PARLIAMENTARY DEBATES

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Public Bill Committee

PROTECTION FROM SEX-BASED HARASSMENT IN PUBLIC BILL

Wednesday 22 February 2023

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Sunday 26 February 2023

The Committee consisted of the following Members:

Chair: Sir Gary Streeter

† Bailey, Shaun *(West Bromwich West)* (Con)
† Baillie, Siobhan *(Stroud)* (Con)
† Baker, Duncan *(North Norfolk)* (Con)
† Bradley, Karen *(Staffordshire Moorlands)* (Con)
† Clark, Greg *(Tunbridge Wells)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Dines, Miss Sarah *(Parliamentary Under-Secretary of State for the Home Department)*
† Farris, Laura *(Newbury)* (Con)
† Harman, Ms Harriet *(Camberwell and Peckham)* (Lab)
† Jardine, Christine *(Edinburgh West)* (LD)
Johnson, Dame Diana *(Kingston upon Hull North)* (Lab)
Miller, Dame Maria *(Basingstoke)* (Con)
† Mohindra, Mr Gagan *(South West Hertfordshire)* (Con)
† Nokes, Caroline *(Romsey and Southampton North)* (Con)
† Phillips, Jess *(Birmingham, Yardley)* (Lab)
Vaz, Valerie *(Walsall South)* (Lab)
Wilson, Munira *(Twickenham)* (LD)

Anne-Marie Griffiths, Amna Bokhari, *Committee Clerks*

† attended the Committee

Public Bill Committee

Wednesday 22 February 2023

[Sir Gary Streeter *in the Chair*]

Protection from Sex-based Harassment in Public Bill

9.25 am

The Chair: I welcome colleagues to this important Committee. I have a few preliminary reminders. Please switch electronic devices to silent. No food or drink, except for the water provided, is permitted during sittings of the Committee. *Hansard* colleagues would be grateful if Members emailed their excellent speaking notes to hansardnotes@parliament.uk.

Clause 1

Intentional harassment, alarm or distress on account of sex

Greg Clark (Tunbridge Wells) (Con): I beg to move amendment 1, in clause 1, page 1, line 6, leave out "in England".

This amendment extends the application of the offence in new section 4B of the Public Order Act 1986 so that it can be committed in Wales as well as in England.

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

Amendment 5, in clause 1, page 1, line 19, at end insert—

"(c) A considered that carrying out the conduct referred to in section 4A(1) was reasonable because of the relevant person's sex (or presumed sex)."

Clause stand part.

Amendment 2, in clause 2, page 2, line 5, at end insert ", subject to subsection (1A)".

This amendment is consequential on NC2.

Amendment 3, in clause 2, page 2, line 5, at end insert—

"(1A) An amendment made by section (Consequential amendments) has the same extent as the provision amended."

This amendment is consequential on NC2.

Amendment 4, in clause 2, page 2, line 6, leave out "Section 1 comes" and insert

"Sections 1 and (Consequential amendments) come".

This amendment is consequential on NC2.

Clause 2 stand part.

New clause 2—*Consequential amendments*—

"(1) In paragraph 1 of Schedule 1 to the Football Spectators Act 1989 (relevant offences for the purposes of Part 2), in each of paragraphs (c), (k) and (q), after '4A' insert ', 4B'.

(2) In Schedule 8B to the Police Act 1997 (offences which are to be disclosed subject to rules), in paragraph 102, after paragraph (e) insert—

'(ea) section 4B (intentional harassment, alarm or distress on account of sex);'.

(3) In Schedule 9 to the Elections Act 2022 (offences for the purposes of Part 5), in paragraph 35, after paragraph (e) insert—

'(ea) section 4B (intentional harassment, alarm or distress on account of sex);'."

This new clause consequentially amends the Football Spectators Act 1989, the Police Act 1997 and the Elections Act 2022 to include a reference in those Acts to the offence in new section 4B of the Public Order Act 1986 (intentional harassment, alarm or distress on account of sex).

New clause 3—*Amendment of section 4A of the Public Order Act 1986*—

"(1) Section 4A of the Public Order Act 1986 is amended as follows.

(2) In subsection (3)(b), at end insert 'subject to the exception in subsection (3A)'.

(3) After subsection (3), insert—

'(3A) Where a court is considering whether an offence has been committed under this section for the purposes of section 4B, it shall not be a defence for the accused to prove that his conduct was reasonable because of the relevant person's sex (or presumed sex).'"

Greg Clark: It is a great pleasure to serve under your chairmanship, Sir Gary. I am grateful to colleagues for agreeing to serve on the Committee. We have great experience represented, including several fellow Select Committee Chairs, but the membership also covers the whole breadth of the House; we have some of its newest Members, and it is a pleasure to have them here.

The Bill is a short and simple one, but it is historic. It creates, for the first time, a specific offence of public sexual harassment, and provides for the possibility of that being punished on conviction at the higher tariff. I will not repeat the arguments made for the Bill on Second Reading, as this is its Committee stage, but it is fair to say that on Second Reading it commanded the unanimous support of the House after a debate that showed Parliament at its best. Indeed, many members of the Committee spoke in that debate, and did so powerfully. They drew in some cases on their own personal experience, and on those of their constituents, recounting the all too frequent reality of life for many women, in particular, of enduring being followed, obstructed, shouted at and having obscene gestures made at them because of their sex. The Bill aims to make it clear that such behaviour is a serious criminal offence, and to make it as obviously unacceptable to harass someone on the grounds of sex as to do so on the grounds of race or disability, for example.

I will concentrate in my opening remarks on the amendments I have tabled. If you will allow me, Sir Gary, I will say something about the other amendments that have been selected for debate, especially those from the hon. Member for Walthamstow, once she has made her opening remarks later in the debate. I am grateful for the support of the Government, and I thank the Minister and her excellent officials in the Home Office for their help in tabling the four amendments that I have tabled and that are before the Committee. They are designed not to alter the purpose of the Bill, but to improve its working in practice.

Amendment 1, by deleting the words "in England" in clause 1, will extend the Bill's application to Wales. The subject matter of the Bill—the Public Order Act 1986—is devolved to Wales, but the House can legislate to extend it to Wales if the Welsh Government wish and the Senedd passes a legislative consent motion to that effect. I am pleased to say that the Welsh Government wish to apply the Bill to Wales, and they will table a legislative consent motion in the Senedd in time for it to pass before Report.

