PARLIAMENTARY DEBATES

HOUSE OF COMMONS
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GENERAL COMMITTEES

Public Bill Committee

CRIME AND POLICING BILL

Tenth Sitting

Thursday 24 April 2025

(Afternoon)

CONTENTS

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Monday 28 April 2025

The Committee consisted of the following Members:

Chairs: † Sir Roger Gale, Mark Pritchard, Emma Lewell, Dr Rosena Allin-Khan

† Barros-Curtis, Mr Alex *(Cardiff West)* (Lab)
Bishop, Matt *(Forest of Dean)* (Lab)
† Burton-Sampson, David *(Southend West and Leigh)* (Lab)
† Cross, Harriet *(Gordon and Buchan)* (Con)
† Davies-Jones, Alex *(Parliamentary Under-Secretary of State for Justice)*
† Johnson, Dame Diana *(Minister for Policing, Fire and Crime Prevention)*
† Jones, Louise *(North East Derbyshire)* (Lab)
† Mather, Keir *(Selby)* (Lab)
† Phillips, Jess *(Parliamentary Under-Secretary of State for the Home Department)*
Platt, Jo *(Leigh and Atherton)* (Lab/Co-op)
† Rankin, Jack *(Windsor)* (Con)
† Robertson, Joe *(Isle of Wight East)* (Con)
Sabine, Anna *(Frome and East Somerset)* (LD)
† Sullivan, Dr Lauren *(Gravesham)* (Lab)
† Taylor, David *(Hemel Hempstead)* (Lab)
† Taylor, Luke *(Sutton and Cheam)* (LD)
† Vickers, Matt *(Stockton West)* (Con)

Robert Cope, Claire Cozens, Adam Evans, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 24 April 2025

(Afternoon)

[Sir Roger Gale *in the Chair*]

Crime and Policing Bill

Clause 59

Notification of name change

Amendment proposed (this day): 36, in clause 59, page 59, line 11, at end insert—

"(11) If a relevant offender does not comply with the requirements of this section, they shall be liable to a fine not exceeding Level 4 on the standard scale.".—*(Matt Vickers.)*

This amendment imposes a fine of up to £2,500 if a registered sex offender does not notify the police when they change their name.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 50, in clause 59, page 59, line 11, at end insert—

"(11) Police must notify victims of relevant offender's new name—

(a) No less than three days before an offender intends to use it, or

(b) If that is not reasonably practicable, no less than three days after the date the offender began using it.".

This amendment would place a duty on police forces to notify victims if their abuser legally changed their name.

Clause stand part.

Amendment 37, in clause 60, page 60, line 25, at end insert—

"(10) If a relevant offender does not comply with the requirements of this section, they shall be liable to a fine not exceeding Level 4 on the standard scale.".

This amendment imposes a fine of up to £2,500 if a registered sex offender does not notify the police when they are absent from their sole or main residence.

Clause 60 stand part.

Amendment 38, in clause 61, page 63, line 4, at end insert—

"(9) If a relevant offender does not comply with the requirements of this section, they shall be liable to a fine at Level 5 of the standard scale.".

This amendment imposes an unlimited fine if a relevant registered sex offender does not notify police if they are entering a premises where children are presented.

Clause 61 stand part.

Clause 66 stand part.

New clause 55—*Annual statement on employment status of sexual offenders—*

"(1) The Secretary of State must publish an annual report on the employment status of convicted sexual offenders at the time of their offence.

(2) For the purpose of subsection (1), "Sexual offenders" means any person found guilty of an offence stipulated in the Sexual Offences Act 2003.".

This new clause would require the Secretary of State to release an annual report on the employment status of convicted sexual offenders.

The Parliamentary Under-Secretary of State for the Home Department (Jess Phillips): It is a pleasure to serve under your chairship, Sir Roger, while we expect a vote. As we are quorate, I will move on with this task. I will come on to answer the questions put by the shadow Minister, the hon. Member for Stockton West, but will first go through the relevant clauses.

Ensuring that the system for managing sex offenders is as robust as it can be is a crucial part of delivering the mission to halve violence against women and girls in a decade. It is important that the police have the right tools to manage sex offenders and prevent reoffending.

Clause 59 requires registered sex offenders to notify the police of a new name no less than seven days before using it. Currently, when an offender changes their name, they are required to notify the police no more than three days after the change. The clause strengthens the current requirements by ensuring that sex offenders give notification of name changes in advance, which will support the police in ensuring that safeguards are in place.

Clause 60 introduces a requirement for registered sex offenders to notify the police when they intend to be absent from their sole or main residence for more than five days. It also requires offenders to tell the police of their intention to be absent no less than 12 hours before leaving their home address. Currently, offenders are required to notify the police of any address where they spend seven consecutive days or seven days cumulatively in a 12-month period. It is clear from our engagement with the police that the current legislation could be exploited by offenders staying at several different addresses for periods of just under seven days, meaning they do not have to notify. This change will enable the police to receive more actionable information about the offender's travel plans and it will close the opportunity for them to spend up to seven days at many different addresses without notifying.

Clause 61 seeks to strengthen the management of registered sex offenders by providing the police with actionable information in advance of an offender entering specified premises where children are present. The current legislation requires all registered sex offenders to notify the police after spending 12 hours in a household with children. That 12 hours is not cumulative, leading to potential safeguarding risks and operational challenges.

For example, the police face challenges in evidencing an offender's presence in a household for more than 12 hours or contradicting offenders' assertions that they were in the household for less than 12 hours. Sadly, abuse can take place in any timeframe. These changes aim to enhance the safety of children by requiring offenders to notify the police in advance of going into premises where children are present. The clause includes a power to specify the premises in secondary legislation, so that the requirement can apply to more categories of premises than households and we can amend the list as and when needed.

This measure will apply to those offenders with convictions for child sexual offences or who are deemed by the police to pose a risk of sexual harm to children. It will ensure that the police receive actionable information with which they can take steps to safeguard children.

Clause 66 gives the police the power to issue registered sex offenders who pose an additional risk a notice that restricts them from changing their name on identity documents—namely passports, driving licences or immigration documents—without police approval. Any failure to seek approval from the police will be a breach punishable by a maximum sentence of five years' imprisonment. The police will be able to give approval to name changes where there is a relevant condition, for example where an offender gets married or changes religion. However, the police will still be able to refuse approval in those instances if it is necessary to protect the public from the risk of sexual harm.

Clause 66 allows for information sharing between the police and the Driver and Vehicle Licensing Agency so that the DVLA can make the police aware of any unauthorised attempts to change a name on a driving licence. Equivalent processes already exist for passports and immigration documents. This will ensure that those registered sex offenders who are deemed to be at risk of using a name change to commit sexual harm are unable to continue offending under a new name and pass under the radar of law enforcement. It is important to recognise that these restrictions are necessary to ensure that high-risk offenders are managed effectively in the community and to protect the public from the risk of sexual harm.

I will deal briefly with amendments 36 to 38 tabled by the hon. Member for Stockton West. It is already an offence under section 91 of the Sexual Offences Act 2003 either to fail to comply with the notification requirements or to knowingly provide false information to the police in purported compliance. These offences are currently punishable, when tried on indictment, by up to five years' imprisonment. The amendments would, in effect, considerably lower the existing punishments for non-compliance with the notification requirements. A potential custodial sentence or an unlimited fine is already a strong deterrent for non-compliance. The amendments are therefore unnecessary, although I accept the spirit in which they were probably intended.

Amendment 50 seeks to place a duty on the police to notify victims—

The Chair: Order.

2.6 pm

Sitting suspended for Divisions in the House.

2.30 pm

On resuming—

Jess Phillips: As I was saying before we were so democratically interrupted, amendment 50 seeks to place a duty on the police to notify victims when an offender intends to change their name. Again, I entirely understand the intention behind the amendment, but the police are already able to disclose information, on a discretionary basis, to protect victims from further harm.

It is important to note that many victims will simply not want to be notified of information relating to the perpetrator of the crime, especially if they have made considerable efforts to move on with their lives. I handled a case of this type very recently. A woman came to see me about her abusive father. She had not heard from him or anything of him for decades, and the effect of the notification on her was one of calamity: it was to see her life turned upside down by something she had moved past.

One can only ask how we would administer such a system, with an opt-in and opt-out, when we are talking, specifically in relation to sex offender notification systems, of periods of decades. Therefore, although I absolutely recognise the intention behind the amendment, I wonder whether cases can be cited in which this type of notification would have made a difference but did not happen. I would be happy to hear from and speak to the hon. Member for Stockton West about that.

Dr Lauren Sullivan (Gravesham) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger. Does my hon. Friend the Minister agree with me that, given the lifelong trauma from such offences, and the ongoing mental health struggles that could be triggered by such a notification, we need to put victims at the heart of everything that we do? How can we ensure that measures like this enable that to happen?

Jess Phillips: I have met victims of childhood sexual abuse, for example, who have suffered trauma years and years into the future. I have to say that, in recent years, that has been very badly exacerbated by delays in our courts system. I have worked with children who were sexually abused in childhood, who do not see the inside of a courtroom until they are adults, causing a period of developmental delay in their lives. Their lives remain on hold while they are waiting for a system to deliver something for them. I have seen that affect their working lives. I have seen it affect their mental health beyond anything that should have happened. Sometimes state failure has exacerbated that, so we have to have a pragmatic system that allows for the risk to be assessed and the needs of the victim to be assessed to see whether notification would be a requirement, and that currently exists.

New clause 55 seeks to introduce a requirement for data on the employment status of convicted sex offenders to be published on an annual basis. I reassure the hon. Member for Stockton West that registered sex offenders are managed under multi-agency public protection arrangements and will already have in place a risk management plan that considers employment information. That would allow the offender managers to manage risks around employment post conviction. The police may record the employment status of individuals on their systems where that is relevant, but to routinely require forces to collate and publish employment data would have questionable gains. Such resources are considerably better focused on the management of offenders.

The Ministry of Justice publishes data annually on registered sex offenders who are subject to multi-agency public protection arrangements, and we are confident that the police already have the systems in place to record appropriate data to ensure that offenders are managed according to their risk. I recognise the spirit in which the amendments were tabled but, given what I have said, I hope that the hon. Member for Stockton West will withdraw his amendment.

Jack Rankin (Windsor) (Con): It is always a pleasure to serve under your chairmanship, Sir Roger.

Clause 59 seeks to curb the ability of registered sex offenders to change their names and thereby evade detection and pose a renewed threat to public safety. It does so by introducing a mechanism whereby police can issue a notice to a registered sex offender that prohibits them from changing their name on official documents, such as passports or driving licences, without prior authorisation. It is contingent on the police's assessment that such a change would pose a risk to the public or specific individuals. Exceptions are considered for legitimate reasons, including marriage, religious conversion or protection from harm, and offenders retain the right to appeal the decisions in a magistrates court.

The current legal provisions clearly allow some of the most dangerous in society to evade detection and sometimes even to secure positions of trust, often leading to further offences. Take the case of convicted paedophile Terry Price, who sexually abused Della Wright when she was between the ages of six and 11. Terry Price changed his name five times and offended over three decades. Monsters like that simply must be stopped, and the current provisions are clearly not enough to prevent such criminals from using multiple identities to evade detection and commit the very worst kinds of crime. Thankfully, he is now serving a 22-year sentence. Della Wright bravely waived her right to anonymity and has campaigned tirelessly for measures to close the legal loopholes that allow sex offenders to change their names. Her campaigning has given this issue the attention it deserves.

The measures introduced in the clause are proportionate in that they are contingent on the police's assessment that such a change would pose a risk to the public or specific individuals. I welcome clause 59, but wish to speak to the Opposition amendments that have been tabled to strengthen it. I welcome the constructive way in which the Minister dealt with them.

Amendment 36 seeks to impose a fine of up to £2,500 if a registered sex offender does not notify the police when they change their name. Fining registered sex offenders who do not notify the police when they change their name would be a meaningful extra deterrent. We spoke earlier in Committee about fines for littering; if we impose fines of up to £2,500 for persistent or serious cases of littering, why should we not impose a similar financial penalty for registered sex offenders who clearly try to evade the law?

Amendment 50 would place a duty on police forces to notify victims if their abuser legally changes their name. It is beyond comprehension that there is no provision in place to give victims the dignity and transparency of being updated if their convicted abuser legally changes their name. I take the Minister's point that some victims do not want to know—that was a good retort to the amendment—but the suggestion of an opt-in or opt-out system was constructive.

Clause 60 will introduce a requirement for registered sex offenders to inform the police if they plan to be away from their sole or main residence for more than five days. Specifically, offenders must notify the police at least 12 hours before leaving, providing details about the date of departure, travel arrangements, accommodation plans during their absence and their expected date of return. If any of this information changes before departure, offenders will be obligated to update the police accordingly. Additionally, if the actual return date differs from the one notified to police, they must inform the police within three days of returning.

Under the current legal framework, offenders are required to notify authorities only if they stay at a new address for seven consecutive days or more, which has allowed some to exploit the system by moving between different locations for shorter periods without notification, thereby evading effective monitoring. By reducing the notification threshold to five days, clause 60 seeks to prevent such circumvention and ensure continuous oversight.

I wholly support Opposition amendment 37, which seeks to add more teeth to the clause by imposing a fine of up to £2,500 if a registered sex offender does not notify the police when they are absent from their sole or main residence. Earlier, I used the example of litter fines; if we can fine parents up to £2,500 for persistent absences from school, as is currently the case, we could and should fine registered sex offenders who go absent from their sole or main residence. It is something that the average, sensible, small c conservative citizen of this country would see as an entirely appropriate additional deterrent.

