

Crime and Policing Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Clause 31

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

Clause 31, page 36, leave out lines 28 and 29

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

Clause 31, page 36, line 34, leave out subsection (6)

After Clause 31

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 75

In subsection (2), for inserted subsection (5) substitute –

- “(5) Condition A is that, before the sale or letting on hire –
- (a) the accused obtained from the recipient –
 - (i) a copy of an identity document issued to the recipient in a physical form, and
 - (ii) a photograph of the recipient, and
 - (b) on the basis of that copy and photograph a reasonable person would have been satisfied that the recipient was aged 18 or over.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 75

In subsection (2), in inserted subsection (5A), omit paragraph (d)

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 75

Leave out subsection (6)

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 76

In subsection (2), for inserted subsection (4) substitute—

- “(4) Condition A is that, before the sale—
- (a) the seller obtained from the buyer—
 - (i) a copy of an identity document issued to the buyer in a physical form,
 - (ii) a photograph of the buyer, and
 - (b) on the basis of that copy and photograph a reasonable person would have been satisfied that the buyer was aged 18 or over.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 76

In subsection (2), in inserted subsection (4A), omit paragraph (d)

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 76

Leave out subsection (6)

Clause 32

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

Clause 32, page 37, leave out lines 38 and 39

After Clause 35

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 190

In subsection (3), in inserted Article 3B, for paragraph (3) substitute —

- “(3) Condition 1 is that, before the sale or letting on hire —
- (a) A obtained from B —
 - (i) a copy of an identity document issued to B in a physical form, and
 - (ii) a photograph of B, and
 - (b) on the basis of that copy and photograph a reasonable person would have been satisfied that B was aged 18 or over.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 190

In subsection (3), in inserted Article 3B, omit paragraph (4)(d)

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 191

In inserted Article 3D, for paragraph (4) substitute —

- “(4) For the purposes of this Article the delivery conditions are that —
- (a) the person finally delivering the crossbow or part of a crossbow was shown by the person (“P”) into whose hands it was finally delivered an identity document issued to P in a physical form, and
 - (b) on the basis of that document a reasonable person would have been satisfied —
 - (i) that P was aged 18 or over, and

- (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire was an individual, that P was that individual.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD KEEN OF ELIE

As an amendment to Amendment 191

In inserted Article 3H, for paragraph (8) substitute –

- “(8) The collection conditions are that –
- (a) the individual giving the crossbow or part of a crossbow to the person (“P”) collecting it was shown by P an identity document issued to P in a physical form, and
 - (b) on the basis of that document a reasonable person would have been satisfied –
 - (i) that P was aged 18 or over, and
 - (ii) if the person to whom the crossbow or part of a crossbow was sold or let on hire was an individual, that P was that individual.”

Clause 63

LORD HANSON OF FLINT

Clause 63, page 81, line 12, leave out subsections (5) to (8)

Member's explanatory statement

This amendment removes provisions about testing technology for child sexual abuse images which are no longer needed because the issue is covered by the wider provision about testing technology in my new clauses inserted after clause 84.

After Clause 84

LORD HANSON OF FLINT

After Clause 84, insert the following new Clause –

“Obscenity etc offences: technology testing defence

- (1) The Secretary of State may by regulations provide defences to relevant offences for persons who are authorised by the Secretary of State to carry out technology testing activities.
- (2) “Technology testing activities” means activities which are carried out in the course of, or in connection with, testing technology for the purposes of –

- (a) investigating whether it may have been made or adapted for use for creating, or facilitating the creation of, prohibited material, or
 - (b) testing whether it may be used to create, or facilitate the creation of, prohibited material.
- (3) “Prohibited material” means anything in relation to which a relevant offence may be committed.
- (4) The regulations may make provision about authorisations by the Secretary of State to carry out technology testing activities, including provision—
 - (a) for authorisations to be subject to conditions (which may be specified in the regulations or determined by the Secretary of State);
 - (b) for the variation, suspension, or withdrawal of authorisations and conditions;
 - (c) for the enforcement of any breaches of conditions (which may include provision creating criminal offences punishable with a fine);
 - (d) for fees to be payable to the Secretary of State, as a means of recovering costs incurred by the Secretary of State in exercising functions under the regulations.
- (5) The Secretary of State must consult the Scottish Ministers before making regulations under this section containing provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (6) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under this section containing provision that—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Member's explanatory statement

This new clause creates a power to make regulations providing a defence to certain offences which may be committed in the course of technology testing, where the technology testing is authorised by the Secretary of State.

