

Crime and Policing Bill

AMENDMENT

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Thirteenth Marshalled List]

After Clause 191

BARONESS THORNTON
BARONESS MILLER OF CHILTHORNE DOMER
BARONESS GOUDIE
BARONESS WATKINS OF TAVISTOCK

After Clause 191, insert the following new Clause —

“Provisions for pardons and criminal records of women prosecuted under abortion law

- (1) The Policing and Crime Act 2017 is amended as follows.
- (2) After section 165 insert —

“165A Pardon and expungement of records for women under the law related to abortion

- (1) Subsections (2) and (3) apply in respect of a woman (whether living or deceased) who, when acting in relation to her own pregnancy, was convicted of, cautioned for, arrested for, or investigated on suspicion of, an offence under the law related to abortion, including sections 58 and 59 of the Offences Against the Person Act 1861, and the Infant Life (Preservation) Act 1929.
- (2) Where the woman has been convicted of, or cautioned for, an offence detailed in subsection (1), she is pardoned for the offence.
- (3) The Secretary of State must by notice direct the relevant data controller to delete details, contained in relevant official records, of a conviction, caution, arrest, or investigation detailed in subsection (1).
- (4) Expressions used in this section or section 167(1) (so far as relating to this section) and in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in this section or (as the case may be) section 167(1) as in that Chapter (see section 101 of that Act).

- (5) In section 167 (sections 164 to 166: supplementary) –
 - (a) In subsection (1) after 165, insert “, or 165A”;
 - (b) In subsection (2) after 165, insert “, or 165A”.’”

Member's explanatory statement

Abortion offences are currently classed as violent crimes meaning they will permanently be disclosed as part of a DBS check. This clause would pardon women who have a conviction or caution for an offence abolished by Clause 191. It would also ensure the removal of women’s details from police systems, regardless of the outcome of their case.

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