I hope the Committee will agree that it makes legal sense to expand the new offence to include Wales, because the Public Order Act on which the offence is based already applies to Wales. I am grateful to officials in the Welsh Government for their alacrity in supporting the Bill. By contrast, the section 4A offence in the Public Order Act does not extend to Scotland or Northern Ireland, so it would not be practical to expand the new offence to those countries, given that the Act on which it is based does not apply there.

New clause 2 picks up on the fact that the existing section 4A offence in the Public Order Act 1986 is referred to in three other Acts of Parliament: the Football Spectators Act 1989, the Police Act 1997 and the Elections Act 2022. Without the new clause, if in future someone were convicted under the new section 4B offence of sex-based harassment, they would no longer be covered by the sanctions that those other Acts contain for convictions under section 4A of the Public Order Act. Those relate to football banning orders, the disclosure of criminal records in Scotland and disqualification from elected office, which follow currently from conviction under section 4A of the Act. Amendments 2, 3 and 4 are consequential on new clause 2, providing, for example, for commencement regulations to be the same for new clause 2 as for clause 1.

I hope that my explanation of the amendments will command the support of the Committee. I look forward to the debate that follows and to hearing the case made by Members, particularly the hon. Member for Walthamstow on her amendment 5 and new clause 3. Having expressed gratitude to Members for being here, I remind them that this is a private Member's Bill to which limited time is attached. We have an opportunity to right a historic wrong with this legislation, and I hope that we can approach the debate in a pragmatic fashion with the common purpose of achieving the change in the law that was so clearly the House's wish on Second Reading.

Stella Creasy (Walthamstow) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Gary, and to continue to work on the Bill. I thank the right hon. Member for Tunbridge Wells for his diligence on this legislation. Many of us feel very passionately about the issue, and we are grateful for his commitment and the work he has done to bring so many people together around what has historically been quite a difficult issue to make progress on.

I was watching my three-year-old daughter gambolling down the street the other day. "Gambolling" is the right word; she was in a party dress, half dancing and half singing, and she was joyful. She was walking down the same street that I walk down when coming home from work, with my keys in my hand, looking around, nervous about who else might be on the street. It struck me how important it is that we do not give into those who say that this is too complicated an issue to make progress on.

The honest truth about being a woman is that you learn to live in fear. You learn in our society and our culture to be half aware of what is going on around you at all times, because you know that there is danger out there. When I look at my little daughter and think about what is to come, I know why this legislation is so important. I wager that everybody who has young children in their life thinks about these issues. In particular, tackling the public harassment that women face on a daily basis is long overdue, and many of us in this place have worked on it. That is why it is so important that we take the opportunity to get this right, because they come along so rarely. New clause 3 and amendment 5, which I tabled, and new clause 1, tabled by the right hon. Member for Romsey and Southampton North but not selected for debate as it was not in scope, all get at the same point about ensuring we take this opportunity we finally have to recognise in law the fact that misogyny is driving crimes against women and to act on it.

I was thinking about some of the euphemisms we use and the things that are part of the culture we grow up in. We become so used to the fact that women are at risk and face harassment and abuse on a daily basis that we minimise it. I remember when I was younger being very concerned about somebody I was told had "deserts disease", because I did not understand what it meant, until somebody explained to me that they meant wandering palms. We talk about people being handsy, and we talk about "creepy", but all these behaviours are criminal.

What this legislation does is so powerful, because it says that the criminal offences that have been so much a part of women's daily experience of public life should be acted on. For many of us who have campaigned on the issue for years, one of the biggest frustrations has been being told that we could not act on these things, because if we did, so many people would be prosecuted that the system could not cope, so it was up to women to take the abuse and find ways of minimising it and protecting themselves, carrying their keys in their hand and making sure they were alert at all times when they were in public, rather than us stopping it. What this legislation does that is so powerful is to say, "No, actually, it is not women's job to protect themselves; it is society's job to stop the people doing this." The amendments I have tabled speak to that culture and the challenge we face in getting this right.

As the right hon. Member for Tunbridge Wells said, this is based on public order offences. There are other pieces of harassment legislation, which I am sure many people are familiar with. I had the fortune in a previous lifetime to work on some of them, which is why, on reading the Bill, I was concerned to identify some of the challenges with using the public order offence. I hope the Minister recognises that I want us to get the legislation right. My amendment are probing amendments, but I hope that by the time we get to Report, the questions they raise can be answered by the Government, because this is not a partisan issue; I think that Members across the House recognise the point I am making.

Public order offences are based on the concept of intent—did someone intend to harass somebody? They therefore give the person who is accused of it a defence that says, "Well, I thought my behaviour was reasonable." The concept of reasonable behaviour is contained in other pieces of harassment legislation, but in that legislation it is also defined by whether someone ought to know it was reasonable. The Protection from Harassment Act 1997 refers to conduct that

"occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person."

In contrast, public order offences simply allow the perpetrator to define whether they thought their behaviour was reasonable. Every woman in this room will recognise the challenge that that presents, because I wager that all

[Stella Creasy]

of them have probably experienced unwanted touching and unwanted behaviour. I pay tribute to the Clerks, who have been fantastic in working with me on how we address that challenge.

Let us put it in the simplest phrases: "Cheer up, love! I was just trying to chat you up." "Can't you take a joke, love?" "It's a compliment." "Don't get your knickers in a twist!" We have all heard those phrases when we said to somebody, "Stop." We have all had the experience of somebody feeling they are entitled to touch us and harass us because they think their behaviour is reasonable. These amendments speak to a simple point. Most men in this country know how to approach a woman if they find her attractive. They do not feel the need to touch her breasts or her bottom or to harass her and abuse her, but some do. If we do not close this legal loophole, a commonplace experience for women—being challenged when they speak up for themselves and say, "No, don't touch me in this way. Don't speak to me in this way. Don't harass me. Don't abuse me"—will become a legal defence, because in contrast with other pieces of harassment legislation, there is no provision that says someone ought to know their behaviour is unreasonable in the definition of intent in the Public Order Act.

My amendments will do something very simple. They will introduce the concept of "ought to know" that is contained in other pieces of harassment legislation. I hope the Minister recognises that that will help to create consistency in how we define harassment in law. More importantly, none of us wants to see those women who are brave enough to come forward under this legislation and say, "This person did this to me" be put on trial about whether they can take a joke. Nine times out of 10, that person will be a man. I recognise that the Bill does not specify gender, and that is important, but we know from the 11 police forces that are defining misogyny as a hate crime and recording the gender of victims that the victims are overwhelmingly—80% to 90%—women.

We do not want victims to be put on trial about whether their response—their statement that such behaviour was not acceptable—is reasonable, because that would bring into play the very simple concept of whether anybody else would think it is reasonable. That concept exists in other harassment legislation—not just the Protection from Harassment Act 1997, but the Serious Organised Crime and Police Act 2005. The Crown Prosecution Service guidance says:

> "In determining whether the defendant ought to know that the course of conduct amounts to harassment, the question to be considered is whether a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other."

It is important to clarify, in relation to the Bill, that in public order offences a judge can give what is called an oblique direction to a jury, so they can say: "This concept of reasonableness is not necessarily right." That is there as a precedent, but reasonableness is not defined in every single case.

There is a risk that if we do not clarify that we want those same protections and the same questions in this Bill, that will create a legal loophole. My amendments are about that. I am sure the Minister will argue that they are not quite at the level they need to be. I completely understand that; this is a first attempt to flag the issue. If the Minister can suggest other ways to set out in law the fact that we need consistency and that we want to close the loophole, I would be very open to that, but the Bill will not do all the things we want unless we are clear that it does not matter that a person thinks it is reasonable to grab a woman by her breasts to express their sexual interest in her—most other people would not. This Bill is about those commonplace forms of public harassment—24,000 women every single day experience harassment—and it needs to be tightened up.

I hope Committee members understand where I am coming from with these amendments, and I hope they will find common cause across the House. I look forward to what the Minister has to say and to hearing how we might take the issue forward.

Caroline Nokes (Romsey and Southampton North) (Con): It is a pleasure to serve under your chairmanship, Sir Gary. I pay tribute to my right hon. Friend the Member for Tunbridge Wells, who has done an enormous amount of work to bring together a coalition of reasonable people—to use the word of the hon. Member for Walthamstow—who have sought over many years to find a way forward on this really serious issue.

We know it is a serious issue because each one of us has listened to tales from our constituents and organisations in our patches. I always highlight the incredible work of Plan International UK, Girlguiding, the Women's Institute and Soroptimist International. I had the pleasure of speaking about this issue at the Soroptimists' regional conference, probably at the start of last year, although I fear that it may have been 2021. I am sure they will not mind me saying this, but it was a group of mature ladies. They were very clever, very sharp and very determined to ensure that their daughters and granddaughters do not experience the same things they had, albeit some years before.

The hon. Member for Walthamstow painted a picture of her daughter. My message to the Committee is that they are all our daughters. Those of us who are blessed with daughters often cite our experiences, but it is about every woman and young girl out there who has been the victim of this sort of harassment. The tragedy is that they all have.

I will not speak to my new clause, which was deemed out of scope—you need not worry about that, Sir Gary—but I will speak to the broad theme of this Bill, which is a huge step forward. We have been looking for this progress. I know it has been considered over many years by the Home Office under successive Home Secretaries. I pay tribute to the work of my right hon. Friend the Member for Witham (Priti Patel), my hon. Friends the Members for Louth and Horncastle (Victoria Atkins) and for Redditch (Rachel Maclean), and the Minister. I know they want to find a way forward.

I regard the Bill as the first step—this should strike fear into everyone's heart. I will be completely candid: this is not perfect legislation. It omits some of the things that I would like to have seen included. We must keep a weather eye on what has been done to improve it when it comes back on Report and how it works in practice, because that is what really matters. It does not matter that we get the wording right in a piece of legislation if it is not any use on the ground. It is the practical implications that will make a difference to all those women out there who walk home with their keys in their hand.

We cannot shy away, and the hon. Member for Walthamstow did not shy away, from the fact that this is about women protecting themselves from male perpetrators. My Committee, the Women and Equalities Committee, is doing an enormous piece of work on misogyny and violence against women and girls. We never shy away from saying that in the vast majority of cases—of course I acknowledge that it is not every case—the behaviour is perpetrated by men, and it is cultural.

9.45 am

That is why this legislation is so important: because it draws a line under that culture and says, "No, this is wrong. This is not reasonable behaviour." It is about ensuring that we focus not on the extreme end of violence against women and girls—the repeat offenders who are out on probation, or the most violent—but on the root of the offences. I say it repeatedly: not every flasher becomes a rapist, but every rapist has started somewhere.

Sexual harassment and the harassment of women in the street are part of a pyramid of offending. I really shy away from using the term "low-level offending", because that undermines the seriousness of the impact that such an event can have on the victims, predominantly young women and girls, who will remember it for the rest of their days. That is why it is so crucial that we emphasise the wider issues. Every one of us supports the Bill and wants it to succeed, but there are wider issues around sexual harassment that I feel it still does not address. Believe me, our Committee will be watching carefully, and when we need to go further we will make that point.

I have probably said enough. My final comment is about victims, to whom the hon. Member for Walthamstow alluded. Our focus must be on intent and reasonable behaviour. We cannot have a situation in which a woman is put on trial for not getting the joke. Too many times, I have to listen to the phrase, "It's just banter." It is not banter; it is harassment. Let us make sure that it is recognised as such.

Christine Jardine (Edinburgh West) (LD): I will make only brief remarks. I could not agree more with the hon. Member for Walthamstow and the right hon. Member for Romsey and Southampton North.

I was struck by what the hon. Member for Walthamstow said about her daughter being three. Before my daughter was born, a number of us at work found it immensely frustrating that we constantly had to face "banter" in the office. We were called unreasonable if we did anything about it, because it was just "reasonable banter". We might miss the significance of the Bill and think it a small step. In a way it is, but in another way it is huge and important, because we have put it on record that such "banter" is not the reasonable thing; being offended by it is the reasonable thing. The reasonableness is with the women.

The hon. Lady's mention of her daughter being three reminded me of the situation we faced daily in the workplace before my daughter was born. It struck me that my daughter is now 26. The workplace situation has improved, but the so-called banter continues. Those offensive statements and that harassment fall below the level of violence, but they are just as damaging because the issue is cultural. It affects women's self-esteem, what we do and where we go in the evenings, even with our keys between our fingers. It is important to recognise today that we have to draw a cultural line, as the right hon. Member for Romsey and Southampton North said. It is a cultural problem that we have to continue to fight daily. I hope that when the daughter of the hon. Member for Walthamstow is 26, we will have made more progress than has been made in the past 26 years.

Jess Phillips (Birmingham, Yardley) (Lab): People always say this, but I actually mean it: it is a pleasure to serve under your chairmanship, Sir Gary. I express my thanks and those of the Labour party to the right hon. Member for Tunbridge Wells for the opportunity to have this longed-for conversation and to start to build the legislative framework.

The right hon. Member was drawn out of the legislative lottery, which is an odd quirk of this place. At the time, I noted—I mean no offence to him—that there were more people in the top 10 called Greg than women on the list. Hearts sank somewhat for some of us in the room, as they did for charities such as Plan and Girlguiding that have been working on the issue and trying to find a sponsor, so it was a relief that the right hon. Member immediately and clearly wanted to do it. I thank him for allowing us to have this conversation and move the legislation forward.

As we have heard in today's very reasonable debate, including in the contribution of my hon. Friend the Member for Walthamstow, the Labour party stands ready and willing to work with the Government before the Bill's final stages so that we can all agree without dividing the House. Nobody wishes to divide the House on the issue; we wish to sing with the same voice. I make that offer to the Minister.

I am not blessed with daughters, unlike others who have spoken. I am blessed with sons—I have two teenage sons. My hon. Friend the Member for Walthamstow made an important case about what people ought to know and how they ought to be reasonable. My sons know that you don't shout at women in the street and that you don't find your way into their heart by touching them up in a crowded place. My sons know that, not out of any spectacular parenting on my part but because they are reasonable human beings.

When our children were young teenagers—they are basically adults now, which I do not like to admit because it makes me feel old—my husband and I were in a park in south London. A woman was jogging past us. There were two men sat on a bench: it was 4 o'clock and they were drinking cans of lager, having a perfectly nice time. The woman jogged past and they started shouting at her about her arse and her physique. She was none the wiser: she had headphones in, though not out of design on her part, I should have thought.

I did not even notice that this bad thing was happening, because I am so used to it—I am so used to this sort of thing happening. My husband turned on his heels and absolutely blazed the two men, not even for what they were doing to the woman, but for doing it in front of his sons: "Don't teach my children that this is the way to behave. Don't ever do that." Obviously they gave him some lip back, but the next time they go to shout at a woman, they will look around in that moment and they will stop. It is not reasonable, and they ought to know

[Jess Phillips]

that it is not reasonable, but it made me feel incredibly sad that because that behaviour is standard, I did not even notice it.

On the reasonableness of men, I should mention that after the Sarah Everard case, women came forward and described all the stuff they have to do to keep themselves safe. They described the keys in the hands, the headphones in, the heads down on the train—"Don't talk to me, don't touch me." We all know that; we have all done it. It is important to say that the huge weight of that burden falls on young women. A school uniform is a red rag to a bull, which is terrible.

When we were all saying that we did all this stuff—thinking about how we were going to dress and how we were going to get home, tagging our friends, calling each other—my husband said to me, "If you had the time back, and you had the level of detail that you have lived your life at since you were about 10, you could make a feature-length stop-frame animation film as good as 'Wallace and Gromit'. That is the level of detail and time that has been taken off you as an individual." That was labour that he did not have to do, as a man.

In the arguments that my hon. Friend the Member for Walthamstow is putting forward, all I think we are asking for is not to make the victim do the labour. We have done enough labour and put in the work to provide security for women. As individuals, we have done the state's work for generations. In every rape case and every sexual violence case, there is still the problem that the person doing the labour, both in the investigation and on trial, is the victim. We have an opportunity to take that labour away.

We all want to see this legislation on the statute book. Anyone who says it will mean loads of people ending up in prison has never been at a trial relating to violence against women and girls. Hope springs eternal that anyone will go to prison for anything! We have a real opportunity here, but as the right hon. Member for Romsey and Southampton North says, we have to make sure that this legislation is the beginning and that we make it as good as possible. What we should not do is put the labour on the shoulders of the victims.

I think I have been positively manny in my response. People come back at me saying that harassment is "banter" and that boys will be boys, but I hate that idea because I think much more of men than that. I think men are capable, brilliant human beings who can make choices. When they make choices to do bad things, it is nothing to do with boys being boys. They are not base or inhuman. They can control themselves. They are cracking—I raised two of them! They are not without control over their own faculties. It is not "boys will be boys"; it is "abusers will be abusers". That is the top and bottom of it. I thank all hon. Members, and we obviously support the Bill.

The Parliamentary Under-Secretary of State for the Home Department (Miss Sarah Dines): It is a pleasure to appear before you, Sir Gary. I confirm that the Government support the legislation, and I thank my right hon. Friend the Member for Tunbridge Wells for his work on the issue.

I remind hon. Members about the effect of the Bill, as it stands. The Bill provides that if someone carries out behaviour that would fall under section 4A of the Public Order Act 1986, intentionally causing someone "harassment, alarm or distress", and does so because of the victim's sex, they could receive a longer sentence of up to two years.

My right hon. Friend has already set out the effect of his amendments, but I will confirm the Government's position. New clause 2 and amendments 2 to 4 are purely consequential. They will ensure that the scope of the other statutes is unaffected by the Bill.

New clause 2 will add the new offence of sex-based harassment in public to schedule 1 to the Football Spectators Act 1989. Schedule 1 is a list of the offences that will generally cause a person to be issued with a football banning order

"unless the court considers that there are particular circumstances…which would make it unjust".

An FBO prevents a subject from attending UK football matches and may place conditions on them on match days, for example by forbidding them from going to a particular city centre or being within a certain distance of a stadium. It can require them to report to a police station in connection with matches overseas.

Section 4A of the Public Order Act 1986, the offence on which the Bill builds, is listed in schedule 1 to the Football Spectators Act 1989. As that is the currently available offence for prosecuting someone who deliberately harasses another person on account of their sex, such a person should be issued with an FBO, but in future such a person would instead be convicted under section 4B. If we do not add the new offence to schedule 1, such a person could slip through the net and escape an FBO. The amendment will prevent that consequence and help to ensure that those who engage in sex-based harassment cannot sully the beautiful game.

New clause 2 will also add section 4B to the provisions listed in schedule 8B to the Police Act 1997. The legislation is devolved in Scotland, but with the agreement of the Scottish Government we seek to make the amendment here; it is right that when a consequential change arises from a UK Bill, we should make the necessary amendment ourselves wherever possible, in the interests of not unduly troubling our colleagues in Holyrood with the effects of our legislative changes. Schedule 8B lists the offences for which a person's conviction, even if spent, will be disclosed on a criminal record certificate, unless certain conditions apply that relate largely to a period of time having elapsed since the conviction. Section 4A of the Public Order Act 1986 is listed in the schedule. Adding a new public sexual harassment offence will ensure the maintenance of the Act's existing coverage, thus ensuring continued safeguarding.

