



Home Office

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LORDS MINISTER AND MINISTER FOR CRIMINAL INFORMATION

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Rt. Hon. Baroness Smith of Basildon
House of Lords
London
SW1A 0PW

9th January 2014

Dear Angela,

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL: GOVERNMENT AMENDMENTS FOR LORDS REPORT STAGE

I am writing to let you have details of the further Government amendments for Report stage that I have tabled (copy attached). This second tranche of amendments relate to the provisions in Parts 5 and 9 of the Bill. I expect to table a final tranche of amendments to later Parts of the Bill shortly.

Discretionary grounds for seeking recovery of possession of property – riot-related offences (amendments to clause 91)

The Bill adds to the discretionary grounds for possession so that a social or private landlord can seek possession of a property where the tenant, or a person living in the tenant's property, has been convicted of an offence at the scene of a riot which took place anywhere in the UK. This provision is intended to deter the sort of deplorable 'riot tourism' we witnessed in summer 2011. In Committee concerns were expressed about the proportionality of this provision and such concerns have been repeated by the Joint Committee on Human Rights in their further report on the Bill published earlier this week. In responding to the debate I undertook to consider a number of amendments put forward by Baroness Hamwee (Official Report, 2 December 2013, columns 59-65) which sought to limit the application of this provision to serious riot-related offences committed by the tenant. The framework provided for in housing legislation already addresses such concerns in that the landlord has discretion as to whether to initiate possession proceedings and it is then for the court to determine whether it would be proportionate to grant possession having regard to all the circumstances of the case. However, in the light of the debate, we have concluded that it would be appropriate to place further safeguards

on the face of the legislation. These Government amendments to clause 91 accordingly limit the operation of the new discretionary ground to cases where the riot-related offence was committed by any adult member of the household and then only to serious offences, that is offences triable on indictment.

New sexual harm prevention orders and sexual risk orders (amendments to clauses 105, 166 and 167, Schedules 5 and 10, and the title)

Part 9 of the Bill reforms the civil preventative orders available under the Sexual Offences Act 2003 and specifically provide for new sexual harm prevention orders and sexual risk orders. These, largely technical, amendments make a number of refinements to these provisions. In particular they:

- make appropriate related amendments to legislation relating to the Armed Forces which provides for service courts to make sexual offences prevention orders specifically in respect of members of the services and members of those limited categories of civilians who when outside the United Kingdom are subject to the jurisdiction of service courts (under the Bill, sexual offences prevention orders will be replaced by sexual harm prevention orders);
- enable sexual harm prevention orders and sexual risk orders made in England and Wales to be varied by the courts in Northern Ireland where the subject of one of these orders relocates to that part of the United Kingdom. The amendments also take account of recent amendments to the 2003 Act by Northern Ireland legislation; and
- provide for proceedings in respect of sexual harm prevention orders and sexual risk orders to take place in the youth courts where the respondent is under 18. Provision is also made for linked applications for two or more orders involving persons aged both under 18 and 18 or over to be heard together in the youth court. The amendments enable an applicant for an order, at the time of application, to apply to the youth court for permission for the application against the adult(s) to be heard in that court. The youth court may grant the application if it is in the interests of justice. We believe that it is in the best interests of respondents aged under 18 for linked cases involving adults to be transferred to the youth court rather than vice versa.

I am copying this letter to Lord Rosser, Lord Beecham, Baroness Thornton, Baroness Hamwee, Lord Greaves, Baroness Young of Hornsey, Lord Deben, Lord Faulks, Baroness Berridge, Lord Foulkes of Cumnock, Lord Paddick, Baroness O'Loan, Baroness Thomas of Winchester (Chairman, DPPRC), Dr Hywel Francis (Chair, JCHR) and Jack Dromey. I am also placing a copy in the library of the House and on the Bill page of the Government website.

W. H. Taylor
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