Clause 61 introduces a new provision into the Sexual Offences Act 2003 to mandate that certain registered sex offenders notify the police before entering premises where children are present. While registered sex offenders are currently already subject to various notification requirements, there has been no explicit mandate for them to inform authorities before entering environments where children are present. The enhanced ability of police to monitor high-risk individuals effectively, while also deterring potential reoffending by increasing the accountability of registered sex offenders, is clearly welcome. Knowing that additional safeguards are in place to protect children will hopefully give communities greater peace of mind.

I urge Committee members to back Opposition amendment 38, which would impose an unlimited fine if a relevant registered sex offender did not notify police that they were entering premises where children were present. There should be no excuses for registered sex offenders in making such a serious breach. If we are seeking to give communities peace of mind, amendment would 38 provide an additional mechanism through which paedophiles would be compelled to think twice about flouting the law, and parents would feel like the law was well and truly on their side when it comes to protecting children from the most dangerous criminals.

Jess Phillips: I have realised that I did not answer one question after the Divisions. The hon. Member for Stockton West asked about the justification for the regulation-making power in clause 60; I refer him to paragraph 90 of the delegated powers memorandum for the details on that.

On amendments regarding a £2,500 fine, under the existing legal framework a person would go to prison for up to five years and face an unlimited fine, so the amendment would weaken the current position. I want to make that completely clear before we divide.

On the hon. Member for Windsor's point about it being a constructive conversation, as somebody who sat on the Opposition Benches and moved hundreds of

amendments over the years, in my view the point was always to have a constructive conversation with the Government about what would make things better. That is absolutely the spirit in which I wish to proceed. I always welcome any conversation that any Opposition Back Bencher, and indeed Front Bencher, wishes to have with me.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 13]

AYES

Cross, Harriet	Taylor, Luke
Rankin, Jack	
Robertson, Joe	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Burton-Sampson, David	Phillips, Jess
Davies-Jones, Alex	Sullivan, Dr Lauren
Johnson, rh Dame Diana	Taylor, David
Jones, Louise	

Question accordingly negatived.

2.45 pm

Amendment proposed: 50, in clause 59, page 59, line 11, at end insert—

"(11) Police must notify victims of relevant offender's new name—

(a) No less than three days before an offender intends to use it, or

(b) If that is not reasonably practicable, no less than three days after the date the offender began using it."—*(Matt Vickers.)*

This amendment would place a duty on police forces to notify victims if their abuser legally changed their name.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 14]

AYES

Cross, Harriet	Taylor, Luke
Rankin, Jack	
Robertson, Joe	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Burton-Sampson, David	Phillips, Jess
Davies-Jones, Alex	Sullivan, Dr Lauren
Johnson, rh Dame Diana	Taylor, David
Jones, Louise	

Question accordingly negatived.

Clause 59 ordered to stand part of the Bill.

Clause 60

NOTIFICATION OF ABSENCE FROM SOLE OR MAIN RESIDENCE

Amendment proposed: 37, in clause 60, page 60, line 25, at end insert—

"(10) If a relevant offender does not comply with the requirements of this section, they shall be liable to a fine not exceeding Level 4 on the standard scale."—*(Matt Vickers.)*

This amendment imposes a fine of up to £2,500 if a registered sex offender does not notify the police when they are absent from their sole or main residence.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 15]

AYES

Cross, Harriet	Taylor, Luke
Rankin, Jack	
Robertson, Joe	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Burton-Sampson, David	Phillips, Jess
Davies-Jones, Alex	Sullivan, Dr Lauren
Johnson, rh Dame Diana	Taylor, David
Jones, Louise	

Question accordingly negatived.

Clause 60 ordered to stand part of the Bill.

Clause 61

CHILD SEX OFFENDERS: REQUIREMENT TO NOTIFY IF ENTERING PREMISES WHERE CHILDREN PRESENT

Amendment proposed: 38, in clause 61, page 63, line 4, at end insert—

"(9) If a relevant offender does not comply with the requirements of this section, they shall be liable to a fine at Level 5 of the standard scale."—*(Matt Vickers.)*

This amendment imposes an unlimited fine if a relevant registered sex offender does not notify police if they are entering a premises where children are present.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 16]

AYES

Cross, Harriet	Taylor, Luke
Rankin, Jack	
Robertson, Joe	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Burton-Sampson, David	Phillips, Jess
Davies-Jones, Alex	Sullivan, Dr Lauren
Johnson, rh Dame Diana	Taylor, David
Jones, Louise	

Question accordingly negatived.

Clauses 61 and 62 ordered to stand part of the Bill.

Clause 63

ALTERNATIVE METHOD OF NOTIFICATION

Question proposed, That the clause stand part of the Bill.

Matt Vickers (Stockton West) (Con): The clause introduces a new and significant change to the Sexual Offences Act 2003 through the insertion of proposed new section 87A. This change provides for registered sex offenders to give their notifications virtually, in specific conditions, as opposed to attending the police station in person. The provision is designed to make the notification process more flexible and efficient, while still ensuring public safety and compliance with the law.

The core idea behind the clause is to allow individuals to submit their notifications virtually, such as through video calls or similar technologies. However, the virtual submission of notifications will be allowed only when specific conditions are met, as set out in the clause. Will the Minister clarify how senior police officers will determine when it is safe to allow offenders to submit their notifications virtually instead of attending a police station in person? What specific factors will be considered in the risk assessment to ensure that public safety is not compromised? Under what circumstances can a senior police officer revoke the permission for virtual notifications, and how quickly can the decision be made?

The Chair: Apologies, Minister—I should have called you first, but you now have the wonderful opportunity to both reply and speak for the first time.

Jess Phillips: It is absolutely fine, Sir Roger. Clauses 63 provides the police with the power to receive virtual notifications from registered sex offenders in specified circumstances. It was a direct recommendation from Chief Constable Mick Creedon's independent review into the police-led management of registered sex offenders in the community, which the Home Office published in 2023. The police will be able to give permission to notify virtually only to offenders they deem suitable. The police will be able to revoke this permission at any time, and retain a power to compel the registered sex offender to attend a police station to notify.

This change will make it easier and quicker for specified sex offenders to notify changes to the police, thereby improving efficiency. It will also reduce the likelihood of unintentional but unavoidable breaches of the notification requirements due to, for example, offenders being unable to travel to a police station before the statutory three-day time limit as a result of health or mobility issues. This measure will make it easier for offenders to comply with the requirements and will allow the police to manage any risks more efficiently.

The measures will apply only where the police deem it safe and appropriate to notify virtually. If there is any risk that an offender is misusing the permission, the police have the power to revoke it and require that notification take place in person. The police can allow an offender to notify via a means that enables both parties to see and hear each other without being in the same place. In practice, that will mean that an offender must use, for example, video calling software—which we all got used to—to communicate with their offender manager, with both being visible and audible to each other.

In the independent review of the police-led management of registered sex offenders in the community, Mick Creedon said:

"I strongly recommend that discretion is incorporated into the notification requirement regime. Whilst the requirements might still be common at the point of conviction, the subsequent risk assessment and management plan should vary, allowing forces to assess which details to collect and how individuals should notify, affording opportunities for online or remote notification where appropriate."

Question put and agreed to.