LORD HANSON OF FLINT

After Clause 84, insert the following new Clause—

“Technology testing defence: meaning of “relevant offence”

- (1) For the purposes of section (*Obscenity etc offences: technology testing defence*) “relevant offence” means—
 - (a) an offence listed in subsection (2),
 - (b) an offence listed in subsection (3) (Scotland), and
 - (c) an offence listed in subsection (4) (Northern Ireland).

- (2) The offences referred to in subsection (1)(a) are offences under any of the following provisions —

<i>Act</i>	<i>Provision</i>
Obscene Publications Act 1959	Section 2 (publication of obscene article)
Protection of Children Act 1978	Section 1(1)(a), (b) or (c) (indecent photographs of children)
Criminal Justice Act 1988	Section 160(1) (indecent photographs of children)
Communications Act 2003	Section 127(1) (sending indecent messages via public electronic communications network)
Sexual Offences Act 2003	Section 46A (child sexual abuse image generators) Section 66B(1) (sharing intimate photograph or film) Section 66E(1) (creating purported intimate image of adult) Section 66F(1) or (2) (requesting creation of purported intimate image of adult)
Criminal Justice and Immigration Act 2008	Section 63 (possession of extreme pornographic images), as it has effect under the law of England and Wales Section 67A (possession or publication of pornographic images of strangulation or suffocation), as it has effect under the law of England and Wales
Coroners and Justice Act 2009	Section 62 (possession of prohibited images of children), as it has effect under the law of England and Wales
Serious Crime Act 2015	Section 69 (possession of paedophile manual), as it has effect under the law of England and Wales

- (3) The offences referred to in subsection (1)(b) are offences under any of the following provisions —

<i>Act</i>	<i>Provision</i>
Civic Government (Scotland) Act 1982	Section 51 (obscene material) Section 51A (extreme pornography) Section 51D (pornographic images of strangulation or suffocation) Section 52(1)(a), (b) or (c) (indecent photographs of children)

<i>Act</i>	<i>Provision</i>
	Section 52A (indecent photographs of children) Section 52D (child sexual abuse image generators)
Sexual Offences (Scotland) Act 2009	Section 41A (possession of advice or guidance about abusing children sexually or creating CSA images)
Abusive Behaviour and Sexual Harm (Scotland) Act 2016	Section 2 (disclosing or threatening to disclose intimate photograph or film)

(4) The offences referred to in subsection (1)(c) are –

- (a) an offence under the common law of Northern Ireland of publishing an indecent or obscene article;
- (b) offences under any of the following provisions –

<i>Act / Order</i>	<i>Provision</i>
Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I.17))	Article 3(1)(a), (b) or (c) (indecent photographs of children)
Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))	Article 15(1) (indecent photographs of children)
Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))	Article 42A (child sexual abuse image generators)
Criminal Justice and Immigration Act 2008	Section 63 (possession of extreme pornographic images), as it has effect under the law of Northern Ireland Section 67A (possession or publication of pornographic images of strangulation or suffocation), as it has effect under the law of Northern Ireland
Coroners and Justice Act 2009	Section 62 (possession of prohibited images of children), as it has effect under the law of Northern Ireland
Serious Crime Act 2015	Section 69 (possession of paedophile manual), as it has effect under the law of Northern Ireland

(5) The Secretary of State may by regulations amend this section so as to change the meaning of “relevant offence”.

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

Member's explanatory statement

This new clause specifies the offences for which the technology testing defence is to be available.

Clause 97

BARONESS ROYALL OF BLAISDON
LORD RUSSELL OF LIVERPOOL

Clause 97, page 122, line 31, at end insert –

- “(b) in subsection (1) at the beginning insert “Subsection to subsection (1A),”;
- (c) after subsection (1), insert –
 - “(1A) The court may only make a stalking protection order against a defendant if conditions A and B are met –
 - (a) condition A is that the court is satisfied on the balance of probabilities that the defendant has engaged in stalking behaviour towards a person;
 - (b) condition B is that the order is necessary and proportionate to protect that person from stalking, or the risk of stalking, carried out by the defendant.”.”

