

## **CRIMINAL JUSTICE BILL: KEELING SCHEDULES**

This document shows provisions in other enactments as they would be amended by the Bill as introduced in the House of Commons. It is intended to assist the consideration of these provisions in the Bill and should not be taken as a definitive statement of the law as it would have effect on the enactment of the Bill.

Deletions are shown ~~struck through~~ and additions in *italics*.

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## **SCHEDULE 1 TO THE CHILDREN AND YOUNG PERSONS ACT 1933 AS AMENDED BY PARAGRAPH 14 OF SCHEDULE 2**

The murder or manslaughter of a child or young person.

Infanticide.

An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person.

An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004, in respect of a child or young person.

Any offence under sections twenty-seven, or fifty-six of the Offences against the Person Act 1861, and any offence against a child or young person under sections five of that Act

Any offence under sections one, three, four, eleven or twenty-three of this Act.

Any offence against a child or young person under any of sections 1 to 41, 47 to 53, 61, 66, 66A, 66AA, 66AC, 67 and 67A of the Sexual Offences Act 2003, or any attempt to commit such an offence.

An offence against a child or young person under section 2 of the Modern Slavery Act 2015 (human trafficking), or any attempt to commit such an offence.

Any offence under section 62 or 63 of the Sexual Offences Act 2003 where the intended offence was an offence against a child or young person, or any attempt to commit such an offence.

Any other offence involving bodily injury to a child or young person.

Common assault, or battery.

## **SECTION 5A OF THE PRISON ACT 1952 AS AMENDED BY CLAUSE 28(3)**

### **Section 5A: Appointment and functions of Her Majesty's Chief Inspector of Prisons.**

- (1) Her Majesty may appoint a person to be Chief Inspector of Prisons.
- (2) It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to report to the Secretary of State on them.
- (3) The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons.
- (4) The Secretary of State may refer specific matters connected with prisons in England and Wales and prisoners in them to the Chief Inspector and direct him to report on them.
- (5) The Chief Inspector shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.
- (5A) Subsections (2) to (5) shall apply—
- (a) in relation to removal centres within the meaning of section 147 of the Immigration and Asylum Act 1999 (c. 33),
  - (b) in relation to short-term holding facilities within the meaning of that section,
  - (ba) in relation to pre-departure accommodation within the meaning of that section, and
  - (c) in relation to escort arrangements within the meaning of that section.
- (5B) In their application by virtue of subsection (5A) subsections (2) to (5)—
- (a) shall apply to centres, facilities, accommodation and arrangements anywhere in the United Kingdom, and
  - (b) shall have effect—
    - (i) as if a reference to prisons were a reference to removal centres, short-term holding facilities, pre-departure accommodation] and escort arrangements,
    - (ii) as if a reference to prisoners were a reference to detained persons and persons to whom escort arrangements apply, and
    - (iii) with any other necessary modifications.
- (5C) The Chief Inspector shall also inspect or arrange for the inspection of—
- (a) areas of the Crown Court, county courts and magistrates' courts where prisoners are detained in custody; and
  - (b) any vehicle used to transport prisoners in custody to and from the Crown Court, county courts or magistrates' courts, and shall report to the Secretary of State on them.
- (5D) *The Chief Inspector may—*
- (a) *inspect or arrange for the inspection of any prisons where persons are detained under an arrangement of a kind mentioned in section 25(1)*

*of the Criminal Justice Act 2024 (service of custodial sentences abroad),  
and*

*(b) report to the Secretary of State on them.*

(6) The Chief Inspector shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

(7) Schedule A1 to this Act (which makes further provision about the Chief Inspector) has effect.

## SECTION 1 OF THE RESTRICTION OF OFFENSIVE WEAPONS ACT 1959 AS AMENDED BY CLAUSE 10(3)

### Section 1: Penalties for offences in connection with dangerous weapons.

(1) Any person who manufactures, sells or hires or offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire or lends or gives to any other person

(a) any knife which has a blade which opens automatically—

(i) from the closed position to the fully opened position, or

(ii) from a partially opened position to the fully opened position, by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “flick knife” or “flick gun”; or

(b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a “gravity knife”, shall be guilty of an offence. ~~and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both such imprisonment and fine.~~

*(1ZA) A person who is guilty of an offence subsection (1) is liable—*

*(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);*

*(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);*

*(c) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both).*

(1A) Any person who possesses any knife of a kind described in subsection (1) is guilty of an offence.

(1B) A person guilty of an offence under subsection (1A) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 4 on the standard scale or to both.

(1C) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1B)(a) has effect as if the reference to 51 weeks were to 6 months.

(2) The importation of any knife of a kind described in subsection (1) is hereby prohibited.

(3) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in subsection (1)—

(a) with an offence under subsection (1), or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this subsection applies.

(4) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.

(5) If the operator of, or a person acting on behalf of, a museum or gallery to which this subsection applies is charged with hiring or lending a knife of a kind described in subsection (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.

(6) Subsection (3) or (5) applies to a museum or gallery only if it does not distribute profits.

(7) In this section “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.

(8) A person is to be taken to have shown a matter mentioned in subsection (3), (4) or (5) 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.

## SECTION 63B OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY CLAUSES 15 AND 17

### Section 63B: Testing for presence of ~~Class A controlled~~ drugs

(1) A sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified ~~Class A controlled~~ drug in his body if

- (a) either the arrest condition or the charge condition is met; *and*
- (b) both the age condition and the request condition are met; ~~and~~
- ~~(c) the notification condition is met in relation to the arrest condition, the charge condition or the age condition (as the case may be).~~

(1A) The arrest condition is that the person concerned has been arrested for an offence but has not been charged with that offence and either—

- (a) the offence is a trigger offence; or
- (b) a police officer of at least the rank of inspector has reasonable grounds for suspecting that the misuse by that person of a specified ~~Class A controlled~~ drug caused or contributed to the offence and has authorised the sample to be taken.

(2) The charge condition is either

- (a) that the person concerned has been charged with a trigger offence; or
- (b) that the person concerned has been charged with an offence and a police officer of at least the rank of inspector, who has reasonable grounds for suspecting that the misuse by that person of any specified ~~Class A controlled~~ drug caused or contributed to the offence, has authorised the sample to be taken.

(3) The age condition is—

- (a) if the arrest condition is met, that the person concerned has attained the age of 18;
- (b) if the charge condition is met, that he has attained the age of 14.

(4) The request condition is that a police officer has requested the person concerned to give the sample.

~~(4A) The notification condition is that—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that appropriate arrangements have been made for the police area as a whole, or for the particular police station, in which the person is in police detention, and~~
- ~~(b) the notice has not been withdrawn.~~

~~(4B) For the purposes of subsection (4A) above, appropriate arrangements are arrangements for the taking of samples under this section from whichever of the following is specified in the notification—~~

- ~~(a) persons in respect of whom the arrest condition is met;~~
- ~~(b) persons in respect of whom the charge condition is met;~~
- ~~(c) persons who have not attained the age of 18.~~

(5) Before requesting the person concerned to give a sample, an officer must—

- (a) warn him that if, when so requested, he fails without good cause to do so he may be liable to prosecution, and
- (b) in a case within subsection (1A)(b) or (2)(b) above, inform him of the giving of the authorisation and of the grounds in question.

(5A) In the case of a person who has not attained the age of 18—

- (a) the making of the request under subsection (4) above;
- (b) the giving of the warning and (where applicable) the information under subsection (5) above; and
- (c) the taking of the sample,

may not take place except in the presence of an appropriate adult.

(5B) If a sample is taken under this section from a person in respect of whom the arrest condition is met no other sample may be taken from him under this section during the same continuous period of detention but—

- (a) if the charge condition is also met in respect of him at any time during that period, the sample must be treated as a sample taken by virtue of the fact that the charge condition is met;
- (b) the fact that the sample is to be so treated must be recorded in the person's custody record.

(5C) Despite subsection (1)(a) above, a sample may be taken from a person under this section if—

- (a) he was arrested for an offence (the first offence),
- (b) the arrest condition is met but the charge condition is not met,
- (c) before a sample is taken by virtue of subsection (1) above he would (but for his arrest as mentioned in paragraph (d) below) be required to be released from police detention,
- (d) he continues to be in police detention by virtue of his having been arrested for an offence not falling within subsection (1A) above, and
- (e) the sample is taken before the end of the period of 24 hours starting with the time when his detention by virtue of his arrest for the first offence began.



(5D) A sample must not be taken from a person under this section if he is detained in a police station unless he has been brought before the custody officer.

(6) A sample may be taken under this section only by a person prescribed by regulations made by the Secretary of State by statutory instrument.

No regulations shall be made under this subsection unless a draft has been laid before, and approved by resolution of, each House of Parliament.

(6A) The Secretary of State may by order made by statutory instrument amend—

(a) paragraph (a) of subsection (3) above, by substituting for the age for the time being specified a different age specified in the order, or different ages so specified for different police areas so specified;

(b) paragraph (b) of that subsection, by substituting for the age for the time being specified a different age specified in the order.

(6B) A statutory instrument containing an order under subsection (6A) above shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7) Information obtained from a sample taken under this section may be disclosed—

(a) for the purpose of informing any decision about granting bail in criminal proceedings (within the meaning of the Bail Act 1976) to the person concerned;

(aa) for the purpose of informing any decision about the giving of a conditional caution under Part 3 of the Criminal Justice Act 2003 or a youth conditional caution under Chapter 1 of Part 4 of the Crime and Disorder Act 1998 to the person concerned;

(b) where the person concerned is in police detention or is remanded in or committed to custody by an order of a court or has been granted such bail, for the purpose of informing any decision about his supervision;

(c) where the person concerned is convicted of an offence, for the purpose of informing any decision about the appropriate sentence to be passed by a court and any decision about his supervision or release;

(ca) for the purpose of an assessment which the person concerned is required to attend by virtue of section 9(2) or 10(2) of the Drugs Act 2005;

(cb) for the purpose of proceedings against the person concerned for an offence under section 12(3) or 14(3) of that Act;

(d) for the purpose of ensuring that appropriate advice and treatment is made available to the person concerned.

(8) A person who fails without good cause to give any sample which may be taken from him under this section shall be guilty of an offence.

(9) [Previously repealed]

(10) In this section—

“appropriate adult”, in relation to a person who has not attained the age of 18, means—

(a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation; or

(b) a social worker of a local authority . . . ; or

(c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes; and “police purposes” has the meaning given by section 101(2) of the Police Act 1996;

~~“relevant chief officer” means—~~

~~(a) in relation to a police area, the chief officer of police of the police force for that police area; or~~

~~(b) in relation to a police station, the chief officer of police of the police force for the police area in which the police station is situated.~~

**SECTION 63C OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY  
CLAUSE 15**

**Section 63C: Testing for the presence of ~~Class A~~ controlled drugs:  
supplementary**

(1) A person guilty of an offence under section 63B above shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 4 on the standard scale, or to both.

(2) A police officer may give an authorisation under section 63B above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.

(3) If a sample is taken under section 63B above by virtue of an authorisation, the authorisation and the grounds for the suspicion shall be recorded as soon as is practicable after the sample is taken.

(4) If the sample is taken from a person detained at a police station, the matters required to be recorded by subsection (3) above shall be recorded in his custody record.

(5) Subsections (11) and (12) of section 62 above apply for the purposes of section 63B above as they do for the purposes of that section; and section 63B above does not prejudice the generality of sections 62 and 63 above.

(6) In section 63B above—

~~“Class A drug” and “misuse” have the same meanings as in the Misuse of Drugs Act 1971;~~

~~“misuse” has the same meaning as in the Misuse of Drugs Act 1971;~~

~~“specified” (in relation to a Class A drug) and “trigger offence” have the same meanings as in Part III of the Criminal Justice and Court Services Act 2000.~~

~~“specified controlled drug” means a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations under section 63CA;~~

~~“trigger offence” means an offence specified in regulations under section 63CA.”~~

**SECTION 141A OF THE CRIMINAL JUSTICE ACT 1988 AS AMENDED BY CLAUSE 10(2)**

**Section 141A: Sale of knives and certain articles with blade or point to persons under sixteen.**

(1) Any person who sells to a person under the age of eighteen years an article to which this section applies shall be guilty of an offence ~~and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.~~ *and liable -*

*(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);*

*(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).*

(2) Subject to subsection (3) below, this section applies to—

(a) any knife, knife blade or razor blade,

(b) any axe, and

(c) any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person.

(3) This section does not apply to any article described in—

(a) section 1 of the Restriction of Offensive Weapons Act 1959, or

(b) [Repealed]

(c) an order made by the Secretary of State under this section.