Clause 63 accordingly ordered to stand part of the Bill.

Clause 64

Review of indefinite notification requirements (England and Wales)

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clause 65 stand part.

Jess Phillips: Registered sex offenders who receive a sentence of imprisonment of 30 months or more must comply with the notification requirements indefinitely after 15 years, or eight for juveniles. They may apply for the police to review and, if appropriate, discharge their notification requirements. There is currently no power for the police to proactively review an offender's indefinite notification requirements after 15 years. That results in offenders who are unable to make an application—for example, due to a disability—remaining subject to the notification requirements unnecessarily.

Chief Constable Mick Creedon recommended in his independent review into the police-led management of registered sex offenders in the community that the police should have the discretion to proactively review a registered sex offender's indefinite notification requirements once the statutory minimum duration has elapsed. Although registered sex offenders already have the right to apply for a review once the minimum duration has passed, these clauses will give the police in England, Wales and Northern Ireland the ability to initiate a review themselves.

The process will remain the same as that for offender-initiated reviews. The police must seek information from other agencies responsible for the risk management of registered sex offenders to inform their decisions about whether to discharge the indefinite notification requirements. Offenders who pose a risk will remain subject to the requirements for life if necessary.

Matt Vickers: Clause 64 amends the Sexual Offences Act 2003 to make changes to the review process for offenders in England and Wales who are subject to indefinite notification requirements. These changes specifically apply to offenders sentenced to a term of imprisonment of 30 months or more. Under the current law, offenders subject to indefinite notification must comply with notification requirements for a minimum of 15 years, or eight years for juveniles, before they may apply to the police to review their requirements. The police, working alongside other multi-agency public protection arrangement agencies when appropriate, will review these requirements to determine whether they are still necessary to protect the public from sexual harm.

One of the significant changes introduced by clause 64 is the concept of an own motion review. This allows the chief officer of police to initiate a review of an offender's indefinite notification requirements without the offender needing to apply. The chief officer can assess whether

an offender still needs to comply with the notification requirements, based on the risk they pose to the public. While the review process can begin only once the minimum review period has elapsed, the chief officer of police must notify the offender that they are initiating a review and allow the offender to make representations. The police must also inform the responsible bodies, such as the Probation Service, and seek any relevant information they hold. Once the offender has had an opportunity to make their case, the chief officer must make a determination within six weeks. If the decision is to end the notification requirements, they cease immediately.

Clause 65 introduces new paragraphs 6A to 6D to schedule 3A to the 2003 Act, establishing provisions for own motion reviews in Northern Ireland that mirror those set out in the new sections for England and Wales. Is the Minister confident that own motion reviews of indefinite notification requirements will not undermine public safety, and how can we ensure that the decision-making process in these reviews is transparent, and that there is adequate oversight to hold the responsible authorities accountable?

Jess Phillips: I thank the shadow Minister for his questions. These amendments to the law were very much in the predecessor Bill to this one; I think I am the only person who has now sat through this Bill Committee twice. There have not been substantial changes from the point at which the previous Government wished to seek these changes. Frankly, this is a minor amendment that has been asked for by the very experts who currently manage the risk within the community. It came from a Home Office review that was published under the previous Government, in which Mick Creedon wrote:

"I recommend that legislation places the responsibility on the police service to proactively consider and, if suitable, apply for indefinite notification requirements to be removed where justifiable without applications from the individuals."

This is coming from Mick Creedon and those who lead police forces, who I have met specifically to discuss the management of sex offenders. Actually, a success in an area of safeguarding law over a number of years is that an increasing number of people have been convicted of sex offences, which is largely down to growing numbers of people being convicted because the evidence base of online child abuse, for example, has grown. There is a real need for officers to be really focused on where risk is the greatest, so that they can protect the public. Protection of the public is where Mick Creedon is coming from in his review, and that is why the clause exists.

Question put and agreed to.

Clause 64 accordingly ordered to stand part of the Bill.

Clauses 65 and 66 ordered to stand part of the Bill.

Clause 67

POWER OF ENTRY AND SEARCH

Question proposed, That the clause stand part of the Bill.

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

Clause 68 stand part.

Schedule 9.

Jess Phillips: The aim of clause 67 is to improve the process by which the police obtain warrants to enter and search registered sex offenders' homes to assess their risk of sexual harm. Currently, under the Sexual Offences Act 2003, a superintendent is required to make an application to a court for a warrant in person. Setting the requirement at that level can cause delays to warrants being obtained. This measure will lower the rank of officer able to authorise an application to inspector and enable the application in court to be made by a constable. Allowing officers below the rank of superintendent to apply for and obtain such warrants will make the process more efficient, which will help improve the police's management of offenders. It will bring the power of entry and search in line with other similar provisions, where lower-rank officers are able to apply for warrants.

Finally, clause 68 and schedule 9 make minor and consequential amendments to the Sexual Offences Act 2003 as a result of the changes introduced in this part of the Bill.

3 pm

Matt Vickers: Section 96B of the Sexual Offences Act 2003 grants police officers the authority to apply for a warrant to enter and search a relevant offender's home when necessary for assessing their risk. Currently, that application can be made only by an officer of at least the rank of superintendent. The police typically seek and execute such warrants when an offender refuses to allow the police entry to their home, thus hindering the risk-assessment process.

The clause amends section 96B by altering the application process. Instead of requiring a senior officer of at least superintendent rank to apply for the warrant, proposed new subsection (1) would allow an application to be made by a police officer, but it must first be approved by an "appropriate officer". That term is further clarified in proposed new subsection (10) to mean a constable who is authorised to make the application by a constable of at least the rank of inspector.

That change rightly aims to streamline the process while ensuring that officers of appropriate rank and authority can make the necessary applications to protect the public and assess offenders' risks effectively. How big an impact does the Minister anticipate that allowing officers of lower rank to apply for warrants will have on the efficiency and speed of police operations when carrying out the risk assessments? Will thought be given to the relevant training for the appropriate officers in such circumstances?

Jess Phillips: The shadow Minister makes some interesting points. It is impossible for me to say now exactly how much this will improve things in the future, but it will obviously be kept under review. The Government have set up a specific unit, the national centre for VAWG and public protection—the creation of a specialist policing centre for specific active training and specialisation in the space of public protection, child abuse and violence against women and girls. I think that specialist training is required not only here but across the board. We need to ensure that all police forces across England and Wales have standardised practice in public protection and safeguarding.

Question put and agreed to.

Clause 67 accordingly ordered to stand part of the Bill.

Clause 68 ordered to stand part of the Bill.

Schedule 9 agreed to.

The Chair: Let me just explain: the duty of the Chair is to facilitate the debate and to expedite the business; it is not the duty of the Chair, or my responsibility, to curtail debate. If anybody wants to speak to something, please do so, but if you do not want to, indicate that, and that will give more opportunity for Members to talk about the things that they really want to talk about. I hope that is clear. Stop me at any time if you feel I am rushing you.

Clause 69

STALKING PROTECTION ORDERS ON ACQUITTAL ETC

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clause 70 stand part.

