

Crime and Policing Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Third Marshalled List]

After Clause 55

BARONESS MACLEAN OF REDDITCH

After Clause 55, insert the following new Clause—

“Independent Commission on Grooming Gangs: timescale

Within three months of the day on which this Act is passed, the Secretary of State must commence the work of the Independent Commission on Grooming Gangs by—

- (a) appointing a Chair,
- (b) publishing the inquiry’s terms of reference,
- (c) appointing a Minister with the sole task of overseeing the inquiry and related activities, and
- (d) directing the inquiry’s hearings to begin.”

After Clause 71

LORD KEEN OF ELIE
LORD DAVIES OF GOWER

After Clause 71, insert the following new Clause—

“Rape of a child

Before section 9 of the Sexual Offences Act 2003 insert—

“8A Rape of a child

- (1) A person over the age of 18 (A) commits an offence if—
 - (a) A intentionally penetrates the vagina, anus or mouth of another person (B) with A’s penis,
 - (b) B is under 16 and not under 13, and

- (c) A does not reasonably believe that B is 16 or over.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.””

LORD BLENCATHRA

After Clause 71, insert the following new Clause –

“Terminology: child rape and sexual assault

- (1) In cases where a child has been penetrated by any part of a person or an object and that penetration is sexual, any investigating or prosecuting authority must refer to that act as rape.
- (2) In cases where a child has been subjected to any other kind of sexual activity which does not involve penetration, any investigating or prosecuting authority must refer to that act as sexual assault.”

LORD BLENCATHRA

After Clause 71, insert the following new Clause –

“Investigation of historical child sexual abuse

- (1) Within three months of the day on which this Act is passed, the National Crime Agency must commence investigations into local authorities, police forces, children’s homes and any other lawful organisations where there have been cases of child sexual abuse and allegations that persons in lawful authority did not properly investigate or covered up the activity or criminality.
- (2) The National Crime Agency may decide how to prioritise the order of the investigations under subsection (1).
- (3) The National Crime Agency must be given access to all documents and emails relevant to their investigations.
- (4) Any person who prevents the National Crime Agency from accessing relevant materials under subsection (3) is guilty of an offence and is liable on conviction to up to two years in prison and an unlimited fine.
- (5) In this section, “persons in lawful authority” means –
 - (a) staff of local authorities of whatever rank;
 - (b) elected council members of local authorities;
 - (c) police officers of all ranks;
 - (d) any police support staff;
 - (e) owners or managers of homes for children in care.”

LORD BLENCATHRA

After Clause 71, insert the following new Clause—

“Offences: failure to report or investigate historic child sexual abuse

- (1) In conducting investigations under section (Investigation of historic child sexual abuse), the National Crime Agency may charge relevant persons with any of offences listed in this section.
- (2) It is an offence for a person in lawful authority to have failed to investigate allegations of child sexual abuse.
- (3) It is an offence for a person in lawful authority to have dismissed allegations of child sexual abuse without properly investigating them for reasons of maintaining community cohesion or not wanting to offend a particular ethnic community.
- (4) It is an offence for a person in lawful authority to have dismissed or reduced charges relating to child sexual abuse as a result of representations from local councillors.
- (5) It is an offence for a person in lawful authority to have dismissed allegations of child sexual abuse based on the assumption that the victim was a willing participant.
- (6) It is an offence for a person in lawful authority to fail to cooperate with the police in pursuing an investigation.
- (7) It is an offence for a person in lawful authority to destroy or fail to produce all documents and reports relating to child sexual abuse in their area.
- (8) It is an offence for a person in lawful authority to conspire with others in lawful authority to hide or cover up child sexual abuse.
- (9) It is an offence for a person in lawful authority to accept bribes in the form of money or the promise of sex with children to cover up or dismiss cases of child sexual abuse.
- (10) Any person acting alone who has committed any of the offences in subsections (2) to (9) is liable on conviction to an unlimited fine and up to 10 years imprisonment.
- (11) Two or more persons acting together who have committed any of the offences in subsections (2) to (9) are liable on conviction to an unlimited fine and up to 20 years in prison.
- (12) Where two or more police officers or officers of a local authority or a combination of police officers and local authority officers are convicted of acting together in any of the offences in subsections (2) to (9) then they must have their police or local authority pension terminated.
- (13) The National Crime Agency may bring charges against any person in lawful authority no matter how long ago the offences in this section were committed.”

Schedule 8

LORD POLAK

Schedule 8, page 271, line 34, at end insert –

“PART 3

SETTINGS: PREVENTING INTENTIONAL CONCEALMENT OF A CHILD SEX OFFENCE

- 1 Education including –
 - (a) schools;
 - (b) sixth form colleges;
 - (c) colleges of further education;
 - (d) pupil referral units;
 - (e) residential special schools;
 - (f) hospital education trusts;
 - (g) settings of education other than schools;
 - (h) private tuition centres.
- 2 Healthcare including –
 - (a) hospitals;
 - (b) hospices;
 - (c) GP surgeries;
 - (d) walk-in clinics;
 - (e) outpatient clinics.
- 3 Others including –
 - (a) child nurseries and kindergarten provision;
 - (b) childminders and childcare providers registered on the early years register or the compulsory or voluntary part of the childcare register;
 - (c) registered social care providers and managers for children;
 - (d) children’s homes;
 - (e) children’s hospices;
 - (f) youth offender institutions;
 - (g) the Probation Service;
 - (h) private institutions contracted by public bodies to provide services to children;
 - (i) organisations providing activities to children, such as sports clubs, music, dance or drama groups, youth clubs, and Ministry of Defence cadet forces including Sea Cadets, the Volunteer Cadet Corps, the Army Cadet Force, the Air Training Corps and the Combined Cadet Force, Fire Cadets;
 - (j) organisations providing holidays for children or supervising children while on holiday;

- (k) churches, mosques, synagogues, temples, and other places of worship and religious organisations, and other organisations holding non-religious worldviews;
- (l) services offered to children by local authorities as per their statutory duties;
- (m) services offered to children by the police as per their statutory duties;
- (n) transport services including taxis and coaches commissioned by the providers of the activities in this Schedule.”