(4) Subject to section 141B, it shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## SECTION 85 OF THE POLICE ACT 1996 AS AMENDED BY CLAUSE 74

### Section 85: Appeals against dismissal etc.

(1) The Secretary of State shall by rules make provision specifying the cases in which a member of a police force or a special constable, or a former member of a police force or a former special constable, may appeal to a police appeals tribunal.

*(1A) The Secretary of State may by rules make provision enabling a chief officer of police to appeal to a police appeals tribunal against a decision relating to—*

*(a) a member or former member of the force for whom they are the chief officer, or*

*(b) a special constable or former special constable appointed for the chief officer's police area.*

*(1B) The Secretary of State may by rules make provision enabling a local policing body to appeal to a police appeals tribunal against a decision relating to—*

*(a) the chief officer of police for whom it is the local policing body, or*

*(b) any former chief officer of police for whom it was the local policing body.*

(2) A police appeals tribunal may, on the determination of an appeal under this section, make an order dealing with the ~~appellant~~ *person to whom the appeal relates* in any way in which he could have been dealt with by the person who made the decision appealed against.

(3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.

(4) Rules made under this section may, in particular, make provision—

(a) for enabling a police appeals tribunal, in such circumstances as are specified in the rules, to determine a case without a hearing;

(b) for the appellant or the respondent to be entitled, in a case where there is a hearing, to be represented—

(i) by a relevant lawyer within the meaning of section 84, or

(ii) by a person who falls within any description of persons prescribed by the rules;

(c) for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents,

and rules made in pursuance of paragraph (c) may apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the rules.

(4A) Rules under this section may make different provision for different cases and circumstances.

(5) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5A) Subsection (5) does not apply to a statutory instrument containing (whether alone or with other provision) the first rules made under this section after the commencement of paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008: such an instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

(6) Schedule 6 shall have effect in relation to appeals under this section.

## SCHEDULE 6 TO THE POLICE ACT 1996 AS AMENDED BY CLAUSE 74

### SCHEDULE 6: APPEALS TO POLICE APPEALS TRIBUNALS

#### Police appeals tribunals

1 (A1) *Sub-paragraph (1) applies in the case of—*

- (a) *an appeal under section 85(1) by a senior officer or a former senior officer,*
- (b) *an appeal under section 85(1A) relating to a senior officer or a former senior officer,*  
*or*
- (c) *an appeal under section 85(1B).*

(1) ~~In the case of an appeal by a senior officer or a former senior officer,~~ the police appeals tribunal shall consist of three members appointed by the relevant person, of whom—

- (a) one shall be a person chosen from a list of persons who satisfy the judicial- appointment eligibility condition on a 5-year basis and have been nominated by the Lord Chancellor for the purposes of this Schedule,
- (b) one shall be Her Majesty's Chief Inspector of Constabulary appointed under section 54(1) or one of Her Majesty's Inspectors of Constabulary nominated by the Chief Inspector, and
- (c) one shall be the permanent secretary to the Home Office or a Home Office director nominated by the permanent secretary.

(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

2 (A1) *Sub-paragraph (1) applies in the case of—*

- (a) *an appeal under section 85(1) by a person to whom sub-paragraph (3) applies, or*
- (b) *an appeal under section 85(1A) relating to such a person.*

(1) ~~In the case of an appeal by a person to whom sub-paragraph (3) applies,~~ the police appeals tribunal shall consist of three members appointed by the relevant person, of whom—

- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),
- (b) one shall be a senior officer, and
- (e) one shall be a lay person.

(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

(3) The persons to whom this sub-paragraph applies are—

- (a) a member of a police force (other than a senior officer),
- (b) a former member of a police force (other than a former senior officer),
- (c) a special constable, and
- (d) a former special constable.

2A (1) For the purposes of paragraphs 1 and 2, “the relevant person” means the person determined in accordance with rules made by the Secretary of State.

(2) Rules under sub-paragraph (1) may make—

- (a) different provision for different cases and circumstances;
- (b) provision for the relevant person to be able to delegate the power to appoint the members of a tribunal.

(3) A statutory instrument containing rules under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Notice of appeal

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 85.

#### Respondent

- 4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 85.

#### Casting vote

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

#### Effect of orders

- 7 (1) Where on the determination of an appeal the tribunal makes such an order as is mentioned in section 85(2), the order shall take effect

- (a) by way of substitution for the decision appealed against, and
- (b) as from the date of that decision.

*But this is subject to sub-paragraph (4).*

(2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant *person to whom the appeal relates* in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.

(3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant *person to whom the appeal relates* in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

(4) *In a case where -*

*(a) on the determination of an appeal the tribunal makes an order the effect of which is to dismiss the person to whom the appeal relates, and*

*(b) the decision that is the subject of the appeal had not been a decision to dismiss the person,*

*the order takes effect on the date on which it is made.*

#### Remuneration and expenses

- 8 Members of a police appeals tribunal shall be—

- (a) paid such remuneration, and
- (b) reimbursed for such expenses,

as the Secretary of State may determine.

## Costs

- 9 (1) ~~An~~ *In the case of an appeal under section 85(1), the appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the relevant local policing body.*
- (2) Subject to sub-paragraph (1), all the costs and expenses of an appeal under section ~~85~~ 85(1), including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8, shall be defrayed out of the police fund of the relevant local policing body.
- (3) *In the case of an appeal under section 85(1A) or (1B) all the costs and expenses of the appeal are defrayed out of the police fund of the relevant local policing body, unless the police appeal tribunal directs that the respondent is to pay the whole or any part of their own costs.*

## Interpretation

- 10 In this Schedule—
- (a) “senior officer” means a member of a police force holding a rank above that of chief superintendent,
- (aa) lay person” means a person who is not, and has never been—
- (i) a member of a police force or a special constable,
  - (ii) a member of the civilian staff of a police force, including the metropolitan police force, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(4) and (6) of that Act),
  - (iii) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London,
  - (iiia) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002,
  - (iv) a police and crime commissioner,
  - (v) a member of staff of a police and crime commissioner, or of the Mayor's Office for Policing and Crime, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(3) and (5) of that Act),
  - (vi) a constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8) (see section 99 of that Act),
  - (vii) a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,
  - (viii) a member of the British Transport Police Force or a special constable appointed under section 25 of the Railways and Transport Safety Act 2003,
  - (ix) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
  - (x) a member of the Ministry of Defence Police,



(xi) a person (other than a member of the Ministry of Defence Police) who is under the direction and control of the chief constable for the Ministry of Defence Police,

(xii) a member of the Civil Nuclear Constabulary, or

(xiii) an employee of the Civil Nuclear Police Authority appointed under paragraph 6 of Schedule 10 to the Energy Act 2004,

(b) “relevant local policing body”, except in relation to an appeal under section 85 that relates to proceedings conducted under regulations made in pursuance of section 50(3A) or section 51(2B), means the local policing body which maintains—

(i) the police force of which the appellant is a member, or

(ii) the police force for the area for which the appellant is appointed as a special constable,

as the case may be.

(ba)the relevant local policing body”, in relation to an appeal under section 85 that relates to proceedings conducted under regulations made in pursuance of section 50(3A) or section 51(2B), means the local policing body which maintains—

(i)the police force of which the appellant was last a member, or

(ii)the police force for the area for which the appellant was last appointed as a special constable,

as the case may be.

## SECTION 6 OF THE CRIME AND DISORDER ACT 1998 AS AMENDED BY CLAUSE 72

### Section 6: Formulation and implementation of strategies.

(1) The responsible authorities for a local government area shall, in accordance with section 5 with ~~subsection (1A)~~ *subsections (1A) to (1F)*, and with regulations made under subsection

(2), formulate and implement—

(a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and

(b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and

(c) a strategy for the reduction of re-offending in the area.

and

(d) a strategy for—

(i) preventing people from becoming involved in serious violence in the area, and

(ii) reducing instances of serious violence in the area.

*(1A) In exercising functions under subsection (1), apart from devolved Welsh functions (as defined by section 5(8)), each of the responsible authorities for a local government area must have regard to the police and crime objectives set out in the police and crime plan for the police area which comprises or includes that local government area.*

*(1B) A relevant local policing body for a local government area may make recommendations to the responsible authorities for that area about the exercise of their functions under subsection (1).*

*(1C) Recommendations made under subsection (1B) by a police and crime commissioner or the Mayor's Office for Policing and Crime must support the delivery of the police and crime objectives set out in the police and crime plan issued by that body.*

*(1D) Recommendations made under subsection (1B) by the Common Council of the City of London must support the policing objectives set out in the policing plan issued by the Common Council.*

*(1E) In exercising functions under subsection (1), each of the responsible authorities for a local government area must consider any recommendations about the exercise of those functions made under subsection (1B) by a relevant local policing body for that area.*

*(1F) If the responsible authorities for a local government area do not implement recommendations made under subsection (1B) by a relevant local policing body for that area, they must inform the body of their reasons for not doing so.*

(2) The appropriate national authority may by regulations make further provision as to the formulation and implementation of a strategy under this section.

(3) Regulations under subsection (2) may in particular make provision for or in connection with—

(a) the time by which a strategy must be prepared and the period to which it is to relate;

(b) the procedure to be followed by the responsible authorities in preparing and implementing a strategy (including requirements as to the holding of public meetings and other consultation);

(c) the conferring of functions on any one or more of the responsible authorities in relation to the formulation and implementation of a strategy;

(ca) the conferring of functions on a ~~police and crime commissioner~~ *relevant local policing body* for a police area in England in relation to the formulation and implementation of a strategy for ~~any local government area that lies in that police area;~~ *a local government area;*

(d) matters to which regard must be had in formulating and implementing a strategy;

(e) objectives to be addressed in a strategy and performance targets in respect of those objectives;

(f) the sharing of information between responsible authorities;

(g) the publication and dissemination of a strategy *or of other material relating to a strategy or to its formulation or implementation;*

(h) the preparation of reports on the implementation of a strategy.

(4) The provision which may be made under subsection (2) includes provision for or in connection with the conferring of functions on a committee of, or a particular member or officer of, any of the responsible authorities.

(4A) Provision under subsection (3)(ca) may include provision—

(a) for a ~~police and crime commissioner~~ *relevant local policing body* to arrange for meetings to be held for the purpose of assisting in the formulation and implementation of any strategy (or strategies) that ~~commissioner~~ *the body* may specify that relate to any part of the police area of ~~commissioner~~ *the body,*

(b) for the ~~commissioner~~ *body, or a representative of the body,* to chair the meetings, and

(c) for such descriptions and numbers of persons to attend the meetings as the ~~commissioner~~ *body* may specify (including, in particular, representatives of the responsible authorities in relation to the strategies to be discussed at the meetings).

(5) The matters referred to in subsection (3)(d) may in particular include guidance given by the appropriate national authority in connection with the formulation or implementation of a strategy.

(6) Provision under subsection (3)(e) may require a strategy to be formulated so as to address (in particular)—

(a) the reduction of crime or disorder of a particular description;

(b) the combatting of a particular description of misuse of drugs, alcohol or other substances.

(c) the prevention of people becoming involved in serious violence of a particular description; or

(d) the reduction of instances of serious violence of a particular description.

(7) Regulations under this section may make—

(a) different provision for different local government areas;

(b) supplementary or incidental provision.

(8) For the purposes of this section any reference to the implementation of a strategy includes—

(a) keeping it under review for the purposes of monitoring its effectiveness; and

(b) making any changes to it that appear necessary or expedient.

(8A) *In this section “relevant local policing body”, in relation to a local government area, means—*

*(a) if the area (or any part of it) falls within the police area of a police and crime commissioner, the commissioner,*

*(b) if the area (or any part of it) falls within the metropolitan police district, the Mayor’s Office for Policing and Crime, and*

*(c) if the area (or any part of it) is the City of London, the Common Council of the City of London.*

(9) In this section the “appropriate national authority” is—

(a) the Secretary of State, in relation to strategies for areas in England and strategies for preventing people from becoming involved in and reducing instances of serious violence in areas in Wales

(b) the National Assembly for Wales, in relation to strategies for combatting the misuse of drugs, alcohol or other substances in areas in Wales;

(c) the Secretary of State and the Assembly acting jointly, in relation to strategies for combatting crime and disorder or re-offending in areas in Wales.

(10) The Secretary of State must consult the Welsh Ministers before making regulations under this section if and to extent that the regulations—

(a) relate to a strategy within subsection (1)(d), and

(b) make provision that applies in relation to a devolved Welsh authority within the meaning of the Government of Wales Act 2006 (see section 157A of that Act).

(11) References in this section to serious violence and to becoming involved in serious violence are to be construed in accordance with section 18.

## **SECTION 327 OF THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY CLAUSE 30**

### **Section 327: interpretation**

(1) For the purposes of section 325, a person is a relevant sexual or violent offender if he falls within one or more of subsections (2) to (4).

(2) A person falls within this subsection if he is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42).

(3) A person falls within this subsection if—

(a) he has been convicted by a court in England or Wales of murder or an offence specified in Part 1 or 2 of Schedule 15 or in subsection (4A) below, and  
(b) one of the following sentences was imposed on him in respect of the conviction—

- (i) a sentence of imprisonment for that is not for a term of less than 12 months,
- (ii) a sentence of detention in a young offender institution for a term of 12 months or more,
- (iii) a sentence of detention during Her Majesty's pleasure,
- (iv) a sentence of detention for public protection under section 226,

(v) a sentence of detention for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 250 [or 252A of the Sentencing Code (offenders under 18 convicted of certain serious offences),

(va) a sentence of custody for life under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 272 or 275 of the Sentencing Code,

(vi) a sentence of detention under section 226B or 228 or under section 254 of the Sentencing Code,

(vii) a detention and training order for a term of 12 months or more, or

(viii) a hospital or guardianship order within the meaning of the Mental Health Act 1983 (c. 20).

(4) A person falls within this subsection if—

(a) he is found not guilty by a court in England and Wales of murder or an offence specified in Part 1 or 2 of Schedule 15 or in subsection (4A) below by reason of insanity or to be under a disability and to have done the act charged against him in respect of such an offence, and

(b) one of the following orders is made in respect of the act charged against him as the offence—

(i) an order that he be admitted to hospital, or

(ii) a guardianship order within the meaning of the Mental Health Act 1983.

(4A) The offences specified in this subsection are—

(a) an offence under section 1 of the Child Abduction Act 1984 (abduction of child by parent);

(b) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation), where the offence is committed against a child;

(c) an offence under section 4(3) of the Misuse of Drugs Act 1971 where the offence is committed by—

- (i) supplying or offering to supply a Class A drug to a child,
- (ii) being concerned in the supplying of such a drug to a child, or
- (iii) being concerned in the making to a child of an offer to supply such a drug;

*(ca) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship);*

(d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this subsection;

(e) an offence of conspiring to commit an offence so specified;

(f) an offence of attempting to commit an offence so specified.]

(4B) For the purposes of section 325, a person is a relevant terrorist offender if the person falls within one or both of subsections (4C) and (4D).

(4C) A person falls within this subsection if the person is subject to the notification requirements of Part 4 of the Counter-Terrorism Act 2008.

(4D) A person falls within this subsection if the person has been convicted of and sentenced for a relevant terrorist offence, or otherwise dealt with in relation to such an offence, as described in—

- (a) paragraph (a) or (b) of section 45(1) of the Counter-Terrorism Act 2008,
- (b) paragraph (a) or (b) of section 45(2) of that Act,
- (c) paragraph (a) or (b) of section 45(3) of that Act, or
- (d) paragraph (a) or (b) of paragraph 5(1) of Schedule 6 to that Act.

(4E) For the purposes of subsection (4D)—

(a) any reference in the Counter-Terrorism Act 2008 to an offence to which Part 4 of that Act applies is to be read as if it were a reference to a relevant terrorist offence, and

(b) any reference in that Act to a hospital order is to be read as if it included a guardianship order within the meaning of the Mental Health Act 1983 or the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

(4F) In subsections (4D) and (4E) “relevant terrorist offence” means—

(a) an offence specified in Part 1 or 2 of Schedule 19ZA (terrorism offences punishable with imprisonment for life or for more than two years),

(b) a service offence as respects which the corresponding civil offence is so specified, or

(c) an offence which was determined to have a terrorist connection (see subsection (4G));

and in paragraph (b) “service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).

(4G) For the purposes of subsection (4F)(c), an offence was determined to have a terrorist connection if it was—

(a) determined to have a terrorist connection under—

- (i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
- (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now capable of posing a risk in an area in England and Wales), or
- (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or

(b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now capable of posing a risk in an area in England and Wales).

(5) .....

(6) In this section—

"child" means a person under 18;]

"court" does not include a service court, as defined by section 305(1).

**SCHEDULE 15 TO THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY  
CLAUSE 13 AND PARAGRAPH 16 OF SCHEDULE 2**

...149 An offence under section 66 of that Act (exposure).

149A An offence under section 66A of that Act (sending etc photograph or film of genitals).

*149AA An offence under section 66AA(2) or (3) of that Act (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification). 149AB An offence under section 66AC(2) of that Act (installing etc. equipment to enable taking or recording of intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification).*

*149B An offence under section 66B(2) or (3) of that Act (sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification).*

150 An offence under section 67 of that Act (voyeurism).

...



**PARAGRAPH 10 OF SCHEDULE 34A TO THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 16 OF SCHEDULE 2**

10 An offence under section 66, 66A, 66AA(2) or (3), 66AC(2), 66B(2) or (3) 67 or 67A of that Act (exposure, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification and voyeurism) where the victim or intended victim of the offence was under 18 at the time of the offence.

**SECTIONS 66B, 66C AND 66D OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPHS 2 TO 5 OF SCHEDULE 2**

**Section 66B: Sharing or threatening to share intimate photograph or film**

- (1) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) B does not consent to the sharing of the photograph or film, and
  - (c) A does not reasonably believe that B consents.
- (2) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) A does so with the intention of causing B alarm, distress or humiliation, and
  - (c) B does not consent to the sharing of the photograph or film.
- (3) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) A does so for the purpose of A or another person obtaining sexual gratification,
  - (c) B does not consent to the sharing of the photograph or film, and
  - (d) A does not reasonably believe that B consents.
- (4) A person (A) commits an offence if—
- (a) A threatens to share a photograph or film which shows, or appears to show, another person (B) in an intimate state, and
  - (b) A does so—
    - (i) with the intention that B or another person who knows B will fear that the threat will be carried out, or
    - (ii) being reckless as to whether B or another person who knows B will fear that the threat will be carried out.
- (5) Subsections (1) to (4) are subject to section 66C (exemptions).
- (5A) Section 76 applies to an offence under subsection (1), (2) or (3).*
- ~~(6) For the purposes of subsections (1) to (3), and section 66C(3)(b)—~~
- ~~(a) “consent” to the sharing of a photograph or film includes general consent covering the particular act of sharing as well as specific consent to the particular act of sharing, and~~
- ~~(b) whether a belief is reasonable is to be determined having regard to all the circumstances including any steps A has taken to ascertain whether B consents.~~
- (7) Where a person is charged with an offence under subsection (4), it is not necessary for the prosecution to prove—
- (a) that the photograph or film mentioned in the threat exists, or
  - (b) if it does exist, that it is in fact a photograph or film which shows or appears to show a person in an intimate state.
- (8) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for sharing the photograph or film.

(9) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).

(10) A person who commits an offence under subsection (2), (3) or (4) is liable—  
(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);  
(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.

~~(11) In subsection (9) "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.~~

(12) If on the trial of a person charged with an offence under subsection (2) or (3) a magistrates' court or jury finds the person not guilty of the offence charged, the magistrates' court or jury may find the person guilty of an offence under subsection (1).

(13) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (12) convicted before it of an offence under subsection (1) as a magistrates' court would have on convicting the person of the offence.

### **Section 66C: Sharing or threatening to share intimate photograph or film: exemptions**

(1) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1), (2) or (3) if—

- (a) the photograph or film was ~~taken~~, or A reasonably believes that it was, taken or recorded in a place to which the public or a section of the public had or were permitted to have access (whether on payment or otherwise),
- (b) B had no reasonable expectation of privacy from the photograph or film being taken or recorded, and
- (c) B was, or A reasonably believes that B was, in the intimate state voluntarily.

(2) For the purposes of subsection (1)(b), whether a person had a reasonable expectation of privacy from a photograph or film being taken or recorded is to be determined by reference to the circumstances that the person sharing the photograph or film reasonably believes to have existed at the time the photograph or film was taken or recorded.

(3) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1), (2) or (3) if—

- (a) the photograph or film had, or A reasonably believes that the photograph or film had, been previously publicly shared, and
- (b) B had, or A reasonably believes that B had, consented to the previous sharing.

(4) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1) if—

- (a) B is a person under 16,
- (b) B lacks, or A reasonably believes that B lacks, capacity to consent to the sharing of the photograph or film, and

- (c) the photograph or film is shared—
  - (i) with a healthcare professional acting in that capacity, or
  - (ii) otherwise in connection with the care or treatment of B by a healthcare professional.

(5) A person who shares a photograph or film which shows, or appears to show, a child in an intimate state does not commit an offence under section 66B(1) if the photograph or film is of a kind ordinarily shared between family and friends.

(6) A person who threatens to share a photograph or film which shows, or appears to show, another person in an intimate state does not commit an offence under section 66B(4) if, by reason of this section, the person would not commit an offence under section 66B(1), (2) or (3) by sharing the photograph or film in the circumstances conveyed by the threat.

**Section 66D: ~~Sharing or threatening to share intimate photograph or film:~~ interpretation Sections 66AA to 66C: interpretation**

(1) This section applies for the purposes of sections ~~66B and~~ 66AA to 66C.

(2) A person “shares” something if the person, by any means, gives or shows it to another person or makes it available to another person.

(3) But a provider of an internet service by means of which a photograph or film is shared is not to be regarded as a person who shares it.

~~(4) “Photograph” and “film” have the same meaning as in section 66A (see subsections (3) to (5) of that section).~~

(4) “Photograph” includes the negative as well as the positive version.

(4A) “Film” means a moving image.

(4B) For the purposes of sections 66B and 66C, references to a “photograph” or “film” also include—

- (a) an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film,
- (b) a copy of a photograph, film or image within paragraph (a), and
- (c) data stored by any means which is capable of conversion into a photograph, film or image within paragraph (a).

(5) Except where a photograph or film falls within subsection (8), a photograph or film shows, or appears to show, another person in an intimate state if it shows or appears to show—

- (a) the person participating or engaging in an act which a reasonable person would consider to be a sexual act,
- (b) the person doing a thing which a reasonable person would consider to be sexual,
- (c) all or part of the person’s exposed genitals, buttocks or breasts,
- (d) the person in an act of urination or defecation, or
- (e) the person carrying out an act of personal care associated with the person’s urination, defecation or genital or anal discharge.

(6) For the purposes of subsection (5)(c) the reference to all or part of a person’s “exposed” genitals, buttocks or breasts includes—

- (a) a reference to all or part of the person's genitals, buttocks or breasts visible through wet or otherwise transparent clothing,
- (b) the case where all or part of the person's genitals, buttocks or breasts would be exposed but for the fact that they are covered only with underwear, and
- (c) the case where all or part of the person's genitals, buttocks or breasts would be exposed but for the fact that they are obscured, provided that the area obscured is similar to or smaller than an area that would typically be covered by underwear worn to cover a person's genitals, buttocks or breasts (as the case may be).

(7) In subsection (6)(c) "obscured" means obscured by any means, other than by clothing that a person is wearing, including, in particular, by an object, by part of a person's body or by digital alteration.

(8) A photograph or film falls within this subsection if (so far as it shows or appears to show a person in an intimate state) it shows or appears to show something, other than breastfeeding, that is of a kind ordinarily seen in public.

(9) For the purposes of subsection (8) "breastfeeding" includes the rearranging of clothing in the course of preparing to breastfeed or having just finished breastfeeding.

(10) *For the purposes of section 66AA(1) to (3), 66B(1) to (3) and 66C(3)(b)—*

- (a) "consent" to the taking, recording or sharing of a photograph or film includes general consent covering the particular act of taking, recording or sharing as well as specific consent to the particular act of taking, recording or sharing, and*
- (b) whether a belief is reasonable is to be determined having regard to all the circumstances including any steps A has taken to ascertain whether B consents.*

## **SECTION 67 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 6 OF SCHEDULE 2**

### **Section 67: Voyeurism**

- (1) A person commits an offence if—
- (a) for the purpose of obtaining sexual gratification, he observes another person doing a private act, and
  - (b) he knows that the other person does not consent to being observed for his sexual gratification.
- (2) A person commits an offence if—
- (a) he operates equipment with the intention of enabling another person to observe, for the purpose of obtaining sexual gratification, a third person (B) doing a private act, and
  - (b) he knows that B does not consent to his operating equipment with that intention.
- ~~(3) A person commits an offence if—~~
- ~~(a) he records another person (B) doing a private act,~~
  - ~~(b) he does so with the intention that he or a third person will, for the purpose of obtaining sexual gratification, look at an image of B doing the act, and~~
  - ~~(c) he knows that B does not consent to his recording the act with that intention.~~
- (4) A person commits an offence if he installs equipment, or constructs or adapts a structure or part of a structure, with the intention of enabling himself or another person to commit an offence under subsection (1).
- (5) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.