10 am

New clause 2 will further add the new offence to the list in schedule 9 to the Elections Act 2022. The offences listed are those for which a conviction would usually cause someone to be barred for five years from being nominated for, standing for or holding elected office if their offence was aggravated by hostility towards those standing for or holding elected office, or towards other parties involved in the electoral process, such as campaigners.

This is a subject with which we are all far too familiar. The abuse that we, and others we work with in upholding our democratic processes, have to experience on a daily

basis is horrendous and all too often misogynistic. Ensuring that those who are convicted for it cannot stand for office is a crucial measure. By adding section 4B to the provisions listed in schedule 9, alongside the existing section 4A offence, the new clause will ensure that intentional harassment based on a victim's sex continues to attract that censure.

Amendment 1 will ensure that the Bill applies not just to England, as it does now, but to Wales. The matter is devolved to Wales, so making this change will require the consent of the Senedd. I confirm that Welsh Ministers are content to table a legislative consent motion before the Senedd; I anticipate that it is likely to pass. Since the section 4A offence on which the new offence builds applies to England and Wales, it makes sense that the new offence should have the equivalent application. I confirm that we cannot expand the application of the Bill in the same way to Scotland and Northern Ireland, as a section 4A offence does not apply to those parts of the UK, nor do they have wholly analogous offences.

I turn to the important issues raised by the hon. Member for Walthamstow. I thank her for tabling amendment 5 and new clause 3; more generally, I pay tribute to her consistent campaigning in this field and on related issues. There have been few more doughty campaigners in this place for ensuring that women feel safe on our streets. She makes serious points; we all understand that. While I do not think at the moment that the approach is exactly right, I am pleased to confirm that the amendments will be given proper consideration. I know that we all want to move forward on this matter.

I will respond to the amendments on a technical basis, but I reassure the hon. Lady that we will look at them carefully. I respectfully suggest that the amendments would not achieve their purpose. New clause 3 provides that the defence in section 4A of the Public Order Act, necessarily inherited by the proposed new section 4B offence, cannot be used by the defendant to claim that their conduct was reasonable because of the sex or presumed sex of the person to whom it was directed.

However, a statutory defence comes into play only if the criteria for the actual offence have otherwise been met. In this case, for a prosecution to succeed, it must prove that the defendant intended to cause harassment, alarm or distress. If it cannot prove that, the prosecution will fail, and the defendant's need to argue a specific statutory defence will not arise. This is a technical point, but if the prosecution can prove that, it seems hard to envisage a situation in which the court accepted that the defendant intended to cause harassment and was also persuaded that the defendant's conduct was reasonable, regardless of the victim's sex.

In other words, how can someone intend to cause another person harassment, yet say that they have acted reasonably? I said that it was very hard to envisage, but perhaps it is not impossible. Part of the value of a reasonableness test defence is that there are "never say never" scenarios that cannot be envisaged until they happen, so it is right that the defence remains available. I suggest that such scenarios do not justify new clause 3 at this stage, but we are thinking very seriously about the points that the hon. Lady made.

Similar considerations apply in relation to amendment 5, which specifies, as the hon. Lady set out, that it does not matter whether a defendant's conduct is reasonable because of the sex or presumed sex of the person at whom it is directed. Again, it is a separate requirement of the offence that the prosecution proves that the defendant intended to cause harassment, alarm or distress. If it cannot do so, the prosecution fails, so there is no need for the second stage.

I respectfully suggest that the hon. Lady's amendments do not work technically, but we understand what has been put forward and it will be considered very carefully. I know that my responses will raise the question why we are restricting the new offence to cases in which the defendant's intention to cause harassment, alarm or distress must be proven. That is what I think lies behind the amendments.

Caroline Nokes: I apologise if I was not listening correctly, but the Minister mentioned intent. I am not sure that, in simply reiterating the question from the hon. Member for Walthamstow, the Minister gave us an answer. Is she going to give us an answer about intent?

Miss Dines: To be able to get forward to the next step of the offence, the prosecution must always prove intent, so we would not get to the statutory defences until we have dealt with intent, and intent depends on the circumstances. I think we all know that it is all quite obvious, although I and the Government are willing to look at a better form of wording. I appreciate that my right hon. Friend feels passionately about this issue, and it is something that will be considered very carefully.

Stella Creasy: I thank the Minister for her time looking at this, because I have spent many hours doing so. I pay tribute to the Clerks, who were incredibly patient as we worked through the almost circular logic of when intent comes into this offence, partly because it is not a new offence; it is a kind of offence-plus, which is where some of the challenges about the decision on intent could be.

With the Government's support on Report, we could learn lessons from other protections from harassment and other harassment legislation about the reasonableness test and where it comes in. I know that that would get support from the Opposition and the Minister's colleagues, and it could clarify the point at which a defendant could claim reasonableness. That may be the way to do it, in the same way that this offence-plus also brings in the concept of discounting whether sexual gratification was part of the process. There will clearly be a point at which somebody decides whether it is a 4A or 4B offence, and that seems to be the point at which we could be clearer about the intent and whether somebody reasonable would know about it. We could put that in the Bill to give directions to judges and magistrates about how to interpret "reasonableness", which is what I think we are all looking to get to. I hope that that is a helpful intervention to clarify where I think there is space to marry the two different types of legislation together.

Miss Dines: The hon. Lady makes very interesting points, and I know she is particularly interested in intent. It is right that we need to prove intent as part of the offence. I would question how much of a barrier this is in relation to the sorts of behaviour that the Bill is intended to address. I remind right hon. and hon.

[Miss Dines]

Members that the explanatory notes suggest five examples of behaviour that the Bill would cover, and I know the hon. Lady will be very aware of them. They are:

"(a) following a person (for example, deliberately walking closely behind someone as they walk home at night);

(b) making an obscene or aggressive comment towards a person;

(c) making an obscene or offensive gesture towards a person;

(d) obstructing a person making a journey; and

(e) driving or riding a vehicle slowly near to a person making a journey."

I ask right hon. and hon. Members whether it can be plausibly claimed that a person carrying out that sort of behaviour does not actually intend to cause harassment, alarm or distress. It is not benign behaviour; it is almost as if that behaviour speaks for itself.

Jess Phillips: I agree, and I am sure everybody in this room would say that. I have sat in courtrooms and heard cases of people having been burned with an iron, and it has been argued that it was reasonable that that happened, so excuse us for trying to make sure that the Bill is belt and braces! We have all sat through people saying it is reasonable that a woman was strangled to death while she was having sex. It seems fanciful to the reasonable, of course, but it happens every day.