Jess Phillips: Stalking is a high-harm, high-volume form of violence against women and girls. It is important that the right tools are in place to manage stalking perpetrators and to ensure that victims are protected at the earliest opportunity. The changes in the clause widen the situations in which a stalking protection order can be issued. SPOs were introduced in 2019, with the aim of ensuring that effective protections were put in place as soon as risk is identified for victims of stalking.

Let me pay tribute to somebody once of this parish: Alex Chalk. He is no longer a Member of Parliament, but he was an incredible advocate for changing the law on stalking and always a pleasure to work with when I was in opposition. Currently, only the police can apply for an SPO, with applications considered by the magistrates court. These changes will enable the courts to make an SPO of their own volition at the conclusion of criminal proceedings in situations where the defendant has been convicted or acquitted. In both scenarios, there can still be a real need to ensure that safeguards and protections are in place for victims.

It can be all too easy for defendants who are sentenced to time in prison to continue stalking their victim from prison—I know that, because it happened to me. For defendants who are acquitted, the court may consider there is still a need to safeguard the victim from any further stalking behaviour. The Government's view is that the current process of using restraining orders in these situations is not sufficient, and that was echoed in the recent super-complaint on the police response to stalking. Restraining orders were not designed specifically to address the risks associated with stalking, and cannot impose positive requirements that address the root causes of the stalking behaviour. This measure therefore provides for stronger protections for victims of stalking.

Matt Vickers: Stalking is a deeply harmful and invasive crime that can have severe, long-lasting effects on victims. The impacts of stalking go far beyond the initial fear that it instils. It can completely disrupt a person's sense of safety, security and control over their own life. Victims of stalking often experience intense psychological distress, ranging from anxiety and depression to post-traumatic stress disorder. The constant feeling of being watched, harassed or threatened can lead to chronic stress, sleep disturbances and a diminished quality of life. In extreme cases, victims may even alter their daily routine, change their contact information or move to new locations to escape the perpetrator's unwanted attention.

The emotional and psychological toll on victims extends to their families and loved ones. Friends and family members of stalking victims often share in the anxiety and fear, feeling helpless as they watch someone they care about fall victim. Relationships may become strained as the victim withdraws or becomes hypervigilant, and families may find themselves taking additional security measures to protect the victim. The overall sense of instability can erode trust and safety within the victim's support network, leaving everyone involved emotionally drained.

The Suzy Lamplugh Trust, a leading charity focused on personal safety and stalking, defines stalking as

"a pattern of fixated and obsessive behaviour which is repeated, persistent, intrusive and causes fear of violence or engenders alarm and distress in the victim."

It is right that, under the Protection of Freedoms Act 2012, steps were taken to legislate for the criminalisation of stalking. The Suzy Lamplugh Trust highlighted:

"Section 2A labels stalking as a criminal offence for the first time in English and Welsh Law."

I am proud of the steps that the previous Government took to take action against this terrible crime, and I support the current Government in their efforts to reduce its prevalence.

Clause 69 amends the Stalking Protection Act 2019 to strengthen the ability of courts to impose stalking protection orders, even when criminal proceedings do not result in a conviction. It will insert proposed new section A1, which defines what a stalking protection order is: an order that can impose prohibitions or requirements on a person to prevent acts associated with stalking. It clarifies that SPOs may now be made on application by the police or following an acquittal, appeal or finding of insanity or disability. I would be grateful if the Minister could expand on how the Government will ensure that the power is used proportionately and not seen to be circumventing due process, particularly in cases of acquittal.

As the Minister will know, in November 2022, the Suzy Lamplugh Trust, acting on behalf of the National Stalking Consortium, submitted a super-complaint highlighting serious and widespread concerns about how the police respond to stalking. The complaint identified systemic issues, including a lack of understanding among officers about what behaviours amount to stalking. It also criticised the quality of investigations, stating that, even when stalking is correctly identified, police often fail to handle these cases appropriately.

The head of external affairs at Women's Aid, Isabelle Younane, emphasised that changes to stalking protection orders will only be effective if the root issues are tackled. She stressed the need for the police and other agencies to have a consistent understanding of the orders and to apply them properly, ensuring that breaches result in meaningful consequences. Is the Minister confident that the police have the capacity, training and resources to effectively address stalking cases in line with the measures in the Bill?

Proposed new section 364A of the sentencing code introduces the concept of a stalking protection order designed to prevent individuals from engaging in stalking

behaviours. The order can include both prohibitions and requirements. Subsection (2) directs readers to section 2A of the Protection from Harassment Act 1997 for examples of behaviours associated with stalking.

Subsection (3) provides that an SPO may be time-limited or indefinite; if time-limited, subsection (4) mandates a minimum duration of two years. Allowing a stalking protection order to be time-limited or indefinite will mean that the courts can tailor orders to individual cases. In some situations, an indefinite order may be necessary to protect victims from ongoing risk, while in others a fixed-term order may be more appropriate.

This measure can help to ensure long-term protection. Requiring a minimum duration of two years for a time-limited SPO will ensure that victims receive meaningful protection. Short-term orders may not give victims the reassurance and safety they need, especially in cases where stalking behaviours persist or escalate over time. Has consideration been given to increasing the minimum period to allow for sufficient victim protection?

Proposed new section 364B of the sentencing code gives courts the power to impose an SPO following a conviction. The court must be satisfied that the offender has committed acts associated with stalking, that there is a continuing risk of stalking to another person, and that the order is necessary to protect that individual. That can include cases where the stalker targets people close to the main victim—for example, friends or family—to cause distress to the main victim.

These provisions are a positive and necessary step in strengthening protections for stalking victims. They recognise that perpetrators often target people close to the victim, such as friends, family members or colleagues, in order to cause distress, and they reflect the reality that stalking is used as a form of psychological manipulation and control. Including those indirect victims within the scope of protection will ensure a more comprehensive and preventive approach.

Requiring every restriction or requirement in the order to be necessary for the protection of the individual at risk builds in an important safeguard and ensures that conditions are proportionate and directly linked to the risk presented. It balances the rights of the defendant while prioritising victim safety. Furthermore, allowing courts to consider conduct that took place anywhere, including behaviour predating the new legislation, will ensure that they can take a holistic view of the stalker's actions. This flexibility will enhance the effectiveness of orders and ensure that victims are not left unprotected simply because of jurisdictional or timing technicalities.

Proposed new section 364C of the sentencing code provides more detail on how prohibitions and requirements in a stalking protection order should be framed and applied. It requires that, where practicable, any conditions imposed must not conflict with the offender's religious beliefs or interfere with their usual work or education commitments. It also confirms that SPOs have a UK-wide effect, unless specifically restricted to a certain area. Additionally, where an individual is already subject to an SPO, the court must ensure that any new conditions do not contradict those already in place. That will help to avoid confusion and ensure consistency in enforcement. How confident is the Minister that the need to protect victims is not undermined by the requirement to avoid interfering with an offender's work, education, or religious practices?