## **SECTION 67A OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 7 OF SCHEDULE 2**

### **Section 67A: Voyeurism: additional offences**

(1) A person (A) commits an offence if—

(a) A operates equipment beneath the clothing of another person (B),

(b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe—

(i) B's genitals or buttocks (whether exposed or covered with underwear), or

(ii) the underwear covering B's genitals or buttocks,

in circumstances where the genitals, buttocks or underwear would not otherwise be visible, and

(c) A does so—

(i) without B's consent, and

(ii) without reasonably believing that B consents.

~~(2) A person (A) commits an offence if—~~

~~(a) A records an image beneath the clothing of another person (B),~~

~~(b) the image is of—~~

~~(i) B's genitals or buttocks (whether exposed or covered with underwear), or~~

~~(ii) the underwear covering B's genitals or buttocks,~~

~~in circumstances where the genitals, buttocks or underwear would not otherwise be visible,~~

~~(c) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and~~

~~(d) A does so—~~

~~(i) without B's consent, and~~

~~(ii) without reasonably believing that B consents.~~

(2A) A person (A) commits an offence if—

(a) A operates equipment,

(b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe another (B) while B is breast-feeding a child, and

(c) A does so—

(i) without B's consent, and

(ii) without reasonably believing that B consents.

(2B) A person (A) commits an offence if—

(a) A records an image of another (B) while B is breast-feeding a child,

(b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and

(c) A does so—

(i) without B's consent, and

(ii) without reasonably believing that B consents.

(3) The purposes referred to in subsections (1) to (2B) are—

(a) obtaining sexual gratification (whether for A or C);

(b) humiliating, alarming or distressing B.

(3A) In this section a reference to B breast-feeding a child includes B rearranging B's clothing—

- (a) in the course of preparing to breast-feed the child, or
- (b) having just finished breast-feeding the child.

(3B) It is irrelevant for the purposes of subsections (2A) and (2B)—

- (a) whether or not B is in a public place while B is breast-feeding the child,
- (b) whether or not B's breasts are exposed while B is breast-feeding the child, and
- (c) what part of B's body—
  - (i) is, or is intended by A to be, visible in the recorded image, or
  - (ii) is intended by A to be observed.

(3C) *Section 76 applies to an offence under subsection (2B).*

(4) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding [the general limit in a magistrates' court], or to a fine, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.

(5) In relation to an offence committed before 2 May 2022, the reference in subsection (4)(a) to the general limit in a magistrates' court is to be read as a reference to 6 months.



## SECTION 77 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 8 OF SCHEDULE 2

### Section 77: Sections 75 and 76: relevant acts

In relation to an offence to which ~~sections 75 and 76 apply~~ *section 75 or 76 applies*, references in ~~these sections~~ *that section* to the relevant act and to the complainant are to be read as follows—

Offence	Relevant Act
An offence under section 1 (rape).	The defendant intentionally penetrating, with his penis, the vagina, anus or mouth of another person (“the complainant”).
An offence under section 2 (assault by penetration).	The defendant intentionally penetrating, with a part of his body or anything else, the vagina or anus of another person (“the complainant”), where the penetration is sexual.
An offence under section 3 (sexual assault).	The defendant intentionally touching another person (“the complainant”), where the touching is sexual.
An offence under section 4 (causing a person to engage in sexual activity without consent).	The defendant intentionally causing another person (“the complainant”) to engage in an activity, where the activity is sexual.
<i>An offence under section 66AA(1), (2) or (3) (taking or recording an intimate photograph or film)</i>	<i>The defendant intentionally taking a photograph, or recording a film, which shows another person (“the complainant”) in an intimate state.</i>
<i>An offence under section 66B(1), (2) or (3) (sharing an intimate photograph or film)</i>	<i>The defendant intentionally sharing a photograph or film which shows, or appears to show, another person (“the complainant”) in an intimate state.</i>
<i>An offence under section 67A(2B) (voyeurism: recording image of person breast-feeding a child)</i>	<i>The defendant recording an image of another (“the complainant”) while the complainant is breast-feeding a child.</i>

**SECTION 78 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 9 OF SCHEDULE 2**

**Section 78: “Sexual”**

For the purposes of this Part (except sections 15A, ~~66B~~ 66AA to 66D and 71), penetration, touching or any other activity is sexual if a reasonable person would consider that—

- (a) whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or
- (b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.

## **SECTION 79 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 10 OF SCHEDULE 2**

### **Section 79: Part 1: general interpretation**

- (1) The following apply for the purposes of this Part.
- (2) Penetration is a continuing act from entry to withdrawal.
- (3) References to a part of the body include references to a part surgically constructed (in particular, through gender reassignment surgery).
- (4) "Image" means a moving or still image and includes an image produced by any means and, where the context permits, a three-dimensional image.
- (5) References to an image of a person include references to an image of an imaginary person.
- (6) "Mental disorder" has the meaning given by section 1 of the Mental Health Act 1983 (c. 20).
- (7) References to observation (however expressed) are to observation whether direct or by looking at an image.
- (8) Touching includes touching—
  - (a) with any part of the body,
  - (b) with anything else,
  - (c) through anything,and in particular includes touching amounting to penetration.
- (9) "Vagina" includes vulva.
- (10) In relation to an animal, references to the vagina or anus include references to any similar part.
- (11) *The "maximum term for summary offences", in relation to an offence, 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.*

## **SECTION 136A OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 11 OF SCHEDULE 2**

### **Section 136A: Meaning of specified prostitution offence etc.**

(1) This section applies for the purposes of this Part.

(2) The specified prostitution offences are—

(a) an offence under Article 37 of the Sexual Offences (Northern Ireland) Order 2008 (“the Northern Ireland Order”);

(aa) an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(a);

(b) an offence under Article 38 of the Northern Ireland Order, committed by causing or inciting a child to become a prostitute;

(ba) an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(a);

(c) an offence under Article 39 of the Northern Ireland Order, committed by controlling the activities of a child relating to the child's prostitution;

(ca) an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(a), of a child;

(d) an offence under Article 40 of the Northern Ireland Order, committed by arranging or facilitating a child's prostitution;

(e) an offence under section 52 of this Act or Article 62 of the Northern Ireland Order;

(f) an offence under section 53 of this Act or Article 63 of the Northern Ireland Order.

(3) The specified pornography offences are—

(za) an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(b);

(a) an offence under Article 38 of the Northern Ireland Order, committed by causing or inciting a child to be involved in pornography;

(aa) an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(b);

(b) an offence under Article 39 of the Northern Ireland Order, committed by controlling the activities of a child relating to the child's involvement in pornography;

(ba) an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(b), of a child;

(c) an offence under Article 40 of the Northern Ireland Order, committed by arranging or facilitating a child's involvement in pornography.

(3A) The specified child sex offences are—

(a) an offence under any of the following sections of this Act—

sections 5 to 13;

sections 16 to 19;

sections 25 and 26;

sections 47 to 50;

(b) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);

(c) an offence under any of the following sections of this Act committed against a person under 18—

sections 1 to 4;

sections 30 to 41;

section 59A;

section 61;

sections 66, 66A, 66AA(2) and (3), 66AC(2), 66B(2) and (3) and 67.

(d) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed against a person under 18 with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

(4) Premises are being used for activities related to a specified prostitution offence—  
(a) in the case of an offence under Article 37 of the Northern Ireland Order, at any time when the sexual services mentioned in paragraph (1)(a) of that Article are being provided on the premises, and  
(b) in the case of any other specified prostitution offence, at any time when the person in respect of whom the offence is committed is providing sexual services as a prostitute on the premises.

(5) Premises are being used for activities related to a specified pornography offence at any time when the person in respect of whom the offence is committed is doing anything on the premises which enables an indecent image of himself or herself to be recorded.

(5A) Premises are being used for activities related to a specified child sex offence at any time when the premises are used—  
(a) to commit the offence, or  
(b) for activities intended to arrange or facilitate the commission of the offence.

(6) Any reference to an offence under this Act includes a reference to—  
(a) an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 of which the corresponding civil offence (within the meaning of the Act in question) is such an offence;  
(b) an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is such an offence.

**PARAGRAPH 1 OF SCHEDULE 2 TO THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13 AND PARAGRAPH 12 OF SCHEDULE 2**

**1 England and Wales**

In relation to England and Wales, the following are sexual offences to which subsections (1), (2) and (3) of section 72 apply –

(a) an offence under any of sections 5 to 19, 25 and 26 ~~and 47 to 50~~, *47 to 50, 66A(2) and (3), and 66B(2), (3) and (4)*;

(b) an offence under any of sections 1 to 4, 30 to 41 and 61 where the victim of the offence was under 18 at the time of the offence;

(c) an offence under section 62 or 63 where the intended offence was an offence against a person under;

(d) an offence under–

(i) section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children), or

(ii) section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of child).

**SCHEDULE 3 TO THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 13  
AND PARAGRAPH 13 OF SCHEDULE 2**

**SCHEDULE 3 SEXUAL OFFENCES FOR PURPOSES OF PART 2**

...

33A An offence under section 66A of this Act (sending etc photograph or film of genitals) if—  
(a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

(b) in any other case—

(i) the victim was under 18, or

(ii) the offender, in respect of the offence or finding, is or has been—

(a) sentenced to a term of imprisonment,

(b) detained in a hospital, or

(c) made the subject of a community sentence of at least 12 months.

*33AA An offence under section 66AA(3) of this Act (taking or recording intimate photograph or film for purpose of obtaining sexual gratification) if—*

*(a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;*

*(b) in any other case—*

*(i) the victim was under 18, or*

*(ii) the offender, in respect of the offence or finding, is or has been—*

*(A) sentenced to a term of imprisonment,*

*(B) detained in a hospital, or*

*(C) made the subject of a community sentence of at least 12 months.*

*33AB (1) An offence under section 66AC(2) of this Act (installing etc. equipment to enable taking or recording of intimate photograph or film) if—*

*(a) the offence was committed with the intention of enabling an offence to be committed under section 66AA(3) of this Act (taking or recording intimate photograph or film for purpose of obtaining sexual gratification), and*

*(b) sub-paragraph (2) applies.*

*(2) This sub-paragraph applies if—*

*(a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;*

*(b) in any other case—*

*(i) the victim was under 18, or*

*(ii) the offender, in respect of the offence or finding, is or has been—*

*(A) sentenced to a term of imprisonment,*

*(B) detained in a hospital, or*

*(C) made the subject of a community sentence of at least 12 months.*

33B An offence under section 66B(3) of this Act (sharing intimate photograph or film for purpose of obtaining sexual gratification) if—

(a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

(b) in any other case—

(i) the victim was under 18, or

(ii) the offender, in respect of the offence or finding, is or has been—

(a) sentenced to a term of imprisonment,

(b) detained in a hospital, or

(c) made the subject of a community sentence of at least 12 months.

## SECTION 9 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSES 16 AND 17

### Section 9: Initial assessment following testing for presence of ~~Class A controlled~~ drugs

(1) This section applies if—

- (a) a sample is taken under section 63B of PACE (testing for presence of ~~Class A controlled~~ drug) from a person detained at a police station,
- (b) an analysis of the sample reveals that a specified ~~Class A controlled~~ drug may be present in the person's body, *and*
- (c) the age condition is met, *and*
- ~~(d) the notification condition is met.~~

(2) A police officer may, at any time before the person is released from detention at the police station, require him to attend an initial assessment and remain for its duration.

(3) An initial assessment is an appointment with a suitably qualified person (an “initial assessor”)—

- (a) for the purpose of establishing whether the person is dependent upon or has a propensity to misuse any specified ~~Class A controlled~~ drug,
- (b) if the initial assessor thinks that he has such a dependency or propensity, for the purpose of establishing whether he might benefit from further assessment, or from assistance or treatment (or both), in connection with the dependency or propensity, *and*
- (c) if the initial assessor thinks that he might benefit from such assistance or treatment (or both), for the purpose of providing him with advice, including an explanation of the types of assistance or treatment (or both) which are available.

(4) The age condition is met if the person has attained the age of 18 or such different age as the Secretary of State may by order made by statutory instrument specify for the purposes of this section.