Clause 79

LORD POLAK

Leave out Clause 79 and insert the following new Clause –

“Preventing intentional concealment of a child sex offence

- (1) A person (“P”) commits an offence if they –
 - (a) are working or volunteering in one of the settings outlined in Part 3 of Schedule 8,
 - (b) do an act capable of hindering, preventing or deterring a child sex offence from being reported or investigated which P suspects has taken place, and
 - (c) with the intention of hindering, preventing or deterring that child sex offence from being reported or investigated.
- (2) It is for these purposes immaterial –
 - (a) whether the child sex offence in fact has taken place,
 - (b) when the child sex offence took place, or
 - (c) whether P’s act in fact has the effect of delaying, hindering, or preventing that child sex offence from being investigated.
- (3) An act capable of delaying, hindering, or preventing a suspected child sex offence from being investigated does not include –
 - (a) P failing to comply with any duty owed under section 72,
 - (b) P, who was not subject to a duty owed under section 72, failing to report a child sex offence,
 - (c) P discouraging another person (A) from disclosing the alleged child sex offence to another person where P reasonably believes that the act of discouraging A from disclosing the alleged child sex offence is appropriate because –
 - (i) the suspected perpetrator is a child and
 - (ii) P does this having regard (among other things) to the risk of harm to each relevant child.
- (4) It is a defence for a person charged with an offence under this section to show that the conduct alleged to constitute the offence consisted only of making representations about the timing of a notification under section 72 in light of the best interests of any person whom they reasonably believe to be a relevant child (at any time).

- (5) Sections 79(3)(b) and 79(4) impose an evidential burden upon the defendant.
- (6) The Secretary of State may, following consultation, by regulations amend the settings and roles set out in Part 3 of Schedule 8.
- (7) In this section –
 - “hindering” means to making it more difficult for the suspected child sex offence to be investigated;
 - “preventing” means stopping the suspected child sex offence from being investigated;
 - “investigated” means investigated by any local authority or police force in England and Wales;
 - “local authority” has the same meaning as in the Children Act 2004 (see section 72).
- (8) A person who commits 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 a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).”

Member's explanatory statement

This amendment seeks to replace Clause 79, expanding its remit to cover all acts that could conceal reports and investigations of abuse, and removing the caveat that the person being deterred has to be a mandated reporter, thus ensuring all those who intentionally conceal child sexual abuse can be held accountable (whether a mandated reporter is involved or not). This would apply to anyone working or volunteering in specified settings laid out in the Schedule.

After Clause 191

LORD BAILEY OF PADDINGTON

After Clause 191, insert the following new Clause –

“Mandatory investigation of abortions performed on females under the age of 16

- (1) Where a termination of pregnancy is performed or facilitated in respect of a female under the age of 16, the relevant authority must initiate a mandatory investigation to determine –
 - (a) whether the pregnancy resulted from criminal conduct, including but not limited to sexual offences under the Sexual Offences Act 2003,
 - (b) whether the female was subject to coercion, exploitation, or abuse,
 - (c) whether any person involved in the pregnancy or termination may be liable for prosecution under applicable criminal law.
- (2) For the purposes of subsection (1), “relevant authority” means –
 - (a) the police force for the area in which the termination was performed,
 - (b) any safeguarding board or child protection agency with jurisdiction over the female concerned, or

- (c) any other body designated by the Secretary of State.
- (3) The investigation must be initiated within seven days of notification of the termination and must be conducted in accordance with safeguarding protocols and the welfare interests of the female concerned.
- (4) Nothing in this section prevents the provision of medical care or termination services in accordance with existing legal and medical standards.
- (5) Any registered medical practitioner or healthcare provider who performs or facilitates a termination of pregnancy in respect of a female under the age of 16 must, within 48 hours, notify the relevant authority as defined in subsection (2).
- (6) Failure by a relevant authority to initiate an investigation under subsection (1), or failure by a medical professional to report under subsection (5), may constitute misconduct and must be subject to disciplinary proceedings or other sanctions as prescribed by regulations made by the Secretary of State.
- (7) All investigations conducted under this section must ensure the confidentiality, dignity, and welfare of the female concerned, and must be carried out in a trauma-informed manner.”

Member's explanatory statement

Under UK law, abortion is regulated by the Abortion Act 1967, which outlines the conditions under which a pregnancy may be legally terminated. While abortion is legal under specific criteria, the involvement of minors – particularly those under 16 – raises additional legal and safeguarding concerns.

Clause 201

BARONESS MACLEAN OF REDDITCH

Clause 201, page 231, line 39, after “sections” insert “(Independent Commission on Grooming Gangs: timescale),”

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24 November 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS