance under this section” and insert “laying draft guidance or revised guidance under subsection (3A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 9, page 17, line 32.

LORD HANSON OF FLINT

[OPC835]

Clause 9, page 17, leave out lines 36 and 37 and insert—

- “(5) The Secretary of State must not issue guidance or revised guidance under this section until after the end of the period of 40 days beginning with the day on which the draft was laid before each House of Parliament, or if it was laid on different days, with the later day.
- (5A) If, within that period, either House of Parliament resolves that the guidance or revised guidance should not be issued, the Secretary of State must not issue it.
- (5B) In calculating any period of 40 days for the purposes of subsection (5), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5C) The Secretary of State must publish any guidance issued or revised under this section.”

Member's explanatory statement

This amendment provides for the negative resolution procedure to apply to guidance under this section laid before Parliament.

LORD HANSON OF FLINT

[OPC1012]

Clause 24, page 27, line 8, leave out subsections (3) and (4) and insert—

- “(3) A draft of any guidance proposed to be issued under this section must be laid before each House of Parliament.
- (4) The Secretary of State must not issue guidance under this section until after the end of the period of 40 days beginning with the day on which the draft was laid before each House of Parliament, or if it was laid on different days, with the later day.
- (4A) If, within that period, either House of Parliament resolves that the guidance should not be issued, the Secretary of State must not issue it.
- (4B) In calculating any period of 40 days for the purposes of subsection (4), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4C) The Secretary of State must publish any guidance issued under this section.”

Member's explanatory statement

This amendment provides for guidance under clause 24 to be laid before Parliament before being issued and to be subject to the negative resolution procedure.

LORD HANSON OF FLINT

[OPC1013]

Clause 24, page 27, line 12, at end insert –

- “(6) The Secretary of State may revise any guidance issued under this section.
- (7) Subject to subsection (8), subsections (3) to (5) have effect in relation to any revised guidance.
- (8) Subsections (3) to (4B) do not apply to revised guidance if the Secretary of State considers that the revisions are not substantial.”

Member's explanatory statement

This amendment is consequential on my amendment at clause 24, page 27, line 8.

LORD HANSON OF FLINT

[OPC863]

Clause 31, page 36, line 23, leave out from “seller” to “and” in line 26 and insert “either –

- (i) obtained from the buyer a copy of an identity document issued to the buyer in a physical form and a photograph of the buyer, or
- (ii) took such steps to verify the buyer’s age as may be prescribed in regulations made by the Secretary of State,”

Member's explanatory statement

This amendment adds a requirement to section 141B of the Criminal Justice Act 1988 for a passport or driving licence used as proof of age on a remote sale of a knife to be a physical version, and allows the Secretary of State to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

[OPC864]

Clause 31, page 36, line 27, leave out “the things obtained under paragraph (a)” and insert “that copy and photograph or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 31, page 36, line 23.

LORD HANSON OF FLINT

[OPC865]

Clause 31, page 37, line 6, at end insert –

“(10A) A statutory instrument containing (whether alone or with other provision) regulations under subsection (4)(a)(ii) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment provides for regulations prescribing the steps that may be taken to verify a buyer's age to be subject to the affirmative procedure.

LORD HANSON OF FLINT

[OPC866]

Clause 31, page 37, line 7, leave out “A” and insert “Any other”

Member's explanatory statement

This amendment is consequential on my amendment to clause 31, page 37, line 6.

LORD HANSON OF FLINT

[OPC867]

After Clause 31, insert the following new Clause –

“Remote sale or letting of knives etc: Scotland

- (1) Section 141C of the Criminal Justice Act 1988 (remote sales and lettings of knives) is amended as follows.
- (2) For subsection (5) substitute –
 - “(5) Condition A is that, before the sale or letting on hire –
 - (a) the accused either –
 - (i) obtained from the recipient a copy of an identity document issued to the recipient in a physical form and a photograph of the recipient, or
 - (ii) took such steps to verify the recipient's age as may be prescribed in regulations made by the Scottish Ministers, and
 - (b) on the basis of that copy and photograph or those steps, a reasonable person would have been satisfied that the recipient was aged 18 or over.
- (5A) For the purposes of subsection (5) an “identity document” means –
 - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (c) a licence to drive a motor vehicle –

- (i) granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State;
 - (d) any other document specified in regulations made by the Scottish Ministers.”
- (3) In subsection (6)(b) for “a person aged 18 or over” substitute “the recipient”.
 - (4) In subsection (7) for “a person aged 18 or over” substitute “the recipient”.
 - (5) In subsection (9) omit “or a person acting on behalf of the recipient” in both places it occurs.
 - (6) After subsection (10) insert—
 - “(11) Regulations made by the Scottish Ministers under subsection (5)(a)(ii) are subject to the affirmative procedure.
 - (12) Regulations made by the Scottish Ministers under subsection (5A)(d) are subject to the negative procedure.
 - (13) For the meaning of “affirmative procedure” and “negative procedure” see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).”
 - (7) In section 141A(4B) of the Criminal Justice Act 1988 (sale of knives to persons under 18: Scotland) for paragraphs (a) to (b) substitute—
 - “(a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (aa) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (b) a licence to drive a motor vehicle—
 - (i) granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State;”.

Member's explanatory statement

This new clause makes provision for Scotland equivalent to that made for England and Wales by clause 31 (as amended by my amendments to that clause).

LORD HANSON OF FLINT

[OPC868]

After Clause 31, insert the following new Clause—

“Remote sale of knives etc: Northern Ireland

- (1) Article 54A of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (remote sale of knives) is amended as follows.

- (2) For paragraph (4) substitute—
- “(4) Condition A is that, before the sale—
- (a) the seller either—
 - (i) obtained from the buyer a copy of an identity document issued to the buyer in a physical form and a photograph of the buyer, or
 - (ii) took such steps to verify the buyer’s age as may be prescribed in an order made by the Department of Justice, and
 - (b) on the basis of that copy and photograph or those steps, a reasonable person would have been satisfied that the buyer was aged 18 or over.
- (4A) For the purposes of paragraph (4) an “identity document” means—
- (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
 - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
 - (c) a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) or Part 3 of the Road Traffic Act 1988;
 - (d) any other document specified in an order made by the Department of Justice.”
- (3) In paragraph (5)(b), for “a person aged 18 or over” substitute “the buyer”.
- (4) In paragraph (6), for “a person aged 18 or over” substitute “the buyer”.
- (5) In paragraph (8), omit “or a person acting on behalf of the buyer”, in both places it occurs.
- (6) In Article 57 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (rules and orders)—
- (a) in paragraph (1) after “54(3)(c)” insert “, 54A(4A)(d)”;
 - (b) in paragraph (2) after “Article” insert “54A(4)(a)(ii) or”.

Member's explanatory statement

This new clause makes provision for Northern Ireland equivalent to that made for England and Wales by clause 31 (as amended by my amendments to that clause).

LORD HANSON OF FLINT

[OPC1134]

Clause 32, page 37, line 11, at end insert—

- “(1A) In section 38 (delivery of bladed products to residential premises)—
- (a) omit subsection (4);
 - (b) in subsection (8)—
 - (i) in paragraph (b) omit “Scotland or”;

(ii) after paragraph (b) insert –

“(c) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;

(d) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 6 months, to a fine or to both.”

(1B) In section 39 (delivery of bladed products to persons under 18) –

(a) in subsection (1), for paragraphs (c) to (e) substitute –

“(c) before the sale, the seller entered into an arrangement with a person (“the contractor”) by which the contractor agreed –

(i) to deliver bladed products for the seller, or

(ii) to arrange the delivery of bladed products for the seller,

(d) the contractor was aware when they entered into the arrangement with the seller that it covered delivering, or arranging the delivery of, bladed products, and

(e) pursuant to that arrangement, the bladed product is finally delivered to residential premises by the contractor or a person acting on the contractor’s behalf.”;

(b) omit subsections (2) and (3);

(c) for subsection (6) substitute –

“(6) The contractor commits an offence if, when the bladed product is finally delivered to residential premises by the contractor or a person acting on the contractor’s behalf, it is not delivered into the hands of a person who –

(a) is aged 18 or over, and

(b) if the buyer is an individual, is the buyer.

(6A) A person acting on the contractor’s behalf commits an offence if –

(a) the bladed product is finally delivered to residential premises by that person or another person acting on the contractor’s behalf, and

(b) it is not delivered into the hands of a person who –

(i) is aged 18 or over, and

(ii) if the buyer is an individual, is the buyer.

(6B) For the purposes of this section, a person acts on the contractor’s behalf if the person acts in relation to the bladed product pursuant to a relevant arrangement with –

(a) the contractor, or

(b) a person who acts on the contractor’s behalf.

(6C) A “relevant arrangement” is an arrangement entered into before the sale of the bladed product by which the person

agreed to finally deliver, or to arrange for the final delivery of, bladed products (whether or not the person was aware that the arrangement covered bladed products).”;

(d) in subsection (7) –

- (i) for “subsection (6)” substitute “this section”;
- (ii) in paragraph (b) omit “Scotland or”;
- (iii) after paragraph (b) insert –

“(c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;

(d) on conviction on indictment in Scotland, to a fine.”.

Member's explanatory statement

This amendment, together with other of my amendments to clause 32, extend the provision made by that clause to Scotland and Northern Ireland and make related drafting changes. It also ensures that all contractors in the delivery chain are responsible for age and ID verification on delivery of bladed products to residential premises.

LORD HANSON OF FLINT

[OPC870]

Clause 32, page 37, line 12, leave out “After section 39 insert” and insert “For section 40 substitute”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC871]

Clause 32, page 37, line 13, leave out “39A” and insert “40”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC872]

Clause 32, page 37, line 13, leave out “England and Wales” and insert “or 39”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC873]

Clause 32, page 37, line 14, leave out “in England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC874]

Clause 32, page 37, line 17, leave out “in England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC875]

Clause 32, page 37, line 26, leave out “in England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC1135]

Clause 32, page 37, line 29, at end insert –

- “(3A) It is a defence for a person charged with an offence under section 39(6) or (6A) to show that the delivery conditions were met.
- (3B) It is a defence for a person charged with an offence under section 39(6) or (6A) who did not finally deliver the bladed product to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.
- (3C) It is a defence for a person charged with an offence under section 39(6A) to show that the person did not know, and a reasonable person would not have known, that what was delivered was a bladed product.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC877]

Clause 32, page 37, leave out lines 31 to 33 and insert –

- “(a) the person finally delivering the bladed product –
 - (i) was shown by the person (“P”) into whose hands it was finally delivered an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the appropriate national authority, and”

Member's explanatory statement

This amendment provides that an identity document shown to a person delivering a bladed product must be a physical document. It also allows regulations to be made prescribing an alternative process for identity verification (such as digital ID).

LORD HANSON OF FLINT

[OPC878]

Clause 32, page 37, line 34, after “document” insert “or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 32, page 37, lines 31 to 33.

LORD HANSON OF FLINT

[OPC879]

Clause 32, page 38, line 6, leave out from first “a” to end of line 8 and insert “relevant driving licence”

Member's explanatory statement

This amendment, together with my second amendment to clause 32, page 38, line 10, provide for EU driving licences to count as an identity document in Scotland.

LORD HANSON OF FLINT

[OPC880]

Clause 32, page 38, line 10, leave out “Secretary of State” and insert “appropriate national authority”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC881]

Clause 32, page 38, line 10, at end insert –

“(5A) In subsection (5)(c) “relevant driving licence” means –

- (a) in relation to England and Wales and Northern Ireland, a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
- (b) in relation to Scotland, a licence to drive a motor vehicle –
 - (i) granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State.”

Member's explanatory statement

This amendment, together with my amendment to clause 32, page 38, line 6, provide for EU driving licences to count as an identity document in Scotland.

LORD HANSON OF FLINT

[OPC882]

Clause 32, page 38, leave out lines 11 to 18

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 43, line 14 and the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC883]

Clause 32, page 38, line 20, leave out from beginning to end of line 24 on page 39

Member's explanatory statement

This amendment removes provisions that are superseded by my new amendments to section 39 of the Offensive Weapons Act 2019 (see my amendment to clause 32, page 37, line 11).

LORD HANSON OF FLINT

[OPC884]

Clause 32, page 39, leave out line 26

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC885]

Clause 32, page 39, line 35, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC886]

Clause 32, page 39, line 38, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC887]

Clause 32, page 40, line 18, leave out “the seller” and insert “they”

Member's explanatory statement

This amendment makes a drafting change for consistency.