~~(5) In relation to a person (“A”) who has attained the age of 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting initial assessments for persons who have attained the age of 18 have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which A is detained, *and*~~
- ~~(b) the notice has not been withdrawn.~~

~~(6) In relation to a person (“C”) who is of an age which is less than 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting initial assessments for persons of that age have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which C is detained, *and*~~
- ~~(b) the notice has not been withdrawn.~~

~~(7) In subsections (5) and (6), “relevant chief officer” means the chief officer of police of the police force for the police area in which the police station is situated.~~



## SECTION 10 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSES 16 AND 17

### Section 10: Follow-up assessment

(1) This section applies if—

- (a) a police officer requires a person to attend an initial assessment and remain for its duration under section 9(2), *and*
- (b) the age condition is met, ~~and~~
- ~~(c) the notification condition is met.~~

(2) The police officer must, at the same time as he imposes the requirement under section 9(2)—

- (a) require the person to attend a follow-up assessment and remain for its duration, and
- (b) inform him that the requirement ceases to have effect if he is informed at the initial assessment that he is no longer required to attend the follow-up assessment.

(3) A follow-up assessment is an appointment with a suitably qualified person (a “follow-up assessor”)—

- (a) for any of the purposes of the initial assessment which were not fulfilled at the initial assessment, and
- (b) if the follow-up assessor thinks it appropriate, for the purpose of drawing up a care plan.

(4) A care plan is a plan which sets out the nature of the assistance or treatment (or both) which may be most appropriate for the person in connection with any dependency upon, or any propensity to misuse, a specified ~~Class A controlled~~ drug which the follow-up assessor thinks that he has.

(5) The age condition is met if the person has attained the age of 18 or such different age as the Secretary of State may by order made by statutory instrument specify for the purposes of this section.

~~(6) In relation to a person (“A”) who has attained the age of 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting follow-up assessments for persons who have attained the age of 18 have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which A is detained, and~~
- ~~(b) the notice has not been withdrawn.~~

~~(7) In relation to a person (“C”) who is of an age which is less than 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting follow-up assessments for persons of that age have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which C is detained, and~~
- ~~(b) the notice has not been withdrawn.~~

~~(8) In subsections (6) and (7), “relevant chief officer” means the chief officer of police of the police force for the police area in which the police station is situated.~~

## SECTION 16 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSE 16

### Section 16: Samples submitted for further analysis

(1) A requirement imposed on a person by virtue of section 9(2) or 10(2) ceases to have effect if at any time before he has fully complied with the requirement—

(a) a police officer makes arrangements for a further analysis of the sample taken from him as mentioned in section 9(1)(a), and

(b) the analysis does not reveal that a specified ~~Class A~~ *controlled* drug was present in the person's body.

(2) If a requirement ceases to have effect by virtue of subsection (1), a police officer must so inform the person concerned.

(3) Nothing in subsection (1) affects the validity of anything done in connection with the requirement before it ceases to have effect.

(4) If a person fails to attend an assessment which he is required to attend by virtue of section 9(2) or fails to remain for the duration of such an assessment but, at any time after his failure, the requirement ceases to have effect by virtue of subsection (1) above—

(a) no proceedings for an offence under section 12(3) may be brought against him, and

(b) if any such proceedings were commenced before the requirement ceased to have effect, those proceedings must be discontinued.

(5) If a person fails to attend an assessment which he is required to attend by virtue of section 10(2) or fails to remain for the duration of such an assessment but, at any time after his failure, the requirement ceases to have effect by virtue of subsection (1) above—

(a) no proceedings for an offence under section 14(3) may be brought against him, and

(b) if any such proceedings were commenced before the requirement ceased to have effect, those proceedings must be discontinued.

## SECTION 17 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSE 16

### Section 17: Relationship with Bail Act 1976 etc.

~~(1) A requirement imposed on a person by virtue of section 9(2) or 10(2) ceases to have effect if at any time before he has fully complied with the requirement—~~

~~a) he is charged with the related offence, and~~

~~(b) a court imposes on him a condition of bail under section 3(6D) of the Bail Act 1976 (c. 63) (duty to impose condition to undergo relevant assessment etc.).~~

*(1) Subsection (1A) applies if a requirement is imposed on a person by virtue of section 9(2) or 10(2) and at any time before the person has fully complied with the requirement—*

*(a) the person is charged with the related offence, and*

*(b) a court imposes on the person a condition of bail under section 3(6D) of the Bail Act 1976 (duty to impose condition to undergo relevant Class A drug assessment etc).*

*(1A) For the purposes of the requirement—*

*(a) section 9(3)(a) or 10(4) applies as if for “specified controlled drug” there were substituted “specified controlled drug that is not a Class A drug”, and*

*(b) accordingly, the required initial or follow-up assessment (and any care plan within the meaning of section 10(4)) is in respect of the person’s dependency upon or propensity to misuse any specified controlled drug that is not a Class A drug only.*

(2) For the purposes of section 3(6D) of the 1976 Act, a relevant assessment (within the meaning of that Act) is to be treated as having been carried out if—

(a) a person attends an initial assessment and remains for its duration, and

(b) the initial assessor is satisfied that the initial assessment fulfilled the purposes of a relevant assessment.

(3) For the purposes of paragraph 6B(2)(b) of Schedule 1 to the 1976 Act (exceptions to right to bail for drug users in certain areas), a person is to be treated as having undergone a relevant assessment (within the meaning of that Act) if—

(a) the person attends an initial assessment and remains for its duration, and

(b) the initial assessor is satisfied that the initial assessment fulfilled the purposes of a relevant assessment.

(4) An initial assessor may disclose information relating to an initial assessment for the purpose of enabling a court considering an application for bail by the person concerned to determine whether subsection (2) or (3) applies.

(5) Nothing in subsection (1) *and* (1A) affects—

(a) the validity of anything done in connection with the requirement before it ~~ceases to have effect~~ *is modified by subsection (1A)*, or

(b) any liability which the person may have for an offence under section 12(3) or 14(3) committed before the requirement ~~ceases to have effect~~ *is modified by subsection (1A)*.

(6) In subsection (1), “the related offence” is the offence in respect of which the condition specified in subsection (1A) or (2) of section 63B of PACE is satisfied in relation to the taking of the sample mentioned in section 9(1)(a) of this Act.

## SECTION 19 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSE 16

### Section 19: Interpretation

- (1) This section applies for the purposes of this Part.
- (2) “Class A drug”, “*controlled drug*” and “misuse” have the same meanings as in the Misuse of Drugs Act 1971 (c. 38).
- ~~(3) “Specified”, in relation to a Class A drug, has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000 (c. 43).~~
- (3) “*Specified controlled drug*” means a controlled drug specified in regulations under section 63CA of PACE.
- (4) “Initial assessment” and “initial assessor” must be construed in accordance with section 9(3).
- (5) “Follow-up assessment” and “follow-up assessor” must be construed in accordance with section 10(3).
- (6) “Suitably qualified person” means a person who has such qualifications or experience as are from time to time specified by the Secretary of State for the purposes of this Part.
- (7) “Police support officer” means—
  - (a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff of police forces outside London), and
  - (b) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).
- (8) “PACE” means the Police and Criminal Evidence Act 1984 (c. 60).

## **SECTION 28 OF THE OFFENDER MANAGEMENT ACT 2007 AS AMENDED BY CLAUSE 31**

### **Section 28: Application of polygraph condition**

(1) The Secretary of State may include a polygraph condition in the licence of a person to whom this section applies (see subsections (2), (2A) and (2B))

(2) This section applies to a person serving a relevant custodial sentence in respect of a relevant sexual offence an offence within subsection (3A) or a relevant terrorist offence who—

- (a) is released on licence by the Secretary of State under any enactment; and
- (b) is not aged under 18 on the day on which he is released.

*(2A) This section also applies to a person serving a relevant custodial sentence in respect of an offence of murder who—*

- sexual*
- (a) the Secretary of State considers poses a risk of committing a relevant offence on release;*
  - (b) is released on licence by the Secretary of State under any enactment; and*
  - (c) is aged 18 or over on the day the person is released.*

*(2B) This section also applies to a person serving a relevant custodial sentence in respect of an offence who—*

- (a) at any earlier time during that sentence was concurrently serving a relevant custodial sentence in respect of a relevant sexual offence;*
- (b) is released on licence by the Secretary of State under any enactment; and*
- (c) is aged 18 or over on the day the person is released.*

(3) In this section “relevant custodial sentence” means—

- (a) a life sentence within the meaning of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (see section 34(2) of that Act), or
- (b) a fixed-term sentence within the meaning of Chapter 6 of Part 12 of the Criminal Justice Act 2003 (see section 237 of that Act) of a term of 12 months or more.

(3A) An offence is within this subsection if it is—

- (a) a relevant offence involving domestic abuse (see subsections (3B) and (3C)), or
- (b) a relevant sexual offence (see subsection (4)).

(3B) In this section “relevant offence involving domestic abuse” means—

- (a) an offence listed in subsection (3C) which involved behaviour by the offender amounting to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act);
- (b) an offence under section 39 of that Act (breach of domestic abuse protection order).

(3C) The offences are—

- (a) murder;
- (b) an offence under section 5 of the Protection from Harassment Act 1997 (breach of a restraining order);

(c) an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences);

(d) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).

(4) In this section “relevant sexual offence” means an offence specified in any one or more of—

(a) Schedule 3 to the Sexual Offences Act 2003 (sexual offences attracting notification requirements),

(b) Part 2 of Schedule 15 to the Criminal Justice Act 2003 (sexual offences under the law of England and Wales specified for certain purposes),

(c) paragraphs 1 to 21 of Schedule 16 to that Act (sexual offences under the law of Scotland specified for certain purposes), as that Schedule had effect immediately before its repeal on 14 July 2008, and

(d) Part 2 of Schedule 17 to that Act (sexual offences under the law of Northern Ireland specified for certain purposes), as that Schedule had effect immediately before its repeal on 14 July 2008.

(4ZA) In determining for the purposes of subsection (4) whether an offence is specified in Schedule 3 to the Sexual Offences Act 2003, any limitation in that Schedule referring to the circumstances of a particular case (including the sentence imposed) is to be disregarded.

(4A) In this section “relevant terrorist offence” means—

(a) an offence that is specified in Part 1 or 2 of Schedule 19ZA to the Criminal Justice Act 2003 (terrorism offences carrying restricted eligibility for release on licence),

(b) ~~...~~

(c) an offence that was determined to have a terrorist connection, or

(d) *an offence within any of subsections (4BA) to (4BC) which the Secretary of State is satisfied—*

*(i) was, or took place in the course of, an act of terrorism, or*

*(ii) was committed for the purposes of terrorism.*

(4B) In subsection (4A)—

(a) .....

(b) paragraph (c) is to be read in accordance with section 247A(7A) of the Criminal Justice Act 2003 (meaning of offences determined to have a terrorist connection).

(c) *in paragraph (d) “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).*

(4BA) *An offence is within this subsection if—*

*(a) it was committed before 18 June 2009,*

*(b) it was punishable with imprisonment for more than 2 years, and*

*(c) it is not specified in Schedule A1 to the Sentencing Code.*

*(4BB) An offence is within this subsection if—*

- (a) it was committed on or after 18 June 2009 but before 29 June 2021,*
- (b) it was punishable with imprisonment for more than 2 years,*
- (c) it is not specified in Schedule A1 to the Sentencing Code,*
- (d) it was not an offence in relation to which section 30 or 31 of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code applied, and*
- (e) it is not a service offence.*

*(4BC) An offence is within this subsection if—*

- (a) it is a service offence,*
- (b) it was committed on or after 18 June 2009 but before any day specified for the coming into force of section 1 of the Counter-Terrorism and Sentencing Act 2021 for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006,*
- (c) it was punishable with imprisonment for more than 2 years,*
- (d) it was not an offence in relation to which section 32 of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code applied, and*
- (e) the corresponding offence is not specified in Schedule A1 to the Sentencing Code.*

*(4C) A sentence in respect of a service offence is to be treated for the purposes of this section (except subsections (4BA) to (4BC) as if it were a sentence in respect of the corresponding offence.*

*(4D) In ~~subsection (4C)~~ subsections (4BB), (4BC) and (4C) —*

- (a) “service offence” means an offence under—*
  - (i) section 42 of the Armed Forces Act 2006,*
  - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or*
  - (iii) section 42 of the Naval Discipline Act 1957;*
- (b) “corresponding offence” means—*
  - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;*
  - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;*
  - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.*

*(4E) Section 48 of the Armed Forces Act 2006 (supplementary provisions relating to ancillary service offences) applies for the purposes of subsection (4D)(b)(i) above as it applies for the purposes of the provisions of that Act referred to in subsection (3)(b) of that section.*



(5) In section 250(4) of the Criminal Justice Act 2003 (licence conditions for prisoners serving sentences of imprisonment of twelve months or more etc), in paragraph (b)(i) after “Criminal Justice and Court Services Act 2000” there is inserted “or section 28 of the Offender Management Act 2007”.