Proposed new section 364G of the sentencing code makes it clear that breaching the terms of a stalking protection order without reasonable excuse is a criminal offence. It will be for the court to determine what qualifies as a reasonable excuse in an individual case. The offence carries a maximum penalty of six months' imprisonment, a fine, or both, on summary conviction, and up to five years' imprisonment, a fine, or both, on conviction on indictment. Subsection (3) states specifically that courts cannot issue a conditional discharge for breaching an SPO.

How will the Government ensure that the penalties for breaching an SPO are proportionate? Are courts being encouraged to take breaches seriously, even when no new criminal offence has occurred? Can the Minister clarify what might constitute a reasonable excuse for breaching an SPO and how consistent the courts are likely to be in applying that standard?

3.15 pm

Dr Sullivan: I rise to speak in support of clauses 69 to 72, which would enhance legal protections for victims of stalking. As the Member of Parliament for Gravesham, I know deeply how stalking affects victims. I have met several women at my surgeries whose lives have been turned upside down. They plan their movements to avoid being tracked, fear being spotted by their stalker or that the stalker will do something more, and have to deal with the impact on their wider lives, families, neighbours and community. These women are alone and exposed, and feel very vulnerable in their own homes and out in their community. The Government are right to act, and clauses 69 and 70 mark a significant shift by allowing courts, not just the police, to impose stalking protection orders. Upon conviction or even acquittal, courts will now have the power to step in when it is clear that there is a risk of stalking.

I pay tribute to the extraordinary work of the Suzy Lamplugh Trust, which is the UK's leading stalking charity, having helped more than 70,000 victims to find a path of safety. This week is National Stalking Awareness Week, so this discussion could not be more timely. In its 2023 report "I just want this to be over", the Suzy Lamplugh Trust laid bare the lived experience of stalking victims in our criminal justice system. What it found is sobering. The report depicts widespread mischarging by the Crown Prosecution Service, with stalking cases being downgraded to harassment or missed altogether. One victim that it cites was told that her stalker's behaviour was just "unpleasant", not criminal. Her case was closed, only to be reopened after months of persistence and trauma. Victims who are strong enough to come forward are being told that they have to prove that they are in danger to a system that doubts, delays or deflects. Clauses 69 and 70 will change that.

Another reminder of the incredible danger of stalking is the fact that 94% of women killed by their male partners were stalked beforehand. That is not a warning sign; it is a flashing red light. Victims cannot wait for an eviction; they need protection now, and that is what the Bill delivers. That is how we will rebuild our faith in the justice system and tell every woman and girl in this country that they do not have to prove their fear before they are protected. I commend the clauses and the Government's commitment to a justice system that sees, hears and stands up for victims.

Luke Taylor (Sutton and Cheam) (LD): Stalking is a form of psychological violence that will affect approximately one in five women. It is an insidious crime that can shatter lives. I have heard from victims of stalking who feel trapped and afraid to leave their homes, are constantly looking over their shoulder on the way to work, and have cut ties with loved ones out of fear that they are putting them in danger. Survivors are left with lingering anxiety, trauma and pain years after the harassment ends. In the most extreme cases, stalking can escalate to acts of physical violence. It is a crime that thrives on control, leaving victims in a constant state of fear. I welcome the Government's strengthening measures to combat the crime.

I made a visit to the S-TAC—the stalking threat assessment centre—in Stratford police station a couple of weeks ago to see the work of the dedicated team there, which brings together the Met police, mental health services, the Probation Service, the Suzy Lamplugh Trust and the CPS, all funded by the Mayor's Office for Policing and Crime. The work they are doing to help victims and fight perpetrators is incredibly impressive.

I echo the written submission from Claire Waxman, the London Victims' Commissioner, who made specific points on these clauses that it is worth exploring. The Liberal Democrats welcome the steps to allow SPOs to be made on conviction or acquittal, but we echo the concern that the police need clear instructions to pursue SPOs at an earlier stage, and not only at the conclusion of court proceedings. When I was at S-TAC, there was a general feeling that police and authorities were unaware of the measures, so more needs to be done to ensure that police are much more aware of the steps that are available and that they apply for the measures earlier.

At S-TAC, I also heard that it can take up to six weeks to obtain the evidence and get a hearing for an SPO to be implemented. That is just too long. Is there an opportunity to introduce an SPN—a stalking protection notice—that could be implemented straightaway? A domestic abuse protection notice can be implemented immediately, and then within three days, where there is a domestic abuse incident or where the offender is known to the victim, an order can be obtained. There is a gap in situations in which no domestic abuse is present, and about three in 10 victims are not known to the perpetrator. Can the Minister confirm how initial delays in obtaining SPOs will be resolved so that they can be brought into force sooner? Is there an opportunity to streamline SPOs and include a notice in the earlier stages of obtaining the order?

I am sure that the Minister has heard me say this before, but I want to mention the possibility of creating a single stand-alone stalking offence. This reflects and echoes the written evidence from Claire Waxman. The police's understanding of stalking legislation and the offence in general is not good enough. At the same time, the section 4A offence becomes too high a bar to prove; the phrase "alarm or distress" is unhelpful, especially given that victims are often not aware of the offending at the time. I push the Minister to bring forward the measures that Claire Waxman has called for and create a single offence of stalking.

Jess Phillips: I will start at the end and work backwards through the questions. It was a delight to hear everybody mention the Suzy Lamplugh Trust, which is an amazing organisation that I have had the pleasure to work with for many years. Since becoming a Minister, I have had the especial pleasure of working very closely with the trust on how we come out of the super-complaint with the recommendations and improve the situation all round. I would say exactly the same thing about Claire Waxman, who is both my friend and my colleague.

On the issue of the legislation, part of the super-complaint was about the need to look at the different specific offences. I do not disagree that the bar can be too high or that there can be confusion about the two different offences. The legislation is currently under review, as Claire Waxman and others in the coalition recommended.

The super-complaint showed that when used properly, SPOs are considered an extremely valuable tool in protecting victims of stalking, but it also identified that not enough are being put in place, as other hon. Members have identified, and that there is not effective monitoring of the ones that are.

There is clearly much more to the issue than this legislation. I sat for years considering well-written legislation; I do not have many good things to say about the past 14 years, but the words that got written on goatskin were considerably better than the words that had existed before. But they are pointless if they do not change things on the ground.

It is quite hard for me to sit here and have people talk to me about how traumatic it is to be a victim of stalking—about the things that happen that change people's lives forever—because my life has changed immeasurably because of the stalking that I currently experience, and that happens to me all the time. When I have tried to get SPOs for other people, one of the main problems I have perceived is delay in the courts, which others have identified. The hon. Member for Sutton and Cheam is in the lucky position of representing one of the rare places in the country where people can get a DAPN or a domestic abuse protection order.

Luke Taylor: It is lucky that we have them, but depressing that we have a higher rate of domestic abuse, so it was felt that they were required. We are very pleased to be part of the trial, but we need to be doing more in Sutton and south-west London to address these issues.