LORD HANSON OF FLINT

[OPC888]

Clause 32, page 40, leave out lines 21 to 25

Member's explanatory statement

This amendment removes a provision that is no longer needed because the matter is dealt with in the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC889]

Clause 32, page 40, line 26, leave out “on summary conviction to a fine” and insert –

- “(a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC890]

Clause 32, page 40, leave out lines 34 to 37

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 43, line 14 and the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC1136]

Clause 32, page 40, line 38, leave out “courier” and insert “contractor”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC891]

Clause 32, page 40, line 39, leave out “England and Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC848]

Clause 32, page 41, line 7, leave out “courier”) by which the person” and insert “contractor”) by which the contractor”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC1032]

Clause 32, page 41, line 8, after “seller,” insert “or

(ii) to arrange the delivery of bladed products for the seller,”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC1033]

Clause 32, page 41, line 9, leave out “courier” and insert “contractor”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC1034]

Clause 32, page 41, line 10, after “covered” insert “delivering, or arranging”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC892]

Clause 32, page 41, line 11, after “they” insert “or a person acting on their behalf”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC1035]

Clause 32, page 41, line 11, leave out “courier” and insert “contractor”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC893]

Clause 32, page 41, line 12, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC1036]

Clause 32, page 41, line 12, at end insert –

- “(2A) A person who acts on the contractor’s behalf commits an offence if they, or another person acting on the contractor’s behalf, deliver the bladed product to a collection point.
- (2B) For the purposes of this section, a person acts on the contractor’s behalf if the person acts in relation to the bladed product pursuant to a relevant arrangement with –
 - (a) the contractor, or
 - (b) a person who acts on the contractor’s behalf.
- (2C) A “relevant arrangement” is an arrangement entered into before the sale of the bladed product by which the person agreed to deliver, or to arrange for the delivery of, bladed products (whether or not the person was aware that the arrangement covered bladed products).”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC1112]

Clause 32, page 41, line 15, leave out from “when” to “was” in line 16 and insert “they delivered the package containing the bladed product to the collection point or to a person acting on the contractor’s behalf, the package”

Member's explanatory statement

This amendment, together with other amendments to this inserted section, ensures that all contractors in the delivery chain are responsible for marking packages containing bladed products that are to be delivered to collection points as needing age and ID verification.

LORD HANSON OF FLINT

[OPC894]

Clause 32, page 41, leave out lines 27 to 31

Member's explanatory statement

This amendment removes a provision that is no longer needed because the matter is dealt with in the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC895]

Clause 32, page 41, line 32, leave out “on summary conviction to a fine” and insert—

- “(a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC896]

Clause 32, page 41, leave out lines 35 to 38

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by my amendment to clause 32, page 43, line 14 and the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC897]

Clause 32, page 42, leave out line 2

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC898]

Clause 32, page 42, line 9, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC899]

Clause 32, page 42, line 22, leave out “of the collection point”

Member's explanatory statement

This amendment is a drafting change.

LORD HANSON OF FLINT

[OPC900]

Clause 32, page 42, line 23, leave out from “if” to “into” in line 24 and insert “the operator (or a person acting on behalf of the operator) –

- (a) gives the bladed product to a person collecting it, but
- (b) does not give it”

Member's explanatory statement

This amendment clarifies that section 40D(4) applies where a bladed product is given to the person collecting it by a person acting on behalf of the operator.

LORD HANSON OF FLINT

[OPC901]

Clause 32, page 42, line 26, leave out first “it” and insert “the bladed product”

Member's explanatory statement

This amendment makes a drafting change.

LORD HANSON OF FLINT

[OPC902]

Clause 32, page 42, leave out lines 34 to 36 and insert –

- “(a) the individual giving the bladed product to the person (“P”) collecting it –
 - (i) was shown by P an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the appropriate national authority, and”

Member's explanatory statement

This amendment provides that an identity document shown to a person handing over a bladed product must be a physical document. It also allows regulations to be made prescribing an alternative process for identity verification (such as digital ID).

LORD HANSON OF FLINT

[OPC903]

Clause 32, page 42, line 37, after “document” insert “or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 32, page 42, line 34.

LORD HANSON OF FLINT

[OPC904]

Clause 32, page 43, leave out lines 4 to 8

Member's explanatory statement

This amendment removes a provision that is no longer needed because the matter is dealt with in the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC905]

Clause 32, page 43, line 9, leave out “on summary conviction to a fine” and insert—

- “(a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (d) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC906]

Clause 32, page 43, leave out lines 14 to 17 and insert—

“40E Further defences to offences under sections 38 to 40D

The appropriate national authority may by regulations provide for other defences for a person charged with an offence under any of sections 38 to 40D.”

Member's explanatory statement

This amendment removes provisions that are no longer needed because the matters are dealt with in the new section 40E inserted by this amendment and the new section 42A inserted by my amendment to clause 32, page 45, line 19.

LORD HANSON OF FLINT

[OPC907]

Clause 32, page 43, line 18, leave out subsections (4) to (7)

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC908]

Clause 32, page 45, line 11, at end insert –

- “(d) in subsection (3), for “40” substitute “40D”;
- (e) in subsection (4) for “40” substitute “40D”.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC909]

Clause 32, page 45, line 14, leave out paragraphs (a) to (e) and insert –

“(a) in subsection (1) for paragraphs (c) to (e) substitute –

“(c) before the sale, the seller entered into an arrangement with a person (“the contractor”) by which the contractor agreed –

- (i) to deliver bladed articles for the seller, or
- (ii) to arrange the delivery of bladed articles for the seller,

(d) the contractor was aware when they entered into the arrangement with the seller that it covered delivering, or arranging the delivery of, bladed articles, and

(e) pursuant to that arrangement, the bladed article is finally delivered by the contractor or a person acting on the contractor’s behalf.”;

(b) omit subsections (2) and (3);

(c) for subsections (4) to (9) substitute –

“(4) The contractor commits an offence if, when the bladed article is finally delivered by the contractor or a person acting on the contractor’s behalf, it is not delivered into the hands of a person who –

- (a) is aged 18 or over, and

- (b) if the buyer is an individual, is the buyer.
- (4A) A person acting on the contractor’s behalf commits an offence if –
 - (a) the bladed article is finally delivered by that person or another person acting on the contractor’s behalf, and
 - (b) it is not delivered into the hands of a person who –
 - (i) is aged 18 or over, and
 - (ii) if the buyer is an individual, is the buyer.
- (4B) It is a defence for a person charged with an offence under subsection (4) or (4A) to show that the delivery conditions were met.
- (4C) It is a defence for a person charged with an offence under subsection (4) or (4A) who did not finally deliver the bladed article to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.
- (4D) It is a defence for a person charged with an offence under subsection (4A) to show that the person did not know, and a reasonable person would not have known, that what was delivered was a bladed article.
- (4E) For the purposes of this section a person acts on the contractor’s behalf if the person acts in relation to the bladed article pursuant to a relevant arrangement with –
 - (a) the contractor, or
 - (b) a person who acts on the contractor’s behalf.
- (4F) A “relevant arrangement” is an arrangement entered into before the sale of the bladed article by which the person agreed to finally deliver, or to arrange for the final delivery of, bladed articles (whether or not the person was aware that the arrangement covered bladed articles).
- (4G) In this section the “delivery conditions” has the meaning given by section 40(4).”;
 - (d) in subsection (10) –
 - (i) for “subsection (4)” substitute “this section”;
 - (ii) in paragraph (b) omit “Scotland or”;
 - (iii) after paragraph (b) insert –
 - “(c) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
 - (d) on conviction on indictment in Scotland, to a fine.””

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

[OPC910]

Clause 32, page 45, line 19, at end insert –

“(9A) After section 42 insert –

“42A Interpretation of sections 38 to 42

- (1) This section applies for the interpretation of sections 38 to 42.
- (2) A person (“A”) is not in the presence of another person (“B”) at any time if –
 - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) A person other than an individual –
 - (a) is within the United Kingdom at any time, if the person carries on a business of selling articles of any kind from premises in any part of the United Kingdom at that time;
 - (b) is outside the United Kingdom at any time, if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) The “appropriate national authority” is –
 - (a) in relation to England and Wales, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Justice in Northern Ireland.
- (5) A person charged with an offence 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.”.”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

[OPC911]

Clause 32, page 45, line 20, leave out subsection (10)

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

[OPC912]

Clause 32, page 45, line 27, after “39A(5)(d)” insert “made by the Secretary of State”

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC913]

Clause 32, page 45, line 28, at end insert –

“(c) in subsection (3) –

(i) omit “, 40(10)(c)”;

(ii) after “is” insert “, and regulations made by the Scottish Ministers under section 40(5)(d) are,”;

(d) in subsection (4) for “40(13)” substitute “40(4)(a)(ii), 40D(8)(a)(ii), 40E”;

(e) in subsection (6) after “Act” insert “, except for regulations under section 40(5)(d),”;

(f) after subsection (6) insert –

“(6A) Regulations made by the Department of Justice under section 40(5)(d) are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954.””

Member's explanatory statement

See my amendment to clause 32, page 37, line 11.

LORD HANSON OF FLINT

[OPC914]

Clause 33, page 45, line 32, at end insert –

“(2A) After section 1 insert –

“1ZA Defence to offence under section 1: England and Wales

Except where section 1B applies, it is a defence for a person charged in England and Wales with an offence under section 1 to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”.

(2B) In section 1A (defences: Scotland) –

(a) in subsection (1) –

(i) for “It” substitute “Except where section 1B applies, it”;

(ii) after “charged” insert “in Scotland”;

(b) in subsection (3) for paragraphs (a) to (b) substitute –

“(a) a United Kingdom passport (within the meaning of the Immigration Act 1971),

(aa) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation,

(b) a licence to drive a motor vehicle –

- (i) granted under Part 3 of the Road Traffic 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State, or”;
- (c) for the heading substitute “Defence to offence under section 1: Scotland”.”

Member's explanatory statement

This amendment, together with my other amendments to clauses 33 to 35, extend to Scotland the amendments made by those clauses to the Crossbows Act 1987, and make related changes.

LORD HANSON OF FLINT

[OPC915]

Clause 33, page 45, line 34, leave out “England and Wales” and insert “remote sales etc”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC916]

Clause 33, page 45, leave out lines 35 to 37

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC917]

Clause 33, page 45, line 38, leave out “Subsection (3)” and insert “This section”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC918]

Clause 33, page 46, line 4, leave out from beginning to “that” in line 6 and insert “It is a defence for A to show”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC919]

Clause 33, page 46, line 9, leave out from “A” to “and” in line 11 and insert “either –

- (i) obtained from B a copy of an identity document issued to B in a physical form and a photograph of B, or
- (ii) took such steps to verify B’s age as may be prescribed in regulations made by the relevant national authority,”

Member's explanatory statement

This amendment requires a passport or driving licence used as proof of age on a remote sale or letting of a crossbow to be a physical document, and allows the Secretary of State or Scottish Ministers to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

[OPC920]

Clause 33, page 46, line 12, leave out “the things obtained under paragraph (a)” and insert “that copy and photograph or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 33, page 46, line 9.

LORD HANSON OF FLINT

[OPC921]

Clause 33, page 46, line 21, leave out from first “a” to end of line 23 and insert “relevant driving licence”

Member's explanatory statement

This amendment, together with my second amendment to clause 33, page 46, line 25, provides for EU driving licences to count as an identity document in Scotland (for consistency with the existing provision in section 1A(3) of the Crossbows Act 1987).

LORD HANSON OF FLINT

[OPC922]

Clause 33, page 46, line 25, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC923]

Clause 33, page 46, line 25, at end insert –

“(5A) In subsection (5)(c) a “relevant driving licence” means –

- (a) in relation to England and Wales, a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
- (b) in relation to Scotland, a licence to drive a motor vehicle—
 - (i) granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or
 - (ii) issued in the form of a photocard by a member State.”

Member's explanatory statement

This amendment, together with my amendment to clause 33, page 46, line 21, provides for EU driving licences to count as an identity document in Scotland (for consistency with the existing provision in section 1A(3) of the Crossbows Act 1987).