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## SECTION 8 OF THE SERIOUS CRIME ACT 2007 AS AMMENDED BY CLAUSE 35

### Section 8: Limited class of applicants for making orders

~~(1) A serious crime prevention order may be made only on an application by—~~

~~(a) in the case of an order in England and Wales~~

~~(i) the Director of Public Prosecutions;~~

~~(ii) . . . . .;~~

~~(iii) the Director of the Serious Fraud Office; or~~

~~(iv) subject to subsection (2), a chief officer of police;~~

~~(aa) in the case of an order in Scotland—~~

~~(i) the Lord Advocate; or~~

~~(ii) subject to subsection (2), the chief officer of police;~~

~~(b) in the case of an order in Northern Ireland—~~

~~(i) the Director of Public Prosecutions for Northern Ireland; or~~

~~(ii) subject to subsection (2), the chief officer of police.~~

~~(2) A chief officer of police may make an application for a serious crime prevention order only if—~~

~~(a) it is an application for an order under section 1 that is terrorism-related (see section 8A);~~

~~(b) the chief officer has consulted—~~

~~(i) the Director of Public Prosecutions, in the case of an order in England and Wales;~~

~~(ii) the Lord Advocate, in the case of an order in Scotland; or~~

~~(iii) the Director for Public Prosecutions for Northern Ireland, in the case of an order in Northern Ireland; and~~

~~(c) in the case of an application by the chief constable of the Police Service of Scotland, it is made to the Court of Session (and not to the sheriff).~~

~~(1) A serious crime prevention order may be made by the High Court in England and Wales—~~

~~(a) only on an application by—~~

~~(i) the Director of Public Prosecutions,~~

~~(ii) the Director of the Serious Fraud Office,~~

~~(iii) the Director General of the National Crime Agency,~~

~~(iv) the Commissioners for His Majesty's Revenue and Customs,~~

~~(v) a chief officer of police,~~

~~(vi) the Chief Constable of the British Transport Police, or~~

~~(vii) the Chief Constable of the Ministry of Defence Police,~~

~~(b) in the case of an application by a person listed in paragraph (a)(iii) to (vii), only if the person has consulted the Director of Public Prosecutions.~~

~~(1A) A serious crime prevention order may be made by the Crown Court in England and Wales—~~

*(a) only on an application by—*

- (i) the Director of Public Prosecutions,*
- (ii) the Director of the Serious Fraud Office, or*
- (iii) a chief officer of police, and*

*(b) in the case of an application by a chief officer of police, only if—*

- (i) it is an application for an order under section 19 or 19A that is terrorism-related (see section 8A), and*
- (ii) the chief officer has consulted the Director of Public Prosecutions.*

*(1B) A serious crime prevention order may be made by the appropriate court in Scotland—*

*(a) only on an application by—*

- (i) the Lord Advocate, or*
- (ii) the chief officer of police, and*

*(b) in the case of an application by the chief officer of police, only if—*

- (i) it is an application for an order under section 1 that is terrorism-related (see section 8A),*
- (ii) the chief officer has consulted the Lord Advocate, and*
- (iii) it is an application made to the Court of Session (and not to the sheriff).*

*(1C) A serious crime prevention order may be made by the High Court in Northern Ireland—*

*(a) only on an application by—*

- (i) the Director of Public Prosecutions for Northern Ireland, or*
- (ii) the chief officer of police, and*

*(b) in the case of an application by the chief officer of police, only if—*

- (i) it is an application for an order under section 1 that is terrorism-related (see section 8A), and*
- (ii) the chief officer has consulted the Director for Public Prosecutions for Northern Ireland.*

*(3) In this section “chief officer of police”—*

- (a) in relation to England and Wales, means the chief officer of police of a police force in England and Wales;*
- (b) in relation to Scotland, means the chief constable of the Police Service of Scotland;*
- (c) in relation to Northern Ireland, means the Chief Constable of the Police Service of Northern Ireland.*

## SECTION 10 OF THE SERIOUS CRIME ACT 2007 AS AMMENDED BY CLAUSE 35

### Section 10: Notice requirements in relation to orders

- (1) The subject of a serious crime prevention order is bound by it or a variation of it only if—
- (a) he is represented (whether in person or otherwise) at the proceedings at which the order or (as the case may be) variation is made; or
  - (b) a notice setting out the terms of the order or (as the case may be) variation has been served on him.
- (2) The notice may be served on him by—
- (a) delivering it to him in person; or
  - (b) sending it by recorded delivery to him at his last-known address (whether residential or otherwise).
- (3) For the purposes of delivering such a notice to him in person, a constable or a person authorised for the purpose by the relevant applicant authority may (if necessary by force)—
- (a) enter any premises where he has reasonable grounds for believing the person to be; and
  - (b) search those premises for him.
- (4) In this Part “the relevant applicant authority” means—
- (a) in relation to a serious crime prevention order in England and Wales—
    - ~~(i) where the order was applied for by the Director of Public Prosecutions, the Director of Public Prosecutions;~~
    - (ii)[Previously repealed]
    - ~~(iii) where the order was applied for by the Director of the Serious Fraud Office, the Director of the Serious Fraud Office; ...~~
    - (iv) where the order was applied for by the chief officer of police of a police force in England and Wales, the chief officer of police of any such police force;
    - (v) *in any other case, the person who applied for the order.*
  - (aa) in relation to a serious crime prevention order in Scotland
    - (i) where the order was applied for by the Lord Advocate, the Lord Advocate;
    - (ii) where the order was applied for by the chief constable of the Police Service of Scotland, the chief constable;
  - (b) in relation to a serious crime prevention order in Northern Ireland
    - (i) where the order was applied for by the Director of Public Prosecutions for Northern Ireland, the Director;
    - (ii) where the order was applied for by the Chief Constable of the Police Service of Northern Ireland, the Chief Constable.

## SECTION 27 OF THE SERIOUS CRIME ACT 2007 AS AMMENDED BY CLAUSE 35

### Section 27: Powers to wind up companies etc: England and Wales

(1) The Director of Public Prosecutions or the Director of the Serious Fraud Office may present a petition to the court for the winding up of a company, partnership or relevant body if—

(a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order; and

(b) the Director concerned considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.

~~(1A) The chief officer of police of a police force in England and Wales may present a petition to the court for the winding up of a company, partnership or relevant body if—~~

~~(a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a police initiated serious crime prevention order; and~~

~~(b) the chief officer of police concerned considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.~~

*(1A) A person mentioned in section 8(1)(a)(iii) to (vii) may present a petition to the court for the winding up of a company, partnership or relevant body if—*

*(a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order made on an application by a person of the same description, and*

*(b) the person considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.*

(2) The Insolvency Act 1986 (c. 45) applies in relation to—

(a) a petition under this section for the winding up of a company; and

(b) the company's winding up;

as it applies in relation to a petition under section 124A of the Act of 1986 for the winding up of a company and the company's winding up (winding up on grounds of public interest) but subject to the modifications in subsections (3) and (4).

(3) Section 124(4)(b) of the Act of 1986 (application for winding up) applies in relation to a petition under this section as if it permits the petition to be presented by ~~the Director of Public Prosecutions, the Director of the Serious Fraud Office or the chief officer of police of a police force in England and Wales~~ *a person who is authorised to present a petition in accordance with subsection (1) or (1A).*

(4) The court may make an order under section 125 of the Act of 1986 (powers of court on hearing of petition) to wind up the company only if—

(a) the company has been convicted of an offence under section 25 in relation to a serious crime prevention order; and

(b) the court considers that it is just and equitable for the company to be wound up.

(5) Section 420 of the Act of 1986 (power to make provision about insolvent partnerships) applies for the purposes of this section as if the reference to an insolvent partnership were a reference to a partnership to which this section applies.

(6) The appropriate Minister may by order provide for the Act of 1986 to apply, with such modifications as that person considers appropriate, in relation to a petition under this section for the winding up of a relevant body and the relevant body's winding up.

(7) An order made by virtue of subsection (5) or (6) must ensure that the court may make an order to wind up the partnership or relevant body only if—

(a) the partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order; and

(b) the court considers that it is just and equitable for the partnership or relevant body to be wound up.

(8) No petition may be presented to, or order to wind up made by, a court in Scotland by virtue of this section in respect of a company, partnership or relevant body whose estate may be sequestrated under the Bankruptcy (Scotland) Act 2016.

(9) No petition may be presented, or order to wind up made, by virtue of this section if—

(a) an appeal against conviction for the offence concerned has been made and not finally determined; or

(b) the period during which such an appeal may be made has not expired.

(10) No petition may be presented, or order to wind up made, by virtue of this section if the company, partnership or relevant body is already being wound up by the court.

(11) In deciding for the purposes of subsection (9) whether an appeal is finally determined or whether the period during which an appeal may be made has expired, any power to appeal out of time is to be ignored.

(12) In this section—

“appropriate Minister” means—

(a) in relation to a relevant body falling within paragraphs (a) to (c) of the definition of “relevant body” below, the Treasury; and

(b) in relation to any other relevant body, the Secretary of State;

“company” means—

(a) a company registered under the Companies Act 2006 in England and Wales ..., or

(b) an unregistered company within the meaning of Part 5 of the Insolvency Act 1986 (see section 220 of that Act),

but does not include a relevant body;

“the court”, in relation to a company, means a court in England and Wales having jurisdiction to wind up the company;

...

“partnership” does not include a relevant body;

~~“police-initiated serious crime prevention order” means a serious crime prevention order that was made on the application of the chief officer of police of a police force in England and Wales; and~~

“relevant body” means—

(a) a building society (within the meaning of the Building Societies Act 1986 (c. 53));

(b) an incorporated friendly society (within the meaning of the Friendly Societies Act 1992 (c. 40));

(c) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014;

(d) a limited liability partnership; or

(e) such other description of person as may be specified by order made by the Secretary of State;

and the references to sections 124 to 125 of the Insolvency Act 1986 (c. 45) include references to those sections as applied by section 221(1) of that Act (unregistered companies).

**SECTION 4 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 65**

**Section 4: Power of arrest**

(1) A court granting an injunction under section 1 may attach a power of arrest to a prohibition or requirement of the injunction if the court thinks *that it is appropriate to do so*

~~(a) the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or~~

~~(b) there is a significant risk of harm to other persons from the respondent.~~

“Requirement” here does not include one that has the effect of requiring the respondent to participate in particular activities.

(2) If the court attaches a power of arrest, the injunction may specify a period for which the power is to have effect which is shorter than that of the prohibition or requirement to which it relates.



## SECTION 35 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 66

### Section 35: Directions excluding a person from an area

(1) If the conditions in subsections (2) and (3) are met and an authorisation is in force under section 34, a constable in uniform may direct a person who is in a public place in the locality specified in the authorisation—

- (a) to leave the locality (or part of the locality), and
- (b) not to return to the locality (or part of the locality) for the period specified in the direction (“the exclusion period”).

(2) The first condition is that the constable has reasonable grounds to suspect that the behaviour of the person in the locality has contributed or is likely to contribute to—

- (a) members of the public in the locality being harassed, alarmed or distressed, or
- (b) the occurrence in the locality of crime or disorder.

(3) The second condition is that the constable considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of the events mentioned in subsection (2)(a) or (b).

(4) The exclusion period may not exceed ~~48 hours~~ 72 hours. The period may expire after (as long as it begins during) the period specified in the authorisation under section 34.

(5) A direction under this section—

- (a) must be given in writing, unless that is not reasonably practicable;
- (b) must specify the area to which it relates;
- (c) may impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the route).

(6) The constable must (unless it is not reasonably practicable) tell the person to whom the direction is given that failing without reasonable excuse to comply with the direction is an offence.

(7) If the constable reasonably believes that the person to whom the direction is given is under the age of 16, the constable may remove the person to a place where the person lives or a place of safety.

*(7A) A police officer of at least the rank of inspector must review each direction given under this section that specifies an exclusion period exceeding 48 hours as soon as reasonably practicable after the expiry of the 48 hours.*

(8) Any constable may withdraw or vary a direction under this section; but a variation must not extend the duration of a direction beyond ~~48 hours~~ 72 hours from when it was first given.

(9) Notice of a withdrawal or variation of a direction—

- (a) must be given to the person to whom the direction was given, unless that is not reasonably practicable, and
- (b) if given, must be given in writing unless that is not reasonably practicable.

(10) In this section “public place” means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

(11) In this Part “exclusion period” has the meaning given by subsection (1)(b).

