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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

POLICE, CRIME, SENTENCING AND COURTS BILL

Twentieth Sitting

Thursday 24 June 2021

(Afternoon)

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Monday 28 June 2021

The Committee consisted of the following Members:

Chairs: † Steve McCabe, Sir Charles Walker

† Anderson, Lee *(Ashfield)* (Con)
† Atkins, Victoria *(Parliamentary Under-Secretary of State for the Home Department)*
† Baillie, Siobhan *(Stroud)* (Con)
† Champion, Sarah *(Rotherham)* (Lab)
† Charalambous, Bambos *(Enfield, Southgate)* (Lab)
† Clarkson, Chris *(Heywood and Middleton)* (Con)
† Cunningham, Alex *(Stockton North)* (Lab)
† Dorans, Allan *(Ayr, Carrick and Cumnock)* (SNP)
† Eagle, Maria *(Garston and Halewood)* (Lab)
† Goodwill, Mr Robert *(Scarborough and Whitby)* (Con)
Higginbotham, Antony *(Burnley)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
† Levy, Ian *(Blyth Valley)* (Con)
† Philp, Chris *(Parliamentary Under-Secretary of State for the Home Department)*
† Pursglove, Tom *(Corby)* (Con)
Wheeler, Mrs Heather *(South Derbyshire)* (Con)
† Williams, Hywel *(Arfon)* (PC)

Huw Yardley, Sarah Thatcher, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 24 June 2021

(Afternoon)

[Steve McCabe *in the Chair*]

Police, Crime, Sentencing and Courts Bill

2 pm

The Chair: All the previous requests from Mr Speaker remain the same.

New Clause 44

Duty on health service bodies to have due regard to police covenant principles

"(1) In exercising in relation to England a relevant healthcare function, a person or body specified in subsection (2) must have due regard to—

(a) the obligations of and sacrifices made by members of the police workforce,

(b) the principle that it is desirable to remove any disadvantage for members or former members of the police workforce arising from their membership or former membership, and (c) the principle that special provision for members or former members of the police workforce may be justified by the effects on such people of membership, or former membership, of that workforce.

(2) The specified persons and bodies are—

(a) the National Health Service Commissioning Board;

(b) a clinical commissioning group;

(c) a National Health Service trust in England;

(d) an NHS foundation trust.".—*(Sarah Jones.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 8.

Division No. 37]

AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	
Cunningham, Alex	Jones, Sarah

NOES

Anderson, Lee	Goodwill, rh Mr Robert
Atkins, Victoria	Levy, Ian
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom

Question accordingly negatived.

New Clause 45

Offence of assaulting etc. retail worker

'(1) It is an offence for a person to assault, threaten or abuse another person—

(a) who is a retail worker, and

(b) who is engaged, at the time, in retail work.

(2) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person—

(a) is a retail worker, and

(b) is engaged, at the time, in retail work.

(3) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months, a fine, or both.

(4) Evidence from a single source is sufficient to establish, for the purposes of this section—

(a) whether a person is a retail worker, and

(b) whether the person is engaged, at the time, in retail work.

(5) The offence under subsection (1) of threatening or abusing a retail worker is committed by a person only if the person—

(a) behaves in a threatening or abusive manner towards the worker, and

(b) intends by the behaviour to cause the worker or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.

(6) Subsection (5) applies to—

(a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,

(b) behaviour consisting of—

(i) a single act, or

(ii) a course of conduct.

(7) Subsections (8) to (10) apply where, in proceedings for an offence under subsection (1), it is—

(a) specified in the complaint that the offence is aggravated by reason of the retail worker enforcing a statutory age restriction, and

(b) proved that the offence is so aggravated.

(8) The offence is so aggravated if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction.

(9) Evidence from a single source is sufficient to prove that the offence is so aggravated.

(10) Where this section applies, the court must—

(a) state on conviction that the offence is so aggravated,

(b) record the conviction in a way that shows that the offence is so aggravated,

(c) take the aggravation into account in determining the appropriate sentence, and

(d) state—

(i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.

(11) In this section—

"enforcement", in relation to a statutory age restriction, includes—

(a) seeking information as to a person's ages,

(b) considering information as to a person's age,

(c) refusing to sell or supply goods or services, for the purposes of complying with the restriction (and "enforcing" is to be construed accordingly)

"statutory age restriction" means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.

(12) In this section, "retail worker"—

(a) means a person—

(i) whose usual place of work is retail premises, or

(ii) whose usual place of work is not retail premises but who does retail work,

(b) includes, in relation to a business that owns or occupies any premises in which the person works, a person who—

(i) is an employee of the business,

(ii) is an owner of the business, or

(iii) works in the premises under arrangements made between the business and another person for the provision of staff,

(c) also includes a person who delivers goods from retail premises.

(13) For the purposes of subsection (12), it is irrelevant whether or not the person receives payment for the work.

(14) In proceedings for an offence under subsection (1), it is not necessary for the prosecutor to prove that the person charged with the offence knew or ought to have known any matter falling within subsection (12)(b) in relation to the person against whom the offence is alleged to have been committed.

(15) In this section, "retail premises" means premises that are used wholly or mainly for the sale or supply of goods, on a retail basis, to members of the public.

(16) In this section, "retail work" means—

(a) in the case of a person whose usual place of work is retail premises, any work in those retail premises,

(b) in the case of a person whose usual place of work is not retail premises, work in connection with—

(i) the sale or supply of goods, on a retail basis, to members of the public, or

(ii) the sale or supply of services (including facilities for gambling) in respect of which a statutory age restriction applies,

(c) subject to subsection (17), in the case of a person who delivers goods from retail premises, work in connection with the sale or supply of goods, on a retail basis, to members of the public.

(17) A person who delivers goods from retail premises is doing retail work only during the period beginning when the person arrives at a place where delivery of goods is to be effected and ending when the person leaves that place (whether or not goods have been delivered).

(18) In this section, references to working in premises includes working on any land forming part of the premises.".—*(Sarah Jones.)*

Brought up, and read the First time.

Sarah Jones (Croydon Central) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 46—*Offence of assaulting etc. health and social care or transport worker—*

'(1) It is an offence for a person to assault, threaten or abuse another person—

(a) who works in health, social care or transport, and,

(b) who is engaged, at the time, in such work.

(2) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person—

(a) works in health, social care or transport, and;

(b) is engaged, at the time, in such work.

(3) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months, a fine, or both.

(4) Evidence from a single source is sufficient to establish, for the purposes of this section—

(a) whether a person works in health, social care or transport, and

(b) whether the person is engaged, at the time, in such work.

(5) The offence under subsection (1) of threatening or abusing a person who works in health, social care or transport (A) is committed by a person (B) only if B—

(a) behaves in a threatening or abusive manner towards A, and

(b) intends by the behaviour to cause A or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.

(6) Subsection (5) applies to—

(a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,

(b) behaviour consisting of—

(i) a single act, or

(ii) a course of conduct.

(7) The Secretary of State must by regulations made by statutory instrument define "health", "social care" and "transport" for the purposes of this section.

(8) For the purposes of deciding whether a person works in health, social care or transport, it is irrelevant whether or not the person receives payment for the work.'.

New clause 62—*Assault due to enforcement of statutory age restriction—*

'(1) This section applies to an offence of common assault that is committed against a worker acting in the exercise of enforcing a statutory age restriction.

(2) This section applies where it is—

(a) specified in the complaint that the offence occurred because of the worker's enforcing a statutory age restriction, and

(b) proved that the offence so occurred because of the enforcement of a statutory age restriction.

(3) A person guilty of an offence to which this section applies is liable on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.

(4) In consequence of subsections (1) to (3), in section 39 of the Criminal Justice Act 1988 (which provides for common assault to be summary offences punishable with imprisonment for a term not exceeding 6 months)—

(a) insert—

"(3) Subsection (1) is subject to section [Assault due to enforcement of statutory age restriction] of the Police, Crime, Sentencing and Courts Act (which makes provision for increased sentencing powers for offences of common assault committed against a worker acting in the exercise of enforcing statutory age restrictions)."

(5) In this section—

"enforcement", in relation to a statutory age restriction, includes—

(a) seeking information as to a person's age,

(b) considering information as to a person's age,

(c) refusing to sell or supply goods or services,

for the purposes of complying with the restriction (and "enforcing" is to be construed accordingly), "statutory age restriction" means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.

(6) This section applies only in relation to offences committed on or after the day it comes into force.'.

Sarah Jones: It is a pleasure to serve under your chairmanship, Mr McCabe. I rise to speak to new clauses 45, 46 and 62. New clause 45 would introduce a

[Sarah Jones]

new penalty for assaults on retail workers, with a 12-month maximum. This issue has been debated in the House on many occasions, and the Minister was in Westminster Hall talking about it only a couple of weeks ago, so we know that there is cross-party support for these measures. New clause 45 replicates the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 in introducing a new penalty for a range of behaviours against retail workers and includes provision for an aggravation when this occurs during the enforcement of statutory age restriction. It is a comprehensive new clause that defines this behaviour, retail worker, work and premises. New clause 62 would introduce a specific new offence with a specified penalty for assaults committed as a direct result of workers enforcing statutory age restrictions.

I thank the Co-operative party, the Union of Shop, Distributive and Allied Workers, the British Retail Consortium, the Association of Convenience Stores, Tesco and others for their brilliant campaigning, in many cases over a number of years, to achieve greater protection for shop workers. They have been a huge help with this Bill. I also pay tribute to my hon. Friend the Member for Nottingham North (Alex Norris), who has campaigned tirelessly for greater protections for retail workers since he was elected, most recently through his Assaults on Retail Workers (Offences) Bill. On behalf of the Opposition, I also thank our shop workers, who have made such an extraordinary contribution throughout this pandemic.

Maria Eagle (Garston and Halewood) (Lab): Has my hon. Friend heard, as I have in my constituency, that assaults and threats towards shop workers have actually worsened during the pandemic? They were at quite a bad level before, but things are worse as a consequence of the pandemic. Perhaps more thought therefore needs to be given by this House to this kind of provision.

Sarah Jones: My hon. Friend is absolutely right. I will shortly cite figures that bear out the suggestion that assaults have increased during this period. We saw a raft of assaults during periods in which provision of certain foods was scarce, and when people objected to being asked to wear masks. During covid, we have all come to recognise the importance of shop workers in a way that we perhaps did not previously, although we should have done.

As I have said previously in Committee, Labour welcomes the new clauses that will increase the maximum sentence for assaulting an emergency worker from 12 months to two years. However, the Government's decision not to include additional protections for shop workers represents a failure to listen to voices from the frontline and to recognise the exponential rise in abuse of retail staff over recent years. Retail workers kept our country fed, clothed and kept us going. However, many faced unacceptable attacks while working to keep us safe, from being spat at or punched to verbal abuse and intimidation. Such attacks should be met with swift and meaningful punishment, and yet the Government have decided not to introduce additional protections at this point. We ask them to think again.

In 2020, we saw a spike in abuse, threats and violence against retail workers. The BRC annual retail crime survey, which was released at the end of May, showed that violence and abuse against shop workers continued to grow to 455 incidents every day, representing a 7% increase on the previous year. ACS's 2021 crime report shows that greater action is needed to tackle violence against shop workers. An estimated 40,000 violent incidents took place in the convenience sector over the past year, with approximately 19% resulting in injury.

Sarah Champion (Rotherham) (Lab): I support my hon. Friend's powerful speech. I am unsure whether she has the gender breakdown for those figures, but in my experience it is predominantly women who work at the front of these shops and convenience stores, and attacks are often unpleasant and misogynistic. Anything in legislation that could prevent that sort of abuse would be welcome.

Sarah Jones: My hon. Friend makes a good point. I do not have those figures here, but we know that more women than men are in such positions, so I imagine that that breakdown would bear out what she says. She is right that we should do everything we can to stop such attacks.

More than 1.2 million incidents of verbal abuse were recorded over the past year, with 89% of store colleagues experiencing verbal abuse. Two of the top triggers of violence are colleagues having to enforce age restriction sales policies or refusing to serve intoxicated customers. USDAW's coronavirus survey, which was based on 4,928 responses, shows that since 14 March 2020, 62.2% of retail workers were verbally abused, 29% were threatened and 4% were assaulted. Last year, research conducted by USDAW found that 88% of retail workers experienced verbal abuse—in almost two thirds of cases, it was from a customer—and 300,000 out of a 3 million-strong workforce were assaulted. Only 6% of those incidents resulted in a prosecution and a quarter of cases go unreported altogether. It is therefore vital to introduce new penalties to protect shop workers, deter offenders, break the cycle of abuse and deliver justice to victims. Abuse should not be part of someone's day job. Nobody should be treated with disrespect, spat at, bitten, grabbed, sexually harassed or discriminated against at work.

I am pleased that Tesco recently got behind the campaign to protect retail workers and that it supports these new clauses. A constituent who works at the local Tesco branch in Croydon recently emailed to talk about her experience: "I've lost count of the times I have been verbally abused and threatened while working. I am forever looking over my shoulder. It is a way of life where customers verbally abuse, threaten and attack staff, and it is not right. This affects people in different ways, mentally and physically, and they're expected to just carry on, which they have to do, because it is their livelihood. This is not acceptable."

As part of USDAW's survey of violence, threats and abuse against shop workers, respondents had the opportunity to feed back their experiences. These are some of the voices from the frontline:

"I had never cried in work until the first week of the lockdown. I received constant abuse from nearly every customer during one shift when the rules were changed so that we couldn't accept returns. I finally broke when one woman refused to leave the store and insulted me and berated me for not doing the return. The following day a man was very aggressive towards me for the same reason and I could visibly see him twitching in a way that suggested he was about to become violent. My job has become emotionally draining and it is really starting to affect my mental health."

"Verbal and physical abuse from customers, it's not nice, we are only trying to enforce social distancing but customers are using the trip to the shops as a day out and putting the staff at risk, then we return to our families in fear and panic because of the small minded stupidity."

"I have been verbally abused by customers. Pushed by a customer. Been told to shut up and 'F-off' when mentioning limitations or the one way system."

"I have taken abuse when having to remove items from the customer because they wish to purchase more than the permitted number of restricted items."

"Customer using verbal abuse towards me, and being racist towards me."

"Constant verbal abuse/swearing. Customers spitting, coughing and sneezing towards us on purpose."

"I have been spat at, pushed and treated as if I wasn't there."

"We have been threatened with violence and have had to make police reports about members of the public threatening to 'bash our faces in' when we leave the store after our shifts. We are regularly subjected to verbal abuse, usually surrounding low/zero stock and restrictions on certain products."

We will all have had cases such as these in our constituencies. I had a case in which a customer pulled a knife on a shop worker, because the shop worker would not sell them alcohol when they were clearly intoxicated. In some cases, people are very seriously assaulted as well.

Sarah Champion: In lots of my local shops, there is just one person in the shop on their own; I wonder whether that has also been my hon. Friend's experience. I am not sure whether that is because the shop is owner-owned or because it is the victim of cut costs, but it is very worrying.

Sarah Jones: My hon. Friend is absolutely right. I was talking this week with some of the larger organisations, and they made exactly that point: the very small convenience stores are often in the most trouble, because there will be only one person working there. A lot of supermarkets have put in place all kinds of support—walkie-talkies, cameras and security on the door—that provides some element of security, but a small convenience shop cannot meet those costs, and it is those individuals who are most at risk.

In the recent Westminster Hall debate that I referred to, the Minister referred to the Home Affairs Committee's survey, which also asked retail workers if they had experienced violence and abuse. Some 12,667 people responded, and that shows just how widespread the problem is. The survey found that 87% of respondents had reported incidents to their employer, but in 45% of those cases, no further action was taken. Half of respondents reported incidents to the police, but only 12% of those incidents led to an arrest. A third of respondents did not report incidents to their employer because they believed that nothing would be done, or that it was just part of the job. Respondents felt that better security at retail premises and more severe punishments for offenders would help to prevent incidents in the future.

The Minister talked about that survey in his speech, and he said it was "terrible" that so many workers felt it was just part of the job. We have the Minister saying it is terrible; we have Labour saying that it is terrible; and we have the big supermarkets, business CEOs, unions, the Home Affairs Committee, the British Retail Consortium and the Association of Convenience Stores saying that it is terrible, so now is the opportunity to do something about it.

The Minister may well repeat the argument that he made in the Westminster Hall debate, namely that the updated sentencing guidelines—they provide a welcome list of aggravating factors to be considered in the case of attacks on those who are providing a service to the public—are enough. We do not believe that they are, and we think the Government should go further. The argument that protections for public service workers are already enshrined in law does not suffice: if the Minister looks at the data on how many people do not report attacks and abuse because they think nothing will be done, and at the tiny percentage of prosecutions, the facts bear that out. Sentencing guidelines are important, but if the number of prosecutions remains so low, clearly something is not working.

Our new clauses are ready and have been rehearsed in previous legislation. We know that we have a lot of cross-party support. Members across the House are calling on the Government to look again and do something stronger, including Government Members, such as the hon. Members for Stockton South (Matt Vickers) and for Hazel Grove (Mr Wragg) and the right hon. Member for Tatton (Esther McVey), SNP Members, Lib Dem Members and, of course, many Labour Members.

In response to a recent written question on this subject, the Minister said that the Government would

"continue to keep the matter under review and listen to the debate on this matter."

Well, we have had many debates and I know that he has listened, so I hope that today he can provide a more supportive response to these new clauses.

2.15 pm

New clause 46 would introduce a new penalty for assaulting health and social care or transport workers, with a 12-month maximum sentence. We tabled the new clause because there have also been rising attacks on key workers, and we believe that current protections are not enough. It has been clear throughout the pandemic that the emergency services, health and social care workers, transport workers and shop workers have been right at the frontline, risking their own health in order to serve their communities. The Bill provides an opportunity to extend similar protections to those key workers, who have done so much for us. Now is our opportunity to thank them for what they have done. Care workers look after the vulnerable. Transport workers help us get to where we need to be, keeping our country moving and our communities connected. Key workers offer us comfort and help when we need it.

A 2019 survey by the GMB found that care workers had suffered more than 6,000 violent attacks resulting in serious injury over the previous five years. Between 2013-14 and 2017-18, 6,034 violent attacks on care workers resulting in serious injury and were reported to the Health and Safety Executive, and 5,008 workers were so seriously injured that they had to take at least seven days off work.

A 2019 survey by the National Union of Rail, Maritime and Transport Workers found that a massive 72% of frontline transport workers experienced workplace violence in 2019 alone. Of those, nearly 90% had been subjected to violence on multiple occasions. The most common form of attack is verbal abuse, with over 90% of victims experiencing that. Transport workers also described being spat at, sexually assaulted, racially abused and threatened with violence or physical assault.

Shockingly, nearly a quarter of transport workers have been physically assaulted at work over the past year. One rail worker said:

"I have been assaulted more times in the railway in a year than as a prison officer of 15 years."

A London underground worker said:

"Lone working is the single most important and common factor in the sharp rise of workplace violence. 90% of the time, the criminals say things like 'you can't stop me, you're alone'."

Another said:

"Member of the public came up to me and told me he was going to take me round the back of the station and rape me."

On 22 March last year, while on duty at Victoria station, Belly Mujinga was spat at by a man who said that he was infected with covid-19. Eleven days later, she died from coronavirus. Belly's family are still fighting for some justice over her case. With new clauses 45, 46 and 62, we have an opportunity to pass legislation that would deter people from assaulting, attacking or abusing workers such as Belly.

Given all the debates that have already taken place on this subject, I hope that it would be hard for the Government not to accept the new clauses. Workers deserve dignity and respect at work. We are ready to work with the Government to improve this legislation, to protect our key workers and ensure that the system can deliver them the justice they deserve.

The Parliamentary Under-Secretary of State for Justice (Chris Philp): I thank the shadow Minister, my constituency neighbour, for introducing these new clauses. I join her in paying tribute to the retail workers and others who have kept our country going over the past 12 to 18 months, often in difficult circumstances. I know that we are all very grateful for what they and others have done. I have a great deal of sympathy for retail workers. My first regular paid job was in Sainsbury's at West Wickham, which the shadow Minister will know is a short distance from the boundary of her constituency.

We take the issue seriously and, as the shadow Minister said, we had a Westminster Hall debate on this topic three or four weeks ago, when a number of Members described various forms of abuse and assault that their constituents had suffered. Most of the assaults given as examples would have been charged not as common assault with a maximum sentence of six months, but as a more serious form of assault—for example, assault occasioning actual bodily harm, which carries a maximum sentence not of a year, as per the new clause, but of five years. Indeed, in more serious cases involving knives and so on where people are convicted of grievous bodily harm with intent to commit grievous bodily harm, the maximum sentence is not a year, as per the new clause, but life.

There are a number of criminal offences on the statute book that cater for the serious offences described graphically in that Westminster Hall debate. In such cases, a charge should be laid and a higher sentence—higher even than that contemplated by the new clause—could and should be given.

There is also the question of whether current law adequately recognises retail workers and other public workers when a sentence is being passed. The law already recognises that such people are to be treated somewhat differently if the victim is, for example, working in a shop, and the sentencing guidelines, which the shadow Minister mentioned and which were updated a few weeks ago, make it clear that if there are aggravating factors the sentence passed will be longer than it otherwise would be. The fourth aggravating factor on the list is an

"offence committed against those working in the public sector or providing a service to the public".

That would obviously include retail workers, transport workers and others.

Not only do we have offences on the statute book already—many of which have much longer maximum sentences than the maximum called for by the new clause, such as five years for actual bodily harm—but the fact that the victim was providing a service to the public already represents an aggravating factor that leads to a longer sentence.

On particular things that have happened during covid, the case of Belly Mujinga, which the shadow Minister mentioned, occurred at Victoria station. I think Belly Mujinga worked for Southern Railway, which is the company that serves our two constituencies. The new Sentencing Council guidelines published a few weeks ago incorporated some revisions, which I think help. There is a new aggravating factor of deliberate spitting or coughing. A new factor—

"Intention to cause fear of serious harm, including disease transmission"—

increases culpability, which increases the sentence.

Therefore, if that person's action—this would apply to a case such as that of Belly Mujinga—included such an intention, that is taken to increase the culpability of the offender. Those changes were made to the sentencing guidelines a few weeks ago, so we have offences on the statute book with long maximums such as five years, or life for GBH with intent. We have aggravating factors that apply in respect of retail workers, and indeed other people serving the public. We have new sentencing guidelines, which speak to things such as spitting and causing fear of serious harm in relation to transmissible diseases.

Is there a problem? Yes, there is, but I do not think that it is with the sentences; it is with the reporting and the prosecutions. Shockingly, in a survey prepared for the Home Affairs Committee that I think the shadow Minister has seen—I referred to it in our Westminster Hall debate—of the 8,742 shop workers responding who had been victims of this sort of crime, only 53% reported the offence to the police. Half the victims did not even report it, so we need to do a lot more to make sure that victims report this crime.

Sarah Jones: The Minister is making the arguments that I thought he would. They are perfectly reasonable, but I come back to him on the point that one of the problems is the tiny proportion of prosecutions and another is the huge increase in assaults against all these groups of people. He makes the point that a lot of people do not report these crimes, but Parliament and the Government could send a strong message, as the Government did with war memorials: they said that they were not necessarily expecting lots of prosecutions, but they wanted to send a strong message to the public about the importance of memorials.

For Parliament to send a strong message would be a really powerful way of encouraging shop workers to report these crimes. Although sentencing guidance is important, I do not think that the public know about it

or would be able to tell us that it was changed a few weeks ago, whereas making it clear that this is something we want to set out in law would send a message to all those people who do not report these crimes. It might help.

Chris Philp: I think the sentencing guidelines are important. Addressing coughing, spitting and causing fear of infectious disease transmission is important, as is the recognition that public sector workers and people providing a service to the public get in the sentencing guidelines. The shadow Minister says that they are not important; I think they are, because they are what the judge looks at, day in, day out, when deciding what sentence to hand down.

When it comes to getting more incidents reported, investigated and then prosecuted, we first need to look at why people are not reporting them. Again, the survey sheds light—3,444 people replied to this question. The top reason for not reporting the offence, cited by more than a third of respondents, was

"I did not believe the employer would do anything about it".

Shockingly, the second was

"I believed it was just part of the job",

which of course it is not; the third was

"I considered the incident too minor";

and the fourth was

"I did not believe the police would do anything about it".

Clearly there is a perception issue around this crime that we need to sort out. The Minister for Crime and Policing is leading a taskforce designed, first, to get employers to better support their employees when it happens. Although 87% of people—almost all—tell their employer, only 53% report it to the police. I infer by subtracting one number from the other that in 34% of cases, employers who know about the crime are not supporting their employees to report it to the police. Employers need to do more. To be honest, I think that the police will be doing more in this area as well, guided and encouraged by the taskforce that the Minister for Crime and Policing is running. We have the laws and we have the aggravating factors, but we need more reporting and more investigation, and there is a taskforce dedicated to doing that.

Let me make a couple of specific comments on new clause 45—the retail worker clause—and new clause 46, which would add health and social care workers and transport workers, who of course are very important but are also protected under the Sentencing Council guidelines because they are both in the public sector and providing a service to the public. Even taken together, the two new clauses arguably have some omissions. For example, teachers—who I would say deserve no less protection than the other groups—are not mentioned at all; nor are people who serve their communities doing refuse collection or work in parks. All kinds of other workers who serve the public or work in the public sector, and who are equally deserving of protection, are not mentioned in the new clauses, but all those people are rightly covered by the Sentencing Council guidelines.

There is more work to do, which the taskforce is doing. We need retail employers to support their staff much more, and we need the taskforce to do its work of increasing reporting and prosecutions, but the offences are on the statute book already, with maximum sentences of five years —or even life, for GBH with intent. The aggravating factors are there, so let us get these crimes reported and get them prosecuted. That is how we will protect retail workers.

2.30 pm

Sarah Jones: The arguments about under-reporting make our case for us. People would be much more likely to report these things if they knew that a specific sentence had been identified, and if they knew that Parliament and the law were on their side. I think that would make a huge difference to the reporting.

I am grateful that the Minister acknowledges that there is more work to be done in this space. I know about the taskforce that the policing Minister is undertaking, and he is right to say that employers need to do more. I stress, however, that it is not often that employers and trade unions are absolutely as one, but on this issue they are absolutely agreed that something is needed. They are the ones with experience of life on the ground in shops and retail spaces, and this is what they are calling for. I will not press the new clause to a vote now, but I am sure we will want to return to it on Report. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: New clauses 46 to 55 have already been debated, so we now come to new clause 56. I understand that Siobhain Baillie wishes to speak to new clause 56.

New Clause 56

MAXIMUM SENTENCES FOR CAUSING OR ALLOWING A CHILD OR VULNERABLE ADULT TO SUFFER SERIOUS INJURY OR DEATH

'(1) Section 5 of the Domestic Violence, Crime and Victims Act 2004 is amended as follows—

(a) in subsection (7), for "a term not exceeding 14 years" substitute "life", and

(b) in subsection (8), for "10" substitute "14".

(2) Schedule 19 of the Sentencing Act 2020 is amended by the insertion of the following after paragraph 20—

"Domestic Violence, Crime and Victims Act 2004

20A An offence to which section 5(7) of the Domestic Violence, Crime and Victims Act 2004 applies."' *—(Siobhan Baillie.)*

This new clause seeks to increase sentencing levels under section 5 of the Domestic Violence Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to suffer serious injury or death) by raising the death offence to life imprisonment, and the "serious injury" offence to 14 years.

Brought up, and read the First time.

Siobhan Baillie (Stroud) (Con): I beg to move, That the clause be read a Second time.

New clause 56, which was tabled by my hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat), centres on the experiences of a young boy called Tony. It would amend section 5 of the Domestic Violence, Crime and Victims Act 2004, raising the sentence for the death offence to life imprisonment, and that for serious injury to 14 years.

Young Tony Hudgell is an inspirational young man from Kings Hill in Kent. His loving adoptive parents, Paula and Mark, have campaigned tirelessly against child cruelty alongside providing Tony with a safe, secure home. At around 41 days old, Tony, as a tiny baby, did not have a safe, secure home. He was abused so severely

[Siobhan Baillie]

by his biological parents that he was left with eight separate fractures to his tiny body. He suffered from septicaemia, and he had an extended period of excruciating pain before he was taken to hospital. At hospital, Tony required multi-organ support in intensive care, and he suffered respiratory distress. His injuries were so bad that baby Tony had to have both of his legs amputated.

Take a moment to imagine that the only life that baby Tony knew was one of pain and torture from the people who should have loved him most. During sentencing, His Honour Judge Statman said that he had thought long and hard about the manner in which Parliament had provided for the maximum sentence in such cases, and while he would not be allowed to go behind Parliament's enactments, he could not envisage a worse case than Tony's.

That level of cruelty is, thankfully, rare, and I am of the view that we should not legislate, amend or fiddle in this place unless there is a clear need to do so. Rare or not, however, the British public rightly expect our judiciary to have extensive powers to deal justly with perpetrators of such devastating harm to babies, children or vulnerable adults. I respectfully contend that the current maximum sentence of 10 years does not adequately reflect the gravity of cases at the upper end of seriousness.

All victims of section 5 offences will be vulnerable, which increases the seriousness of those offences. It is my assessment that a section 5 offence is in some respects more stringent than unlawful act manslaughter. That leads to inconsistencies, because section 5 requires there to be a serious risk of physical harm. In this Bill, we are also considering, in clause 65(2), raising the maximum sentence for causing death by dangerous driving from 14 years' imprisonment to life imprisonment. There is no requirement that the driver appreciated that their driving was dangerous, giving rise to a risk of serious injury.

Similarly, the serious injury offence can involve lifelong harm inflicted over many weeks and months. Despite the infliction of injury not being intentional, the level of culpability remains extremely high, given that the defendant's relationship to the victim is typically as a parent or other position of responsibility. I therefore ask Ministers to consider the anomaly in the current sentencing scheme, in that the section 5 offence—the death offence—has a maximum sentence that is out of step with similar offences. Over the past decade or so, Parliament and the courts have appreciated the increased seriousness in cases involving deaths, and sentences handed out by the courts have reflected that.

The section 5 offence is listed in schedule 18 to the sentencing code for the purposes of the dangerousness regime, enabling an extended determinate sentence to be imposed. The need for additional licence periods and conditions in the most serious cases is therefore already recognised. An increase in the maximum sentence for the death offence would be in keeping with that trend. Similarly, the serious injury offence can involve lifelong harm inflicted over many weeks and months. Despite the infliction of the injury not being intentional, the level of culpability remains extremely high. A 10-year maximum sentence is not reflective of the seriousness of the offence.

I conclude by referring back to the brave heroes behind this request. Tony and his adoptive parents, Paula and Mark, have fought hard, and Tony is living a good, healthy life. I really look forward to hearing from the Ministers and other members of the Committee, if they choose to comment.

Sarah Champion: I thank the hon. Member for Stroud for moving the new clause tabled by the hon. Member for Tonbridge and Malling. The hon. Member for Stroud has done the legal bit, and I am going to do the emotional, child abuse bit.

I think all hon. Members know who Tony is, because he is on BBC Breakfast a lot. He is a little lad. I do not know how old he is now—probably about eight. His legs are amputated, but he has been doing a walk around his local park every day to raise money for the NHS. I did not realise until very recently that he was the Tony this law is named after. It was only when I saw him and his adoptive parents on BBC Breakfast making the argument for this that I thought, "This is an obvious legal change that clearly needs to be made."

Under current law, 10 years is the maximum sentence that judges can impose when someone has been convicted of child cruelty, causing harm or allowing a child to die or suffer serious physical harm. It is just madness! Someone who is guilty of intentionally causing grievous bodily harm to an adult can face a life sentence in the most severe cases, so I do not know why this cap of 10 years is in place. Surely, for offences that result in severe physical harm to children and lifelong harm, which will be much longer than lifelong harm to an adult, courts ought to be able to impose the sentence that they think is most fitting.

The proposed change to the law follows the tireless campaigning by the adoptive parents of Tony Hudgell. As the hon. Lady said about the injuries inflicted on Tony, it is truly unimaginable that someone could consciously do that. A change in the law would give the judges the discretion they need to pass longer sentences, including in the most horrific cases such as Tony's. We are thankfully talking about a relatively small number of cases. In the past five years, there were an average of 68 child deaths a year caused by assault or undetermined intent. Child homicides are most commonly caused by a parent or step-parent. Children under the age of one are the most likely group to be killed by another person.

National Society for the Prevention of Cruelty to Children analysis of police data from across the UK shows that there were 23,529 child cruelty or neglect offences recorded by the police in 2019-20. Although there are significant variations among regions and nations, it is extremely concerning that the police-recorded child cruelty and neglect offences have risen by 53% in the past three years. I am perversely curious to see the data that comes out of this past year, because anecdotally I understand, from my police force and from what we are reading, that the levels of child abuse have escalated under lockdown. That should not come as a surprise, but it is deeply chilling to all of us.

The latest ONS figures available for England and Wales are from 2018: 500 offenders were sentenced for offences of cruelty and neglect of a child; 114 of those offenders received an intermediate custodial sentence; and 220 received a suspended sentence.