Jess Phillips: Absolutely. The Metropolitan police's decision to use those three particular boroughs for the domestic abuse protection orders was undoubtedly based on intelligence, and also on what we can best learn. We have seen with the domestic abuse protection orders that someone can get in and out of a courtroom within 24 hours. That has absolutely not been the case with SPOs classically, nor am I going to stand here and pretend that I can make that happen with all orders. What I am saying is that there is a standard, and safety and risk have to be considered.

Looking across the board following the super-complaint, these clauses are a step in the right direction. This is about changing how things happen on the ground and giving people the confidence to access the orders. If someone tries to get an order and cannot, they start to think, "What's the point?"

On the shadow Minister's point about breaches, any order—and I know because I have them—is only as good as what happens when it is breached. If nothing happens when somebody breaches an order, the victim does not bother reporting them any more, and they certainly do not bother trying to get another order, on acquittal or not.

Luke Taylor: Just to bolster the Minister's argument, the 2024 London stalking review found that 45% of stalking victims felt compelled to abandon their pursuit of justice.

Jess Phillips: Exactly. We rely on our courts to ensure that these decisions are proportionate. In order to get proportionate decisions on breaches, we need to ensure that our criminal justice system is better trained across the board.

From the Home Office's perspective, I point to the fact that this Government have finally invested in a specific policing unit on violence against women and girls, public protection and safeguarding for the entire country. That has not existed before. I always say, "I want what counter-terrorism has got". Well, counter-terrorism has it, and the number of victims of violence against women and girls dwarfs by a country mile the number of people affected by terrorism in our country, but there is not standardised training for police to ensure that, where the legislation might be complicated, they can move things forward—even if the legislation were not changed, which we are seeking to do—or training about how quickly police should be applying for things. These are all things that will take time and training, and we cannot just rely on legislation to answer all the questions.

The requirements attached to an SPO must be proportionate, so it is right that a court takes into account the impact on the respondent's religious beliefs, education and employment, for example. The court is only required to avoid conflicts so far as it is practicable. Again, the courts are well versed in making such balancing judgments. As somebody who has had orders made where the judgment has had to be balanced—for example, where there has been a question whether the respondent has a right to contact me because I am their Member of Parliament—I relied on the court to decide what was practicable in those circumstances. The shadow Minister asked for an example, but it would be dangerous for me as a Minister to give examples that could then be used in a court. Courts deal with balancing the rights of the respondent and the victim. I will not pretend that I think they always get it right, but it is for them to decide how to balance those particular considerations.

3.30 pm

There are many other examples of courts being able to make civil prevention orders on acquittal. Domestic abuse protection orders, which were introduced by legislation written by the previous Government, do not even require any charge—they are based entirely on risk to the victim—or victim consent. There are many examples of where these sorts of orders are put in place, and the courts are best at making the decisions in these cases. I hope that answers all the questions.

Question put and agreed to.

Clause 69 accordingly ordered to stand part of the Bill.

Clause 70 ordered to stand part of the Bill.

Clause 71

GUIDANCE ABOUT STALKING

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clause 72 stand part.

Jess Phillips: Following what I was just saying about making things actually change on the ground, these clauses are about doing some of that. It is important that professionals with safeguarding responsibilities, such as the police, teachers, healthcare professionals and social workers, have adequate and clear guidance to support them in their work to tackle stalking and to support victims. We must also ensure that such professionals are doing all they can to pursue perpetrators while adequately safeguarding victims. To do that effectively, they must work together.

Clause 71 therefore enables the Home Secretary to issue multi-agency statutory guidance on stalking. It will apply to relevant public authorities and professionals will have to have due regard to it. In short, this measure provides a framework to support professionals to better respond to the needs of stalking victims and to better manage stalking perpetrators.

I have seen amazing examples of that. In fact, the two best examples in the country are in London and Cheshire, where multi-agency solutions, with local health services, victims services and police sitting together, are dealing not just with the victim's trauma or getting a criminal justice response, but with the medical element—the psychological issue—of people with obsessive behaviours. I cannot praise those two multi-agency units enough.

It is important that the right procedures and policies are in place to safeguard victims of stalking as early as possible. Our manifesto committed to giving victims the right to know the identity of their online stalker. I had the privilege of working with Nicola Thorp, who has tirelessly campaigned for this measure after her ordeal with stalking. In her case, the police said they could not reveal the identity of the offender even after he was arrested, despite the perpetrator once saying that he had got so close to Nicola on the train that he "could smell" her.

Clause 72 provides for the introduction of statutory guidance, which will set out the process the police should follow to decide whether they can release the identity of a stalking suspect. In doing so, they will need to consider the risk to the victim and what steps are needed to safeguard them from further harm. The police will have to have due regard to the guidance.

We know that stalkers will often use multiple online aliases to terrorise their victims. It is extremely dangerous for victims to be unaware of the true identity of who is stalking them online. This measure is an important aspect of ensuring that victims of stalking have the best possible protections and safeguards in place.

Matt Vickers: Proposed new section 7A of the Protection from Harassment Act 1997 is a positive step, as it allows the Secretary of State to issue formal guidance to public authorities in England and Wales on stalking-related

[Matt Vickers]

matters. That includes the interpretation and application of relevant provisions in the 1997 Act, the Stalking Protection Act 2019, and the Sentencing Act 2020.

This guidance will help to ensure that those working across the criminal justice system and other public services, such as the police, the Crown Prosecution Service and local authorities, have a consistent and accurate understanding of the law and best practice in responding to stalking. It strengthens victim protection by promoting a co-ordinated and informed response, supports earlier identification of stalking behaviours, and provides a clearer framework for agencies to act before harm escalates.

Clause 72 gives significant responsibility to the Secretary of State to issue guidance to chief officers of police on the disclosure of police information for the purpose of protecting individuals from risks related to stalking. This power includes using existing police common-law powers to disclose relevant information, such as the identity of online stalkers, to victims of stalking. The guidance can be revised as needed. Before any issuance or revision, the Secretary of State is required to consult with relevant parties, including the National Police Chiefs' Council and any other stakeholders deemed appropriate. Importantly, the Secretary of State must also ensure that the guidance is published and accessible.

This new provision aims to improve the safety of stalking victims by ensuring that the police have clear and consistent guidance on disclosing information that could help to protect those at risk, particularly in cases of online stalking. Making it mandatory for police officers to consider this guidance increases the likelihood that appropriate actions will be taken in situations where the disclosure of information could prevent further harm to victims. How do the Government intend to ensure that the guidance issued by the Secretary of State is effectively implemented across all stakeholders, particularly in areas where stalking cases may not be as prevalent?

Jess Phillips: I wish there was a place where stalking cases were less prevalent—what there will be are areas where stalking cases are less prevalently reported. To return to those two brilliant multi-agency examples, doing a job really well often increases the crime rate in that area, which is sometimes quite difficult for police forces to deal with. I pay credit to those that bother to do it.