## SECTION 43 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 67

### Section 43: Power to issue notices

(1) An authorised person may issue a community protection notice to an individual ~~aged 16~~ *aged 10* or over, or a body, if satisfied on reasonable grounds that—

(a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and

(b) the conduct is unreasonable.

(2) In subsection (1) “authorised person” means a person on whom section 53 (or an enactment amended by that section) confers power to issue community protection notices.

(3) A community protection notice is a notice that imposes any of the following requirements on the individual or body issued with it—

(a) a requirement to stop doing specified things;

(b) a requirement to do specified things;

(c) a requirement to take reasonable steps to achieve specified results.

(4) The only requirements that may be imposed are ones that are reasonable to impose in order—

(a) to prevent the detrimental effect referred to in subsection [\(1\)](#) from continuing or recurring, or

(b) to reduce that detrimental effect or to reduce the risk of its continuance or recurrence.

(5) A person (A) may issue a community protection notice to an individual or body (B) only if—

(a) B has been given a written warning that the notice will be issued unless B’s conduct ceases to have the detrimental effect referred to in subsection (1), and

(b) A is satisfied that, despite B having had enough time to deal with the matter, B’s conduct is still having that effect.

(6) A person issuing a community protection notice must before doing so inform any body or individual the person thinks appropriate.

(7) A community protection notice must—

(a) identify the conduct referred to in subsection (1);

(b) explain the effect of sections 46 to 51.

(8) A community protection notice may specify periods within which, or times by which, requirements within subsection (3)(b) or (c) are to be complied with.

## SECTION 76 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY SCHEDULE 7

### Section 76: Power to issue closure notices

(1) A police officer of at least the rank of inspector, or the local authority or a registered social housing provider (“RSH provider”), may issue a closure notice if satisfied on reasonable grounds—

- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

*(1A) An RSH provider may only issue a closure notice in respect of premises owned or managed by that provider.*

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice. For the maximum period, see section 77.

(3) A closure notice may prohibit access—

- (a) by all persons except those specified, or by all persons except those of a specified description;
- (b) at all times, or at all times except those specified;
- (c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by—

- (a) people who habitually live on the premises, or
- (b) the owner of the premises,

and accordingly they must be specified under subsection (3)(a).

(5) A closure notice must—

- (a) identify the premises;
- (b) explain the effect of the notice;
- (c) state that failure to comply with the notice is an offence;
- (d) state that an application will be made under section 80 for a closure order;
- (e) specify when and where the application will be heard;
- (f) explain the effect of a closure order;
- (g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

(6) A closure notice may be issued only if reasonable efforts have been made to inform—

- (a) people who live on the premises (whether habitually or not), and
- (b) any person who has control of or responsibility for the premises or who has an interest in them,

that the notice is going to be issued.

(7) Before issuing a closure notice the police officer or ~~local authority~~, *local authority* or *RSH provider* must ensure that any body or individual the officer or ~~authority~~, *authority* or *provider* thinks appropriate has been consulted.

(8) The Secretary of State may by regulations specify premises or descriptions of premises in relation to which a closure notice may not be issued.

## **SECTION 77 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMMENDED BY CLAUSE 66 AND SCHEDULE 7**

### **Section 77: Duration of closure notices**

(1) The maximum period that may be specified in a closure notice is ~~24 hours~~ 48 hours unless subsection (2) applies.

(2) The maximum period is ~~48 hours~~ 72 hours—

(a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection, or

(c) if, in the case of a notice issued by the RSH provider, the notice is signed by an individual who is part of the provider's senior management.

(3) In calculating when the period of ~~48 hours~~ 72 hours ends, Christmas Day is to be disregarded.

(4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours—

(a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this subsection, or

(c) if, in the case of a notice issued by the RSH provider, the RSH provider issues an extension notice signed by an individual who is part of the provider's senior management.

(5) An extension notice is a notice which—

(a) identifies the closure notice to which it relates, and

(b) specifies the period of the extension.

(6) In this section “chief executive officer”, in relation to a local authority, means—

the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.

(7) For the purposes of this section, an individual is part of an RSH provider's senior management if the individual plays a significant role in—

(a) the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or

(b) the management or organisation of the whole or a substantial part of such activities.

**SECTION 81 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 66**

**Section 81: Temporary orders**

(1) This section applies where an application has been made to a magistrates' court under section 80 for a closure order.

(2) If the court does not make a closure order it may nevertheless order that the closure notice continues in force for a specified further period of not more than ~~48 hours~~ *72 hours*, if satisfied—

(a) that the use of particular premises has resulted, or (if the notice is not continued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not continued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the continuation of the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(3) The court may adjourn the hearing of the application for a period of not more than 14 days to enable—

(a) the occupier of the premises,

(b) the person with control of or responsibility for the premises, or

(c) any other person with an interest in the premises,

to show why a closure order should not be made.

(4) If the court adjourns the hearing under subsection (3) it may order that the closure notice continues in force until the end of the period of the adjournment.

**SECTION 104 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
AS AMENDED BY CLAUSE 71**

**Section 104: Review of response to complaints about anti-social behaviour**

(1) In a case where a person has made a complaint about anti-social behaviour in a particular local government area, the relevant bodies in that area must carry out a review of the response to that behaviour (an “ASB case review”) if—

(a) that person, or any other person, makes an application for such a review, and

(b) the relevant bodies decide that the threshold for a review is met.

(2) The relevant bodies in each local government area must—

(a) make arrangements about the carrying out of ASB case reviews by those bodies (“review procedures”), and

(b) ensure that the current review procedures are published.

(3) The review procedures must include provision about the making of applications for ASB case reviews; and, in particular, must—

(a) specify the point of contact for making applications, and

(b) ensure that applications made to that point of contact are passed on to all the relevant bodies in the local government area.

(4) In a situation where—

(a) an application for an ASB case review is made, and

(b) at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates,

the relevant bodies must decide that the threshold for a review is met.

(5) In any other situation where an application for an ASB case review is made, the question whether the threshold for a review is met must be decided by the relevant bodies in accordance with the review procedures; and the procedures may, in particular, include provision for this purpose which is framed by reference to any of these matters—

(a) the persistence of the anti-social behaviour about which the original complaint was made;

(b) the harm caused, or the potential for harm to be caused, by that behaviour;

(c) the adequacy of the response to that behaviour.

(6) After the relevant bodies have decided whether or not the threshold for a review is met, they must inform the applicant of their decision.

(7) The relevant bodies who carry out an ASB case review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.

*(7A) Subsection (7) is subject to section 104A(7) (requirement for recommendations to be confirmed by local policing body where LPB case review takes place).*

(8) The relevant bodies who carry out an ASB case review must inform the applicant of—

(a) the outcome of the review, and

(b) any recommendations made in accordance with subsection (7).

(9) As soon as practicable after the end of a reporting period, the relevant bodies in a local government area must publish information about the following matters which relates to that period—

- (a) the number of applications for ASB case reviews made to those bodies;
- (b) the number of times those bodies decided that the threshold for a review was not met;
- (c) the number of ASB case reviews those bodies have carried out;
- (d) the number of ASB case reviews carried out by those bodies that have resulted in recommendations being made.

*(9A) As soon as practicable after the end of a reporting period, the relevant bodies in a local government area must provide information about the following matters to the local policing body for the relevant police area or (as the case may be) to each of the local policing bodies for the relevant police areas—*

- (a) the number of complaints about anti-social behaviour made to the relevant bodies in the period;*
- (b) the types of incident to which those complaints related;*
- (c) the locations in which those incidents occurred, including whether any parts of the local government area appear to the relevant bodies to have a high prevalence of such incidents;*
- (d) the number of ASB case reviews carried out by those bodies in the period;*
- (e) the outcome of those ASB case reviews.*

(10) The question whether a complaint made about anti-social behaviour is a “qualifying complaint” for the purposes of subsection (4) is to be determined in accordance with subsections (11) and (12).

(11) A complaint about anti-social behaviour is a qualifying complaint if—

- (a) the complaint is made within the period of one month (or, if a different period is specified in the review procedures, that period) beginning with the date on which the behaviour is alleged to have occurred; and
- (b) the application for the ASB case review is made within the period of six months (or, if a different period is specified in the review procedures, that period) beginning with the date on which the complaint is made.

(12) But where a person makes two or more complaints about anti-social behaviour which meet the requirements in subsection (11), the question of which complaint is, or which complaints are, qualifying complaints is to be decided by the relevant bodies in accordance with the review procedures. The procedures may, in particular, include provision for this purpose which is framed by reference to whether different complaints relate to different aspects of particular anti-social behaviour (including different incidents comprised in particular anti-social behaviour).

(13) Schedule 4 (ASB case reviews: supplementary provision) has effect.



**SECTION 105 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
AS AMENDED BY CLAUSE 71**

**Section 105: ASB case reviews and LPB case reviews: interpretation**

(1) This section applies for the purposes of ~~section 104~~ *sections 104 and 104A*, this section and ~~Schedule 4~~ *Schedules 4 and 4A*.

(2) In relation to England—

“local government area” means an area for which there is—

- (a) a relevant district council, or
- (b) a unitary authority;

“relevant district council” means the council of a district so far as it is not a unitary authority;

“unitary authority” means—

- (a) the council of a county so far as it is the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a London borough council,
- (d) the Common Council of the City of London in its capacity as a local authority, or
- (e) the Council of the Isles of Scilly;

and, in relation to a local government area in England—

“local provider of social housing” means a private registered provider of social housing that—

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

“relevant bodies” means—

- (a) the relevant district council or the unitary authority,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each integrated care board established under section 14Z25 of the National Health Service Act 2006 whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(3) In relation to Wales—

“local government area” means—

- (a) a county, or
- (b) a county borough;

and, in relation to a local government area in Wales—

“local provider of social housing” means a body registered as a social landlord under section 3 of the Housing Act 1996 that—

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

“relevant bodies” means—

- (a) the council for the area,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each Local Health Board whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(4) These expressions have the meanings given—

“anti-social behaviour” means behaviour causing harassment, alarm or distress to members or any member of the public;

“applicant” means a person who makes an application for an ASB case review;

“ASB case review” has the meaning given in section 104(1);

“dwelling-house” has the same meaning as in the Housing Act 1985;

“co-option arrangements” has the meaning given in paragraph 5 of Schedule 4;

*“LPB case review” has the meaning given by section 104A(2);*

*“relevant police area”, in relation to a local government area, means the police area which consists of, or includes all or part of, the local government area;*

~~“reporting period”, in relation to the publication of information by the relevant bodies in a local government area, means a period, not exceeding 12 months, determined by those bodies.~~

*“reporting period”*

*a) in relation to the publication of information by the relevant bodies in a local government area, or the provision of information by such bodies to a local policing body, means a period, not exceeding 12 months determined by those bodies for that purpose;*

*(b) in relation to the publication of information by a local policing body, means a period, not exceeding 12 months, determined by that body for that purpose.*

## **SECTION 116 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY PARAGRAPH 17 OF SCHEDULE 2**

### **Section 116: Information about guests at hotels believed to be used for child sexual exploitation**

(1) A police officer of at least the rank of inspector may issue a notice under this section to the owner, operator or manager of a hotel that the officer reasonably believes has been or will be used for the purposes of—

- (a) child sexual exploitation, or
- (b) conduct that is preparatory to, or otherwise connected with, child sexual exploitation.

(2) A notice under this section must be in writing and must—

- (a) specify the hotel to which it relates;
- (b) specify the date on which it comes into effect and the date on which it expires;
- (c) explain the effect of subsections (4) and (5) and sections 117 and 118.

(3) The date on which the notice expires must not be more than 6 months after the date on which it comes into effect.

(4) A constable may require a person issued with a notice under this section to provide the constable with information about guests at the hotel.

(5) The only information that a constable may require under subsection (4) is—

- (a) guests' names and addresses;
- (b) other information about guests that—
  - (i) is specified in regulations made by the Secretary of State, and
  - (ii) can be readily obtained from one or more of the guests themselves.

(6) A requirement under subsection (4)—

- (a) must be in writing;
- (b) must specify the period to which the requirement relates;
- (c) must specify the date or dates on or by which the required information is to be provided.

The period specified under paragraph (b) must begin no earlier than the time when the requirement is imposed and must end no later than the expiry of the notice under this section.

(7) In this section—

“child sexual exploitation” means conduct that constitutes an offence listed in subsection (8)(a) or (b), or an offence listed in subsection (8)(c) or (d) against a person under 18;

“guest” means a person who, for a charge payable by that person or another, has the use of a guest room at the hotel in question;

“hotel” includes any guest house or other establishment of a similar kind at which accommodation is provided for a charge.