Over the past year, the NSPCC has seen the impact of the coronavirus pandemic on physical abuse, as I mentioned. Calls to its helpline surged through the pandemic to record numbers. Tony's case represents the most severe form of physical abuse. However, while extreme, it is not an isolated example. There have been a number of court cases and serious case reviews containing disturbing details of how children have been severely physically abused, often over a prolonged period. Alongside that, it is important that we see wider changes, including greater public awareness, so that adults can spot the signs of abuse and reach out if they have concerns about a child, and additional resources for local authorities, so that early intervention services and children's social care can respond effectively when they think a child is at risk.

Cuts to funding and the rising demand for support has meant that local authorities are allocating greater proportions of their spending to late intervention services, while investment in early intervention is in many cases just not there. Early intervention is my personal crusade because, surely, prevention at the earliest possible time is what we all ought to strive for. We need to see a child-focused justice system that does not exacerbate the trauma that young victims and witnesses have already experienced. Positive experience of the justice system can help them move forward, but negative experience can be damaging and, for some children, retraumatising.

We need increased capacity and investment in the criminal justice system, so that policy and procedures may progress cases efficiently and delays may be reduced. Children need to have access to specialist assistance measures in court, such as assistance from a registered intermediary who can support a young victim or witness in giving evidence. Therapeutic support for children who have been experiencing abuse and neglect needs to be universal and easily accessible. That is vital to enable children to process the trauma that they have experienced, to begin to heal and to move forward.

I understand and know that the ability to impose a stronger sentence is not the panacea, but it is really important that at the very least, child abuse is on a parity with adult abuse in terms of sentencing. I hope that the Ministers will support the new clause and, by doing so, show their dedication to tackling child abuse and to proportionate sentencing for that horrendous crime.

Chris Philp: The case of Tony Hudgell is truly heart-breaking. The abuse that he suffered at the hands of his birth parents is shocking beyond expression. In fact, I met his adopted mother, Paula, only a few months ago. We discussed the case and what happened at some length. It is something that I have become personally acquainted with not so long ago.

It is worth making it clear that where it is possible to prove who specifically inflicted the abuse, these offences do not need to be charged and instead the more usual offences can be charged, such as grievous bodily harm with intent, which carries a maximum sentence of life. The problem that arises in cases like Tony Hudgell's is where it is not possible to prove specifically who it was who carried out the offence. He had two birth parents and it could have been either of them.

As I understand it from that case, there was no way that the court, the prosecution or the police could prove which of the two birth parents it was. That means they could not be charged with the regular offence—such as GBH with intent—that would have carried a life sentence. Instead, therefore, they fell back on the other offence, which we are debating now: causing or allowing, in which it cannot be proved that someone actually did it, but we can say they allowed it. If people cause or allow the death of a child or vulnerable adult, the maximum penalty is 14 years or, in the case of causing or allowing serious physical harm to a child or vulnerable person, a maximum of 10 years. That was the offence charged in the Hudgell case.

I have been informed that we have conducted a review of charges under the clause, and my understanding is that the only instance where the judge went all the way up to the maximum of 10 years was in that case. It is clear from the sentencing remarks that the judge would have gone further, but I think it is the only case where the judge has gone to the maximum.

Even though the case is the only one, it is so appalling, and I have discussed it with the Lord Chancellor, who will look at it again. It is a delicate area of law to pick through because it cannot be proved that it was the particular person who has been convicted—it could have been one of two—and it therefore requires a bit of thought.

2.45 pm

There are similar offences under the Children and Young Persons Act 1933, which might merit similar reform—a similar increase in sentence. We do not want to overlook that. I am not announcing Government policy, but articulating a consideration.

Maria Eagle: You are only the Minister.

Chris Philp: I am not Lord Chancellor, though.

We might separate the "cause" part from the "allow" part because "cause" and "allow" are somewhat different.

Maria Eagle: If we separated "cause" and "allow", would we not be in the same position of not being able to prove which of the parents did the deed?

Chris Philp: The "allow" part could conceivably apply to both where there are two parents. It can probably be established that they must have been aware of the abuse because they must have noticed the kind of abuse we are talking about, but it cannot necessarily be proved that they did it or even that they caused it. Currently, it is "cause or allow" in the same offence, with the same maximum penalty. One could make a case that the "cause" bit is more serious than the "allow" bit, so they might have different maximum sentences. I have a commitment from the Lord Chancellor that I can relay to the Committee.

Maria Eagle: I am going to be pedantic now, but if the offences are separated yet the cause cannot be proved, the charge will have to be on the "allow" bit, which is the lower level of offence.

Chris Philp: Yes. We could have different maximum penalties for each of those, and even the lower one could be higher than the current penalty, so we could still make progress from where we are today.

I have a commitment from the Lord Chancellor that he will look at this in broadly the way that I described, also looking at the 1933 Act.

Sarah Champion: I am listening intently to the Minister. Is it his assumption that the Lord Chancellor will look at this before Report?

Chris Philp: Honestly, I would not have thought so. That is only a week and a half away, but I will pass that representation on. I know hon. Members want to hear at an early stage, such as Report.

Sarah Champion: It is only so that we do not lose the legislative opportunity.

Chris Philp: I understand. I will convey the hon. Lady's point. As I have said two or three times previously, there are several other Bills in this Session that might be suitable for reform. This is not a "one chance and it is gone" situation. My main purpose in speaking today was, first, to pay tribute to Tony's adoptive parents and to Tony for his bravery, having suffered such appalling abuse, but also to tell the Committee that the Lord Chancellor is actively and seriously considering this important area.

Siobhan Baillie: We will follow the matter through, but in view of the Minister's comments and the Lord Chancellor's commitment, I shall not press this to a vote today. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: New clauses 57 to 59 have already been debated.

New Clause 60

TIME LIMITS FOR PROSECUTIONS FOR COMMON ASSAULT IN DOMESTIC ABUSE CASES

'(1) The Criminal Justice Act 1988 is amended as follows.

(2) At the end of section 39 insert—

"(3) Subject to subsection (4) below, summary proceedings for an offence of common assault or battery involving domestic abuse may be brought within a period of six months from the date on which a report of the offence was made to the police.

(4) No such proceedings shall be brought by virtue of this section more than two years after the commission of the offence.

(5) For the purposes of this section "domestic abuse" has the same meaning as in section 1 of the Domestic Abuse Act 2021."'—*(Alex Cunningham.)*

This new clause seeks to extend the existing six month time limit for common assault in cases of domestic abuse.

Brought up, and read the First time.

Alex Cunningham (Stockton North) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 61—*Discretion to bring proceedings in a case of common assault involving domestic abuse*—

'(1) The Criminal Justice Act 1988 is amended as follows.

(2) At the end of section 39 insert—

"(3) Any limitation of time on the bringing of proceedings in a case of common assault or battery involving domestic abuse shall not apply if, in the opinion of the court, it is in the interests of justice for proceedings to be brought.

(4) For the purposes of this section "domestic abuse" has the same meaning as in section 1 of the Domestic Abuse Act 2021."'

This new clause seeks to give magistrates discretion to extend the reporting period beyond six months in cases where someone hasn't reported it sooner due to domestic abuse.

Alex Cunningham: New clauses 60 and 61 were tabled by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), whom I commend for her considered and forensic work on this issue. Our consideration of the matter is particularly timely, as the national lockdowns of the past year have seen an associated increase in domestic abuse. The crime survey for England and Wales showed that 1.6 million women and 757,000 men had experienced domestic abuse between March 2019 and March 2020, with a 7% growth in police-recorded domestic abuse crimes. The national domestic abuse hotline saw a 65% increase in calls during the first lockdown last year. Research by Women's Aid discovered that one in seven victims currently enduring abuse at the hands of their partners said that it had got worse in the wake of the pandemic. It has been called an epidemic within the pandemic, and the time is ripe to improve the criminal justice response to these awful offences.

Women experiencing domestic abuse often delay reporting incidents of common assault to the police. Sometimes that is because they feel traumatised or unsafe immediately after the incident. Sometimes it may be because they have an ongoing relationship with the perpetrator. Sometimes it might just be because they are dealing with the traumatic and logistical challenges of fleeing the abuse. Because of the six-month time limit on charging summary common assault offences, by the time that many women have the courage to come forward and are ready to speak to the police, they are told that the charging time limit has passed and that there are no further opportunities for them to seek justice against their perpetrator.

Even when women do report within the six-month time limit—say, three or four months after the incident—their cases can be timed out because the police, for whatever reason, do not complete their investigation within the time remaining. As a result, many victims are left feeling unsafe and unprotected from their perpetrators, who might continue to harass, stalk and terrorise these women for a long time to come.

New clause 60 would address this issue by changing the time limit for common assault prosecutions in domestic abuse cases, so that it was six months from the time of reporting rather than six months from the time of the offence. It would provide that charges still needed to be brought within two years of the offence. That would give survivors of domestic abuse longer to report to the police, but it would also retain a time limit to ensure that there was a safeguard against cases being dragged out.

New clause 61 would address the same issue, but take a different approach by introducing discretion for magistrates to extend the six-month time limit in cases in which someone has not come forward to report an assault, because of domestic abuse. Taken together, the new clauses would extend the window in which victims can access justice safely, while ensuring that the police conducted common assault investigations expeditiously. Both new clauses have the support of Refuge, Women's

Aid, the Centre for Women's Justice and the Domestic Abuse Commissioner. I look forward to the Minister's considered remarks on both approaches later in our debate.

To illustrate the importance of reform in this area, I will share some testimony from a victim of these deplorable crimes that has been shared by Women's Aid, because it is important that we listen to the voices of women who are calling for this change. This woman said:

"I am a victim of domestic abuse. I was in a violent relationship that ended late last year when I decided to leave. I have 4 accounts of physical assault which were sent to the CPS with evidence by the police.

I had a phone call from my police officer explaining that the CPS have come back and said that they are charging my abuser with only 2 counts of assault, as the other 2 accounts of assault are outside of the 6-month prosecution limit…It took strength and courage for me to come forward and now I'm being dismissed."

I will finish with a quote from my right hon. Friend the Member for Normanton, Pontefract and Castleford, who puts it so well:

"Too many domestic abuse cases are currently not prosecuted because they are timed out by a six-month limit on common assault prosecutions. But unlike with other crimes, in domestic abuse cases, there are obvious and serious reasons why victims may take more time to report the abuse to the police, especially where there is an ongoing abusive relationship. This means many women who do find the courage to come forward and report these incidents are being badly let down because time has run out and the perpetrator is never charged. That can leave victims feeling more vulnerable than ever, while the perpetrators go on to commit more crimes."

My right hon. Friend says that if the Government are serious about tackling violence against women and girls, they have to tackle this injustice. She is exactly right. We have heard much from the Government, throughout these Bill Committee proceedings, about how seriously they take tackling violence against women and girls, so I hope that they listen seriously to these calls for change and accept these new clauses.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I can be brief in responding. I have met the right hon. Member for Normanton, Pontefract and Castleford to discuss a particular case in her constituency that appeared, on the face of it, to fall within the circumstances that she is trying to address through these new clauses. I take very seriously the concerns of the right hon. Member and, indeed, those of Refuge and Women's Aid, and I am pleased to tell the Committee that we are looking into this issue very carefully.

The Committee will appreciate that we need to measure the problem and understand the scale of it before we can put measures before the House, or indeed in our domestic abuse strategy. On the basis that we are looking into this issue seriously and gathering the data—on the understanding that this is an active piece of work by the Government—I understand that the hon. Gentleman might be minded not to push the new clause to a vote on this occasion.

Alex Cunningham: The Minister is correct: I do not intend to push this new clause to a vote at this stage. However, my right hon. Friend might well choose to push it to a vote later in the process. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 63

OFFENCE OF REQUIRING OR ACCEPTING SEXUAL RELATIONS AS A CONDITION OF ACCOMMODATION

"(1) It is an offence for a person (A) to require or accept from a person (B) sexual relations as a condition of access to or retention of accommodation or related services or transactions.

(2) For the purposes of this section, A is—

(a) a provider of accommodation,

(b) an employee of a provider of accommodation,

(c) an agent of a provider of accommodation, or

(d) a contractor of a provider of accommodation.

(3) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a maximum of 7 years."—*(Alex Cunningham.)*

This new clause would create an offence of requiring or accepting sexual relations as a condition of accommodation, sometimes known as "sex for rent". This would be punishable on indictment with a prison term of a maximum of 7 years.

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 64—*Offence of arranging or facilitating the requirement or acceptance of sexual relations as a condition of accommodation—*

"(1) It is an offence for a person, who may be a publisher, to arrange or facilitate an offence under section [offence of requiring or accepting sexual relations as a condition of accommodation].

(2) A person commits an offence if they intend to arrange or know that their actions would facilitate an offence under section [offence of requiring or accepting sexual relations as a condition of accommodation].

(3) A publisher commits an offence if they—

(a) know they are arranging or facilitating an offence under section [offence of requiring or accepting sexual relations as a condition of accommodation]; or

(b) reasonably should know their actions would enable the arrangement of or facilitate an offence under section [offence of requiring or accepting sexual relations as a condition of accommodation]; or

(c) were informed that their actions had enabled the arrangement of or facilitated an offence under section [offence of requiring or accepting sexual relations as a condition of accommodation], and they failed to take remedial action within a reasonable time.

(4) A person found guilty of an offence under this section is liable on conviction on indictment to a fine of £50,000."

This new clause is contingent on NC63. It creates an offence of arranging or facilitating an offence of requiring or accepting sexual relations as a condition of accommodation. This is intended to capture, for example, publishers or hosts of advertisements for such arrangements. The penalty for this offence would be a fine of £50,000.

Alex Cunningham: Before I speak to these clauses, I must congratulate my hon. Friend the Member for Hove (Peter Kyle) on his tireless work in bringing attention to the terrible crime of sex for rent, as well as on his work on the topic of criminal child exploitation, which I will come to in due course. As my hon. Friend wrote to the Lord Chancellor back in January, the Opposition believe that people must be able to live in a safe home, free from the risk of exploitation, yet today many vulnerable young people in particular are being

[Alex Cunningham]

coerced into engaging in sex simply to keep a roof over their head. They are forced into the horrific situation of giving sex for rent, something that, to most, is unthinkable, yet this is by no means rare or unusual. Research by the housing charity Shelter estimates that 30,000 young women have been propositioned with sex-for-rent offers since the beginning of the pandemic. Meanwhile, investigations by the *Daily Mail* have found lists of sex-for-rent advertisements on the website Craigslist, with telephone numbers of landlords included.

While offering sex for rent is technically incitement to prostitution and a crime under section 52 of the Sexual Offences Act 2003, at present the legal framework requires the victim to self-define as a prostitute in order to secure a conviction. Not only is this morally wrong, it acts as a clear disincentive to victims of this repugnant crime coming forward to the police. It is little wonder, therefore, that despite up to 30,000 people being propositioned with sex-for-rent offers during the pandemic alone, only a handful of charges have ever been brought against offenders using existing legislation. Despite repeated warnings from campaigners and the Opposition, the Government have done little to halt the sex-for-rent phenomenon. In particular, they have failed to create a new specific offence of sex for rent. That is why the Opposition have tabled new clause 63, which would create a new specific offence of requiring or accepting sexual relations as a condition of accommodation.

Sarah Champion: I fully support the arguments that my hon. Friend is making and the new clauses that he has tabled. They lead into arguments that I have been making myself, in that I do not think one ought to be able to buy consent, and that is fundamentally what is happening in this situation.

Alex Cunningham: That is exactly the point. If people have actually undertaken that sexual relationship with a landlord, apparently, they are seen to have been doing so willingly, which most certainly should not be the case.

Unlike section 52 of the Sexual Offences Act, new clause 63 would not require a victim of sex for rent to self-identify as a prostitute in order to secure a conviction. Put simply, it would allow victims of this horrendous crime to come forward without any fear of retribution or damage to their reputation. Similarly, it would give the police the powers they need to pursue a prosecution.

3 pm

With new clause 63, the Government have a clear opportunity to take a stand and say that the practice of sex for rent is predatory, wrong and something the Government should put an end to. I look forward to the Minister's supporting the new clause. To ignore it would be to give the green light to more of the same and to women having their bodies violated by predatory so-called landlords.

New clause 64 supplements new clause 63. While new clause 63 would create a specific offence of requiring or accepting sexual relations as a condition of accommodation, new clause 64 would create an

"offence of arranging or facilitating the requirement or acceptance of sexual relations as a condition of accommodation".

That is intended to capture, for example, publishers or hosts of advertisements for such arrangements. The penalty for this offence would be a fine of up to £50,000.

During its investigations into sex for rent, the newspaper found that sexual rent advertisements are published on a daily basis, with a particular surge during recent lockdowns, due to housing instability. Some advertisements are particularly explicit, with one advert asking for

"an eager to please and eager to succeed university student or recent graduate who may have found herself without accommodation because of the pandemic."

New clause 64 would allow prosecutors to go after those who facilitate sex for rent, including, but not limited to, publishers and websites.