LORD HANSON OF FLINT

[OPC924]

Clause 34, page 47, line 6, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC925]

Clause 34, page 47, line 14, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC926]

Clause 34, page 47, line 15, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC927]

Clause 34, page 47, line 19, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC928]

Clause 34, page 47, line 21, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC929]

Clause 34, page 47, line 27, after “conviction” insert “in England and Wales,”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC930]

Clause 34, page 47, line 28, at end insert –

- “(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (c) on conviction on indictment in Scotland, to imprisonment for a term not exceeding 6 months or a fine (or both).”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC931]

Clause 34, page 48, line 12, leave out from “person” to “and” in line 14 and insert “finally delivering the crossbow or part of a crossbow –

- (i) was shown by the person “(P)” into whose hands it was finally delivered an identity document issued to P in a physical form, or
- (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the relevant national authority,”

Member's explanatory statement

This amendment requires a passport or driving licence used as proof of age on delivery of a crossbow to be a physical document, and allows the Secretary of State or Scottish Ministers to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

[OPC932]

Clause 34, page 48, line 15, after “document” insert “or those steps”

Member's explanatory statement

This amendment is consequential on my amendment to clause 34, page 48, line 12.

LORD HANSON OF FLINT

[OPC933]

Clause 34, page 48, line 22, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1137]

Clause 34, page 48, line 24, leave out “delivery business” and insert “contractor”

Member's explanatory statement

This is a drafting change.

LORD HANSON OF FLINT

[OPC934]

Clause 34, page 48, line 25, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1115]

Clause 34, page 48, line 35, at end insert “or

“(ii) to arrange the delivery of crossbows or parts of crossbows for A,”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1116]

Clause 34, page 48, line 37, after “covered” insert “delivering, or arranging”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC935]

Clause 34, page 48, line 38, after “C” insert “or a person acting on C’s behalf”

Member's explanatory statement

This amendment clarifies that inserted section 1E(1)(e) applies to deliveries by a person acting on C’s behalf.

LORD HANSON OF FLINT

[OPC936]

Clause 34, page 48, line 39, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC937]

Clause 34, page 48, line 41, leave out from beginning to end of line 2 on page 49

Member's explanatory statement

This amendment removes provision that is no longer needed because the point is now dealt with in section 1J(2A) (general interpretation) as inserted by my amendment to clause 35, page 54, line 29.

LORD HANSON OF FLINT

[OPC938]

Clause 34, page 49, line 3, leave out from “when” to “into” in line 5 and insert “the crossbow or part of a crossbow is finally delivered to residential premises by C or a person acting on C’s behalf, it is not delivered”

Member's explanatory statement

This amendment clarifies that inserted section 1E(3) applies to deliveries by a person acting on C’s behalf.

LORD HANSON OF FLINT

[OPC939]

Clause 34, page 49, line 9, leave out from “person” to “into” in line 11 and insert “acting on C’s behalf commits an offence if—

“(a) the crossbow or part of a crossbow is finally delivered to residential premises by that person or another person acting on C’s behalf, and

(b) it is not delivered””

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1117]

Clause 34, page 49, line 17, after “(3)” insert “or (4)”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1118]

Clause 34, page 49, line 18, at end insert –

“(5A) It is a defence for a person charged with an offence under subsection (3) or (4) who did not finally deliver the crossbow or part of a crossbow to residential premises to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1119]

Clause 34, page 49, leave out lines 21 and 22

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1120]

Clause 34, page 49, line 24, leave out “the person was delivering” and insert “what was delivered was”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1121]

Clause 34, page 49, line 25, at end insert –

- “(6A) For the purposes of this section a person acts on C’s behalf if the person acts in relation to the crossbow or part of a crossbow pursuant to a relevant arrangement with –
- (a) C, or
 - (b) a person who acts on C’s behalf.
- (6B) A “relevant arrangement” is an arrangement entered into before the sale or letting on hire of the crossbow or part of a crossbow by which the person agreed to finally deliver, or to arrange for the final delivery of, crossbows or parts of crossbows (whether or not the person was aware that the arrangement covered crossbows or parts of crossbows).”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1E, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC940]

Clause 34, page 49, line 26, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC941]

Clause 34, page 49, line 29, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC942]

Clause 34, page 49, line 29, at end insert –

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC943]

Clause 34, page 49, line 31, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC944]

Clause 34, page 49, line 41, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC945]

Clause 34, page 50, line 2, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC946]

Clause 34, page 50, line 34, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC947]

Clause 34, page 50, line 34, at end insert—

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC948]

Clause 34, page 51, line 1, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement
See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1138]

Clause 34, page 51, line 3, leave out “delivery business” and insert “contractor”

Member's explanatory statement
This is a drafting change.

LORD HANSON OF FLINT

[OPC949]

Clause 34, page 51, line 4, leave out “in England or Wales”

Member's explanatory statement
See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1122]

Clause 34, page 51, line 13, after “A,” insert “or

“(ii) to arrange the delivery of crossbows or parts of crossbows for A,”

Member's explanatory statement
This amendment, along with other amendments to inserted section 1G, ensure that offences relating to the delivery of crossbows to collection points can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1123]

Clause 34, page 51, line 15, after “covered” insert “delivering, or arranging”

Member's explanatory statement
This amendment, along with other amendments to inserted section 1G, ensure that offences relating to the delivery of crossbows to collection points can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC950]

Clause 34, page 51, line 16, leave out “they deliver a” and insert “C or a person acting on C’s behalf delivers the”

Member's explanatory statement
This amendment clarifies that inserted section 1G(2) applies to deliveries made by a person acting on C’s behalf.

LORD HANSON OF FLINT

[OPC951]

Clause 34, page 51, line 17, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1124]

Clause 34, page 51, line 18, at end insert –

- “(2A) A person acting on C’s behalf commits an offence if, pursuant to the arrangement, that person or another person acting on C’s behalf delivers the crossbow or part of a crossbow to a collection point.
- (2B) For the purposes of this section, a person acts on C’s behalf if the person acts in relation to the crossbow or part of a crossbow pursuant to a relevant arrangement with –
- (a) C, or
 - (b) a person who acts on C’s behalf.
- (2C) A “relevant arrangement” is an arrangement entered into before the sale or letting on hire of the crossbow or part of a crossbow by which the person agreed to deliver, or to arrange for the delivery of, crossbows or parts of crossbows (whether or not the person was aware that the arrangement covered crossbows or parts of crossbows).”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1G, ensure that offences relating to the delivery of crossbows to collection points can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1125]

Clause 34, page 51, line 21, leave out from “when” to second “was” in line 22 and insert “they delivered the package containing the crossbow or part of a crossbow to the collection point or a person acting on C’s behalf, the package”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1G, ensure that offences relating to the delivery of crossbows to collection points can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC952]

Clause 34, page 51, line 39, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC953]

Clause 34, page 51, line 39, at end insert –

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC954]

Clause 34, page 51, line 41, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC955]

Clause 34, page 52, line 1, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC956]

Clause 34, page 52, line 10, leave out “in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC957]

Clause 34, page 52, line 22, leave out “of the collection point”

Member's explanatory statement

This amendment is a drafting change.

LORD HANSON OF FLINT

[OPC958]

Clause 34, page 52, line 23, leave out from “if” to “into” in line 24 and insert “the operator (or a person acting on behalf of the operator) –

- (a) gives the crossbow or part of a crossbow to a person collecting it, but
- (b) does not give it”

Member's explanatory statement

This amendment clarifies that section 1H(4) applies where the crossbow or part of a crossbow is given to the person collecting it by a person acting on behalf of the operator.

LORD HANSON OF FLINT

[OPC959]

Clause 34, page 52, line 27, leave out first “it” and insert “the crossbow or part of a crossbow”

Member's explanatory statement

This amendment makes a drafting change.

LORD HANSON OF FLINT

[OPC960]

Clause 34, page 52, line 36, leave out from first “the” to “and” in line 38 and insert “individual giving the crossbow of part of a crossbow to the person (“P”) collecting it –

- (i) was shown by P an identity document issued to P in a physical form, or
- (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the relevant national authority,”

Member's explanatory statement

This amendment requires a passport or driving licence used as proof of age on collection of a crossbow to be a physical document, and allows the Secretary of State or Scottish Ministers to make regulations prescribing an alternative process for age verification (such as digital ID).

LORD HANSON OF FLINT

[OPC961]

Clause 34, page 52, line 39, after “document” insert “or those steps”

Member's explanatory statement

The amendment is consequential on my amendment to clause 34, page 52, line 36.

LORD HANSON OF FLINT

[OPC962]

Clause 34, page 53, line 9, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC963]

Clause 34, page 53, line 9, at end insert –

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC964]

Clause 34, page 53, line 13, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1139]

Clause 34, page 53, line 15, leave out “delivery business” and insert “contractor”

Member's explanatory statement

This is a drafting change.

LORD HANSON OF FLINT

[OPC965]

Clause 34, page 53, line 16, leave out “to premises in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1126]

Clause 34, page 53, line 26, at end insert “or

- “(ii) to arrange the delivery of crossbows or parts of crossbows for A,”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1I, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1127]

Clause 34, page 53, line 28, after “covered” insert “delivering, or arranging”

Member's explanatory statement

This amendment, along with other amendments to inserted section 1I, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC966]

Clause 34, page 53, line 29, after “C” insert “or a person acting on C’s behalf”

Member's explanatory statement

This amendment clarifies that inserted section 1I(1)(e) applies where a person delivers the item on C’s behalf.

LORD HANSON OF FLINT

[OPC967]

Clause 34, page 53, line 30, leave out “to premises in England or Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC968]

Clause 34, page 53, leave out lines 31 to 34

Member's explanatory statement

This amendment leaves out provision that is no longer necessary because the point is now dealt with in section 1J(2A) (general interpretation) as inserted by my amendment to clause 35, page 54, line 29.

LORD HANSON OF FLINT

[OPC969]

Clause 34, page 53, line 35, leave out from “when” to “into” in line 37 and insert “the crossbow or part of a crossbow is finally delivered by C or a person acting on C’s behalf, it is not delivered”

Member's explanatory statement

This amendment clarifies that inserted section 11(3) applies where the item is delivered by a person acting on C's behalf.

LORD HANSON OF FLINT

[OPC1128]

Clause 34, page 54, line 1, leave out from beginning to “into” in line 3 and insert –

- “(4) A person acting on C's behalf commits an offence if –
- (a) the crossbow or part of a crossbow is finally delivered by that person or another person acting on C's behalf, and
 - (b) it is not delivered”

Member's explanatory statement

This amendment, along with other amendments to inserted section 11, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC971]

Clause 34, page 54, line 9, after “conviction” insert “in England and Wales”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC972]

Clause 34, page 54, line 9, at end insert –

- “(b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment in Scotland, to a fine.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC1129]

Clause 34, page 54, line 11, after “(3)” insert “or (4)”

Member's explanatory statement

This amendment, along with other amendments to inserted section 11, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1130]

Clause 34, page 54, line 12, at end insert –

“(6A) It is a defence for a person charged with an offence under subsection (3) or (4) who did not finally deliver the crossbow or part of a crossbow to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.”

Member's explanatory statement

This amendment, along with other amendments to inserted section 11, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1131]

Clause 34, page 54, leave out lines 15 and 16

Member's explanatory statement

This amendment, along with other amendments to inserted section 11, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1132]

Clause 34, page 54, line 18, leave out “the person was delivering” and insert “what was delivered was”

Member's explanatory statement

This amendment, along with other amendments to inserted section 11, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC1133]

Clause 34, page 54, line 19, at end insert –

“(7A) For the purposes of this section a person acts on C’s behalf if the person acts in relation to the crossbow or part of a crossbow pursuant to a relevant arrangement with –

- (a) C, or
- (b) a person who acts on C’s behalf.

(7B) A “relevant arrangement” is an arrangement entered into before the sale or letting on hire of the crossbow or part of a crossbow by which the person agreed to finally deliver, or to arrange for the final delivery of, crossbows or parts of crossbows (whether or not the person was aware that the arrangement covered crossbows or parts of crossbows).”

Member's explanatory statement

This amendment, along with other amendments to inserted section 11, ensure that offences relating to the delivery of crossbows to residential premises can be committed by all contractors in the delivery chain.

LORD HANSON OF FLINT

[OPC973]

Clause 35, page 54, line 23, at end insert –

“(1A) “Relevant national authority” means –

- (a) in relation to England and Wales, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC974]

Clause 35, page 54, line 29, at end insert –

“(2A) A person other than an individual –

- (a) is within the United Kingdom at any time, if the person carries on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time;
- (b) is outside the United Kingdom at any time, if the person does not carry on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time.”

Member's explanatory statement

This amendment defines when a person is within or outside the United Kingdom for the purposes of the crossbow provisions.