(8) The offences are—

(a) an offence under any of the following sections of the Sexual Offences Act 2003—

sections 5 to 8 (rape and other offences against children under 13);

sections 9 to 13 (child sex offences);

sections 16 to 19 (abuse of position of trust);

sections 25 and 26 (familial child sex offences);

sections 47 to 50 (abuse of children through sexual exploitation);

(b) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);

(c) an offence under any of the following sections of the Sexual Offences Act 2003—

sections 1 to 4 (rape, assault and causing sexual activity without consent);

sections 30 to 41 (persons with a mental disorder impeding choice, inducements etc to persons with a mental disorder, and care workers for persons with a mental disorder);

section 59A (trafficking people for sexual exploitation);

section 61 (administering a substance with intent);

sections 66, 66A, 66A(2) and (3), 66AC(2), 66B(2) and (3) and 67 (exposure, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification and voyeurism).

(d) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

**SCHEDULE 4 TO THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
AS AMENDED BY CLAUSE 71**

**Schedule 4: ASB Case Reviews; Supplementary Provision**

**PART 1** Making and revising review procedures etc

Consultation: local policing bodies

1 (1) In making and revising the review procedures, the relevant bodies in a local government area must consult the local policing body for the relevant police area *or (as the case may be) to each of the local policing bodies for the relevant police areas.*

~~(2) The “relevant police area” is the police area which consists of, or includes, the local government area.~~

Consultation: local providers of social housing

2 In making and revising the review procedures, the relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate.

Dissatisfaction with ASB case reviews

3 The review procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have—

(a) dealt with an application for an ASB case review, or

(b) carried out an ASB case review.

Assessment and revision of review procedures

4 The review procedures must include provision ~~about—~~

~~(a) the assessment of the effectiveness of those procedures, and~~

~~(b) the revision of those procedures.~~

*for the relevant bodies, on the applicant’s request and in such circumstances as may be specified in the procedures, to reconsider—*

*(a) a decision not to carry out an ASB case review,*

*(b) a decision not to make recommendations under section 104(7) in respect of a matter arising from an ASB case review, or*

*(c) a recommendation made under section 104(7) in respect of such a matter.*

**PART 2** INCLUSION OF LOCAL PROVIDERS OF SOCIAL HOUSING AMONG RELEVANT BODIES

Co-option arrangements

5 (1) The responsible authorities in a local government area must make arrangements (“co-option arrangements”) for the inclusion of local providers of social housing among the relevant bodies in that area.

(2) In this paragraph “responsible authorities” means—

(a) in relation to a local government area in England—

(i) the relevant district council or the unitary authority,

- (ii) the chief officer of police for the police area which that local government area is within, and
  - (iii) each integrated care board established under section 14Z25 of the National Health Service Act 2006 whose area is wholly or partly within that local government area;
- (b) in relation to a local government area in Wales—
- (i) the council for the area,
  - (ii) the chief officer of police for the police area which that local government area is within, and
  - (iii) each Local Health Board whose area is wholly or partly within that local government area.

### **PART 3 ASB case reviews**

#### Consultation and co-operation: local providers of social housing

- 6 (1) The relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate in carrying out ASB case reviews.
- (2) The local providers of social housing must co-operate with the relevant bodies in the local government area in any matters specified by the relevant bodies that concern ASB case reviews.

#### Information

- 7 (1) The relevant bodies in a local government area may request any person to disclose information for a purpose connected with the carrying out of an ASB case review.
- (2) If such a request is made to a person that exercises public functions, and that person possesses the requested information in connection with the exercise of such functions, the person must (subject to sub-paragraph (4)) comply with the request.
- (3) If such a request is made to a person who is not required by sub-paragraph (2) to disclose the requested information, the person may (subject to sub-paragraph (4)) comply with the request.
- (4) This paragraph does not require or authorise—
- (a) a disclosure, in contravention of any provisions of the data protection legislation, of personal data which is not exempt from those provisions, or
  - (b) a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (5) Subject to that, a disclosure under this paragraph does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

### **PART 4 GENERAL**

#### Joint review procedures or co-option arrangements

- 8 (1) The relevant bodies in two or more local government areas—

- (a) may jointly make review procedures applicable to those areas;
- (b) must secure that such jointly-made review procedures are in place if co-option arrangements applicable to those areas have been jointly made under sub-paragraph (2).

(2) The responsible authorities in two or more local government areas—

- (a) may jointly make co-option arrangements applicable to those areas;
- (b) must secure that such jointly-made co-option arrangements are in place if review procedures applicable to those areas have been jointly made under sub-paragraph (1).

(3) In a case where review procedures or co-option arrangements are made jointly in accordance with this paragraph, a reference to any of the following in section 104, *section 104A*, section 105 ~~or this Schedule~~, *this Schedule or Schedule 4A* is to be read accordingly—

- (a) the relevant bodies (in the case of review procedures) or the responsible authorities (in the case of co-option arrangements);
- (b) the local government area ~~or the relevant police area~~ (in either case).

Different review procedures or co-option arrangements for different parts of an area etc

- 9 (1) Review procedures may make different provision in relation to different parts of a local government area.
- (2) Review procedures or co-option arrangements made jointly in accordance with paragraph 8 may make different provision in relation to—
- (a) different local government areas to which the procedures or arrangements are applicable, or
  - (b) different parts of such areas.

*Duty of local policing body to promote awareness of ASB case reviews*

- 10 *A local policing body must, in such manner as it thinks appropriate, promote awareness of—*
- (a) opportunities in the body's police area to make applications for ASB case reviews, and*
  - (b) the review procedures for such reviews.*

*Guidance*

- 11 *The relevant bodies in a local government area must have regard to guidance issued by the Secretary of State in exercising functions under section 104 or this Schedule.*

**PARAGRAPH 33 OF SCHEDULE 4 TO THE MODERN SLAVERY ACT 2015 AS AMENDED BY PARAGRAPH 17 OF SCHEDULE 2**

33 An offence under any of the following provisions of the Sexual Offences Act 2003—

section 1 (rape)

section 2 (assault by penetration)

section 3 (sexual assault)

section 4 (causing person to engage in sexual activity without consent)

section 5 (rape of child under 13)

section 6 (assault of child under 13 by penetration)

section 7 (sexual assault of child under 13)

section 8 (causing or inciting child under 13 to engage in sexual activity)

section 9 (sexual activity with a child)

section 10 (causing or inciting a child to engage in sexual activity)

section 13 (child sex offences committed by children or young persons)

section 14 (arranging or facilitating commission of child sex offence)

section 15 (meeting a child following sexual grooming)

section 16 (abuse of position of trust: sexual activity with a child)

section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)

section 18 (abuse of position of trust: sexual activity in presence of child)

section 19 (abuse of position of trust: causing a child to watch a sexual act)

section 25 (sexual activity with a child family member)

section 26 (inciting a child family member to engage in sexual activity)

section 30 (sexual activity with a person with a mental disorder impeding choice)

section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)

section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)

section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)

section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)

section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)

section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)



section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)

section 38 (care workers: sexual activity with a person with a mental disorder)

section 39 (care workers: causing or inciting sexual activity)

section 40 (care workers: sexual activity in the presence of a person with a mental disorder)

section 41 (care workers: causing a person with a mental disorder to watch a sexual act)

section 47 (paying for sexual services of a child)

section 48 (causing or inciting child prostitution or pornography)

section 49 (controlling a child prostitute or a child involved in pornography)

section 50 (arranging or facilitating child prostitution or pornography)

section 61 (administering a substance with intent)

section 62 (committing offence with intent to commit sexual offence)

section 63 (trespass with intent to commit sexual offence)

section 64 (sex with an adult relative: penetration)

section 65 (sex with an adult relative: consenting to penetration)

section 66A (sending etc photograph or film of genitals)

*section 66AA(2) (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation)*

*section 66AA(3) (taking or recording intimate photograph or film for purpose of obtaining sexual gratification) section 66AC(2) (installing etc. equipment to enable taking or recording of intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification)*

section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation)

section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification)

section 67 (voyeurism)

section 67A (voyeurism: additional offences)

section 70 (sexual penetration of a corpse).

**PARAGRAPH 38 OF SCHEDULE 18 TO THE SENTENCING ACT 2020 AS AMENDED BY PARAGRAPH 19(3) OF SCHEDULE 2**

**SCHEDULE 18: Specified offences for purposes of section 306**

An offence under any of the following provisions of the Sexual Offences Act 2003—

- (a) section 1 (rape);
- (b) section 2 (assault by penetration);
- (c) section 3 (sexual assault);
- (d) section 4 (causing a person to engage in sexual activity without consent);
- (e) section 5 (rape of a child under 13);
- (f) section 6 (assault of a child under 13 by penetration);
- (g) section 7 (sexual assault of a child under 13);
- (h) section 8 (causing or inciting a child under 13 to engage in sexual activity);
- (i) section 9 (sexual activity with a child);
- (j) section 10 (causing or inciting a child to engage in sexual activity);
- (k) section 11 (engaging in sexual activity in the presence of a child);
- (l) section 12 (causing a child to watch a sexual act);
- (m) section 13 (child sex offences committed by children or young persons);
- (n) section 14 (arranging or facilitating commission of a child sex offence);
- (o) section 15 (meeting a child following sexual grooming etc);
- (p) section 15A (sexual communication with a child);
- (q) section 16 (abuse of position of trust: sexual activity with a child);
- (r) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
- (s) section 18 (abuse of position of trust: sexual activity in the presence of a child);
- (t) section 19 (abuse of position of trust: causing a child to watch a sexual act);
- (u) section 25 (sexual activity with a child family member);
- (v) section 26 (inciting a child family member to engage in sexual activity);
- (w) section 30 (sexual activity with a person with a mental disorder impeding choice);
- (x) section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity);
- (y) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);
- (z) section 33 (causing a person with a mental disorder impeding choice to watch a sexual act);

(aa) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder);

(ab) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception);

(ac) section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder);

(ad) section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception);

(ae) section 38 (care workers: sexual activity with a person with a mental disorder);

(af) section 39 (care workers: causing or inciting sexual activity);

(ag) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);

(ah) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);

(ai) section 47 (paying for sexual services of a child);

(aj) section 48 (causing or inciting sexual exploitation of a child);

(ak) section 49 (controlling a child in relation to sexual exploitation);

(al) section 50 (arranging or facilitating sexual exploitation of a child);

(am) section 52 (causing or inciting prostitution for gain);

(an) section 53 (controlling prostitution for gain);

(ao) section 57 (trafficking into the UK for sexual exploitation);

(ap) section 58 (trafficking within the UK for sexual exploitation);

(aq) section 59 (trafficking out of the UK for sexual exploitation);

(ar) section 59A (trafficking for sexual exploitation);

(as) section 61 (administering a substance with intent);

(at) section 62 (committing an offence with intent to commit a sexual offence);

(au) section 63 (trespass with intent to commit a sexual offence);

(av) section 64 (sex with an adult relative: penetration);

(aw) section 65 (sex with an adult relative: consenting to penetration);

(ax) section 66 (exposure);

(axa) section 66A (sending etc photograph or film of genitals);

*axaa) section 66AA(2) (taking or recording intimate photograph or film with intent to cause alarm, distress or humiliation);*

*(axab) section 66AA(3) (taking or recording intimate photograph or film for purpose of obtaining sexual gratification);*

*(axac) section 66AC(2) (installing etc. equipment to enable taking or recording of intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification);*

(axb) section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation);

(axc) section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification);

(ay) section 67 (voyeurism);

(az) section 69 (intercourse with an animal);

(ba) section 70 (sexual penetration of a corpse).

**PARAGRAPH 9 OF SCHEDULE 21 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 24**

9

Aggravating factors (additional to those mentioned in paragraphs 2(2), 3(2) and 4(2)) that may be relevant to the offence of murder include—

- (a) a significant degree of planning or premeditation,
- (b) the fact that the victim was particularly vulnerable because of age or disability,  
*(bb) where the offence was committed on or after the day on which section 24 of the Criminal Justice Act 2024 came into force, the fact that the offence was connected with—*
  - (i) the end of the offender's intimate personal relationship with the victim,*
  - (ii) the victim intending to bring about the end of that intimate personal relationship,*  
*or*
  - (iii) a belief by the offender as to a thing mentioned in sub-paragraph (i) or (ii),*
- (c) mental or physical suffering inflicted on the victim before death,
- (d) the abuse of a position of trust,
- (e) the use of duress or threats against another person to facilitate the commission of the offence,
- (f) the fact that victim was providing a public service or performing a public duty, and
- (g) concealment, destruction or dismemberment of the body.