Sarah Jones: Does my hon. Friend accept that some wider societal issues are pushing people into this situation? I had a constituent who had no recourse to public funds who had a child. She was working all the hours that she could for a cleaning company, but she was not earning enough, so she was renting somewhere with that very low pay, and the landlord asked her for sex in order to pay the rent. She chose not to do that and ended up literally street homeless, because she had no recourse to public funds. In the end, the council intervened, and she got housing, but she was in a very difficult position. The idea that she, in that situation, would have consent is not right.

Alex Cunningham: No one should ever be placed in that situation. My hon. Friend and I were both members of the shadow housing team when we discussed the housing crisis that faces many people, especially young people. No one should ever be in that situation. Perhaps a whole-society approach is required. If we did not have a problem with housing, perhaps young people such as my hon. Friend's constituent would not find themselves in that sort of situation.

This offence would also extend to those who facilitate sex for rent directly—for example, by driving so-called tenants to and from their accommodation or by disguising sex for rent arrangements. Put simply, if it were not for those who actively promote or facilitate acts of sex for rent, the problem would not be a fraction of the size it is today. I hope the Minister will support new clause 64 and act today.

Victoria Atkins: I think that everyone who has heard about the work of the campaign of the hon. Member for Hove, as set out by the shadow Minister, will have deep worries and concerns about this appalling practice, and we welcome the work that the hon. Member is doing to raise awareness of it.

We are unequivocal that so-called sex for rent has no place in our society. We know that it often involves the exploitation of vulnerable people. Rape, sexual violence and sexual exploitation are devastating crimes, and we are determined to bring offenders to justice. There are existing offences under the Sexual Offences Act 2003 that may be used to prosecute this practice, including the section 52 offence of causing or inciting prostitution for gain and the section 53 offence of controlling prostitution for gain. Both offences carry a maximum penalty of seven years imprisonment.

Alex Cunningham: The Minister cites a prostitution law, but these people are not prostitutes. Surely she accepts that.

Victoria Atkins: I understand that point. I am carefully examining the wording, and the section 52 offence applies when an identified victim has been caused to engage in prostitution or has been incited to do so, regardless of whether prostitution takes place. I understand the concerns of the victims, who we are so worried about, and that the wording of the Sexual Offences Act 2003 can cause a further layer of distress in someone who is seeking help or who wants to report an offence, but there is a very fine distinction. I appreciate that I am probably indulging in the law of semantics, but it is a very delicate balance. Of course, we must emphasise that if someone finds the courage to report such a crime to the police, they will benefit from the anonymity provisions under the Sexual Offences (Amendment) Act 1992. We must support victims in the court process when they are following through with such difficult allegations, in order to bring them to the attention of the police and to investigate and prosecute.

Sarah Champion: I understand the point that the Minister is making, but there is so much stigma around the word "prostitution" that I cannot see a situation where many young women would willingly come through, knowing that that would be associated with them for the rest of their lives. That is why the new clause is so powerful, because it clearly puts the onus on the man—it is almost always a man—as an exploiter, whereas the woman is the victim. That is why the new clause is so important.

Victoria Atkins: I understand that. Indeed, I seem to recall a Westminster Hall debate a couple of years ago in which the hon. Lady admonished me for my use of the phrase "sex work", when in fairness I had been using both "prostitution" and "sex work" throughout the debate. It is very important to be sensitive to the terminology used and what it can mean to different people, and I understand that.

Under section 52, it would be illegal to advertise a product or service that incited prostitution for gain, and the promise of provision of accommodation in return for sexual services may be covered by this offence, depending on the specific services.

Sarah Champion: If it is acceptable, I want to put on record my thanks to the Minister, because from that point forward, when I raised the issue in that debate, she has always used the terms "sex worker" and "prostitute", as have her civil servants. Although the two are sometimes interconnected, they are two very separate things. I know that has been of huge benefit to the sector, so I thank the Minister.

Victoria Atkins: I am extremely grateful to the hon. Lady.

Mr Robert Goodwill (Scarborough and Whitby) (Con): I am sure the Minister will be aware that, in many cases, this is not a deal that the tenant would have at the outset. It is when they fall behind with the rent that a proposition is made to them, so it is a choice between eviction or succumbing to this situation. In that case, the woman is in a very pressurised situation.

Victoria Atkins: Very much so. Of course, there can be additional pressures, even to those my right hon. Friend has described—for example, if the victim is worrying about housing themselves and their children. We understand, and have great sympathy with, the motivation behind the new clauses.

In 2019, the Crown Prosecution Service amended its guidance on prostitution and the exploitation of prostitution to include specific reference to the potential availability of charges under the section 52 and section 53 offences where there is evidence to support the existence of sex for rent arrangements. I am advised that there is a case in the criminal justice system at the moment in which sex for rent allegations are being prosecuted under those sections. Of course, I will not comment further, because it is sub judice, but the outcome of that case will help to improve our understanding of the effectiveness or otherwise of the legislation as it is at the moment.

We are looking at understanding the barriers to pursuing such cases. We have heard evidence that this practice may be widespread; the hon. Member for Stockton North referred to the Shelter survey, which extrapolated that there may be up to 30,000 victims of this type of coercion. However, the problem is that those numbers are not reflected in reports to the police. As with so many hidden crimes, domestic abuse being but one example, cases are often not reported to the police, so there is a bit of a chicken and egg situation: if the crimes are not reported, the police of course cannot investigate them, and prosecutions cannot be brought. Again, like many other hidden crimes, there is an element of raising awareness and enabling people to seek advice and help and to report crimes to the police so that they can then be protected through the criminal justice system and the offenders can be brought to justice.

We are conscious of the role of online services as well. Under our new legislation that is coming forward—the Online Safety Bill—tech companies will for the first time have a legal duty to prevent criminal activity on their services. The new legislation will apply to services that host user-generated content or enable users to interact online. This will cover a broad range of services that could be used to facilitate sex for rent, including online marketplaces, classified ads sites and social media services. Services in the scope of the new legislation will have to put in place systems and processes to limit the spread of illegal content and to swiftly remove any illegal content that may harm individuals when those services become aware of it. We also need to make sure that online advertising regulation is fit for purpose. The Department for Digital, Culture, Media and Sport is considering tougher regulation on online advertising and will consult on this issue later this year.

We await the result of the case that is in the criminal justice system at the moment. I encourage anyone who is able, and who has the wherewithal, to report instances such as this to the police so that they can be investigated. I assure the Committee that we will examine this issue as part of our work on the violence against women and girls strategy. We are very aware of the vulnerabilities that people may find themselves in, as set out so eloquently by hon. Members, including my right hon. Friend the Member for Scarborough and Whitby. If constituents write to hon. Members, please encourage them to report their cases to the police if they are able to, so that those cases can be investigated and brought to justice.

I therefore very much hope that the hon. Member for Stockton North feels able to withdraw his new clause.

Alex Cunningham: I welcome the Government's work in this area. The fact that the number of prosecutions, and even of reports, is not reflected in the numbers reported through the likes of Shelter is a tragedy in many ways. Perhaps the Government should think about what they can actually do to encourage more people to come forward and report these offences.

I do not want to be insensitive about this in any way at all, but it would appear from what the Minister said—she did not spell it out as explicitly as I am going to—that the letter of the law would apply the word "prostitute" to a person who has provided sex for rent. I would be very happy to be corrected about that, but that is the whole implication: if the person has to identify as a prostitute under the law in order for the prosecution to take place, she is being called a prostitute. That is where the tremendous barrier exists to people coming forward. Is there a reason for that?

3.15 pm

Victoria Atkins: To clarify, looking at section 52 of the Sexual Offences Act 2003 in particular, I would not want a victim who is going into a police station to report this offence to be under the impression—this is what I was trying to address—that she has to sit there and declare, "I am a prostitute." That is absolutely not what is required. Section 52 states:

"A person commits an offence if… he intentionally causes or incites another person to become a prostitute".

As I say, it is semantics, and there is a wafer-thin cigarette paper between us, but I would not want vulnerable people to think that they have to go into a police station and declare themselves to be that, because, of course, they are victims of a crime.

Alex Cunningham: I appreciate that clarification, but the fact remains that the prosecution requires that word to be used in the system. For me, that means that we need a newly defined clause in this area, so I am going to press new clause 63 to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 38]

AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

NOES

Anderson, Lee	Goodwill, rh Mr Robert
Atkins, Victoria	Levy, Ian
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom

Question accordingly negatived.

New Clause 66

REHABILITATION PERIOD FOR CHILD OFFENDERS

"Section 5(2) of the Rehabilitation of Offenders Act 1974 is amended by the substitution in the Table of "End of rehabilitation period for offenders under 18 at date of conviction" by 'End of rehabilitation period for offenders under 18 at the date of commission of the offence(s) for which the sentence is imposed'."—*(Alex Cunningham.)*

This new clause would mean that the reduced rehabilitation period provided for by section 5(2) of the Rehabilitation of Offenders Act 1974 applied to all those who committed an offence whilst under the age of 18, instead of only those who were convicted of an offence when under 18.

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 67—*Crossing a significant age threshold between commission of offence and sentence—*

"The Sentencing Act 2020 is amended by the insertion after section 58 of the following—

'CHAPTER 1A

CROSSING A SIGNIFICANT AGE THRESHOLD BETWEEN COMMISSION OF OFFENCE AND SENTENCE

58A Crossing a significant age threshold between commission of offence and sentence

Where because of the age of the offender there is a difference between the sentence which may be imposed at the date of conviction and the sentence which could have been imposed on the date on which the offence was committed, a court may only pass a more severe sentence than the maximum that the court could have imposed at the time the offence was committed if there are exceptional reasons to do so.'"

This new clause is intended to put into law the advice at para 6.3 of the Sentencing Guideline on sentencing children and young people regarding sentencing when a significant age threshold is passed between the date of conviction and the date of the offence.

Alex Cunningham: This is an issue that I am personally very passionate about, so I am pleased to speak to these new clauses. The Minister will remember our long exchanges on maturity and young people during our debates last year on the Counter-Terrorism and Sentencing Act 2021. My sincere thanks go to Just For Kids Law for the vital work that it does supporting the legal rights and entitlements of children and young people and for its informed and extremely helpful input on these new clauses. I am also grateful to my hon. Friend the Member for Hove for the energetic campaigning that he did in this area, standing up for young people in our justice system.

New clauses 66 and 67 address the issue of unjust outcomes for young people who commit offences while they are still children but, because of delays that are not within their control, are not convicted and sentenced until they have turned 18 and so are legally adults. Each year, approximately 2,500 children offend as children but turn 18 prior to conviction. Turning 18 prior to plea or conviction is likely to impact around one in 10 children who are cautioned or sentenced, so we are talking about a significant number of youth cases.

New clause 66 would mean that the reduced rehabilitation period provided for by section 5(2) of the Rehabilitation of Offenders Act 1974 applied to all those who committed an offence while under the age of 18, instead of only those who were convicted of an offence when under 18. This would provide a consistent approach to childhood offending by ensuring that the same rehabilitation period was applied to all those who committed an offence while under the age of 18, including those who turned 18 prior to conviction or sentence, instead of only those who were convicted of an offence when under 18.

Sarah Champion: Does my hon. Friend share my concern that, because the courts are clogged up, such examples are likely to become more and more pronounced in the coming months and years?

Alex Cunningham: Indeed, yes. I know that the Government are working hard to clear the backlog, but the fact remains that the backlog is considerable, and it will impact on young people in the system. As a direct result of those problems, many young people will turn 18 before they have their trial and their case heard.

Our idea would mean that children who committed offences as children received a child's spending period, which is a principle with which I would have thought all members of the Committee could agree. The criminal records system for children in England and Wales is already highly punitive compared with such systems in other countries. The Opposition are enthusiastically supportive of the Government's direction of travel on criminal records, as shown with respect to our consideration of clause 163. None the less, as I said then and say again now, there is room to go further.

As Just for Kids Law notes, rehabilitation periods for those who turn 18 will generally remain more than double those for under 18s. For example, following custodial sentences of more than one year and up to four years, rehabilitation will be four years for those convicted over the age of 18, compared with two years for those convicted under 18, and that is regardless of the age of the person on the date the offence was committed. We know, and have discussed previously in Committee, the serious impact that disclosure of a criminal record can have on an individual's access to employment, which in turn can have consequential impact on the individual's ability to move on to a crime-free life.

That issue is especially pertinent to very young adults. In an excellent submission to the Committee, the Transition to Adulthood Alliance said:

"In young adulthood, there is a crucial window of opportunity where a pro-social identity and desistance from crime can be cultivated. The 'plasticity' of their brains means that it is a particularly good time for learning, personal growth and the development of pro-social identity… However, by virtue of their stage of development, young adults can quickly become disillusioned and disengaged from professionals if support is not forthcoming, appropriate or timely."

It concludes:

"Young adults' experiences of the justice system are therefore of utmost importance in determining their capacity to build a crime-free future, develop their potential, and contribute to society."

The Transition to Adulthood Alliance is referring to young adults as those aged up to their mid-20s, and it bases its case on an irrefutable and growing body of evidence that the brain is not fully formed until at least the mid-20s, which means that young adults typically have more psychosocial similarities to children than to older adults in their reasoning and decision-making.

I have said throughout our consideration in Committee that the Bill does not do enough to recognise those maturity issues, but the injustice created by the Government's lack of consideration of the issue of maturity is felt most keenly here—when we treat a child of 17 years and 364 days as a child, but treat the same person completely differently when only a day more has passed. Surely our intention is to support youth offenders to rebuild their lives far from patterns of offending, yet imposing longer rehabilitation periods on some child offenders—those unfortunate enough to have been convicted after they turned 18 because of some delay in court listing or a police investigative delay—will make it harder for them to do so, and indeed may even contribute further to their disengagement and disillusionment with the system.

I would be interested to hear whether the Minister thinks that is something the Government could consider addressing. We are enthusiastic about the direction of travel on criminal records, and I hope that this proposal might be something he feels his Department could include in its ongoing work on criminal records reform.

Let me turn to new clause 67, which would put in law the advice at paragraph 6.3 of the guidelines on sentencing children and young people, which states:

"When any significant age threshold is passed it will rarely be appropriate that a more severe sentence than the maximum that the court could have imposed at the time the offence was committed should be imposed."

That principle already has cross-party support, as well as wide support in the sector among lawyers and academics alike.

I recognise the great work that the hon. Member for Aylesbury (Rob Butler) has done on the issue and acknowledge the wealth of professional experience and wisdom that he brings to it. If a child is convicted but turns 18 prior to sentence, they are entitled to receive a youth sentence. If they turn 18 before conviction, the youth court may retain sentence if crossing the age threshold would occur during proceedings, but if they turn 18 before proceedings start, they can no longer receive youth sentences even if they committed the offence as a child.

Just for Kids Law has pointed out what that means:

"Only adult disposals will be available to the court, despite the defendant being sentenced for offences committed as a child. As a result, they become subject to the purposes of adult sentences which include deterrence, punishment of the offender and protection of the public. This is a significant shift from the purposes of child sentences, which have the prevention of reoffending as the principal aim, and the welfare of the child as a central consideration."

Surely sentences are meant to reflect the criminality of the offence, which is determined by the circumstances of that offence, not the random date on which the case was finalised.

I have mentioned this matter time and again—it needs to be addressed—but the overwhelming backlog of court cases further exacerbates such injustices. According to Crest Advisory, Ministry of Justice figures published this week show that at the end of March the number of outstanding cases in magistrates courts was 396,419—21% higher than in March 2020. Outstanding cases in Crown court at the end of March were up 45% and at their highest since records have been compiled in such a way, with 59,532 cases still not completed.

It is particularly relevant to our discussion that timeliness has got much worse. It is taking far longer for cases to be resolved. In magistrates court, at the start of this year the average period from an offence being committed to a case being completed was 200 days—nearly seven months. Even at the start of 2020 it took 175 days. In Crown court it is even worse, and the median period for a case to go from offence to completion is 363 days—almost a year. That is a long time in which a child may turn 18. That would be no fault of their own, but it would be the fault of the Government with respect to tackling the backlog. Turning 18 during that time has significant

[Alex Cunningham]

impact on the outcome of children's cases: they are prosecuted in adult courts, so the opportunity to benefit from the youth justice system is lost.

Does the Minister think that the aims of the youth justice system—preventing reoffending and protecting the welfare of children—should expire because of his backlog? He and I have butted heads over the backlog many times, and he often points towards the impact that covid has had on the justice system. I agree that that has been significant, although there were serious issues before the pandemic. Does he think the aims of the youth justice system should be allowed to expire because of the pandemic? Is that a reasonable justification for denying children who later move officially into adulthood the benefits of the youth justice system? I hope he agrees that it is not and that he will support the aim of the new clause, which would provide a consistent approach to childhood offending and ensure that those who turned 18 between the offence being committed and sentencing were not subject to more severe sentences than the maximum the court could have imposed when the offence was committed, unless there were exceptional reasons to do so.