LORD HANSON OF FLINT

[OPC975]

Clause 35, page 55, line 6, leave out from beginning to “unless” in line 7 and insert “regulations under this Act, other than regulations under section 1B(5)(d),”

Member's explanatory statement

This amendment provides for regulations made by the Secretary of State prescribing the steps that may be taken to verify a buyer’s age (as well as regulations under the provisions already specified in inserted section 6A(2)) to be subject to the affirmative procedure.

LORD HANSON OF FLINT

[OPC976]

Clause 35, page 55, line 9, leave out “Any other” and insert “A”

Member's explanatory statement

This amendment is consequential on my amendment to clause 35, page 55, line 6.

LORD HANSON OF FLINT

[OPC977]

Clause 35, page 55, line 10, leave out “this Act” and insert “section 1B(5)(d)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 35, page 55, line 6.

LORD HANSON OF FLINT

[OPC978]

Clause 35, page 55, line 11, at end insert –

- “(4) Regulations made by the Scottish Ministers under this Act, other than regulations under section 1B(5)(d), are subject to the affirmative procedure.
- (5) Regulations made by the Scottish Ministers under section 1B(5)(d) are subject to the negative procedure.
- (6) For the meaning of “affirmative procedure” and “negative procedure” see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC979]

Clause 35, page 55, line 17, at end insert –

- “(4) In section 66(2) of that Act (guidance by Scottish Ministers), after paragraph (a) insert –
 - “(aa) any of sections 1 to 3 of the Crossbows Act 1987 as they have effect in relation to Scotland.”

Member's explanatory statement

See my amendment to clause 33, page 45, line 32.

LORD HANSON OF FLINT

[OPC980]

After Clause 35, insert the following new Clause –

“Remote sale and letting of crossbows: Northern Ireland

- (1) The Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) is amended as follows.

- (2) In Article 3 omit “, unless he believes him to be eighteen years of age or older and has reasonable ground for the belief”.
- (3) After Article 3 insert –

“Defence to offence under Article 3

3A. Except where Article 3B applies, it is a defence for a person charged with an offence under Article 3 to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Defence to offence under Article 3: remote sales etc

3B. – (1) This Article applies if –

- (a) a person (“A”) is charged with an offence under Article 3, and
- (b) A was not in the presence of the person (“B”) to whom the crossbow or part of a crossbow was sold or let on hire at the time of the sale or letting on hire.

(2) It is a defence for A to show that the following conditions are met.

(3) Condition 1 is that, before the sale or letting on hire –

- (a) A either –
 - (i) obtained from B a copy of an identity document issued to B in a physical form and a photograph of B, or
 - (ii) took such steps to verify B’s age as may be prescribed in regulations made by the Department of Justice, and
- (b) on the basis of that copy and photograph or those steps, a reasonable person would have been satisfied that B was aged 18 or over.

(4) For the purposes of paragraph (3) an “identity document” means –

- (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
- (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
- (c) a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) or Part 3 of the Road Traffic Act 1988;
- (d) any other document specified in regulations made by the Department of Justice.

(5) Condition 2 is that when the package containing the crossbow or part of a crossbow was dispatched by A, it was clearly marked to indicate –

- (a) that it contained a crossbow or part of a crossbow, and
- (b) that, when finally delivered, it should only be delivered into the hands of B.

(6) Condition 3 is that A took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of B.

(7) Condition 4 is that A did not deliver the package, or arrange for its delivery, to a locker.

(8) Where the crossbow or part of a crossbow was dispatched by A to a place from which it was to be collected by B, references in paragraphs (5) and (6) to its final delivery are to be read as its supply to B from that place.

(9) In paragraph (7) “locker” means a lockable container to which the package is delivered with a view to its collection by B, or a person acting on behalf of B, in accordance with arrangements made between A and B.”

Member's explanatory statement

This amendment makes provision about crossbows for Northern Ireland similar to that made by clause 33 for England and Wales.

LORD HANSON OF FLINT

[OPC981]

After Clause 35, insert the following new Clause—

“Delivery of crossbows: Northern Ireland

In the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)), after Article 3B (inserted by section (*Remote sale and letting of crossbows: Northern Ireland*)) insert—

“Offence of seller etc delivering crossbows or parts of crossbows to residential premises

3C.—(1) This Article 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.

(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 residential premises, or
- (b) arranges for its delivery to residential premises.

(3) 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 locker, or
- (b) arranges for its delivery to a locker.

(4) In paragraph (3) “locker” means a lockable container to which the crossbow or part of a crossbow is delivered with a view to its collection by B, or a person acting on B’s behalf, in accordance with arrangements made between A and B.

Defences to offences under Article 3C

3D. – (1) It is a defence for a person charged with an offence under Article 3C(2)(a) to show that the delivery conditions were met.

(2) It is a defence for a person charged with an offence under Article 3C(2)(b) to show that –

- (a) the arrangement required the person with whom it was made not to finally deliver the crossbow or part of a crossbow unless the delivery conditions were met, and
- (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the crossbow or part of a crossbow would not be finally delivered unless the delivery conditions were met.

(3) It is a defence for a person charged with an offence under Article 3C(3) to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) For the purposes of this Article the delivery conditions are that –

- (a) the person finally delivering the crossbow or part of a crossbow –
 - (i) was shown by the person (“P”) into whose hands it was finally delivered an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the Department of Justice, and
- (b) on the basis of that document or those steps, a reasonable person would have been satisfied –
 - (i) that P was aged 18 or over, 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.

(5) “Identity document” has the same meaning as in Article 3B(4).

Offence of contractor delivering crossbows or parts of crossbows to residential premises on behalf of UK seller

3E. – (1) This Article 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 –
 - (i) to deliver crossbows or parts of crossbows for A, or
 - (ii) to arrange for the delivery of crossbows or parts of crossbows for A,
- (d) C was aware when they entered into the arrangement that it covered delivering, or arranging the delivery of, crossbows or parts of crossbows, and

- (e) pursuant to that arrangement, the crossbow or part of a crossbow is finally delivered to residential premises by C or a person acting on C's behalf.
- (2) C commits an offence if, when the crossbow or part of a crossbow is finally delivered to residential premises by C or a person acting on C's behalf, it is not delivered into the hands of a person who—
- (a) is aged 18 or over, and
 - (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.
- (3) A person acting on C's behalf commits an offence if—
- (a) the crossbow or part of a crossbow is finally delivered to residential premises by that person or another person acting on C's behalf, and
 - (b) it is not delivered 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 the crossbow was sold or let on hire is an individual, is that individual.
- (4) It is a defence for a person charged with an offence under paragraph (2) or (3) to show that the delivery conditions (within the meaning of Article 3D(4)) were met.
- (5) It is a defence for a person charged with an offence under paragraph (2) or (3) who did not finally deliver the crossbow or part of a crossbow to residential premises to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.
- (6) It is a defence for a person charged with an offence under paragraph (3) to show that the person did not know, and a reasonable person would not have known, that what was delivered was a crossbow or part of a crossbow.
- (7) For the purposes of this Article a person acts on C's behalf if the person acts in relation to the crossbow or part of a crossbow pursuant to a relevant arrangement with—
- (a) C, or
 - (b) a person who acts on C's behalf.
- (8) A "relevant arrangement" is an arrangement entered into before the sale or letting on hire of the crossbow or part of a crossbow by which the person agreed to finally deliver, or to arrange for the final delivery of, crossbows or parts of crossbows (whether or not the person was aware that the arrangement covered crossbows or parts of crossbows).

Offence of UK seller delivering crossbows or parts of crossbows to collection point

- 3F.**—(1) This Article 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, or
 - (b) arranges for the crossbow or part of a crossbow to be delivered to a collection point.
- (3) It is a defence for a person charged with an offence under paragraph (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 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 paragraph (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 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) “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 that person’s behalf, 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 that person’s behalf.

Offence of contractor delivering crossbows or parts of crossbows to collection point

3G.—(1) This Article 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 –
 - (i) to deliver crossbows or parts of crossbows for A, or
 - (ii) to arrange the delivery of crossbows or parts of crossbows for A, and
 - (d) C was aware when they entered into the arrangement that it covered delivering, or arranging the delivery of, crossbows or parts of crossbows.
- (2) C commits an offence if, pursuant to the arrangement, C or a person acting on C’s behalf delivers the crossbow or part of a crossbow to a collection point.
- (3) A person acting on C’s behalf commits an offence if, pursuant to the arrangement, that person or another person acting on C’s behalf delivers the crossbow or part of a crossbow to a collection point.
- (4) It is a defence for a person charged with an offence under this Article to show that –
- (a) when they delivered the package containing the crossbow or part of a crossbow to the collection point or a person acting on C’s behalf, the package 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.
- (5) It is a defence for a person charged with an offence under this Article to show that the person did not know, and a reasonable person would not have known, that the product was a crossbow or part of a crossbow.
- (6) For the purposes of this Article, a person acts on C’s behalf if the person acts in relation to the crossbow or part of a crossbow pursuant to a relevant arrangement with –
- (a) C, or
 - (b) a person who acts on C’s behalf.
- (7) A “relevant arrangement” is an arrangement entered into before the sale or letting on hire of the crossbow or part of a crossbow by which the person agreed to deliver, or to arrange for the delivery of, crossbows or parts of crossbows (whether or not the person was aware that the arrangement covered crossbows or parts of crossbows).
- (8) “Collection point” has the meaning given in Article 3F.

Offence of handing over crossbows or parts of crossbows at collection point

3H. – (1) This Article 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, 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.
- (4) The operator commits an offence if the operator (or a person acting on the operator’s behalf) –
- (a) gives the crossbow or part of a crossbow to a person collecting it, but
 - (b) does not give it into the hands of an eligible person.
- (5) A person acting on the operator’s behalf commits an offence if they –
- (a) give the crossbow or part of a crossbow 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 paragraph (4) or (5) to show that the collection conditions were met.
- (8) The collection conditions are that –
- (a) the individual giving the crossbow or part of a crossbow to the person (“P”) collecting it –
 - (i) was shown by P an identity document issued to P in a physical form, or
 - (ii) took such steps to verify P’s age and identity as may be prescribed in regulations made by the Department of Justice, and
 - (b) on the basis of that document or those steps, a reasonable person would have been satisfied –
 - (i) that P was aged 18 or over, 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 paragraph (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 part of a crossbow.

(10) In this Article –

“collection point” has the meaning given in Article 3F;

“identity document” has the meaning given in Article 3B(4).

Offence of contractor delivering crossbows or parts of crossbows on behalf of non-UK seller

3I. – (1) This Article 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 outside 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 –
 - (i) to deliver crossbows or parts of crossbows for A, or
 - (ii) to arrange the delivery of crossbows or parts of crossbows for A,
- (d) C was aware when they entered into the arrangement that it covered delivering, or arranging the delivery of, crossbows or parts of crossbows, and
- (e) the crossbow or part of a crossbow is finally delivered by C or a person acting on C’s behalf.

(2) C commits an offence if, when the crossbow or part of a crossbow is finally delivered by C or a person acting on C’s behalf, it is not delivered into the hands of a person who –

- (a) is aged 18 or over, and
- (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.

(3) A person acting on C’s behalf commits an offence if –

- (a) the crossbow or part of a crossbow is finally delivered by that person or another person acting on C’s behalf, and
- (b) it is not delivered 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 the crossbow was sold or let on hire is an individual, is that individual.

(4) It is a defence for a person charged with an offence under paragraph (2) or (3) to show that the delivery conditions (within the meaning of Article 3D(4)) were met.

(5) It is a defence for a person charged with an offence under paragraph (2) or (3) who did not finally deliver the crossbow or part of a crossbow to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.

(6) It is a defence for a person charged with an offence under paragraph (3) to show that the person did not know, and a reasonable person would not have known, that what was delivered was a crossbow or part of a crossbow.

(7) For the purposes of this Article a person acts on C’s behalf if the person acts in relation to the crossbow or part of a crossbow pursuant to a relevant arrangement with—

- (a) C, or
- (b) a person who acts on C’s behalf.

(8) A “relevant arrangement” is an arrangement entered into before the sale or letting on hire of the crossbow or part of a crossbow by which the person agreed to finally deliver, or to arrange for the final delivery of, crossbows or parts of crossbows (whether or not the person was aware that the arrangement covered crossbows or parts of crossbows).”

Member's explanatory statement

This amendment makes provision about crossbows for Northern Ireland similar to that made by clause 34 for England and Wales.