Miss Dines: I am grateful for that intervention. Of course, there are lots of different types of offences, and the circumstances that are explained are normally—I will not say "more serious", because all these offences are serious—higher-level punishment serious offences. The Government have worked very hard in this area with the non-death strangulation measures that have been brought forward, and we seek the Labour party's support for those sorts of measures. To some extent I agree with the hon. Lady, and to some extent I do not. For every matter that comes before the courts, it depends on the circumstances of the case. But things do evolve, and I accept that point.

Stella Creasy: Will the Minister give way?

Miss Dines: May I make a little progress? Things do evolve. Perhaps some people in the 1970s would have thought that following somebody closely in a car to pay them a compliment was acceptable. We now know that it is totally unacceptable; things evolve. Quite rightly, we know that such behaviour is certainly not benign. The climate is thankfully very different now and there is much greater awareness, but there is always more to do. If it can be plausibly claimed that somebody who does that was doing it without intent, we would have to get to the reasonableness defence.

Christine Jardine: I accept entirely that things have evolved since the 1970s, but they did not evolve on their own. It took a lot of work, like that which we are trying to do today on reasonableness. If we allow the opportunity to pass, people will look back and say, "How did they let that slip through the net? Why did they not address it? Why is it still reasonable for someone to be burned with an iron, or strangled during sex, or accosted in the street? Why is that still acceptable?" Evolution in this area does not happen on its own. It takes a lot of work.

Miss Dines: I thank the hon. Member for that intervention. My question is whether it could be plausibly claimed that such behaviour is not intended. I do not doubt that some defendants will try to claim that they had no malign intent when they walked closely behind someone at night, for example—defendants will try anything—but it would not be plausible, and I do not believe it would succeed.

There may be some other types of behaviour where intention to harass is harder to prove. I am reluctant to say that they are less serious, because all public sexual harassment behaviour is serious, but we are talking about relative degrees of severity. Perhaps an example is a wolf whistle in a crowded place in broad daylight, at some distance from a victim. Let me stress immediately that such behaviour is very far from okay. It is demeaning and objectifying to the woman, and has no place in our society, but it is perhaps the type of behaviour where non-criminal responses are more appropriate. I remind hon. Members of our Enough campaign, which doubtless they have seen. An intention test can usefully differentiate behaviour where the criminal justice path is the right one from behaviour where societal interventions are more appropriate.

Stella Creasy: The Minister is being very generous in giving way. A few years ago, when I left Parliament late at night and I walked up the steps to go to the underground, a young man—I was probably old enough to be his mother—walked up behind me, and slid his arms around my neck and then slowly round my breasts. He was trying to persuade me that I wanted to go to the Red Lion pub with him. I was very clear that that was not acceptable and I was not going to go. He followed me all the way down the street and I had to be quite physical to get him off me.

In that instance, he believed his intent was to charm and seduce me. He thought that that was an acceptable way to approach somebody. The difficulty with this legislation as it is currently constructed is that he could say in court, "My behaviour was reasonable—I thought it was reasonable." In other forms of harassment legislation, that concept of reasonableness could be tested by whether anybody else would think it reasonable, but that would not come into play here, because of this difference in how we define what harassment is in different pieces of legislation. This is not about whether we could prove intent per se; it is the gap between how we define harassment in other forms of legislation as opposed to under public order offences, because they are about the first time somebody has contact with somebody.

I know the Minister said she and the officials will look at this. I hope they will. I hope we can clarify that it is not about whether something is serious and it is not about whether someone has intent; it is specifically about this concept of who decides whether behaviour is reasonable, so someone can mount a reasonableness defence. I am sure that young man would argue until he was blue in the face that I just could not take a compliment. That was not a compliment. It was harassment. It was intimidating and it was scary, and it is exactly the sort of behaviour the Bill is designed to capture—but he would have that defence unless we close the loophole. That is what we are getting at.

Miss Dines: I respectfully suggest that that stark example supports my position—that it would be so obvious what he was doing, and what he intended, that

the defence would very easily be wiped away. But we need to keep that defence for the one or two circumstances where it should be reasonably argued.

10.15 am

Caroline Nokes: I thank the Minister for giving way again. I wish to follow up the example of the hon. Member for Walthamstow with a very different example, which I have used previously in the Chamber.

A young woman came to speak to me. Her job was pushing trolleys around a supermarket car park. She used to shelter by the security guards for all of lunchtime. I said, "Why? Surely lunchtime is the best part of the day?" She said, "No, because that's when the builders come."

Now, I recognise that we are now castigating an entire category of man, and I apologise for doing so, but they would turn up in their vans and harass her while she was pushing her trolleys. This was at the height of covid. She wore a beanie hat, a mask, a thick puffer jacket, leggings and boots; and a man walked up to her, put his hands either side of her face, and said, "You are too beautiful to be doing a job like this." Can we discuss what the intent and the reasonableness is there? That is a clear case of harassment on the grounds of sex, but it is not as stark as the case that the hon. Member for Walthamstow shared.

Miss Dines: I thank my right hon. Friend for raising that example. I personally think that it is just as stark, and that it is just as easy to knock down the defence, because the intent is so obviously there. Intent is not a fanciful legal device. It is something that is pretty obviously stated, and a jury, judge or magistrate—whoever it is—would very easily be able to knock the defence away, but I do value the point that my right hon. Friend makes. The Government have accepted that they will look at that again, and I very much enjoy hearing these interventions.

The Government's view is that even though these amendments would have the desired effect, they would not be necessary to criminalise the type of behaviour that concerns most of us here, but I do take seriously the concerns that lie behind them and I will give them further consideration. In the meantime, I suggest that the hon. Member for Walthamstow, having probed with quite a lot of debate, and made her point very forcefully, should perhaps not press the amendments.

Moving on to substantive matters more generally—I know that I have taken up a great amount of time—I speak in support of clause 1, which creates the new offence at the heart of the Bill by inserting a new criminal offence within the Public Order Act 1986 as a new section 4B. The offence will be dependent on the behaviour that falls within section 4A of the Act—namely, that of intentionally causing harassment, alarm or distress—and will provide that if someone committed behaviour under section 4A, and did so because of the victim's sex, they could receive a longer sentence of up to two years, rather than the six months mentioned in section 4A.

The approach of building on the section 4A offence reflects the Government's view that public sexual harassment behaviour is already covered by existing criminal offences, most commonly that section 4A offence. Had we instead sought to create a wholly new offence, that would have entailed overlap with existing ones, which would be not only unnecessary but actively harmful, as it would create confusion about the law—exactly the reverse of what we are trying to achieve here.