Sarah Champion: Does my hon. Friend agree that the point of our justice system is to be seen to be acting without fear or favour in a fair way, and that for a child this would not be considered fair?

Alex Cunningham: Exactly that. I am sure that young people will be confused by a system in which, all of a sudden, they find themselves appearing in adult court instead of youth court, particularly if they have previous convictions. They will be bamboozled by it all and frightened by the process.

The UN Committee on the Rights of the Child has been clear:

"Child justice systems should also extend protection to children who were below the age of 18 at the time of the commission of the offence but who turn 18 during the trial or sentencing process."

Children who offend as children should feel the benefit of the youth justice system and should be afforded access to the same sentencing framework. That would give those children a better opportunity to be diverted from a cycle of reoffending and help them to rebuild their lives, which is something I am sure every member of the Committee thinks is worth aspiring to. I look forward to the Minister's response.

3.30 pm

Chris Philp: I am conscious of time, so I will try to respond concisely. On new clause 67, when the offender has crossed a significant age threshold such as the age of 18 between committing the offence and being convicted and sentenced, the sentencing guidelines already say that the sentence that should be adopted as a starting point is that which would have applied at the time of the offence—that is to say, when the offender was younger.

Courts already have a duty under section 59 of the Sentencing Act 2020 to have regard to sentencing guidelines in those cases unless that would be clearly contrary to the interests of justice. The new clause would not make any material difference to the way the system operates because of the sentencing guidelines currently in force.

On the more general points about maturity and how people take until the age of 25 to mature, as the shadow Minister said, we have debated the issue many times—in particular, almost exactly a year ago during the passage of the Counter-Terrorism and Sentencing Act 2021. Pre-sentencing reports, which are prepared, take into account, and judges then take into account on sentencing, the maturity of the defendant when they are being sentenced.

The shadow Minister made some points about court backlogs, which I am going to address only briefly. Obviously, court backlogs have developed as a consequence of coronavirus, which is the case across the world. Huge extra resources—more than half a billion pounds—have been put into reducing those outstanding case loads, which in the magistrates court are falling consistently, as they have been for quite some time. Of the excess case load caused by coronavirus, about half has been eliminated already. Every week that goes by, the outstanding case load drops by—the last time I checked—about 2,000 cases.

On the Crown court, we have nightingale courts. There are no limitations on sitting days, and I believe the corner has been turned. Looking forward to a time when social distancing is eased in the very near future, I expect the courts will be running even more cases.

As the shadow Minister generously recognised, the Bill significantly reduces rehabilitation periods for children and for adults, which I think we welcome across the Committee. On the starting point, or the rehabilitation point, the regime that applies is calculated from the point of conviction, rather than the point of offence.

Alex Cunningham: Regardless of the duty on the court to which the Minister refers, it remains a fact that children are receiving sentences under the adult regime. There is no two ways about that. What concerns me most is the rehabilitation period. A child who commits an offence as a 17-year-old who does not appear in court until he is 18 can end up with a rehabilitation period of four years, which takes him to his early 20s. All that time, if he is applying for a job or with respect to other activities, he must declare that. That is a real concern for me.

I am not going to push the new clauses to the vote at this time, but the Government need to do much more thinking in this area and start treating children as children. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 69

Poaching of game

"(1) The Game Laws (Amendment) Act 1960 is amended as follows.

(2) In section 2(1), after "committing" insert "or has committed".

(3) In section 4(1)—

(a) after "section thirty" insert "or section thirty two", and

(b) at end insert "or any animal, vehicle, or other article belonging to him, or in his possession or under his control at the relevant time."

(4) In section 4(2), after "gun" in lines 2 and 4 insert ", animal,".

(5) In section 4, at end insert—

"(6) The court by or before which a person is convicted of an offence under either the Night Poaching Act 1828 or the Game Act 1831 may order the offender to reimburse any expenses incurred by the police in connection with the keeping of any animal seized in connection with the offence."

(6) In section 4A(1)—

(a) in line 1, after "under" insert "section one or section 9 of the Night Poaching Act 1828 or",

(b) after "thirty" insert "or section thirty two", and

(c) omit "as one of five or more persons liable under that section.""*.—(Mr Goodwill.)*

This new clause is intended to broaden the powers available to the police and the courts for dealing with illegal hare coursers, measures include providing for forfeiture of animals on conviction and permitting the recovery of expenses incurred by the police in housing a seized animal.

Brought up, and read the First time.

Mr Goodwill: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 70—

"*Game Act 1831 penalties—*

"(1) The Game Act 1831 is amended as follows.

(2) In section 30 (trespassing in search or pursuit of game)—

(a) for "level 3" substitute "level 5", and

(b) delete "and if any persons to the number of five or more together shall commit any trespass, by entering or being in the daytime upon any land in search or pursuit of game, or woodcocks, snipes, or conies, each of such persons shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding [level 4] on the standard scale] as to the said justice shall seem meet."".

This new clause would remove any cap on the amount of the fine, and remove the requirement for a minimum of 5 persons.

Mr Goodwill: The new clauses would strengthen the powers of the police and the courts to tackle the thorny and persistent problem of illegal hare coursing. Hare coursing is a form of poaching whereby offenders trespass on private land in pursuit of hares with dogs, but that is not simply about taking one for the pot. Rather, it involves high-stakes illegal gambling, as dogs are pitted against each other in a test of their ability to chase, catch and kill hares.

Coursing contrasts with traditional poaching—I have a picture in my mind of Claude Greengrass in "Heartbeat", which was filmed in my constituency—in that the carcases of the dead hares are cast aside as waste and often left to rot in the field after the kill. Offenders destroy gates and fences to gain access to the land, and tear up newly sown crops as they follow the chase in their vehicles. The hare coursing season, for want of a better word, runs from August to March, between the harvest being cleared from the fields and the new crops getting out of the ground. Coursing is normally, but not exclusively, undertaken on areas of flat arable land, and often filmed from a vehicle and livestreamed across the internet. Large amounts of money are illegally bet on the outcome of the chase and ultimately, and almost inevitably, the kill.

The dogs involved in the sport are highly prized by their owners due to their ability to win large amounts of money. Police have the power to seize dogs at the scene of the incident, but cannot reclaim the cost of looking after them from the offender if a conviction is secured. There can be a number of months between the seizing of a dog at the time of the offence and the trial, imposing severe pressure on the budgets of police forces. As a result, many forces do not seize the dogs at first investigation, but it is impossible for courts to issue a forfeiture order if the animal is not already in custody.

New clause 69 would strengthen the ability of the police to seize dogs, as it would enable the investigating police force to be reimbursed for the cost of kennelling confiscated dogs pending trial. That would sweep away the budgetary burden on police forces and empower officers to remove dogs from fields, which ultimately means removing the tools of the trade from hare coursers.

A broad coalition of organisations has come together to support those legislative changes, including the Country Land and Business Association, the National Farmers Union and the Royal Society for the Prevention of Cruelty to Animals—three organisations of which I am a member—as well as the Countryside Alliance, the Tenant Farmers Association and the Kennel Club.

The changes are also supported by officers working on the police's national approach to hare coursing, which is known as Operation Galileo. Police have begun to investigate the links between hare coursing and organised crime. In September 2018, Thomas Jaffray was jailed for 13 years and four months after being found guilty of conspiracy to supply cocaine, amphetamine and cannabis, and a conspiracy to launder the proceeds of crime. Jaffray was regularly involved in hare coursing in Lincolnshire and other parts of the country.

The leader of Operation Galileo, Chief Inspector Phil Vickers, has said that

"rural communities rightly expect us to use all of the tools at our disposal to tackle offending, and by developing our understanding of the criminal links, we can do just that."

However, occasions on which there is betting activity are not the only problem. The participants see coursing as a sport in which they need regularly to train their dogs, and the Country Land and Business Association estimates that tens of thousands of hares are slaughtered each year in illegal hare coursing, with members reporting multiple incidents each week with up to 10, and sometimes as many as 20, hares being killed by dogs on each visit.

This year's National Farmers Union rural crime survey found that 41% of farm businesses had experienced hare coursing during 2020. I should point out that neither of my new clauses attempts to interfere with the Hunting Act 2004, which the Government have a manifesto commitment not to amend.

New clause 70 makes proposals in relation to the fine that could be imposed when an individual was convicted of hare coursing offences. Fines imposed under section 30 of the Game Act 1831 are set at level 3, which means that there is a cap of £1,000. Evidence collected by the CLA refers to hare coursing convictions spanning 15 years and lists 175 separate convictions, 75% of which were brought under the 1831 Act. The CPS specifically recommends the use of that Act for hare coursing offences. Sentencing data from the same 15 years show that fines amount to just a couple of hundred pounds, even for repeat offenders. In essence, that amounts to the cost of a day out for those individuals in pursuit of their so-called sport.

[Mr Goodwill]

The new clause would increase the financial risk attached to the practice of hare coursing better to reflect the anguish and damage caused by those offenders, against the backdrop of the large financial reward they collect for, in essence, getting away with it or, at the very least, getting off lightly.

It would be remiss of me to conclude without highlighting the fear and anguish that hangs over farmers and landowners who are regularly targeted by hare coursers. These offenders are highly unsavoury individuals who often have a string of other offences to their name and who, if challenged, can become abusive, aggressive and threatening. Farmers and landowners live in constant fear of retribution if action is taken against the coursers. Physical threats are being made to farmers and straw stacks are vulnerable to arson attacks.

Hare coursing is a blight on our rural communities and an abuse of our precious wildlife. Men are running amok around the countryside without fear of penalty as police officers are poorly equipped with the legislative tools to match the contempt of these offenders. These new clauses offer an opportunity to equip our police officers and courts with the powers they need to tackle the problem head on and send a strong message that hare coursing will no longer be tolerated.

I look forward to hearing from the Minister that this is a problem recognised by the Government and that they intend to take action. It may well be that more measures could be taken. Indeed, I am sure that the Minister is aware that my hon. Friend the Member for North East Bedfordshire (Richard Fuller), who was fortunate in the private Member's Bill ballot, has published the short title of his Bill, which seems to address this issue. I hope for reassurances from the Minister that will obviate the need to divide on this issue.

Sarah Champion: I fully support everything the right hon. Gentleman has said. This is not sport, but chasing down a wild animal to rip it apart for money. I am opposed to that, as I am to other blood sports. It is not done by local people, but people who come from all over the country in an organised manner. They do enormous damage to the land, and threaten and intimidate local people who expose their actions.

I agree that the fines for this brutish behaviour are far too small. These new clauses would put much better protections and sanctions in place. I also agree that if the police had the resources to take the dogs, that would be a much better threat to those people, because without the dogs they are unable to keep going with this so-called sport. Also, the dog is worth much more to them than the threat of the fine.

Victoria Atkins: I thank my right hon. Friend the Member for Scarborough and Whitby for bringing these new clauses before the Committee. I address the Committee as a Minister, but if hon. Members would indulge me for a moment, I will speak as a constituency MP. My right hon. Friend mentioned Chief Inspector Phil Vickers, who is my chief inspector. I am a Lincolnshire MP and my constituency suffers terribly from the crime of hare coursing.

These can be terrifying crimes for the farmers and landowners on whose land they are committed, because if a farmer or someone working on the farm dares to challenge those people, they can, in most cases, find out where they live. I have had instances where farmers have been worried about their family's safety and their own safety at home, because of the fear that, in going out in the middle of the night and challenging the hare coursers, they will alert the criminals to where they live or the vicinity of where they live.

These are serious crimes that can have a huge impact on the landscape, and hares within our constituencies as well. They are the most beautiful creatures. Watching one gambolling along across a field as dawn is rising can be a very beautiful view in our countryside, yet these people come fully equipped with huge lights and, often, stolen vehicles. Money is bet on the ways in which the hare will turn, or which dog will prevail, which is truly unpleasant.

3.45 pm

I very much welcome the efforts of my right hon. Friend and others to try to address this issue through legislation. He knows that the Government are determined to act on this. In our action plan on animal welfare, we have committed to introduce new laws to crack down on illegal hare coursing. I understand that last week the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Taunton Deane (Rebecca Pow), hosted a meeting with interested parties on how such a law or laws may be drafted to tackle the issue. I can give my right hon. Friend the assurance that officials in both our Departments will be working through the options in detail over the coming months.

I know that my right hon. Friend well understands the complexities of developing new legislation and that he has been closely involved with DEFRA Ministers in trying to deal with the issue, and I am most grateful to him. I would like to take this opportunity also to thank Lincolnshire police and the officers who work on Operation Galileo, and officers across the country where these gangs see fit to hare course. I can give him the reassurance that the Government take these matters very seriously and are working up the necessary proposals to be able to meet our action plan to tackle this crime.

Mr Goodwill: I am pleased to hear what the Minister has said and I am satisfied that the Government take this issue seriously—not just because of the words that I have heard her say now, but also because I was contacted by the office of the Secretary of State for Environment, Food and Rural Affairs, who has asked me for a meeting on the strength of the new clauses. It makes a nice change for Cabinet Ministers to ask Back Benchers to meet them to discuss issues. I am optimistic that action will be taken and hope that tabling the two new clauses has done precisely that. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 71

CHILD CRIMINAL EXPLOITATION (NO.2)

"(1) A person (A) commits the offence of child criminal exploitation if—

(a) A intentionally takes advantage of an imbalance of power over another person (B) to coerce, control, manipulate or deceive B into committing a criminal offence,

(b) A is aged 18 or over, and

(c) B is under 18.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a maximum of 14 years."—*(Alex Cunningham.)*

This new clause would define and create an offence of child criminal exploitation with a maximum prison term on conviction on indictment of 14 years.

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss

New clause 72—*Internal concealment of banned substances—*

"(1) A person (A) commits the offence of internal concealment of banned substances if—

(a) A inserts packages of banned substances into the body of another person (B), with or without B's consent, or

(b) A intentionally takes advantage of an imbalance of power over B to coerce, control, manipulate or deceive B into inserting packages of banned substances into B's own body,

with the purpose of concealing the transport of those banned substances.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a maximum of 10 years."

This new clause would create an offence of internal concealment of banned substances, meaning inserting packages of banned substances into the body of another person, or coercing another to insert banned substances into their own body, for the purpose of concealing the transport of those banned substances. This would be punishable on indictment with a prison term of a maximum of 10 years.

Alex Cunningham: Child criminal exploitation—the grooming and forcing of children to commit criminal acts by adults—is an emerging and fast-growing phenomenon. I have terrible problems saying the word "phenomenon". Maybe I should have a drink—I assure you it is water, Mr McCabe.

Child criminal exploitation is often present in, but is not limited to, county lines activity. According to analysis by Labour of national referral mechanism statistics, up to 3,000 children are known to be criminally exploited every year, yet the real number is likely to be significantly higher, given that these figures are based only on the children known to services. As my hon. Friend the Member for Rotherham said in her speech on new clause 17, the Children's Commissioner estimates that at least 27,000 children are at high risk of gang exploitation. That is a truly horrifying figure.

Under the law as it currently stands, the only way to prosecute child criminal exploitation is through subsidiary offences—for example, possession with intent to supply—or under modern slavery legislation. The problem is that modern slavery legislation is poorly suited to the specific nature of child criminal exploitation. As written answers to parliamentary questions submitted by my hon. Friend the Member for Hove show, only a handful of modern slavery orders are handed out each year. We also know that between 2019 and 2020 only 30 charges were flagged as child abuse under the Modern Slavery Act 2015. We need a specific, singular offence of child criminal exploitation with a maximum tariff that acts as a real deterrent to those who exploit vulnerable children in this way. That is what new clause 71 seeks to do.

Under the new clause, an adult would commit an offence if he or she intentionally took advantage of an imbalance of power over a child in order to coerce, control, manipulate or deceive the child into committing a criminal offence. Any person found guilty of this offence would be liable to imprisonment for up to 14 years, in keeping with the maximum sentences applicable for causing or inciting the sexual exploitation of a child. As my hon. Friend the Member for Rotherham said during our sixth Committee sitting, all too frequently it is the children who have been exploited who end up taking the rap, rather than being recognised for what they are—victims.

It is hardly surprising that in 2019-20 1,400 children were first-time entrants in the youth justice system due to drug offences and around 2,000 were first-time entrants due to weapons offences. Both crimes are heavily associated with child criminal exploitation, which raises the question: how many children are currently in custody as a direct consequence of being exploited by an adult? It would be interesting to know just how many children are in custody, so does the Minister have any information on that? As my hon. Friend has said, they are not criminals, but victims—in other words, children who have been exploited by adults to commit crime. And we can repeat that sentence time and again.