Clause 98

BARONESS ROYALL OF BLAISDON
LORD RUSSELL OF LIVERPOOL

Clause 98, page 129, line 24, at end insert –

“364I Stalking Protection Notices and streamlined process for Stalking Protection Orders

- (1) A senior police officer of the rank of Superintendent or above may issue a Stalking Protection Notice (“SPN”) where they have reasonable grounds to believe that –
 - (a) the defendant has carried out behaviour associated with stalking as described in this Act,

- (b) the defendant is aged 18 or over, and
 - (c) it is necessary to issue a notice to protect another person from the risk of stalking.
- (2) A Stalking Protection Notice may –
 - (a) prohibit the defendant from engaging in conduct which amounts to stalking, or from contacting or attempting to contact another person (“the protected person”) in a manner associated with stalking behaviour,
 - (b) include a direction for a defendant to attend a magistrate’s court within 72 hours for an application for a Stalking Protection Order, and
 - (c) remain in force until that hearing takes place.
- (3) A stalking protection notice must –
 - (a) state the grounds on which it is made,
 - (b) set out the terms of the notice,
 - (c) inform the Defendant of the date, time and location of the court hearing, and
 - (d) explain that a breach of the notice is a criminal offence.
- (4) A person who without reasonable excuse fails to comply with an SPN commits an offence punishable on summary conviction by –
 - (a) imprisonment for a term not exceeding 12 months,
 - (b) a fine, or
 - (c) both.”

Clause 132

LORD HANSON OF FLINT

Clause 132, page 161, line 29, after “Navy” insert “Police”

Member's explanatory statement

This amendment, with my other amendments to clause 132, correct references to members of the service police forces.

LORD HANSON OF FLINT

Clause 132, page 161, line 34, after “Military” insert “Police”

Member's explanatory statement

This amendment, with my other amendments to clause 132, correct references to members of the service police forces.

LORD HANSON OF FLINT

Clause 132, page 162, line 3, after “Force” insert “Police”

Member's explanatory statement

This amendment, with my other amendments to clause 132, correct references to members of the service police forces.

LORD HANSON OF FLINT

Clause 132, page 162, line 7, after “Navy” insert “Police”

Member's explanatory statement

This amendment, with my other amendments to clause 132, correct references to members of the service police forces.

LORD HANSON OF FLINT

Clause 132, page 162, line 8, after “Military” insert “Police”

Member's explanatory statement

This amendment, with my other amendments to clause 132, correct references to members of the service police forces.

LORD HANSON OF FLINT

Clause 132, page 162, line 9, after “Force” insert “Police”

Member's explanatory statement

This amendment, with my other amendments to clause 132, correct references to members of the service police forces.

Clause 198

LORD HANSON OF FLINT

Clause 198, page 228, line 38, after “81,” insert “(Obscenity etc offences: technology testing defence), (Technology testing defence: meaning of “relevant offence”),”

Member's explanatory statement

This amendment provides for regulations made by the Secretary of State under the specified new clauses (inserted after clause 84) to be subject to the affirmative procedure.

Clause 199

LORD HANSON OF FLINT

Clause 199, page 229, line 33, after “by” insert “Welsh”

Member's explanatory statement

This amendment adjusts provision about regulations made by the Welsh Ministers to take account of Part 2A of the Legislation (Wales) Act 2019 (which is inserted by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025).

LORD HANSON OF FLINT

Clause 199, page 229, line 35, leave out subsection (8) and insert –

“(8) Regulations made by the Welsh Ministers under section 192 are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).”

Member's explanatory statement

This amendment adjusts provision about regulations made by the Welsh Ministers to take account of Part 2A of the Legislation (Wales) Act 2019 (which is inserted by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025).

Clause 200

LORD HANSON OF FLINT

Clause 200, page 230, line 13, at end insert –

“(ja) sections (Obscenity etc offences: technology testing defence) and (Technology testing defence: meaning of “relevant offence”);”

Member's explanatory statement

This amendment provides for the specified new clauses (inserted after clause 84) to have UK extent.

Clause 201

LORD HANSON OF FLINT

Clause 201, page 232, line 7, at end insert –

“(ba) sections (Obscenity etc offences: technology testing defence) and (Technology testing defence: meaning of “relevant offence”);”

Member's explanatory statement

This amendment provides for the specified new clauses (inserted after clause 84) to come into force 2 months after Royal Assent.

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