LORD HANSON OF FLINT

[OPC982]

After Clause 35, insert the following new Clause—

“Sale and delivery of crossbows: Northern Ireland: supplementary provision

- (1) After Article 3I of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) (inserted by section (*Delivery of crossbows: Northern Ireland*)) insert—

“Interpretation of Articles 3A to 3I

3J.—(1) This Article applies for the interpretation of Articles 3A to 3I.

(2) A person (“A”) is not in the presence of another person (“B”) at any time if—

- (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
- (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.

(3) A person other than an individual—

- (a) is within the United Kingdom at any time if the person carries on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time;
- (b) is outside the United Kingdom at any time, if the person does not carry on a business of selling or letting on hire articles of any kind from premises in any part of the United Kingdom at that time.

(4) “Residential premises” means premises used solely for residential purposes.

(5) The circumstances where premises are not residential premises include, in particular, where a person carries on a business from the premises.

(6) A person charged with an offence 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.

Power to create other defences by regulations

3K. The Department of Justice may by regulations provide for other defences for a person charged with an offence under any of Articles 3C, 3E, 3F, 3G or 3H.”.

- (2) In Article 8 of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) (punishments) –
- (a) in paragraph (1) for “this Order” substitute “Article 3, 4 or 5”;
- (b) after paragraph (1) insert –

“(1A) A person guilty of an offence under Article 3C is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(1B) A person guilty of an offence under Article 3E, 3F, 3G, 3H or 3I is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

- (3) After Article 8 of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) insert –

“Regulations

9. – (1) Regulations made by the Department of Justice under Article 3B(4)(d) are subject to negative resolution.

(2) Regulations under any other provision of this Order may not be made by the Department of Justice unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.”.

- (4) In section 66(3) of the Offensive Weapons Act 2019 (guidance on offences relating to offensive weapons etc), after paragraph (d) insert –

“(da) any of Articles 3 to 3I of the Crossbows (Northern Ireland) Order 1988 (S.I. 1988/794 (N.I. 5)) (sale etc of crossbows),”.

Member's explanatory statement

This amendment makes provision about crossbows for Northern Ireland similar to that made by clause 35 for England and Wales.

LORD HANSON OF FLINT

[OPC1005]

After Clause 37, insert the following new Clause –

“Application of Firearms Acts to sound moderators etc

- (1) The Firearms Act 1968 is amended as follows.

(2) After section 2 insert –

“2A Possession of a sound moderator or flash suppressor

(1) Subject to any exemption under this Act, it is an offence for a person to have in their possession a relevant accessory unless the person holds a firearm certificate or a shot gun certificate.

(2) “Relevant accessory” means an accessory to a firearm to which section 1 applies which is designed or adapted to diminish the noise or flash caused by firing the firearm.”

(3) In section 57 (interpretation) –

(a) in subsection (1) –

(i) omit paragraph (d);

(ii) in the words after paragraph (d) omit “, and accessories to,”;

(b) in subsection (4) –

(i) after the definition of “registered” insert –

““relevant accessory” has the meaning given in section 2A;”

(ii) in the definition of “shot gun”, omit the words from “and any” to the end.

(4) In Schedule 6 (prosecution and punishment of offences) after the entry for section 2(2) insert –

“Section 2A	Possession of relevant accessory without certificate under this Act	Summary	A fine of level 3 on the standard scale”.
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(5) Schedule (*Sound moderators etc: exemptions*) amends the exemptions in the Firearms Act 1968 and the Firearms (Amendment) Act 1988 to the requirement to hold a firearm or shot gun certificate.”

Member's explanatory statement

This amendment removes sound moderators and flash suppressors from the definitions of “firearm” and “shot gun” in the Firearms Act 1968 and creates an offence of possessing a sound moderator or flash suppressor without having a valid firearm or shotgun certificate, or without an exemption applying.

LORD HANSON OF FLINT

[OPC1083]

Clause 41, page 62, line 17, after “person” insert “(D)”

Member's explanatory statement

This amendment is made for the purposes of my amendment at line 19.

LORD HANSON OF FLINT

[OPC1082]

Clause 41, page 62, line 19, leave out paragraphs (a) and (b) and insert—

- “(za) D engages in conduct towards or in respect of a child (C), and
- (a) D does so with the intention of—
- (i) causing C to commit an offence,
 - (ii) causing C to do anything outside the relevant part of the United Kingdom which would constitute an offence if done in that part, or
 - (iii) facilitating the causing of C, in future, to commit an offence or do anything outside the relevant part of the United Kingdom which would constitute an offence if done in that part.

It is irrelevant whether or not D knows or suspects that C is a child.”

Member's explanatory statement

This amendment removes the requirement that the child is under 13 or the person does not reasonably believe them to be aged 18 or over, and spells out that the person's state of mind in relation to whether the other person is a child is irrelevant.

LORD HANSON OF FLINT

[OPC1144]

Clause 42, page 63, line 31, leave out “a person (D) intended to cause a child” and insert “D intended to cause C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1145]

Clause 42, page 63, line 32, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1146]

Clause 42, page 63, line 34, leave out “a person (D) intended to cause a child” and insert “D intended to cause C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1147]

Clause 42, page 63, line 37, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1148]

Clause 42, page 63, line 39, leave out “a person (D) intended to facilitate the causing of a child” and insert “D intended to facilitate the causing of C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1149]

Clause 42, page 64, line 4, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1150]

Clause 42, page 64, line 23, leave out “a child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1151]

Clause 42, page 64, line 24, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1152]

Clause 42, page 64, line 25, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1153]

Clause 42, page 64, line 27, leave out “a child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1154]

Clause 42, page 64, line 29, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1155]

Clause 42, page 64, line 31, leave out “the child” and insert “C”

Member's explanatory statement

This is consequential on my amendment to Clause 41 at line 19 of page 62.

LORD HANSON OF FLINT

[OPC1006]

Before Schedule 5, insert the following new Schedule –

“SCHEDULE

SOUND MODERATORS ETC: EXEMPTIONS

Firearms Act 1968

- 1 (1) The Firearms Act 1968 is amended as follows.
- (2) In section 7(1) –
 - (a) the words from “a firearm” to the end become paragraph (a);
 - (b) at the end insert –
 - “(b) a relevant accessory.”
- (3) In section 8 –
 - (a) in subsection (1) for the words from “, have” to “ammunition” substitute –
 - “(a) have in their possession, purchase or acquire, a firearm or ammunition, or
 - (b) have a relevant accessory in their possession,”;
 - (b) in subsection (1A) –
 - (i) after “ammunition”, in the first place it occurs, insert “, or the possession of a relevant accessory,”;

- (ii) for “or ammunition”, in the second place it occurs, substitute “, ammunition or relevant accessory”;
 - (iii) after “of, or” insert “firearm or ammunition is”.
- (4) In section 9(1) for “or ammunition” substitute “, ammunition or a relevant accessory”.
- (5) In section 11 –
 - (a) in subsection (1) for “or ammunition” –
 - (i) in the first place it occurs, substitute “, ammunition or a relevant accessory”;
 - (ii) in the second and third places it occurs, substitute “, ammunition or relevant accessory”;
 - (b) in subsection (4) –
 - (i) omit the “and” at the end of paragraph (a);
 - (ii) at the end of paragraph (b) insert “and
 - (c) a relevant accessory,”.
- (6) In section 11A at the end insert –

“(7) Where a rifle is borrowed on any premises in reliance on subsection (1), the borrower may, without holding a certificate under this Act, borrow and have in their possession on those premises a relevant accessory for the period for which the rifle is borrowed.”
- (7) In section 12(1) after “firearm” insert “or relevant accessory”.
- (8) In section 13(1) –
 - (a) in paragraph (a) –
 - (i) for “or ammunition”, in the first place it occurs, substitute “, ammunition or a relevant accessory”;
 - (ii) for “or ammunition therefor” substitute “, or ammunition or a relevant accessory therefor,”;
 - (b) in paragraph (b) –
 - (i) for “or ammunition”, in the first place it occurs, substitute “, or ammunition or a relevant accessory”;
 - (ii) for “or ammunition”, in the second place it occurs, substitute “, or ammunition or relevant accessory”;
 - (iii) omit the “and” at the end;
 - (c) after paragraph (c) insert –
 - “(d) having obtained a permit under paragraph (c), remove any relevant accessory from or to a ship, aircraft or aerodrome, to or from the place specified in the permit.”

Firearms (Amendment) Act 1988

- 2 (1) The Firearms (Amendment) Act 1988 is amended as follows.
- (2) In section 15 –
 - (a) in subsection (1) for “and ammunition” substitute “, ammunition and a relevant accessory”;

- (b) in subsection (2) for “or ammunition” substitute “, ammunition or relevant accessories”.
- (3) In section 16A(1) for “and ammunition” substitute “, ammunition and a relevant accessory”.
- (4) In section 16B(1) for “and ammunition” substitute “, ammunition and a relevant accessory”.
- (5) In section 17 after subsection (1) insert –
 - “(1ZA) The holder of a visitor’s firearm permit may, without holding a firearm certificate, have in their possession a relevant accessory.”
- (6) In section 25(4) (interpretation), for “or ammunition” substitute “, ammunition or relevant accessory”.
- (7) In paragraph 1 of the Schedule, in sub-paragraphs (2)(a), (3) and (4) for “and ammunition” substitute “, ammunition and relevant accessories”.

Member's explanatory statement

This new Schedule adds sound moderators and flash suppressors to exemptions from the requirement in the Firearms Act 1968 to hold a firearm or shot gun certificate.

BARONESS LEVITT

[OPC1001]

Schedule 9, page 315, line 33, at end insert –

- “(ia) sections 8A to 8C (rape and other offences against children under 16);”

Member's explanatory statement

This amendment is consequential on my new clause (Sexual offences against children under 16), inserted after clause 73.

BARONESS LEVITT

[OPC999]

After Clause 73, insert the following new Clause –

“Sexual offences against children under 16

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) After section 8 insert –

“Rape and other offences against children under 16

8A Rape of a child under 16

- (1) A person aged 18 or over (A) commits an offence if –
 - (a) A intentionally penetrates the vagina, anus or mouth of another person (B) with A’s penis, and
 - (b) either –
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or

(ii) B is under 13.

(2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

8B Assault of a child under 16 by penetration

(1) A person aged 18 or over (A) commits an offence if –

(a) A intentionally penetrates the vagina or anus of another person (B) with a part of A’s body or anything else,

(b) the penetration is sexual, and

(c) either –

(i) B is under 16 and A does not reasonably believe that B is 16 or over, or

(ii) B is under 13.

(2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

8C Causing or inciting a child under 16 to engage in sexual activity involving penetration

(1) A person aged 18 or over (A) commits an offence if –

(a) A intentionally causes or incites another person (B) to engage in an activity within subsection (2),

(b) the activity is sexual, and

(c) either –

(i) B is under 16 and A does not reasonably believe that B is 16 or over, or

(ii) B is under 13.

(2) An activity is within this subsection if it involves –

(a) penetration of B’s anus or vagina,

(b) penetration of B’s mouth with a person’s penis,

(c) penetration of a person’s anus or vagina with a part of B’s body or by B with anything else, or

(d) penetration of a person’s mouth with B’s penis.

(3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.”

(3) In section 73(2) (exceptions to aiding, abetting and counselling) after paragraph (a) insert –

“(aa) an offence under section 8A or 8B (offences against children under 16);”.

(4) Schedule (*Sexual offences against children under 16: consequential amendments*) contains minor and consequential amendments.”

Member's explanatory statement

This new Clause creates new offences of rape, assault by penetration, and causing or inciting a sexual activity involving penetration, in relation to children under 16.

BARONESS LEVITT

[OPC1011]

Clause 75, page 102, line 9, at end insert –

“(ca) an offence under any of sections 8A to 8C of that Act (rape and other offences against children under 16),”

Member's explanatory statement

This amendment is consequential on my new clause (Sexual offences against children under 16), inserted after clause 73.

BARONESS LEVITT

[OPC1000]

Before Schedule 10, insert the following new Schedule –

“SCHEDULE

SEXUAL OFFENCES AGAINST CHILDREN UNDER 16: CONSEQUENTIAL AMENDMENTS

Firearms Act 1968 (c.27)

- 1 (1) Paragraph 6 of Schedule 1 to the Firearms Act 1968 (offences to which section 17(2) applies) is amended as follows.
- (2) In paragraph (f), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (f) insert –
 - “(fa) section 8A (rape of a child under 16);
 - (fb) section 8B (assault of a child under 16 by penetration);
 - (fc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused;”.