While the child victims of this horrendous crime languish in jail, their future prospects almost certainly ruined, the failings of the criminal justice system mean that the real criminals go untouched. We have raised this issue in previous speeches, particularly in relation to young people carrying knives or drugs, the latter on behalf of a controlling adult who is part of an organised criminal gang.

By creating a new specific offence of child criminal exploitation, we would allow for direct action to crack down on the gang leaders who are currently committing their crimes with total impunity. The Minister must recognise that the current law is not working. It is letting down child victims of horrendous crimes, while letting gang members off the hook.

The Government must take far more radical action to combat this crime. Creating a legal framework specific to child criminal exploitation is key to that. The Government say they take child criminal exploitation seriously, but now it is time for them to show it, so I look forward to hearing the Minister's response on new clause 71.

I will now speak, relatively briefly, about new clause 72. Once more, I pay tribute to my hon. Friend the Member for Hove for tabling new clause 72, and I wish him well in his new post as shadow Schools Minister—a job I would have quite fancied myself. New clause 72 would create a new criminal offence of plugging, or the placing of banned substances into the body of another person, or coercing another to insert banned substances into their own body, for the purpose of transporting and concealing them.

As we heard from Iryna Pona of the Children's Society during our evidence session on 23 May:

"Plugging is when young people are exploited by criminal groups to deliver drugs across the country and—sometimes—they are delivering those drugs inserted in cavities in their bodies."—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee,* 23 May 2021; c. 127.]

Plugging has been specifically recognised by the National Crime Agency as a particularly malicious form of child criminal exploitation perpetrated across county lines.

[Alex Cunningham]

For the children who are exploited to carry drugs in this way, the experience they suffer is simply horrendous. Naturally, it is also a great risk to their health and could even cause their death.

As is the case with child criminal exploitation, there is currently no specific area of law that criminalises those who exploit children to carry drugs in this way. Likewise, they cannot be prosecuted under existing sexual offences legislation, due to a lack of sexual intent. Again, we are left with a gap in legislation, which categorically fails victims of this horrendous crime, many of whom will be children, while letting the real criminals—dangerous criminals—off the hook.

When my hon. Friend the Member for Croydon Central asked the witness from the Children's Society whether they thought there would be a benefit in trying to define plugging in terms of a specific criminal offence, the answer was instantaneous: yes.

Once again, as with child criminal exploitation, the Opposition are pleased to give the Government a chance to come up with the goods. New clause 72 would create a new and specific offence to criminalise the act of placing drugs into a person's body for the purposes of trafficking them or coercing a person to do it themselves. Those found guilty of this new offence could expect to serve a custodial sentence of up to 10 years' imprisonment.

By creating a specific offence, we could introduce a significant deterrent to gang leaders and extend the time spent in prison by those convicted of child criminal exploitation. I look forward to receiving the Minister's support.

Victoria Atkins: I am conscious that we have already touched on some of these issues in the debate on new clause 17, which I will try not to repeat. Child criminal exploitation is a heinous form of abuse, and the Government are determined to tackle it. The exploitation, degradation and assault of a young person to conceal drugs internally for transportation, known as plugging, is immoral and unlawful and, again, the Government condemn it.

We are taking action to target those who seek to exploit vulnerable children through county lines operations. Earlier this year, we announced £148 million of investment to tackle drugs misuse and supply, along with county lines activity. That includes £40 million of investment dedicated to tackling drugs supply and county lines activities, and represents a surge in our activity against those ruthless gangs. That will allow us to expand and build on the results of our existing county lines programme, through which we have set up the National County Lines Co-ordination Centre to improve the intelligence picture and co-ordinate the national law-enforcement response, which includes protecting those young people who are abused and exploited.

Turning to the question of creating a specific offence of child criminal exploitation, we have discussed this issue carefully with law enforcement and others and, on balance, we are of the view that existing legislation is sufficient to address the exploitation of young people for criminal purposes. In particular, the Modern Slavery Act 2015 provides for the offences of slavery, servitude and forced or compulsory labour, as well as human trafficking for all types exploitation. For child victims, it is sufficient to show that they have been chosen for exploitation because of their youth. There is no requirement to prove force, threats or deception, which may, in particular circumstances, be difficult to prove. A range of civil orders are available to law enforcement partners to respond to county lines and child criminal exploitation, including modern slavery and trafficking prevention orders, and modern slavery and trafficking risk orders.

To promote good use of those orders, the NCLCC has established a dedicated orders team to identify children and the perpetrators who exploit them, and to help forces with the application of such orders; to disseminate guidance and deliver training to local forces to upskill local force understanding; and to work with regional leads to improve best practice in gathering data on the use of orders in a county lines context. We are also committed to improving local safeguarding arrangements.

With the Department for Education, we commissioned Liverpool John Moores University to examine the effectiveness of multi-agency safeguarding partnerships in dealing with young people who are at risk or who are involved in serious violence and county lines. It has reported, and we are considering its recommendations. In addition, we have funded dedicated support for those who are at risk and who are involved in county lines. Between June 2020 and June this year, that work was carried out by the St Giles Trust, which worked with 170 young people to help them leave exploitation and exit gangs and other forms of coercion.

We continue to fund the Missing People SafeCall service, which is a national confidential helpline for young people, families and carers who are concerned about county lines exploitation, and we are funding the Children's Society Prevention programme, which works to tackle and prevent child criminal exploitation as well as other forms of abuse and exploitation. We are therefore committed to tackling child criminal exploitation and bringing the perpetrators to justice, but we do not, on balance, believe that a specific offence would change the way in which young people are supported. Our efforts focus on improving the practical response to such criminality. We keep the legislative framework in connection with child criminal exploitation under review, and of course we will consider any additional evidence that supports the view that additional legislation is required as it arises.

4 pm

Let me turn to new clause 72. Again, we have discussed with law enforcement and others the introduction of a specific offence of plugging, but we have concluded that, on balance, the law is well equipped to deal with that hideous practice. In addition to drug-related offences, ABH and GBH offences can be applied, which provides flexibility to prosecutors, depending on the circumstances of the case. It is important that those who exploit others in that way receive sentences to reflect the severity of their offending.

I commend the work of the Sentencing Council, which issued revised sentencing guidelines for drug offences earlier this year. They include factors that are relevant to plugging, and they make it clear that both the exploitation of children and/or vulnerable persons to assist in drug-related activity, and the exposure of those involved in drug dealing, to the risk of serious harm, for example, through the method of transport and drugs, are to be

treated as aggravating factors. The presence of such factors makes an offence more serious and can result in the offender receiving a longer sentence.

We are committed to protecting vulnerable children against that pernicious practice, but we do not believe that a specific offence of plugging is needed at this time. We should continue to focus our efforts by working with law enforcement and safeguarding partners to strengthen their response to the threat.

Alex Cunningham: I agree with the Minister that a lot of work has to be done with support, safeguarding and everything else, but the income of local authorities has been devastated in recent years and the ability to provide the range of services required is somewhat compromised. That makes such situations all the more difficult for young people.

The Minister talked about the Modern Slavery Act, and so did I. Although it is a relatively young piece of legislation, it has rarely been used. I am not aware of any prosecutions whatever to do with the issues I have raised today—

Victoria Atkins *indicated dissent.*

Alex Cunningham: I did say I was not aware.

Victoria Atkins: I will not cite cases, but I believe the first prosecution was in Cardiff Crown court, involving a county lines gang who originated in the south-east. I do not recall the details, but I would not want the Committee to think that it had not been used. I appreciate that the hon. Gentleman said that he was "not aware" that it had been.

Alex Cunningham: I was referring specifically to the child exploitation element and the plugging offence. I am aware of no specific prosecution on those things. For me, it is a matter of child protection—of adult protection as well, in some cases—and we feel strongly about both the new clauses. We intend to press both new clauses to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 39]

AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

NOES

Anderson, Lee	Goodwill, rh Mr Robert
Atkins, Victoria	Levy, Ian
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom

Question accordingly negatived.

New Clause 72

INTERNAL CONCEALMENT OF BANNED SUBSTANCES

"(1) A person (A) commits the offence of internal concealment of banned substances if—

(a) A inserts packages of banned substances into the body of another person (B), with or without B's consent, or

(b) A intentionally takes advantage of an imbalance of power over B to coerce, control, manipulate or deceive B into inserting packages of banned substances into B's own body,

with the purpose of concealing the transport of those banned substances.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a maximum of 10 years."—*(Alex Cunningham.)*

This new clause would create an offence of internal concealment of banned substances, meaning inserting packages of banned substances into the body of another person, or coercing another to insert banned substances into their own body, for the purpose of concealing the transport of those banned substances. This would be punishable on indictment with a prison term of a maximum of 10 years.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 40]

AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

NOES

Anderson, Lee	Goodwill, rh Mr Robert
Atkins, Victoria	Levy, Ian
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom

Question accordingly negatived.

New Clause 73

JUSTICE IMPACT ASSESSMENT FOR WALES

"(1) Within six months of the passage of this Act, the Secretary of State must issue a justice impact assessment for any provision of this Act, or regulations made under this Act, which impacts on matters which are devolved to the Welsh Parliament / Senedd Cymru.

(2) The Secretary of State must, within one month of the date on which they are made, issue a justice impact assessment for any regulations made under this Act which are not included in the assessment required under subsection (1) which impact on matters which are devolved to the Welsh Parliament / Senedd Cymru."—*(Hywel Williams.)*

This new clause would require the Secretary of State to issue an assessment of the impact of the Bill on devolved policy and services in Wales within six months of it passing, and to issue such an assessment of any further changes to regulations under the Bill within one month of making them.

Brought up, and read the First time.

Hywel Williams (Arfon) (PC): I beg to move, That the clause be read a Second time.

During previous consideration, I raised with the Minister the effects in Wales of some provisions in the Bill. She assured me that those matters are reserved, and that is indeed correct. However, the justice system is just that—a system—and the consequential effects of some of these provisions inevitably extend to matters that are the responsibility of the Senedd in Cardiff and the Labour Government. What those detailed effects might be, one can only surmise at present, but given the substantial interweaving between the implementation of the provisions in the Bill and those matters under the Senedd's authority,

[Hywel Williams]

one can only suspect that they will be substantial and significant. Hence we have tabled this new clause, which would require the Secretary of State to issue an assessment of the impact of the Bill on devolved policy and services in Wales within six months of its passing and to issue such an assessment for any further changes in relation to regulations under the Bill within one month of making them.

For the benefit of Committee members who may not be wholly conversant with the intricacies of Welsh devolution, let me explain that the Senedd has policy responsibility, and the power to legislate, in respect of large parts of public provision relevant to this Bill—for instance, health and, importantly for us here today, mental health; local government including, significantly, social services and housing; education up to and including higher education; equalities; the Welsh language; and economic policy in respect of training and employment. The Senedd also funds about half the costs of policing in Wales.

Then there are the policy implications. Wales has a higher rate of imprisonment than England—in fact, we have the highest rate of imprisonment in western Europe. The Welsh Labour Government have a framework to reduce that number. This Bill will lead to higher numbers in jail, one supposes. Wales has a higher rate of imprisoning black and minority ethnic people than England, and the Senedd has a race equality plan. The provisions of this Bill, particularly in relation to stop and search and on bladed weapons, are likely to lead to an increase in the imprisonment of young black men, which will be at odds with the Senedd plan. The Assembly, as it was then, has taken a "wellbeing approach" to many aspects of social provision. The Bill obviously has a more forthright law-and-order stance and thereby is inconsistent with Welsh public policy.

Furthermore, implementing policy requires human resources and costs money. For example, an increase in the number of people in prison would most likely lead to an increased demand for mental health services inside Welsh prisons from without—the local health board. HMP Berwyn at Wrecsam springs to mind. It is the largest prison in the UK and the second largest in Europe. It accommodates many prisoners from outside the health board area and, indeed, from England—people who would not normally use its services. The health board might well be reimbursed for the monetary cost of providing those services, but we all know of course that mental health services are chronically short not just of money but of staff. This could be a substantial burden on the local health board, but we will not know beforehand; there is to be no impact assessment.

An increase in the number subsequently released would have implications for the demand for housing, education, training and jobs. I could go on, but I think the Committee will have already seen how the system in its entirety might be affected. After all, it is a system.

The consequences for the implementation of Senedd policy is not my only concern. The Senedd is a legislature—it passes law—so the question of the effect of the Bill, if enacted, when there is a divergence between the law at either end of the M4 also arises. For example, will the Secretary of State then seek to direct devolved services or at least to influence them, perhaps without the consent of Welsh Ministers? I have to say that this would be entirely unacceptable. Indeed, it would be directly contrary to the clear will of the people of Wales, as expressed in the referenda on the powers of the Assembly, as it was then, most recently in 2011 under the former Conservative Government.

The Minister might say that there are agreements in place between the Ministry of Justice and the Welsh Government to account for divergence, such as the memorandum of understanding in 2013, upon which a concordat in 2018 was produced to establish a framework for co-operation, and that might be sufficient. When I asked the Minister about the memorandum in the context of the development of this Bill, it was unclear, to me at least, whether the concordat processes were followed—not least, whether they were followed effectively—because her response was that she would write further to the relevant Welsh Minister, Jane Hutt, following my question. Clearly, there was a process in place that perhaps has not been completed.

The Committee may not be aware of the work of the recent commission on justice in Wales, under the former Lord Chief Justice of England and Wales, Lord Thomas of Cwmgiedd. The report concluded that

"the concordat does not really address the problems or provide a sustainable or long-term solution to the effect of separating justice from other devolved fields."

That was Lord Thomas's conclusion. Although justice is not devolved to Wales at present, this apparently clear split is, I think, an oversimplification, for both the Senedd and the Welsh Government, as I said earlier, have introduced legislation and policies leading to a divergence in law and practice in Wales as compared with England.

This is, in fact, recognised in the Welsh law-making processes. Section 110A of the Government of Wales Act 2006, as inserted by section 11 of the Wales Act 2017, requires that new devolved Welsh legislation must be accompanied by a "justice impact assessment" to explain how it impacts on the reserved justice system in Wales. Therefore, what happens in Wales is subject to an impact assessment. However, there is no reciprocal requirement on the UK Government or Parliament to report on the impact that changes to the reserved England and Wales justice system will have on devolved services in Wales, and, as I said earlier, those might be quite profound.

For all these reasons, I believe that the proposals in my new clause are required, and I am glad to have this opportunity to propose it, with the valued support of Labour and SNP colleagues. For me, the long-term practical solution is to devolve justice. Northern Ireland and Scotland now have their own jurisdictions, as I believe will Wales, eventually, but that is perhaps in the long term. In the meantime, quite frankly, it is just not good enough to say that matters in the Bill are reserved, and leave it at that.

Victoria Atkins: I am grateful to the hon. Gentleman for giving us an insight into the complexities and the balances that are a part of the devolution settlement for Wales. I imagine that the Committee's SNP Member, the hon. Member for Ayr, Carrick and Cumnock, if he were here, would say the same about the Scottish devolution arrangements.

It may assist the Committee if I set out the provisions of the Bill that, in the view of the UK Government, relate in part to devolved matters in Wales and, as such,

engage the legislative consent process. There are three such provisions. The first are those in chapter 1 of part 2 relating to the serious violence duty, so far as those provisions confer reserved functions on devolved Welsh authorities. The hon. Member for Arfon posed a question about the memorandum in that regard. I am able to help the Committee with the news that we are continuing to discuss with the Welsh Government the direction-making power in clause 17 relating to the duty.

4.15 pm

The second of the provisions are those in chapter 2 of part 2 relating to offensive weapons homicide reviews, again in so far as those provisions confer reserved functions on devolved Welsh authorities. The third is the new statutory offence of intentionally or recklessly causing public nuisance provided for in clause 59.

I welcome the support that the Welsh Government have given to those provisions, albeit that we continue to have discussions about aspects of the detail of those relating to the serious violence duty as they apply in Wales. I accept that the Welsh Government take a wider view of those provisions that relate to devolved matters. I hope that we will be able to reach a common understanding on these issues, but it may well be that we have to accept that the UK and Welsh Governments have a different understanding of those measures in the Bill that engage the legislative consent process.

In respect of the detail of the new clause, we have published alongside the Bill an impact assessment in respect of the Home Office provisions, including the three I have mentioned, so we are not persuaded that a separate justice impact assessment for those provisions that impact on matters devolved to the Senedd is required.

The hon. Member touched on the devolution of policing and justice matters to the Senedd. The UK Government's position is clear: namely, that there should be no change to the current arrangements, which serve the people of Wales and England well. Police and crime commissioners already provide for a high degree of local devolution and accountability. I always enjoy working with those commissioners and, indeed, the chief constables in Wales. We have had an insight only this afternoon into how working across the countries is so invaluable, particularly in the context of county lines gangs, for example, which pay no respect to borders or boundaries.