Karen Bradley (Staffordshire Moorlands) (Con): I thank my hon. Friend for giving way. The argument is frequently put forward—as a former Home Office Minister, I have used it myself—that there will be duplication, and that that will be too much, but we need to find legislation that can be easily understood by the judiciary and interpreted properly, with proper training for police officers and others so that they can find the evidence needed. Sometimes an additional offence is not that harmful, because it will assist in getting the prosecutions that we all so desperately need. May I urge the Minister to consider that point in her deliberation about all the other points that we have discussed?

Miss Dines: I understand that point.

Section 4A makes it an offence if someone

"uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or…displays any writing, sign or other visible representation which is threatening, abusive or insulting"

if both the intention and the effect of the behaviour, or the display, are to cause another person harassment, alarm or distress. It provides that the offence

"may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the person who is harassed, alarmed or distressed is also inside that or another dwelling."

There are two specified defences to this: first, that the defendant was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other building; and secondly—this has been the focus of some of the debate—that the defendant's conduct was reasonable.

The section 4B offence introduced by clause 1 of the Bill will inherit and build on the provisions of section 4A. Subsections (1) and (2) of proposed new section 4B provide that the new offence will be engaged when a person commits an offence under section 4A and does so because of the sex of the person towards whom they are directing their conduct or because of the sex that the defendant presumed the other person to be.

Subsection (3) of the new offence makes two clarifying provisions. The first is that it does not matter whether there are additional motivations behind the defendant's behaviour as well as the victim's sex, as long as the victim's sex was one of the motivations. The second is that the defendant's motivation need not have been one of achieving sexual gratification; of course it could have been, but there are many other reasons why a person might decide to harass someone on account of their sex.

Subsection (4) of the new offence provides that the maximum sentence for a person found guilty of the offence would be, if they were tried in the magistrates court, a term not exceeding the general limit that the court can impose or a fine or both, or if they were tried before the Crown court, a maximum of two years' imprisonment or a fine or both. That contrasts with the section 4A offence, for which the maximum sentence is

[Miss Dines]

six months. Since the maximum sentence for the new offence will be two years, which is above what the magistrates court can impose, the new offence will necessarily be capable of being tried in either the magistrates or the Crown court—triable either way, in the formal language—whereas the section 4A offence can be tried only in a magistrates court, or summary only, in the formal language.

Subsection (5) of the offence states that if a person is tried in the Crown court for the new offence under subsection (1) and is acquitted for that offence, the jury may still find them guilty of the section 4A offence. I commend the clause to the Committee. The new offence that it introduces will play a crucial role in ensuring that everyone—women in particular—can feel safe on our streets.

Clause 2 contains the standard provisions about the commencement, extent and short title of the Bill. Subsection (1) provides that the Act will extend to England and Wales. New subsection (1A) introduced by amendment 3 would place a caveat on that, to the effect that a provision introduced by the consequential amendments in new clause 2 would have the same geographical extent as the provision it amends. The practical meaning of this is that the amendment to the Police Act 1997, which relates to Scotland, would naturally extend to Scotland. The rest of the clause confirms that the provisions of the Act will come into force in line with the commencement regulations made by Ministers, as confirmed in the Act's short title. I commend the clause to the Committee.

I thank Members for their contributions to the debate. These are long-standing issues, and I am sure we will debate them again. My Department will look very closely at whether this is the time for a sea change in the message in relation to intent and reasonableness.

Greg Clark: I am grateful for the chance to respond to the debate. It has been a relatively short debate, but it has successfully highlighted, first, the strong support there is for making this historic change to the law and, secondly, the desire and intention on both sides of the Committee to ensure that we take this opportunity to get it right. The contributions from my right hon. Friend the Member for Romsey and Southampton North and the hon. Members for Walthamstow, for Edinburgh West and for Birmingham, Yardley all point in that direction.

I am grateful to the Minister for her clear statement that she and her officials and colleagues in Government will reflect on the points that have been made, with a view to responding to them on Report and Third Reading. I am grateful to the hon. Member for Walthamstow for indicating that this is a probing amendment, and it has afforded us the ability to do just that.

Let us step back and reflect on where we are. Everyone agrees that we need to make this change in the law, but the hon. Member for Walthamstow and others have rightly focused on the question of intent. It is clearly a matter of common consent that a man who harasses a woman in public on the grounds of her sex should not be able to escape conviction simply by asserting that he did not intend to cause alarm or distress. That is not acceptable, and it is not the intention of the Bill.

On Second Reading the hon. Lady introduced the interesting and quite powerful concept of foreseeable harassment. We are talking about whether such conduct at the time is foreseeable. The graphic examples that Members have given fall into the category of behaviour that is clearly foreseeable as liable to cause harassment, alarm or distress, so there could not be a risk that that could be cited as a defence on the basis that the perpetrator did not intend to cause that. There are various ways of addressing that.

The hon. Lady helpfully referred to other legislation that the House has passed and, in so doing, no doubt reflected on precisely these issues. It is always beneficial to be able to draw on debates that have concluded satisfactorily, with the further advantage of maintaining consistency in the law. On the suggestion that the hon. Lady made, I am grateful for the Minister's assurance that we will follow it up.

Karen Bradley: I congratulate my right hon. Friend on getting the Bill to this stage. It will be a fantastic Act of Parliament once it has passed through its final stages.

My right hon. Friend talks about other offences. It must be worth looking at how juries have interpreted other offences and whether those offences have led to successful prosecutions. If this language would help to get prosecutions—because it has been shown that that has happened in the past and lay members of a jury could understand the offence in a way that they perhaps would not understand it without that wording—it must be worth considering adding the wording to the offences.

Greg Clark: My right hon. Friend, a former Home Office Minister, makes a characteristically well-informed point about having the right intentions to make this an Act of Parliament that will not just sit on the statute book, but have a material effect on prosecuting perpetrators. As I said on Second Reading, we want to avoid the need for a large number of prosecutions by making it crystal clear to everyone that such behaviour is unacceptable and is a serious criminal offence. We should look at that and reflect on it.

It is fair to point out, as the Minister did, that the guidance in the explanatory notes to the Bill makes it clear that listing behaviours that are in scope establishes, in effect, that such behaviours would not be considered a justification that could overcome the question of intent and unintentionality. I will not go through the list that the Minister mentioned. One means would be to refer to other legislation. Another might be to consider the examples currently included in the explanatory notes and whether there might be a way to give them greater prominence so that prosecuting authorities, police forces and courts could take them into account. I hope that she will consider that as well.

