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16 DEC 2016

Dear Richard,

POLICING AND CRIME BILL: GOVERNMENT AMENDMENTS FOR LORDS THIRD READING

I am writing to let you have details of a small number of technical and drafting amendments (copy attached) which I have tabled for Third Reading.

Posthumous pardons for convictions etc of certain abolished offences (amendment to clauses 166 and 168)

At Report stage, I undertook to consider further Lord Lexden's concern that the list of service disciplinary offences attracting a pardon listed in subsection (4) of clause 166 did not reach back as far as the civilian offences listed in subsection (3). Having considered the matter further, these amendments now add the offences of buggery in:

- Section 32 of the Navy Act 1661;
- Section 29 of the Navy Act 1749;
- Section 38 of the Naval Discipline Act 1860;
- Section 38 of the Naval Discipline Act 1861;
- Section 41 of the Naval Discipline Act 1864.

It is important to note that a posthumous pardon would only be granted to a person convicted of an offence under one of these enactments where the conditions in subsection (2) of clause 166 are satisfied, namely that the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and any such conduct would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory). Consequently, someone convicted of the offence of bestiality under one of these provisions, or otherwise did not meet the conditions in subsection (2), would not receive a pardon. With the addition of the older

offences it is necessary to modify the applied definition of “service disciplinary proceedings” from the Protection of Freedoms Act 2012; new subsection (6A) of clause 166 does that.

Commencement (amendments to clause 192)

Following amendments made at Report stage, there is now some repetition in clause 192(2), (4) and (10) as regards the power conferred on the Northern Ireland Department of Justice to make commencement orders being exercisable by statutory rule. These amendments consolidate these entries into a single provision operating across the relevant subsections. The amendment to clause 192(7) provides that the Northern Ireland Department of Justice has the same power as the Secretary of State to commence the new maritime enforcement powers (in Chapter 7 of Part 4) on different days for different purposes.

Police complaints: procedure (amendment to Schedule 9)

Clauses 34 and 35 of and Schedule 9 to the Bill provide for the reform of the IPCC’s corporate structure and governance and for the investigative functions of the Commission to become functions of the new single executive head - the Director General. Schedule 9 already makes consequential amendments to Part 2 of the Police Reform Act 2002 to reflect the new model under which an investigation may be undertaken by the Director General personally or the Director General may delegate the task to a member of staff. This means that investigation reports may either be submitted to the Director General by an investigator or be completed by the Director General personally. Following the commencement of the model, new paragraph 28ZA(3)(b) of Schedule 3 to the Police Reform Act 2002, as inserted by paragraph 45 of Schedule 5 to the Bill, needs to be modified so that it refers to the submission *or completion* of a report; this amendment amends Schedule 9 to this end.

I am copying this letter to Lord Kennedy of Southwark, Lord Paddick, Baroness Hamwee, Lord Lexden, Lord Sharkey and Lord Cashman and placing a copy in the Library of the House and on the Bill page on gov.uk.



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