I can assure the hon. Member that we will continue to work closely with the Welsh Government and all relevant parties in Wales in the implementation of the provisions in the Bill, and I very much hope that that assurance means that he will be content to withdraw his new clause.

Hywel Williams: I thank the Minister for that response, and I am grateful for the news that there are continuing discussions with the Welsh Government even at this rather late stage in the consideration of the Bill.

Obviously, we have a fundamental disagreement. I would hold that the context in Wales is sufficiently different to require a specific assessment. That context is not only the fact that policy may diverge, but the fact that there is specifically Welsh legislation that may impact the provision. However, at this point I am content to withdraw the new clause and possibly bring it back at some other time. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 75

AUTOMATIC EXEMPTION FROM JURY SERVICE FOR THOSE WHO ARE PREGNANT, BREASTFEEDING OR ON PARENTAL LEAVE

'(1) The Juries Act 1974 is amended as follows.

(2) In section 9, after subsection (2B), insert—

"(2C) Without prejudice to subsection (2) above, the appropriate officer shall excuse a person from attending in pursuance of a summons if—

(a) that person is pregnant,

(b) that person is breastfeeding, or

(c) that person is on parental leave."'—*(Alex Cunningham.)*

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

Motherhood has featured well in our deliberations today, and we are going to turn to it again, but first I want to pay tribute to all mothers. I am going to be a bit cheeky here and pay particular tribute to my own mother, who will be 88 in five weeks' time, and to my dad, who will be 90 a few weeks later and who still looks after her in their own home—just a little indulgence there.

New clause 75 would provide an automatic exemption from jury service for those who are on maternity leave, breastfeeding, or pregnant. The Opposition have tabled it because the Government have yet to take the action called for by my hon. Friend the Member for Lewisham West and Penge (Ellie Reeves), who has been leading an important campaign on this topic in recent months. The issue is that there is no default exception from jury service for mothers of newborn babies who are still breastfeeding, and this can cause serious difficulties for the mother. I do not need to go into the proven benefits of breastfeeding because—perhaps unusually, given the general content of the Bill—I have already rehearsed those arguments in my speech on new clause 27.

Jury service is an important civic duty that we should all engage in, as I am sure every member of the Committee agrees—indeed, in our debate on clause 164 we all recognised the importance of extending possible engagement with jury service to more citizens. However, that cannot be done at any expense, and certainly not at the expense of the wellbeing and health of newborn babies and of mothers.

My hon. Friend shared a case in which an expectant mother deferred her jury service because it coincided with her due date. That much was fine, as the initial deferral went through, but her postponed jury service then fell within the first six months of her son's life, during which she was exclusively breastfeeding him about every two hours. As my hon. Friend explained in her letter to the Lord Chancellor:

"The Court she has been asked to attend—York Crown Court—does not offer child-minding facilities. This creates a number of problems. As she cannot defer a second time and despite appealing the decision she is being forced to attend jury service even though it will compromise her ability to breastfeed her son during the first six months of his life. If there are no child-minding facilities, she cannot be with her son to breastfeed him unless she is allowed to bring him into the courtroom which clearly presents its own difficulties. Even if there are child-minding services made available at the Court, she will have to leave once every 2 hours to breastfeed her son."

The Minister's response to the case was:

"Your letter refers to your constituent making an application for a second deferral but does not mention whether she applied for an excusal. The gov.uk website provides examples of possible

[Alex Cunningham]

reasons for excusal but there is no exhaustive list. Though I cannot say that an application for excusal would have been granted in this case, potential jurors must have a good reason for applying which could include exclusively breastfeeding a child. Each application is considered on its own merit and if not granted in the first instance, there is a route of appeal whereby a judge would consider the application, either by considering the information available or arranging a short hearing to speak to the potential juror in person to discuss their reasons."

Imagine someone undergoing postpartum recovery and caring for a newborn—up at all hours of the day and night, with all their days filled with responding to the needs of their new baby. Is it really appropriate that the Government should expect them to trawl though the Government website and go through an application process that may then be denied and need to be appealed by attending the court to speak to the judge? As my hon. Friend noted in her follow-up letter, absence of an exemption means that a new mother has to

"deal with the effort and stress of navigating a bureaucratic process to secure exemption when she should have been free to solely focus on her pregnancy and new-born."

That is illustrated by the case of Zoe Stacey, with which I know the Minister is familiar. Zoe was called for jury service in May, while she was breastfeeding her then two-month-old child. Her application for an excusal was rejected, so she had to appeal the decision. All the while, she was breastfeeding her newborn after weeks of painful medical problems, as well as having to look after her other son, who is in pre-school four mornings a week. Surely Ministers recognise that this is a hugely stressful time for anyone, and it was made all the more difficult by the fact that Zoe had little family support nearby. In the end, she did receive an excusal, but she should not have had to go through such a stressful bureaucratic nightmare to get it.

My hon. Friend knows of more cases, some of which she shared in her correspondence with the Minister. I understand that the Under-Secretary of State for Justice, the hon. Member for Cheltenham (Alex Chalk), wrote to her earlier this week, informing her that the guidance has been reviewed and that some amendments have been made, including the addition of "new parent" as an explicit reason for possible deferrals or excusals and a change to Her Majesty's Courts and Tribunals Service's internal guidance so that it states explicitly that excusal applications on the grounds of caring responsibilities are to be considered sympathetically.

While my hon. Friend and I both appreciate that the Government are making an effort to address the problem, they are not going quite far enough. Why do excusal applications on the grounds of caring responsibilities need to be considered sympathetically? Why cannot it simply be that an excusal is guaranteed to be always granted in the case of a new parent when they ask for it? That does not remove the option of attending or deferring jury service if that is what the pregnant mother or new parent chooses; it simply ensures that any new parent has the automatic right to exercise an exemption if they wish to. I understand that the Government would not want to remove the choice to serve or defer from pregnant women and new parents, but they do not have to do that in order to provide a guaranteed exemption for all who want one. I hope that the Minister can see where we are coming from, and accept the amendment today.

Chris Philp: I am grateful to the shadow Minister for raising this issue. The Government do support the principle behind the amendment. New parents, including those breastfeeding or women who are pregnant, should be able to serve on a jury at a time that is suitable for them. As the shadow Minister has said, we are aware of some of these cases that we have corresponded about in recent months and, as a consequence, have already updated the guidance that Her Majesty's Courts and Tribunals Service uses to ask that a more accommodating and sympathetic approach is taken to somebody who responds to a jury summons by saying that they are pregnant, breastfeeding, or have very significant caring responsibilities in the way that he has described. Where that happens, a deferral is always considered in the first instance.

The hon. Gentleman mentioned the application process. Clearly, the summoning bureau will not necessarily know who is pregnant or who is looking after a child, so it is inevitable that there will always be some kind of application process; that cannot be avoided. The thing is that it is done in a way that is sympathetic. As I have said, that guidance has been changed already. We have also updated www.gov.uk to make it clear that these are all legitimate reasons for requesting a deferral. I hope that a combination of that publicity on www.gov.uk and the work on updating the internal guidance in response to some of the cases that the hon. Gentleman and his colleagues have raised addresses the underlying issue. We still think that a case-by-case consideration is appropriate rather than a blanket provision such as this, which perhaps does not capture all of the circumstances that may arise. Allowing discretion to continue is the best way of handling this, but the sentiment—the direction of travel—is exactly the same as that of the hon. Gentleman.

There are, in the way in which this new clause is drafted, some idiosyncrasies. For example, on a technical point, the hon. Gentleman refers to parental leave, but there are other forms of leave that do not count as parental leave. Maternity leave and adoption leave, for example, are considered as a different form of leave. I am sure that this was inadvertent, but, as drafted, some of those groups that one would wish to include have been unfortunately omitted. We are on the same page as the Opposition on this, but the change in the guidance and the publications on www.gov.uk address the issues that have been raised.

Alex Cunningham: The Minister had an over-complicated response to what I thought was a relatively simple and straightforward matter. He talked about supporting the principle and he talked about sentiment. Surely, we could save the time, expense and, of course, the anguish around this process. Of course, there will have to be some communication between the person called for jury service and the court, but that could be very simple: "Dear court usher, or whoever you are, I am currently pregnant, or currently breastfeeding, please may I have the exception that is granted under Labour's excellent amendment to this particular Bill." It is very straightforward, and I cannot understand for the life of me why the Government cannot just say that if somebody in such a situation does not want to do jury service, they should not have to do it. For that reason, I shall press the matter to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 41]

AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

NOES

Anderson, Lee	Goodwill, rh Mr Robert
Atkins, Victoria	Levy, Ian
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom

Question accordingly negatived.

New Clause 76

COMMERCIAL SEXUAL EXPLOITATION

"(1) A person (A) who gives, offers, or promises payment to any person to engage in sexual activity with a person (B) is guilty of an offence.

(2) For the purposes of subsection (1)—

(a) a 'payment' includes money, a benefit, or any other consideration.

(b) an activity is sexual if a reasonable person would consider that—

(i) whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or

(ii) 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.

(c) no offence is committed by a person (A) unless the sexual activity with the other person (B) involves—

(i) the person (A) being in the other person (B)'s presence, and

(ii) the person (A) touching the other person (B), or

(iii) the person (B) touching themselves for the sexual gratification of the other person (A).

(d) it is immaterial whether the payment is given, offered, or promised by a person engaging in the sexual activity, or a third party.

(3) 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 10 years."—*(Sarah Champion.)*

This new clause criminalises buying sex and decriminalises anyone offering sexual services.

Brought up, and read the First time.

4.30 pm

Sarah Champion: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 77—*Commercial sexual exploitation by a third party*—

"(1) A person commits an offence if—

(a) the person (C) assists, facilitates, controls, or incites, by any means, another person (B) to engage in sexual activity with another person (A) in exchange for payment, anywhere in the world; and

(b) the circumstances are that—

(i) the person (C) knows or ought to know that the other person (B) is engaging in sexual activity for payment; and

(ii) the person (C) assists, facilitates, controls, or incites the other person (B) to engage in sexual activity with another person (A) with the intention of receiving payment.

(c) Subsection (1) of this section is to be construed in accordance with section [Commercial sexual exploitation].

(2) 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 10 years."

This new clause criminalises pimping.

New clause 78—*Advertising*—

"(1) A person commits an offence if the person causes or allows to be displayed or published, including digitally, any advertisement in respect of activity prohibited by sections [Commercial sexual exploitation] and [Commercial sexual exploitation by a third party] of this Act.

(2) 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 10 years."

This new clause criminalises those who benefit from the advertising of sexual services. This includes 'pimping websites'.

New clause 79—*Extra-territoriality*—

"(1) A person who is a UK national commits an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act regardless of where the offence takes place.

(2) A person who is not a UK national commits an offence—

(a) under sections [Commercial sexual exploitation] to [Advertising] of this Act if any part of the offence takes place in the UK, and

(b) under section [Advertising] of this Act if any person in the UK pays money to any other person as a result or through the advertisement published or displayed."

This new clause allows criminal prosecutions for acts contravening the relevant sections whether they occur within or outside the United Kingdom.

New clause 80—*Immunity of victims*—

"(1) A person (B), by reason of their involvement as a victim of an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act by another person (A) does not commit an offence by doing anything which (apart from this paragraph) would amount to—

(a) aiding, abetting, counselling, or procuring the commission of an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act by the other person (A);

(b) conspiring with the other person (A) to commit an offence under sections [Commercial sexual exploitation] to [Advertising] of this Act; or

(c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under sections [Commercial sexual exploitation] to [Advertising]of this Act by the other person (A); or

(d) an offence under section [Advertising] of this Act.

(2) In this section it is immaterial whether the other person has been convicted of an offence."

This new clause ensures that those subject to commercial sexual exploitation do not find themselves criminalised by having 'assisted' the person buying sexual services.

[The Chair]

New clause 81—*Power of Secretary of State to disregard convictions or cautions—*

"Section 92 of the Protection from Freedoms Act 2012 is replaced as follows.

'92 Power of Secretary of State to disregard convictions or cautions

(1) A person who has been convicted of, or cautioned for, an offence under—

(a) section 12 of the Sexual Offences Act 1956 (buggery),

(b) section 13 of that Act (gross indecency between men), or

(c) section 61 of the Offences against the Person Act 1861 or section 11 of the Criminal Law Amendment Act 1885 (corresponding earlier offences),

may apply to the Secretary of State for the conviction or caution

to become a disregarded conviction or caution.

(2) A person who has been convicted of, or cautioned for, an offence under section 1 of the Street Offences Act 1959, may apply to the Secretary of State for the conviction or caution to become a disregarded conviction or caution.

(3) A conviction or caution becomes a disregarded conviction or caution when conditions A and B are met.

(4) For the purposes of subsection (1), condition A is that the Secretary of State decides that it appears that—

(a) the other person involved in the conduct constituting the offence consented to it and was aged 16 or over, and

(b) any such conduct now would not be an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory).

(5) For the purposes of subsection (2), condition A is that the Secretary of State decides that it appears that any such conduct now would not be an offence under sections [Commercial sexual exploitation] and [Commercial sexual exploitation by a third party] of the Police, Crime, Sentencing and Courts Act 2021.

(6) Condition B is that—

(a) the Secretary of State has given notice of the decision to the applicant under section 94(4)(b), and

(b) the period of 14 days beginning with the day on which the notice was given has ended.

(7) Sections 95 to 98 explain the effect of a conviction or caution becoming a disregarded conviction or caution.'"

This new clause permits those who as a result of exploitation have convictions for soliciting, to have their conviction disregarded.

New clause 82—*Repeals—*

"The enactments specified in the following Table are repealed to the extent specified in column 2 of the Table.

Short title and chapter	*Extent of repeal*
Sexual Offences Act 1956 (c. 69)	Sections 33 to 36
Street Offences Act 1959 (c. 57)	The whole Act
Sexual Offences Act 1967 (c. 60)	Section 6
Criminal Justice and Police Act 2001 (c. 16)	Section 46
Sexual Offences Act 2003 (c. 42)	Sections 51A to 56
Policing and Crime Act 2009 (c. 26)	Section 14 and 16 to 19".

Sarah Champion: The new clauses were tabled by my right hon. Friend the Member for Kingston upon Hull North (Dame Diana Johnson). Their purpose is to stop commercial sexual exploitation by ending impunity for exploiters and supporting, rather than sanctioning, victims and survivors. First, they would criminalise those who pay for sexual activity with others. Secondly, they would decriminalise those who are subject to commercial sexual exploitation. Thirdly, they would criminalise those who intend to profit from and/or advertise the commercial sexual exploitation of others. In sum, they would break the business model of sex trafficking, which leads in most cases to the prostitution of people.

Organised commercial sexual exploitation is taking place on an industrial scale in England and Wales. Evidence obtained by the all-party parliamentary group on prostitution and the global sex trade, which I previously chaired, revealed that the UK sex trade is dominated by organised crime. Criminal gangs exploit predominantly non-UK national women, advertising on pimping websites such as Vivastreet and Adultwork, and move these women around the networks of so-called pop-up brothels and hotel rooms to be raped by paying punters. Available evidence suggests that Romanian women are heavily represented among the women exploited in brothels across Britain. Over a period of two years, Leicestershire police visited 156 brothels, encountering 421 women, 86% of whom were from Romania. Northumbria police visited 81 brothels over two years, and of the 259 women they encountered in the brothels, 75% were Romanian.

The suffering inflicted on the minds and bodies of women in these brothels by man after man after man can scarcely be imagined. One woman trafficked to the UK said:

"To begin with [the offenders] were my friends but, as soon as we came to England, they started to physically abuse me. He beat me many times because I was not earning him enough money…Even though the clients did not physically abuse me, I felt abused because I was forced to have sex with them even when I did not want to do so. Sometimes that was painful. After a while, I felt disgusted by what I was doing and I wanted to stop but [he] wanted more money and he forced me to continue."

Sex trafficking gangs are ruthlessly exploiting women in our constituencies for one reason only: money. The disturbing reality is that, today, England and Wales are attractive destinations for sex traffickers. Perpetrators face low risks for high profits. Why are the profits so high and the risks so low? Because we have unfettered demand from men who pay for sex, and in doing so fund these criminal gangs; and we have lucrative pimping websites on which traffickers can quickly and easily advertise their victims to sex buyers across the country. Shockingly, these pimping websites are legal.

Alongside this impunity for online pimps and punters, perversely, the women they sexually exploit can themselves face criminal sanctions for soliciting, making it harder for them to seek help and rebuild their lives, as we discussed. Our laws are hindering, rather than helping, the fight against sex trafficking; they need to be strengthened now. To break the business model of sex trafficking, we have to deter demand, end impunity for online pimping, and support, not sanction, the victims and survivors. The new clauses would do just that. They would bring our laws in line with those of France, Israel, Northern Ireland, Ireland, Sweden, Norway and Iceland. All of those countries have criminalised paying for sex and decriminalised victims of sexual exploitation, in order to put pimps and traffickers out of business. It is high time that England and Wales joined that list. I look forward to what the Minister has to say about these new clauses.