Stella Creasy: In thinking about how to get this right, perhaps it would also be helpful to clarify that other forms of harassment legislation look for a course of conduct because they generally cover experiences in which we think somebody might have had a number of interactions with their victim. In this case, however, we are talking about the first time that people interact with people. The challenge is whether those ideas about "boys will be boys" and the clumsy attempts at trying to get somebody's attention become even more part of the discussion about whether it was harassment.

For the magistrates who deal with these cases, it is even more important that we are clear that if somebody says, "I just thought that if I slapped her bottom, she would notice me," that is not reasonable, because in today's era slapping somebody's bottom is not the best way to get their attention or express interest in them. Because we are dealing with that first form of contact, we have to match in this legislation the way in which we have talked about what is reasonable in other legislation. Otherwise, the cultural barriers that we are trying to get through will come into play even more, because they will fill the vacuum that a course of conduct would otherwise fill.

10.30 am

Greg Clark: The hon. Lady makes an important point that underpins the sense of consensus in this Committee. We need to be clear—so that the courts are clear and there is no ambiguity—that intended harassment will be punished.

Laura Farris (Newbury) (Con): One point that is getting into a little bit of a muddle is that any unwanted touching is already assault. We are talking about a different offence. The harassment provisions under section 26(4) of the Equality Act 2010 set out clearly the reasonableness test and it is applied in that sense—that is, any unwanted conduct that has the purpose or effect of violating a person's dignity or causing them humiliation or distress. Does my right hon. Friend agree that in effect we are transplanting the civil test into the criminal law?

On the issue of intent, about which we have had a lot of discussion, surely there is not only the issue of mens rea, which is one thing, but, as in other forms of law on things like nuisance and antisocial behaviour, if the person is reckless as to whether their conduct has a certain kind of purpose or effect, that is also enough for intent. Any form of touching would already be assault: we are not into a reasonableness test because it is a different offence anyway. Putting an arm round somebody or squeezing their bottom is a different crime. If someone says something sexual to a person, it is sufficient to say that if the court says they were reckless as to whether that would cause offence, the harassment offence is going to be made out anyway. It is in common with all equivalent offences of this nature.

Greg Clark: My hon. Friend brings her extensive legal learning and experience to bear on this issue and makes two important points. First, we should consider, before Report, the interactions with other aspects of the law. That is certainly important and one of the key conclusions of this Committee. Secondly, we should reflect on the fact that, even as drafted, the Bill significantly moves the dial on the ability of prosecuting authorities to secure convictions for behaviour that would constitute the proposed specific offence of public sex-based harassment.

Siobhan Baillie (Stroud) (Con): Will my right hon. Friend give way?

Greg Clark: I am conscious that you have indulged me, Sir Gary, in giving me a second chance to speak so that I can respond briefly to the debate. I do not want to try your patience excessively, but I will of course give way to my hon. Friend.

Siobhan Baillie: My hon. Friend the Member for Newbury is right, but there is a huge frustration that the laws we have in place are not resulting in convictions. The examples we have been giving in relation to touching should already be an offence, but it is important that, when we interrogate this legislation with examples, we do not use examples of touching to see where we will get to with it. It is for the Home Office and all of us on the Committee to come up with the examples we can interrogate. Otherwise, we will fall foul of the ministerial team because we will always be referred to the existing legislation, even though that is a frustration for us all.

Greg Clark: I am grateful to my hon. Friend for that wise and helpful steer for the work that the Committee has clearly agreed to do, with the Minister's consent. I hope that those Members who have contributed to the debate will work together to address the points that have been made so that, when we come to Report and Third Reading, we might find a way to address them.

I thank you, Sir Gary, for your chairmanship. I put on the record my thanks to the Minister and her officials in the Home Office and to the excellent Clerks team in the House for their guidance through what is clearly an important but also very technical change to the law we are proposing. We are very grateful for that. I end by acknowledging the presence earlier of one Committee member: the Mother of the House, the right hon. and learned Member for Camberwell and Peckham, who is currently chairing a Committee of her own but has indicated her strong support. We are very grateful for her appearance.

On that basis, and with gratitude for the indication from the hon. Member for Walthamstow that she will not press her amendment on the basis that we can consider its implications, I commend to the Committee my new clause and my amendments.

Amendment 1 agreed to.

The Chair: Stella, is it correct that you are not pressing amendment 5 to a vote?

Stella Creasy: I am not going to press it this time, Sir Gary, but I do want to be clear that there is an issue that needs resolution. I withdraw on the basis that something will come back on Report—

The Chair: Order. I am afraid you cannot speak again. You have made that point very firmly, and I know the Minister has heard it.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2

EXTENT, COMMENCEMENT AND SHORT TITLE

Amendments made: 2, in clause 2, page 2, line 5, at end insert ", subject to subsection (1A)".

This amendment is consequential on NC2.

Amendment 3, in clause 2, page 2, line 5, at end insert—

"(1A) An amendment made by section (*Consequential amendments*) has the same extent as the provision amended."

This amendment is consequential on NC2.

Amendment 4, in clause 2, page 2, line 6, leave out "Section 1 comes" and insert

"Sections 1 and (*Consequential amendments*) come".—*(Greg Clark.)*

This amendment is consequential on NC2.

Clause 2, as amended, ordered to stand part of the Bill.

New Clause 2

CONSEQUENTIAL AMENDMENTS

"(1) In paragraph 1 of Schedule 1 to the Football Spectators Act 1989 (relevant offences for the purposes of Part 2), in each of paragraphs (c), (k) and (q), after '4A' insert ', 4B'.

(2) In Schedule 8B to the Police Act 1997 (offences which are to be disclosed subject to rules), in paragraph 102, after paragraph (e) insert—

'(ea) section 4B (intentional harassment, alarm or distress on account of sex);'.

(3) In Schedule 9 to the Elections Act 2022 (offences for the purposes of Part 5), in paragraph 35, after paragraph (e) insert—

'(ea) section 4B (intentional harassment, alarm or distress on account of sex);'."—*(Greg Clark.)*

This new clause consequentially amends the Football Spectators Act 1989, the Police Act 1997 and the Elections Act 2022 to include a reference in those Acts to the offence in new section 4B of the Public Order Act 1986 (intentional harassment, alarm or distress on account of sex).

Brought up, read the First and Second time, and added to the Bill.

Bill, as amended, to be reported.

10.36 am

Committee rose.