Internationally Protected Persons Act 1978 (c.17)

- 2 (1) Section 1(1A) of the Internationally Protected Persons Act 1978 (offences for purposes of section 1) is amended as follows.
- (2) In paragraph (e), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (e) insert –
 - “(ea) an offence under section 8A or 8B of that Act;
 - (eb) an offence under section 8C of that Act, where the activity involving penetration was caused;”.

Suppression of Terrorism Act 1978 (c.26)

- 3 (1) Paragraph 9 of Schedule 1 to the Suppression of Terrorism Act 1978 is amended as follows.
- (2) In paragraph (d), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.

- (3) After paragraph (d) insert –
- “(da) section 8A or 8B (rape of a child under 16; assault of a child under 16 by penetration);
 - (db) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused;”.

Criminal Justice Act 1982 (c. 48)

- 4 (1) Part 2 of Schedule 1 to the Criminal Justice Act 1982 (early release of prisoners: excluded offences) is amended as follows.
- (2) In the entry for section 8 of the Sexual Offences Act 2003, for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After the entry for section 8 of the Sexual Offences Act 2003 insert –
- “Section 8A (rape of a child under 16).
 - Section 8B (assault of a child under 16 by penetration).
 - Section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused.”

Children Act 1989 (c. 41)

- 5 In Schedule ZA1 to the Children Act 1989 (serious sexual offences for the purposes of section 10C), in paragraph 3 after paragraph (h) insert –
- “(ha) section 8A (rape of a child under 16);
 - (hb) section 8B (assault of a child under 16 by penetration);
 - (hc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration);”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 6 (1) Section 25(2) of the Criminal Justice and Public Order Act 1994 (offences to which bail restrictions apply) is amended as follows.
- (2) In paragraph (k), for “(3)(a) to (d)” substitute “(2)(a) to (d)”.
- (3) After paragraph (k) insert –
- “(ka) an offence under section 8A of that Act (rape of a child under 16);
 - (kb) an offence under section 8B of that Act (assault of a child under 16 by penetration);
 - (kc) an offence under section 8C of that Act (causing or inciting a child under 16 to engage in sexual activity involving penetration), where the activity was caused;”.

Criminal Injuries Compensation Act 1995 (c. 53)

- 7 In section 11(9) of the Criminal Injuries Compensation Act 1995 (definition of “rape”), for “or 5” substitute “, 5 or 8A”.

Crime (Sentences) Act 1997 (c. 43)

- 8 In section 32ZAB(1) of the Crime (Sentences) Act 1997 (specified offences for purposes of section 32ZAA), after paragraph (f) insert—
- “(fa) an offence under section 8A of that Act (rape of a child under 16);”.

Criminal Justice Act 2003 (c. 44)

- 9 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 256AZBB(1) (specified offences for purposes of section 256AZBA), after paragraph (e) insert—
- “(ea) an offence under section 8A of that Act (rape of a child under 16);”.

- (3) In Schedule 4 (qualifying offences for purposes of section 62), after paragraph 16 insert—

“Rape of a child under 16

16A An offence under section 8A of the Sexual Offences Act 2003.

Attempted rape of a child under 16

16B An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 8A of the Sexual Offences Act 2003.

Assault of a child under 16 by penetration

16C An offence under section 8B of the Sexual Offences Act 2003.

Causing a child under 16 to engage in sexual activity involving penetration

16D An offence under section 8C of the Sexual Offences Act 2003 where it is alleged that the activity was caused.”

- (4) In Schedule 5 (qualifying offences for purposes of Part 10) after paragraph 15 insert—

“Rape of a child under 16

15A An offence under section 8A of the Sexual Offences Act 2003.

Attempted rape of a child under 16

15B An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 8A of the Sexual Offences Act 2003.

Assault of a child under 16 by penetration

15C An offence under section 8B of the Sexual Offences Act 2003.

Causing a child under 16 to engage in sexual activity involving penetration

- 15D An offence under section 8C of the Sexual Offences Act 2003 where it is alleged that the activity was caused.”
- (5) In Part 2 of Schedule 15 (specified sexual offences for purposes of sections 244ZA and 325) after paragraph 109 insert –
- “109A An offence under section 8A of that Act (rape of a child under 16).
- 109B An offence under section 8B of that Act (assault of a child under 16 by penetration).
- 109C An offence under section 8C of that Act (causing or inciting a child under 16 to engage in sexual activity involving penetration).”
- (6) In paragraph 7 of Schedule 34A (child sex offences for purposes of section 327A), after paragraph (a) insert –
- “(aa) sections 8A to 8C of that Act (rape and other offences against children under 16);”.

Anti-social Behaviour, Crime and Policing Act 2014 (c.12)

- 10 In section 116(8)(a) of the Anti-social Behaviour, Crime and Policing Act 2014 (offences constituting child sexual exploitation), after the entry for sections 5 to 8 of the Sexual Offences Act 2003 insert –
- “sections 8A to 8C (rape and other offences against children under 16);”.

Modern Slavery Act 2015 (c.30)

- 11 In paragraph 33 of Schedule 4 to the Modern Slavery Act 2015 (sexual offences to which defence in section 45 does not apply), after the entry for section 8 insert –
- “section 8A (rape of child under 16)
section 8B (assault of child under 16 by penetration)
section 8C (causing or inciting child under 16 to engage in sexual activity involving penetration)”.

Sentencing Act 2020 (c. 17)

- 12 (1) The Sentencing Code is amended as follows.
- (2) In Part 1 of Schedule 14 (extended sentences: the earlier offence condition: offences), in the table in paragraph 9, after the entry for section 8 of the Sexual Offences Act 2003 insert –
- “(ga) Section 8A (rape of a child under 16)
(gb) Section 8B (assault of a child under 16 by penetration)

(gc) Section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration)”.

- (3) In Part 1 of Schedule 15 (life sentence for second offence: listed offences), in paragraph 9, after the entry for section 8 of the Sexual Offences Act 2003 insert –

“(ga)section 8A (rape of a child under 16) The date on which section 8A comes into force

(gb) section 8B (assault of a child under 16 by penetration) The date on which section 8B comes into force

(gc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration) The date on which section 8C comes into force”

- (4) In Part 2 of Schedule 18 (specified sexual offences for purposes of section 306), in paragraph 38 after paragraph (h) insert –

“(ha) section 8A (rape of a child under 16);

(hb) section 8B (assault of a child under 16 by penetration);

(hc) section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration);”.

- (5) In Schedule 19 (specified offences carrying maximum sentence of imprisonment for life), in the table in paragraph 20, after the entry for section 8 of the Sexual Offences Act 2003 insert –

“(fa)Section 8A (rape of a child under 16)

(fb) Section 8B (assault of a child under 16 by penetration)

(fc) Section 8C (causing or inciting a child under 16 to engage in sexual activity involving penetration)”.

Member's explanatory statement

This new Schedule makes minor and consequential amendments in relation to my new clause (Sexual offences against children under 16) inserted after clause 73.

BARONESS LEVITT

[OPC998]

Schedule 10, page 318, line 35, at end insert –

“(ia) sections 8A to 8C (rape and other offences against children under 16);”

Member's explanatory statement

This amendment is consequential on my new clause (Sexual offences against children under 16), inserted after clause 73.

LORD HANSON OF FLINT

[OPC1042]

Schedule 10, page 319, line 33, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 7 of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

[OPC1043]

Schedule 10, page 319, line 37, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 8 of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

[OPC1044]

Schedule 10, page 320, line 26, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 14 of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

[OPC1045]

Schedule 10, page 320, line 38, leave out “unsupervised”

Member's explanatory statement

This amendment extends paragraph 17 of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

[OPC1046]

Schedule 10, page 321, line 2, leave out “unsupervised”

Member's explanatory statement

This amendment extends the definition of looking after a child on an individual basis, in paragraph 18 of Schedule 10, to cover supervised contact.

LORD HANSON OF FLINT

[OPC1048]

Schedule 10, page 321, line 7, leave out first “unsupervised”

Member's explanatory statement

This amendment is consequential on my amendments extending paragraphs of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

[OPC1049]

Schedule 10, page 321, line 7, leave out “regular unsupervised”

Member's explanatory statement

This amendment is consequential on my amendments extending paragraphs of Schedule 10 to cover supervised activities.

LORD HANSON OF FLINT

[OPC1050]

Schedule 10, page 321, line 8, at end insert “on more than 3 days in any period of 30 days”

Member's explanatory statement

This amendment defines “regular contact” for the purposes of Part 2 of Schedule 10.

LORD HANSON OF FLINT

[OPC1051]

After Clause 85, insert the following new Clause –

“Guidance

- (1) The Secretary of State may issue guidance about the duty under section 77 to persons who engage in relevant activities.
- (2) Those persons must have regard to the guidance.
- (3) Before issuing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The Secretary of State must publish any guidance issued under this section.
- (5) The Secretary of State may revise any guidance issued under this section.
- (6) Subsections (2) to (4) apply to revised guidance, except that subsection (3) does not apply if the Secretary of State considers that the revisions are not substantial.”

Member's explanatory statement

This new clause provides for the Secretary of State to issue guidance about the duty to report child sex abuse.

LORD HANSON OF FLINT

[OPC825]

Clause 86, page 110, line 10, leave out paragraph (a)

Member's explanatory statement

This amendment removes the Secretary of State’s power to make regulations changing the persons to whom a notification under clause 77 is to be given.

LORD HANSON OF FLINT

[OPC826]

Clause 86, page 110, line 12, leave out “add or”

Member's explanatory statement

This amendment removes the Secretary of State's power to make regulations adding further exceptions to the duty under clause 77.

LORD HANSON OF FLINT

[OPC827]

Clause 86, page 110, line 14, leave out paragraph (c) and insert –

- “(c) Part 1 of Schedule 10 (child sex offences);
- (d) Part 2 of Schedule 10 (further relevant activities) so as to add or change an activity.”

Member's explanatory statement

This amendment limits the Secretary of State's power to make regulations amending Part 2 of Schedule 10 so that it may only be used to add or change an activity (not remove one).

BARONESS LEVITT

[OPC1014]

Clause 87, page 111, leave out lines 31 to 39

Member's explanatory statement

This amendment removes a provision which requires the courts to dismiss certain actions in respect of personal injuries attributable to child sex abuse if there would be substantial prejudice to the defendant and it would not be equitable for the action to proceed.

LORD HANSON OF FLINT

[OPC1015]

Clause 108, page 147, line 4, at end insert –

- “(b) in subsection (1), after “satisfied” insert “on the balance of probabilities”;
- (c) in subsection (2), after “satisfied” insert “on the balance of probabilities”.”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order, or whether to include a particular prohibition or requirement, is the civil standard.

LORD HANSON OF FLINT

[OPC1016]

Clause 108, page 147, line 18, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order is the civil standard.

LORD HANSON OF FLINT

[OPC1017]

Clause 108, page 147, line 25, after “(4)” insert –

- “(i) in paragraph (a), after “satisfied” insert “on the balance of probabilities”;
- (ii)”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to impose an additional prohibition or requirement on the variation or renewal of a stalking protection order is the civil standard.

LORD HANSON OF FLINT

[OPC1018]

Clause 109, page 150, line 8, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order is the civil standard.

LORD HANSON OF FLINT

[OPC1019]

Clause 109, page 150, line 16, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to include a particular prohibition or requirement in a stalking protection order is the civil standard.

LORD HANSON OF FLINT

[OPC1020]

Clause 109, page 151, line 20, after “satisfied” insert “on the balance of probabilities”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to impose an additional prohibition or requirement on the variation or renewal of a stalking protection order is the civil standard.

LORD HANSON OF FLINT

[OPC1022]

Clause 110, page 155, line 13, at end insert –

- “(ii) after “satisfied” insert “on the balance of probabilities”;
- (c) in subsection (3), after “satisfied” insert “on the balance of probabilities”.”

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to make a stalking protection order, or whether to include a particular prohibition or requirement, is the civil standard.

LORD HANSON OF FLINT

[OPC1023]

Clause 110, page 155, line 16, at end insert –

- “(aa) in subsection (3)(a), after “satisfied” insert “on the balance of probabilities”;

Member's explanatory statement

This amendment provides that the standard of proof which applies when a court is deciding whether to impose an additional prohibition or requirement on the variation or renewal of a stalking protection order is the civil standard.

LORD HANSON OF FLINT

[OPC1021]

Clause 111, page 157, line 12, leave out “may” and insert “must”

Member's explanatory statement

This amendment changes a power for the Secretary of State to issue guidance about stalking to a duty.