Victoria Atkins: I am grateful to the hon. Lady for putting the case for new clauses 76 to 82 on behalf of the hon. Member for Kingston upon Hull North, who in the last Parliament had a ten-minute rule Bill on the issue.

The Government's long-standing policy towards sex work and prostitution has been focused on tackling the harm and exploitation that can be associated with prostitution, as well as ensuring that those wishing to exit sex work are appropriately supported. These six new clauses seek to make significant changes to the legislative regime governing prostitution and sex work. In summary, they would impose what is known as the sex buyer law, or Nordic model, which would criminalise the buying but not the selling of sexual services, the profiting by third parties from sexual services and the advertising of sexual services.

Under English and Welsh law currently, the buying and selling of sexual services are not necessarily unlawful in themselves. In other jurisdictions where the buying of sex has been criminalised, such as France, Northern Ireland and Sweden, there has been no conclusive evidence to show that the criminalisation of the demand for sex has either led to a significant decrease in the demand for sexual services or improved the conditions in which sex workers operate. Indeed, there is some evidence to suggest that criminalising the purchasing of sexual services worsens the conditions in which prostitutes and sex workers operate. It may change the profile of buyers of sexual services, distilling the demand down only to those willing to break the law to purchase such acts and forcing prostitutes and sex workers to engage in forms of prostitution associated with higher levels of harm. In the absence of unequivocal evidence, the Government have therefore maintained their line that we are focusing on trying to exit people and trying to reduce the harm and exploitation that they face.

Sarah Champion: The argument that the Minister makes assumes the ability to give informed consent by the people in prostitution. I have no problem whatsoever with people who are choosing to prostitute themselves. What I have an issue with is sex trafficking and the number of people—and I know that the Minister is very aware of this—who are forced into this situation. I see no better approach than to remove the financial reward for these people, to enable those who actually want to prostitute themselves to go ahead.

Victoria Atkins: I very much accept the hon. Lady's point about the coercive aspect of trafficking—forcing people into prostitution and sex work. It is a huge part of our work to tackle modern slavery and sex trafficking. We have covered this ground already, albeit on a slightly different subject. Section 52 of the Sexual Offences Act 2003 makes it an offence to cause or incite another person to engage in prostitution for one's personal gain or the gain of a third party. Section 53 also creates an offence relating to one's personal gain or the gain of a third party, and under section 53A it is a strict liability offence to pay for the services of a prostitute subjected to force, coercion, deception or exploitation. All of those offences are captured by the definition of exploitation in section 3 of the Modern Slavery Act 2015, by virtue of which human trafficking with a view to committing the aforementioned offences carries a maximum sentence of life imprisonment.

The other new clauses in the group stand or fall with new clauses 76 and 77. I will not address them, because I know an important matter is to be debated after this and I am mindful of time. We are taking action to tackle harmful activity online—that is a very important point in this subject area. With the Online Safety Bill, which I have already addressed several times in Committee, the imposition of a legal duty on certain online services providers to tackle criminal activity on their services will apply to a range of instances covered by this topic. The tech companies and services that are in scope will have to put in place systems and processes to limit the spread of illegal content and to remove it swiftly.

On the wider work of the violence against women and girls strategy, prostitution and sex work have been raised in many of the responses that we have received, and we very much intend to address actions on that to reduce the risks for women working in prostitution and sex work. As always, I would very much welcome the hon. Lady's ideas and suggestions on these aims, and I am very happy to work with her and the right hon. Member for Kingston upon Hull North on addressing some of those harms, which we are all determined the prevent.

Sarah Champion: I am happy to withdraw the clause. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: New clauses 77 to 82 have already been debated, so we come now to new clause 83.

New Clause 83

CONCEALING A BODY

"(1) A person ('D') is guilty of an offence if—

(a) D conceals the deceased body of another person, and

(b) D intends to obstruct a coronial investigation, or

(c) D conceals a death to facilitate another criminal offence.

(2) For the purposes of subsection (1)(b), the circumstances in which a coronial investigation is required are set out in section 1 of the Coroners and Justice Act 2009.

(3) For the purposes of subsection (1)(a), concealment of a homicide will be conclusive evidence of an intent to obstruct a coronial investigation.

(4) 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.

(5) The common law offence of obstructing the coroner is abolished."—*(Bambos Charalambous.)*

Brought up, and read the First time.

Bambos Charalambous (Enfield, Southgate) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 84—*Desecration of a corpse*—

"(1) A person ('D') is guilty of an offence if—

(a) D acts with severe disrespect to a corpse, and

(b) D knows that, or is reckless as to whether, their acts are ones of severe disrespect.

(2) For the purposes of subsection (1)(a), whether an act is one of severe disrespect will be judged according to the standard of the reasonable person.

(3) A person is not guilty of an offence under this section if—

(a) they had a reasonable excuse for their acts,

(b) the act would otherwise be criminal under section 1 of the Human Tissue Act 2004,

(c) the act is also a criminal offence under section 70 Sexual Offences Act 2003 ('Sexual penetration of a corpse'),

(d) a person, prior to their death, has given consent for the acts to be done to their deceased body, notwithstanding that they involve severe disrespect to the corpse.

(4) 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.

(5) The common law offence of preventing a lawful and decent burial is abolished."

Bambos Charalambous: It is a pleasure to serve under your chairmanship, Mr McCabe. There can be few things worse than learning of the murder of a close relative. There is then the trauma of the trial and the detail that is raked over to ensure a conviction. In certain cases, the never-ending turmoil of not having a body to lay to rest is an unimaginable form of emotional torture.

The tireless work of Marie McCourt ensured that Parliament passed Helen's law in March 2020. The body of Helen McCourt, Marie's daughter, who was murdered in 1988, has never been found. Her killer never disclosed the whereabouts of her body. Marie's campaigning successfully changed the law so that parole boards must now take into account whether killers have refused to co-operate in the recovery of their victims' remains.

Anomalies in the law remain when a body is never found, however, and they must be addressed. That is why the two new clauses would create two new offences: that of concealing a body and another relating to the desecration of a corpse. New clause 83 would replace the common law offence of obstructing a coroner with the offence of concealing a body. New clause 84 would replace the common law offence of preventing burial, which has its origins in ecclesiastical law, with the new offence of desecration of a corpse. That would also address gaps in the law and capture a range of intentional acts of severe disrespect, including the mutilation of a corpse, the drawing of lewd images on a deceased body, and non-penetrative sexual acts performed involving a corpse.

In 2017 the Law Commission acknowledged:

"The law governing how we dispose of the bodies of our loved ones…is unfit for modern needs."

The current law is haphazard in how it is applied to deal with the serious wrong of behaving with gross disrespect towards deceased bodies. The existing common law charges of preventing a lawful and decent burial, hiding a corpse and obstructing a coroner have been rarely used.

When Helen McCourt was murdered in 1988, murder trials without a body were exceptionally rare. Sadly, today they are common because, as forensic detective methods have become more sophisticated, killers are resorting to ever more desperate measures to hide evidence of their crimes. In 2019 the Home Office confirmed that since 2007-08 there have been 50 homicides—convictions for murder and manslaughter—without a body. One can only try to imagine the huge extra distress this causes victims' families, and as the law stands the killer will receive no further punishment for the additional horrific crimes committed after the initial homicide. The distress to the affected families will only continue to rise without a change in the law. If offenders knew that they would face charges relating to non-disclosure and desecration as well as for the homicide offence itself, they may think twice about committing the offence and maintaining silence about it.

4.45 pm

I thank Dr Imogen Jones of Leeds University, a specialist in this area of law, for her help in drafting the new clauses. I will end by paying tribute to Marie McCourt, who has continued to highlight these issues following her success in changing the law in March 2020. It would surely be a fitting testament to her tireless campaigning to see these new clauses passed into law, and it would also serve as a legacy to daughter's name.

Chris Philp: I thank the shadow Minister for his speech and for introducing this new clause so eloquently. He mentioned the tragic case of Helen McCourt, which I am sure is on our minds as we debate this new clause. Along with the hon. Member for St Helens North (Conor McGinn), I have met her mother Marie McCourt, who has campaigned tirelessly on this issue for many years, which led ultimately to the passage, as the shadow Minister said, of Helen's law a few months ago. It was a privilege to take it through the House of Commons as the Bill Minister.

The Government once again are very sympathetic to the sentiments and the intention behind these new clauses, and I would like to look briefly at new clauses 83 and 84, which combined seek to repeal and replace two common law offences, as the shadow Minister has said. New clause 83 would repeal the common law offence of obstructing a coroner, replacing it with a statutory offence, while new clause 84 seeks to repeal the common law offence of preventing lawful burial.

It is worth just saying that, as with many common law offences, they are quite wide-ranging measures in their scope and cover potentially quite a wide range of behaviour. One of the risks we run when we seek to codify the common law—as we sometimes, or indeed often, do—is that we may inadvertently narrow the scope of the existing common law provisions. Of course, we will also be reducing the maximum sentence, because as common law offences these offences currently have a maximum sentence of life whereas by creating a statutory offence, as these new clauses seek to do, there would be a specified much lower maximum sentence.

It is worth saying that the common law—as, too, the non-common law—does cover the question of concealing a body in various ways. In circumstances where an offender is responsible for a homicide, the fact that they concealed or mutilated the body is already taken, not as a point of common law but as a point of sentencing guidelines, as a clear aggravating factor at sentencing. Therefore, on conviction the sentence will be increased, reflecting the fact that the sort of behaviour the shadow Minister has described has occurred. Where the concealment of a body is part of a course of action that includes the killing, the sentence for murder would again include that as an aggravating factor in deciding the starting point for the sentence. If we have a separate offence, the danger, of course, is that the offences may be served

concurrently, so we may not have someone in prison for any longer, whereas if it is an aggravating factor for the main offence, we may well get a longer sentence. We need to be mindful of those technical reasons that might inadvertently have the opposite effect to that intended.

It is also the case, of course, that once someone is convicted of an offence of this kind—this includes refusing to disclose the location of the body—we have legislated via Helen's law, as the shadow Minister said, that the Parole Board is now obliged as a question of statute to consider the non-disclosure of the whereabouts of the body when making release decisions. That was previously in parole guidelines but is now statutory, which also sends a message to the Parole Board about how strongly Parliament feels about this. Non-disclosure could also lead to a later release point. All those points are important to bear in mind.

On new clause 84, which seeks to deal with the desecration of a body, the meaning of acting with severe disrespect to a corpse could, under the new clause as drafted, include several circumstances such as mutilation, hiding or concealment, unlawful burial or cremation, or otherwise preventing the lawful burial of a body. It could also mean taking photographs of bodies where it is inappropriate or unnecessary to do so. The Government completely understand the thinking behind the new clause, because, of course, the bodies of those who have passed away should be treated with dignity and respect.

A number of existing criminal offences can already be used, such as preventing lawful burial and decent burial, as well as perverting the course of justice if the activities are designed to prevent justice from being done. Those are common law offences with a maximum penalty of life, as I said. There are also statutory offences such as disposing of a child's body to conceal a pregnancy or burning a body other than in a crematorium, as well as offences that can apply in some circumstances, such as misconduct in public office if such a person—that could even include a police officer—is in public office.

The desecration of a body is likely to be connected to another offence. Therefore, as with the previous new clause, an act of desecration is likely to be an aggravating factor in sentencing the other offence, which might be murder or manslaughter, resulting in a more severe penalty. Again, we come to the question of concurrency: if a separate offence is created, the two sentences might run concurrently, whereas if instead the act aggravates the main offence, there may be a longer sentence. Those points are worth making.

The intention of the new clauses may be to ensure that people who commit such acts would spend longer in prison, and we obviously sympathise with that, but it is possible that, for the reasons I have mentioned, they would not achieve that effect. Such matters can be reflected either through the existing common law offence or as an aggravation to the principal offence. We now have Helen's law regulating release from custody where that happens.

The Government recognise the campaigning done by Marie McCourt, and I know that the Lord Chancellor has met her as well as the hon. Member for St Helens North. The Lord Chancellor has met her a number of times and I have met her as well. We want to continue discussing these issues with Marie and her family and to think about whether there is anything else we can do to ensure that the awful circumstances we are discussing are fully reflected beyond even what I have already described. We are receptive to ideas in this area and are happy to talk about them and think about what else can be done, but, for the reasons about the precise way in which the new clauses are crafted, we do not think they would take the law as it stands any further forward. However, we are happy to work with Marie, the hon. Member for St Helens North, shadow Ministers and others to see if there are other things that we can do.

Bambos Charalambous: On the basis of what the Minister has said, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: I do not know how hon. Members have managed it, but new clause 84 has already been debated, so we come to the final question.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Victoria Atkins: It is customary at this stage to mark the end our deliberations in Committee by reflecting on the ups and downs, the agreements and disagreements and the range of subjects on which we have deliberated. Our debate on the police covenant at the beginning of the Committee's deliberations feels like a long time ago. I am pleased that the Bill and no fewer than 84 new clauses have had the benefit of rigorous scrutiny by hon. Members on both sides of the Committee over the past few weeks.

I thank in particular you, Mr McCabe, for your stylish chairmanship of the Committee as well as your co-Chair, Sir Charles, who was equally stylish and equally good at keeping us all in good order. I thank the Under-Secretary of State for the Home Department, my hon. Friend the Member for Croydon South, for sharing the privilege, the pleasure and the workload of our Committee with me. I thank the Opposition Front Benchers—the hon. Members for Croydon Central, for Stockton North and for Enfield, Southgate—for their constructive and at times lively approach to the matters that we have debated, but that is all absolutely in the role of this Committee and what this process is supposed to do in this place.

I would, of course, get into lots of trouble if I did not thank the Government Whip, my hon. Friend the Member for Corby. If Chairs keep us in order, Whips whip us in to make sure that we remain in good order. I give my sincere thanks to him because it is a very difficult job at times and one that does not get much praise.

I thank the Clerks for herding us in the right direction when we needed to be so herded, and the *Hansard* writers, whose ability to keep note of what we are saying never fails to amaze me. I thank the officials and the lawyers from the Home Office, the Ministry of Justice and the Department for Transport. A huge amount of work goes on behind the scenes to help Ministers to prepare for a Bill Committee, and it is very much thanks to them that we are able to do so.

That flows inevitably to my very sincere thanks to the Bill manager for the Home Office, Charles Goldie, and the Bill manager for the MOJ, Katie Dougal—I hope I pronounced that correctly. They help Ministers to swim serenely above the water while they are working terribly hard underneath, so I thank them very much for their hard work and effort.

[Victoria Atkins]

Thanks also to our private offices, who help Ministers to turn up at Committee on time. Finally, of course, thanks to the members of the Committee. I know that, for some Members, this was their first Bill Committee—I hope that we have not put them off for life—but they have all contributed in their own way and have played a vital role in scrutinising this important piece of legislation so that it is ready for the House's wider scrutiny on Report in a week and a half's time. Thank you all.

Alex Cunningham: The very fact that we are within three minutes of the reporting time for this Bill justifies my hon. Friend the Member for Enfield, Southgate fighting for all the time that the Committee has had to deliberate. I thank you, Mr McCabe, and Sir Charles for chairing our weeks of deliberations with skill and good humour.

I thank the Government Members who made a contribution and even those who were able just to crack on with their correspondence, and Ministers for listening and making us some promises that I am sure they will keep. The Under-Secretary of State for the Home Department, the hon. Member for Louth and Horncastle, recognised very early on that a 16-year-old is not an adult in any circumstances whatsoever, and the Under-Secretary of State for the Home Department, the hon. Member for Croydon South, very kindly said that he would act as an advocate for Opposition Members who might be having problems engaging with other Government Ministers.

My thanks also go to my hon. Friend the Member for Croydon Central for sharing the Front-Bench role with me and for championing our position on shopworkers and protests. I thank all the other Opposition Members who did a grand job holding the Government to account on everything else—from violence against women and girls, to pet theft. I thank the many organisations, too numerous to mention, that championed their causes and helped us to champion ours, too. Without them the challenge to the Government would have been all the poorer. I thank the Committee Clerks for their professionalism and their patience and, of course, our friends in the *Hansard* service.

Finally, I thank our Whip, my hon. Friend the Member for Enfield, Southgate, who will now hang up his whip and get into his new role on a full-time basis, as I understand it. I thank him especially because I really did need him daily to tell me, "It's okay, Alex, we will get through the business. We will get to the end. We will get all the new clauses dealt with—rest assured." So, thank you to him.

Bill, as amended, accordingly to be reported.

4.59 pm

Committee rose.