LORD HANSON OF FLINT

[OPC339]

After Clause 121, insert the following new Clause –

“Aggravated offences

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) For section 28 substitute –

“28 Meaning of “aggravated”

- (1) For the purposes of sections 29 to 32 an offence is aggravated if it is aggravated by –
 - (a) racial hostility,
 - (b) religious hostility,

- (c) hostility related to disability,
 - (d) hostility related to sexual orientation, or
 - (e) hostility related to transgender identity.
- (2) For the purposes of the following provisions an offence is aggravated if it is aggravated by hostility related to sex –
- (a) section 29,
 - (b) section 30,
 - (c) section 31(1)(a) and (c), and
 - (d) section 32.
- (3) An offence is aggravated by hostility of one of the kinds mentioned in subsection (1) if –
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on –
 - (i) the victim’s membership (or presumed membership) of a racial group,
 - (ii) the victim’s membership (or presumed membership) of a religious group,
 - (iii) a disability (or presumed disability) of the victim,
 - (iv) the sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be)
 - (v) the victim being (or being presumed to be) transgender, or
 - (b) the offence is motivated (wholly or partly) by –
 - (i) hostility towards members of a racial group based on their membership of that group,
 - (ii) hostility towards members of a religious group based on their membership of that group,
 - (iii) hostility towards persons who have a disability or a particular disability,
 - (iv) hostility towards persons who are of a particular sexual orientation, or (as the case may be)
 - (v) hostility towards persons who are transgender.
- (4) An offence is aggravated by hostility related to sex if –
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the sex (or presumed sex) of the victim, or
 - (b) the offence is motivated (wholly or partly) by hostility towards persons who are of a particular sex.
- (5) For the purposes of subsections (3) and (4), it is immaterial whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- (6) In this section –

- (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
 - (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
 - (c) “membership” in relation to a racial or religious group, includes association with members of that group;
 - (d) “disability” means any physical or mental impairment;
 - (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
 - (f) “presumed” means presumed by the offender.”
- (3) In the italic heading before section 28, for “Racially or religiously aggravated offences” substitute “Offences aggravated by racial or other hostility”.
- (4) In section 29 (aggravated assaults) –
- (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”.
- (5) In section 30 (aggravated criminal damage) –
- (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”;
 - (c) in subsection (3) for “28(1)(a)” substitute “28(3)(a) and (4)(a)”.
- (6) In section 31 (aggravated public order offences) –
- (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”;
 - (c) in subsection (7) for “28(1)(a)” substitute “28(3)(a) and (4)(a)”.
- (7) In section 32 (aggravated harassment) –
- (a) in the heading for “Racially or religiously aggravated” substitute “Aggravated”;
 - (b) in subsection (1) for “racially or religiously aggravated for the purposes of this section” substitute “aggravated (see section 28(1) and (2))”.
- (8) In section 66 of the Sentencing Code (hostility as aggravating factor in sentencing) –
- (a) in subsection (1), after “subsection (3)” insert “and subsection (3A)”;

(b) after subsection (3) insert –

“(3A) So far as it relates to hostility related to disability, sexual orientation and transgender identity, this section does not apply in relation to an offence under sections 29 to 32 of the Crime and Disorder Act 1998 committed on or after the day on which section (*Aggravated offences*)(2) of the Crime and Policing Act 2026 comes into force.”

(9) In the Armed Forces Act 2006, for sections 240 and 241 substitute –

“240 Increase in sentence for offences aggravated by hostility

(1) This section applies where a court or officer dealing with an offender for a service offence (other than an offence mentioned in subsection (7)) is considering the seriousness of the offence.

(2) If the offence is aggravated by hostility of one of the kinds mentioned in subsection (3) the court or officer –

- (a) must treat that fact as an aggravating factor, and
- (b) must state in open court that the offence is so aggravated.

(3) The kinds of hostility are –

- (a) racial hostility,
- (b) religious hostility,
- (c) hostility related to disability,
- (d) hostility related to sexual orientation, or
- (e) hostility related to transgender identity.

(4) An offence is aggravated by hostility of one of the kinds mentioned in subsection (3) if –

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on –

- (i) the victim’s membership (or presumed membership) of a racial group,
- (ii) the victim’s membership (or presumed membership) of a religious group,
- (iii) a disability (or presumed disability) of the victim,
- (iv) the sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be)
- (v) the victim being (or being presumed to be) transgender, or

(b) the offence is motivated (wholly or partly) by –

- (i) hostility towards members of a racial group based on their membership of that group,
- (ii) hostility towards members of a religious group based on their membership of that group,
- (iii) hostility towards persons who have a disability or a particular disability,
- (iv) hostility towards persons who are of a particular sexual orientation, or (as the case may be)

- (v) hostility towards persons who are transgender.
- (5) It is immaterial whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in subsection (4).
- (6) In this section –
 - (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
 - (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
 - (c) “membership” in relation to a racial or religious group, includes association with members of that group;
 - (d) “disability” means any physical or mental impairment;
 - (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
 - (f) “presumed” means presumed by the offender.
- (7) This section does not apply in relation to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence under any of sections 29 to 32 of the Crime and Disorder Act 1998 (offences aggravated by racial and other hostility).””

Member's explanatory statement

This new clause expands the grounds on which offences may be aggravated under sections 28 to 32 of the Crime and Disorder Act 1998 (racial and religious hostility) to include hostility related to disability, sexual orientation, transgender identity and (except for section 31(1)(b)) sex. It also makes consequential amendments.

LORD HANSON OF FLINT

[OPC334]

Clause 122, page 168, line 12, leave out “racially or religiously hostile towards E” and insert “hostile towards E, within the meaning of section 124(3)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 124, page 169, line 20.

LORD HANSON OF FLINT

[OPC335]

Clause 123, page 169, line 2, leave out “racially or religiously hostile towards E” and insert “hostile towards E, within the meaning of section 124(3)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 124, page 169, line 20.

LORD HANSON OF FLINT

[OPC337]

Clause 124, page 169, line 20, leave out subsection (3) and insert –

- “(3) The conduct of a person (“D”) is hostile towards 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 –
 - (i) E’s membership (or presumed membership) of a racial group,
 - (ii) E’s membership (or presumed membership) of a religious group,
 - (iii) a disability (or presumed disability) of E,
 - (iv) the sexual orientation (or presumed sexual orientation) of E,
 - (v) E being (or being presumed to be) transgender, or
 - (vi) the sex (or presumed sex) of E, or
 - (b) D’s conduct is motivated (wholly or partly) by –
 - (i) hostility towards members of a racial group based on their membership of that group,
 - (ii) hostility towards members of a religious group based on their membership of that group,
 - (iii) hostility towards persons who have a disability or a particular disability,
 - (iv) hostility towards persons who are of a particular sexual orientation,
 - (v) hostility towards persons who are transgender, or
 - (vi) hostility towards persons who are of a particular sex.”

Member's explanatory statement

This amendment expands the kinds of hostility relevant to an offence under clauses 122 and 123 to include hostility related to disability, sexual orientation, transgender identity and sex.

LORD HANSON OF FLINT

[OPC338]

Clause 124, page 169, line 30, leave out subsection (5) and insert –

- “(5) In subsection (3) –
- (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
 - (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
 - (c) “membership”, in relation to a racial or religious group, includes association with members of that group;
 - (d) “disability” means any physical or mental impairment;
 - (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
 - (f) “presumed” means presumed by D.”

Member's explanatory statement

This amendment defines terms used in my amendment to clause 124, page 169, line 20.

LORD HANSON OF FLINT

[OPC844]

Clause 129, page 173, line 35, leave out from “means” to end of line 37 and insert –

- “(a) a device which is capable of using five or more SIM cards simultaneously or interchangeably, for a purpose mentioned in subsection (1A), or
- (b) an article specified in regulations made by the Secretary of State.

(1A) The purposes are –”

Member's explanatory statement

This amendment allows the Secretary of State to specify different articles as SIM farms in regulations.

LORD HANSON OF FLINT

[OPC854]

Clause 129, page 174, line 1, at end insert “, or

- (b) an article specified in regulations made by the Secretary of State.”

Member's explanatory statement

This amendment allows the Secretary of State to specify different articles as SIM cards in regulations.

LORD HANSON OF FLINT

[OPC842]

Clause 129, page 174, line 5, leave out subsection (4) and insert –

- “(4) Regulations under subsection (1) may specify only articles which the Secretary of State considers are capable of being used for a purpose mentioned in subsection (1A) in a way which is a similar to a device within subsection (1)(a).
- (4A) Regulations under subsection (2) may specify only articles which the Secretary of State considers have a similar function to removable physical subscriber identity modules.
- (4B) “Article” includes information in electronic form.
- (4C) Before making regulations under this section, the Secretary of State must consult such persons appearing to the Secretary of State to be likely to be affected by the regulations as the Secretary of State considers appropriate.”

Member's explanatory statement

This amendment removes the Secretary of State's power to make regulations amending clause 129 and inserts a restriction on the kind of articles that may be specified by the new powers

inserted by my amendments to clause 129, page 173 line 35 and page 174 line 1. It also requires the Secretary of State to consult before exercising those powers.

LORD HANSON OF FLINT

[OPC853]

Clause 132, page 175, line 24, leave out from “that” to “by” in line 26 and insert “it is made or adapted for use in perpetrating fraud”

Member's explanatory statement

This amendment restricts the kind of articles that the Secretary of State may specify under clause 132.

LORD HANSON OF FLINT

[OPC1113]

After Clause 137, insert the following new Clause –

“Protests outside public office-holder’s home

- (1) A person (“P”) commits an offence if –
 - (a) P (alone or with other persons) carries on a protest outside, or in the vicinity of, premises that are used by a public office-holder as a dwelling,
 - (b) P carries on the protest for the purpose of representing to, or persuading, the public office-holder that they –
 - (i) should or should not do something, or
 - (ii) should or should not have done something, and
 - (c) P carries on the protest because of, or in connection with, the public officer-holder being a public officer-holder.
- (2) Subsection (1) does not apply to premises that are an official residence.
- (3) It is a defence for a person charged with an offence under this section to show that they did not know the premises were used by the public office-holder as a dwelling.
- (4) A person is to be taken to have shown the matter referred to in subsection (3) if –
 - (a) sufficient evidence is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (5) 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 not exceeding level 4 on the standard scale (or both).
- (6) In subsection (5) “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, six months;
 - (b) if the offence is committed after that time, 51 weeks.
- (7) The following definitions apply for the purposes of this section.

- (8) “Public office-holder” means –
- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);
 - (b) any of the Welsh Ministers;
 - (c) any of the Deputy Welsh Ministers (within the meaning of the Government of Wales Act 2006);
 - (d) the Counsel General to the Welsh Government;
 - (e) a member of the House of Lords;
 - (f) a member of the House of Commons;
 - (g) a member of Senedd Cymru;
 - (h) a member of a local authority;
 - (i) an elected mayor of a local authority within the meaning given by section 9H (elected mayors: England) or section 39(4) (elected mayors: Wales) of the Local Government Act 2000;
 - (j) a mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (k) a mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
 - (l) the Mayor of London or an elected member of the London Assembly;
 - (m) a police and crime commissioner;
 - (n) a candidate at an election for an office mentioned in any of paragraphs (f) to (m).
- (9) “Local authority” means –
- (a) in England –
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a parish council;
 - (v) the Common Council of the City of London;
 - (vi) the Council of the Isles of Scilly;
 - (b) in Wales –
 - (i) a county council;
 - (ii) a county borough council;
 - (iii) a community council.
- (10) “Dwelling” has the meaning given by section 8 of the Public Order Act 1986.
- (11) “Official residence” means –
- (a) 10, 11 and 12 Downing Street, London;
 - (b) Admiralty House, Whitehall, London;
 - (c) 1 Carlton Gardens, London;
 - (d) the Palace of Westminster, London;
 - (e) Chequers, Missenden Road, Aylesbury, Buckinghamshire;
 - (f) Dorneywood, Dorneywood Road, Burnham, Buckinghamshire;
 - (g) Chevening House, Chevening, Sevenoaks, Kent.”.

Member's explanatory statement

This amendment creates a new offence relating to protests outside the homes of public office-holders.

LORD HANSON OF FLINT

[OPC1008]

After Clause 142, insert the following new Clause –

“Return to unauthorised encampments: prohibited period

- (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 60C(3) (offence relating to residing on land without consent in or with a vehicle) for “12” substitute “three”.
- (3) In section 61 (power to remove trespassers on land) –
 - (a) in subsection (4)(b) for “prohibited period” substitute “period of three months beginning with the day on which the direction was given”;
 - (b) omit subsection (4ZA).
- (4) In section 62 (supplementary powers of seizure) –
 - (a) in subsection (1)(b) for “prohibited period” substitute “period of three months beginning with the day on which the direction was given”;
 - (b) omit subsection (1A).
- (5) In section 62B(2) (failure to comply with direction under section 62A: offences) for “twelve” substitute “three”.
- (6) In section 62C(2) (failure to comply with direction under section 62A: seizure) for “twelve” substitute “three”.

Member's explanatory statement

This new clause changes the period within which a person directed to leave an unauthorised encampment must not return from twelve months to three.

[OPC1065]

After Clause 142, insert the following new Clause –

“Harassment of a person in their home

- (1) The Criminal Justice and Police Act 2001 is amended as follows.
- (2) In section 42 (police directions stopping harassment etc of a person in their home), in subsection (1)(b) –
 - (a) omit the “or” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (ii) insert –
 - “(iii) that they should not have done something they were entitled or required to do; or
 - (iv) that they should have done something they were not under any obligation to do;”.

- (3) In section 42A (offence of harassment etc of a person in their home), in subsection (1)(b) –
- (a) omit the “or” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (ii) insert –
 - “(iii) that they should not have done something they were entitled or required to do; or
 - (iv) that they should have done something they were not under any obligation to do;”.

Member's explanatory statement

This amendment expands sections 42 and 42A of the Criminal Justice and Police Act 2001 (protests outside homes) to cover protests about something done in the past.

LORD HANSON OF FLINT

[OPC821]

Clause 154, page 200, line 19, leave out from beginning to “for” and insert –

- “(1) The Criminal Justice and Court Services Act 2000 is amended as follows.
(2)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 154, page 205, line 6.

LORD HANSON OF FLINT

[OPC822]

Clause 154, page 201, line 13, at end insert –

- “(5A) The requirement in subsection (5) may be satisfied by consultation carried out wholly or partly before this section comes into force.”

Member's explanatory statement

This amendment provides that the Secretary of State's duty to consult before making regulations under section 71 of the Criminal Justice and Court Services Act 2000 (inserted by clause 154) may be satisfied by pre-commencement consultation.

LORD HANSON OF FLINT

[OPC823]

Clause 154, page 204, line 23, at end insert –

- “(3A) The requirement in subsection (3) may be satisfied by consultation carried out wholly or partly before this section comes into force.”

Member's explanatory statement

This amendment provides that the Secretary of State's duty to consult in preparing a code of practice under section 71B of the Criminal Justice and Court Services Act 2000 (inserted by clause 154) may be satisfied by pre-commencement consultation.

LORD HANSON OF FLINT

[OPC824]

Clause 154, page 205, line 6, at end insert –

“(3) In section 76 (subordinate legislation), after subsection (5) insert –

“(5A) A statutory instrument containing regulations under section 71 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Member's explanatory statement

This amendment provides for regulations made by the Secretary of State under section 71 of the Criminal Justice and Court Services Act 2000 (inserted by clause 154) to be subject to affirmative resolution procedure.

LORD HANSON OF FLINT

[OPC1040]

After Clause 154, insert the following new Clause –

“Code of practice relating to non-criminal hate incidents

In the Police, Crime, Sentencing and Courts Act 2022, omit –

- (a) sections 60 and 61 (code of practice about police processing of personal data relating to hate incidents), and
- (b) the italic heading before section 60.”

Member's explanatory statement

This amendment repeals sections 60 and 61 of the Police, Crime, Sentencing and Courts Act 2022.

LORD HANSON OF FLINT

[OPC1111]

Schedule 18, page 420, line 9, at end insert –

“51A In section 161E(5) (making an income reduction order) (as inserted by section 3 of the Sentencing Act 2026), for paragraph (b) substitute –

“(b) section 15A (where court sentences before confiscation proceedings).””

Member's explanatory statement

This amendment adds, to the list of amendments that are consequential on the confiscation order provisions in the Bill, an amendment of a provision inserted by the Sentencing Act 2026 into the Sentencing Code.

LORD HANSON OF FLINT

[OPC737]

Clause 179, page 231, line 37, at end insert –

““law enforcement employer” has the meaning given by section 174(1);”

Member's explanatory statement

This amendment applies the definition of “law enforcement employer” in clause 174 to all of clauses 173 to 178.

LORD HANSON OF FLINT

[OPC732]

Schedule 21, page 467, line 28, leave out “or Condition 2”

Member's explanatory statement

This amendment removes a requirement to add civilian employees to the Civil Nuclear Constabulary and British Transport Police advisory lists, where allegations are made against them after they resign or retire. This reflects the position for civilian employees of territorial police forces under section 88I of the Police Act 1996.

LORD HANSON OF FLINT

[OPC763]

Schedule 21, page 469, line 13, after “3A” insert “(1A) or (1B)”

Member's explanatory statement

This amendment adjusts the meaning of “disciplinary proceedings” in relation to the Ministry of Defence Police.

LORD HANSON OF FLINT

[OPC828]

Clause 196, page 245, line 29, leave out subsection (4)

Member's explanatory statement

This amendment removes provision that is superseded by the new subsection inserted by my amendment to clause 196, page 245, line 34.

LORD HANSON OF FLINT

[OPC829]

Clause 196, page 245, line 33, leave out first “to” and insert “and”

Member's explanatory statement

This amendment is consequential on my amendment to clause 196, page 245, line 29.

LORD HANSON OF FLINT

[OPC830]

Clause 196, page 245, line 34, at end insert –

“(6A) The Secretary of State must lay before Parliament –

- (a) any guidance or revisions issued under this section, and
- (b) in the case of revisions, a statement of whether the Secretary of State considers them to be substantial and, if not, of the reasons why.”

Member's explanatory statement

This amendment requires the Secretary of State to lay all revisions of guidance before Parliament, even where the revisions are not considered to be substantial.

LORD HANSON OF FLINT

[OPC984]

Clause 214, page 259, line 23, at end insert –

“(za) section (*Remote sale of knives etc: Northern Ireland*);”

Member's explanatory statement

*This amendment gives the Department of Justice in Northern Ireland power to make regulations containing amendments consequential on my new clause, (*Remote sale of knives etc: Northern Ireland*), inserted after clause 31.*

LORD HANSON OF FLINT

[OPC985]

Clause 214, page 259, line 23, at end insert –

“(za) sections (*Remote sale and letting of crossbows: Northern Ireland*), (*Delivery of crossbows: Northern Ireland*), and (*Sale and delivery of crossbows: Northern Ireland: supplementary provision*);”

Member's explanatory statement

This amendment gives the Department of Justice power to make regulations containing provision consequential on the specified new clauses, inserted after clause 35.

BARONESS LEVITT

[OPC1003]

Clause 217, page 261, line 31, at end insert –

“(ga) section (*Sexual offences against children under 16*)(4);”

Member's explanatory statement

This amendment provides for the specified provision to have UK extent.

LORD HANSON OF FLINT

[OPC340]

Clause 217, page 262, line 1, at end insert –

“(qa) section (*Aggravated Offences*)(9);”

Member's explanatory statement

This amendment provides that the specified provision (inserted after clause 121) extends to the UK.

LORD HANSON OF FLINT

[OPC1156]

Clause 217, page 262, line 7, at end insert –

“(wa) sections 168 to 171;”

Member's explanatory statement

This amendment provides for clauses 168 to 171 to have UK extent.

LORD HANSON OF FLINT

[OPC1025]

Clause 217, page 262, line 7, after “(2)” insert “to (4)”

Member's explanatory statement

This amendment provides for clause 162(3) and (4) to have UK extent.

LORD HANSON OF FLINT

[OPC986]

Clause 217, page 262, line 12, after “Sections” insert “33(1), (2A) and (3), 34, 35(1) and (2),”

Member's explanatory statement

This amendment provides for the specified provisions to extend to England and Wales, and Scotland.

LORD HANSON OF FLINT

[OPC987]

Clause 217, page 262, line 16, after “Sections” insert “(Remote sale of knives etc: Northern Ireland),”

Member's explanatory statement

This amendment provides for my new clause (Remote sale of knives etc: Northern Ireland), inserted after clause 31, to extend to Northern Ireland only.

LORD HANSON OF FLINT

[OPC988]

Clause 217, page 262, line 16, after “Sections” insert “(Remote sale and letting of crossbows: Northern Ireland), (Delivery of crossbows: Northern Ireland), (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(1) to (3),”

Member's explanatory statement

This amendment provides for the specified provisions, inserted after clause 35, to extend to Northern Ireland only.

LORD HANSON OF FLINT

[OPC989]

Clause 217, page 262, line 19, after “Sections” insert “(Remote sale or letting of knives etc: Scotland)”

Member's explanatory statement

This amendment provides for my new clause (Remote sale or letting of knives etc: Scotland), inserted after clause 31, to extend to Scotland only.

LORD HANSON OF FLINT

[OPC990]

Clause 217, page 262, line 23, at end insert –

“(ba) sections 33(2B) and 35(3) and (4);”

Member's explanatory statement

This amendment provides for the specified provisions to have the same extent as the provisions they are amending.

LORD HANSON OF FLINT

[OPC991]

Clause 217, page 262, line 23, at end insert –

“(ba) section (Sale and delivery of crossbows: Northern Ireland: supplementary provision)(4);”

Member's explanatory statement

This amendment provides for the specified provision to have the same extent as the provision amended.

LORD HANSON OF FLINT

[OPC1068]

Clause 217, page 262, line 25, at end insert –

“(da) section (Application of Firearms Acts to sound moderators etc) and Schedule (Sound moderators etc: exemptions);”

Member's explanatory statement

This amendment gives the amendments made by the specified provisions the same extent as the provisions they amend.

LORD HANSON OF FLINT

[OPC1009]

Clause 217, page 262, line 37, at end insert –

“(pa) section (Return to unauthorised encampments: prohibited period);”

Member's explanatory statement

This amendment gives the amendments made by my new clause inserted after clause 142 the same extent as the provisions they amend.

BARONESS LEVITT

[OPC1002]

Clause 217, page 263, line 3, at end insert –

“(va) Schedule (*Sexual offences against children under 16: consequential amendments*);”

Member's explanatory statement

This amendment provides for amendments made by the specified new Schedule to have the same extent as the provisions they amend.

LORD HANSON OF FLINT

[OPC1010]

Clause 218, page 263, line 38, at end insert –

“(ea) section (*Return to unauthorised encampments: prohibited period*);”

Member's explanatory statement

This amendment makes my new clause inserted after clause 142 commence 2 months after Royal Assent.

LORD HANSON OF FLINT

[OPC992]

Clause 218, page 264, line 11, after “Sections” insert “32,”

Member's explanatory statement

This amendment provides for the specified provision to be commenced by the Scottish Ministers so far as extending to Scotland, and the Department of Justice so far as extending to Northern Ireland.

LORD HANSON OF FLINT

[OPC993]

Clause 218, page 264, line 18, at end insert –

“(za) section (*Remote sale of knives etc: Northern Ireland*);”

Member's explanatory statement

*This amendment provides for my new clause (*Remote sale of knives etc: Northern Ireland*), inserted after clause 31, to be commenced by order made by the Department of Justice in Northern Ireland.*

LORD HANSON OF FLINT

[OPC994]

Clause 218, page 264, line 18, at end insert –

- “(za) sections (*Remote sale and letting of crossbows: Northern Ireland*) and (*Delivery of crossbows: Northern Ireland*);
- (zb) section (*Sale and delivery of crossbows: Northern Ireland: supplementary provision*)(1) to (3), and section (*Sale and delivery of crossbows: Northern Ireland: supplementary provision*)(4) so far as extending to Northern Ireland;”

Member's explanatory statement

This amendment provides for the specified provisions, inserted after clause 35, to be commenced by an order made by the Department of Justice in Northern Ireland.

LORD HANSON OF FLINT

[OPC995]

Clause 218, page 264, line 34, at end insert –

- “(za) section (*Remote sale or letting of knives etc: Scotland*);”

Member's explanatory statement

*This amendment provides for my new clause (*Remote sale or letting of knives etc: Scotland*), inserted after clause 31, to be commenced by regulations made by the Scottish Ministers.*

LORD HANSON OF FLINT

[OPC996]

Clause 218, page 264, line 34, at end insert –

- “(za) sections 33 to 35, so far as extending to Scotland;”

Member's explanatory statement

This amendment provides for the specified provisions to be commenced by regulations made by the Scottish Ministers so far as extending to Scotland.