The shadow Minister points out that the guidance is advisory, but professionals will be required to have regard to the guidance, and we will continue to work with representatives from the agencies, the stalking sector and others to monitor progress in this area. More broadly, monitoring progress on stalking will form part of the wider ambition to halve violence against women and girls and the work that I, the Policing Minister and the Home Secretary seek to do around how we monitor the standards of policing more widely and assess how well policing is doing in many different areas.

I would like to point out something shocking: currently, the police do not have any required standards for reporting on their performance around domestic abuse, sexual violence and stalking. I think the people of this country would be quite shocked to realise that we do not routinely assess the standards of forces on those things. The shadow Minister has my absolute guarantee that monitoring how such things actually work on the ground is something that I will do until the day I die.

Question put and agreed to.

Clause 71 accordingly ordered to stand part of the Bill.

Clause 72 ordered to stand part of the Bill.

Clause 73

Administering etc harmful substances (including by spiking)

Matt Vickers: I beg to move amendment 44, in clause 73, page 88, line 33, after "aggrieve" insert ", take revenge on, prank,".

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

Amendment 45, in clause 73, page 88, line 34, at end insert—

"(c) the person does so knowingly or recklessly."

Government amendment 16.

Clause stand part.

Government amendment 19.

Matt Vickers: Clause 73 modernises and strengthens the law on the administration of harmful substances, including offences commonly referred to as spiking. It repeals outdated provisions in the Offences against the Person Act 1861, specifically sections 22 and 23, and replaces section 24 with a more comprehensive and clear offence.

Spiking can have a devastating and long-lasting impact on victims, both physically and psychologically. Victims often experience immediate symptoms, such as nausea, disorientation, memory loss and the loss of consciousness, placing them at serious risk of harm, including assault or injury.

Beyond the immediate physical danger, the psychological effects can be profound and enduring. Many victims report anxiety, depression, post-traumatic stress disorder and a persistent sense of vulnerability or fear, particularly in social situations. The trauma is often compounded by the fact that victims may be unable to recall events clearly, leading to feelings of confusion, helplessness and self-doubt. Furthermore, the social stigma and lack of visible support can discourage victims from reporting incidents, deepening the emotional toll.

Spiking undermines a person's basic sense of safety, and its impact can ripple far beyond the initial incident, affecting relationships, social confidence and overall mental health. Between May 2022 and April 2023, the police received 6,732 reports of spiking incidents, including 957 involving needle spiking. On average, around 561 reports were made each month.

Despite the volume of reports, gathering reliable national data on spiking remains challenging. There is currently no comprehensive dataset that accurately reflects the prevalence of the crime. Although the Ministry of Justice records data on certain offences, it logs only the principal offence for which a person is convicted and

sentenced. Since spiking can fall under a variety of criminal charges, it is difficult to determine how often it leads to prosecution or conviction. The police do collect incident-level data, and some campaign groups conduct surveys, but these sources do not provide a full picture of how widespread, or effectively prosecuted, spiking is.

Under proposed new section 24 of the 1861 Act, it is an offence to unlawfully administer or cause another person to be administered a harmful substance, with a "harmful substance" being defined as

"any poison or other destructive or noxious thing",

with the intent to injure, aggrieve, or annoy. This modernised wording explicitly covers a broader range of harmful conduct, including situations in which harmful substances are covertly introduced into a person's drink or otherwise ingested without their knowledge or consent, which has been an issue of growing public concern in recent years.

The offence carries serious penalties. On summary conviction in a magistrates court in England and Wales, an offender may face up to the general maximum term of imprisonment or a fine, or both. In Northern Ireland, the summary conviction maximum is six months' imprisonment or a fine up to the statutory limit, or both. On indictment, the maximum penalty increases to 10 years' imprisonment or a fine, or both. By updating this area of law, the Government will ensure that the criminal justice system has a more robust and relevant tool to tackle spiking and related offences, enhancing victim protection and enabling tougher sentences where appropriate.

The charity Stamp Out Spiking, which has long campaigned for a dedicated spiking offence, described the proposed new offence as

"a rallying call to empower victims"

to report incidents. However, the charity also emphasised that the new law is just one element of a broader solution. It stressed that effective collaboration between police, transport providers, venues and support organisations such as Stamp Out Spiking is essential to creating safer environments and rebuilding public confidence in nightlife and public spaces. Does the Minister accept that legislation alone is not enough and that a co-ordinated strategy involving education, prevention and enforcement is needed to truly tackle spiking? Will she commit to furthering the delivery of a joined-up approach to tackling spiking?

Amendment 44 expands the scope of intent behind the offence of administering harmful substances, including by spiking. By inserting the words "take revenge on, prank" after "aggrieve", the amendment makes it clear that the offence applies not only when a person administers a harmful substance with the intention to injure, aggrieve or annoy, but when the intent is to take revenge or play a prank. That broadens the legal coverage of the offence to reflect real-world cases in which spiking is carried out as an act of retaliation or as a so-called joke. It would ensure that such behaviour is recognised as criminal regardless of whether the perpetrator believed it to be harmless or amusing.

Take the example of Gillian Reilly, a nursing student who experienced a harrowing incident when a friend spiked her drink as a laugh during a celebration at her university's students' union bar. Initially attributing her symptoms—dizziness, sharp stomach pains and violent nausea—to overconsumption of alcohol, she soon realised that something was amiss. Her condition deteriorated to the point where she feared for her life. She said:

"I felt so unwell I honestly thought I was going to die."

The revelation that a friend was responsible for the spiking was particularly shocking, highlighting that threats can come from familiar individuals, not just strangers. The incident underscores the severe physical and psychological impacts of spiking, and emphasises the need for increased awareness and preventive measures, particularly in university settings.

The Alcohol Education Trust said that spiking cases always surge during the first term of the new academic year, but that suspected incidents had reached frightening new levels, with the National Police Chiefs' Council revealing that there were 198 spiking incidents, including 24 via injection, across the UK in just two months.

The Drinkaware monitor survey from 2022 showed that, in most cases, no additional crime had occurred after an individual was drugged. However, where an additional crime did take place, 8.4% involved so-called pranks. That suggests that such a mentality is relevant to the intentions behind the offence. If we are to legislate on this matter, we must ensure that robust laws are in place to support effective prosecution.

3.45 pm

I ask the Minister to give her thoughts on whether the inclusion of the words "take revenge on" and "prank", via amendment 44, could be helpful in ensuring that all motivations are considered when the consequences can be so very harmful. The amendment would strengthen protections for victims by acknowledging that all forms of spiking, regardless of perceived intent, can be harmful and must be treated seriously under the law.

Amendment 45 aims to strengthen clause 73 by ensuring that those who administer harmful substances, such as those in spiking incidents, can be held accountable not only when they act with intent to injure, aggrieve or annoy, but when they do so knowingly or recklessly. That is vital, because in many real-world spiking cases, perpetrators may not have a specific intent to harm, but their actions none the less place victims at serious risk. By extending the offence to cover reckless conduct, we close a legal loophole that could allow individuals to avoid responsibility by claiming it was "just a prank" or that they did not mean any harm.

We can take the example of Kevin Johnstone, a 42-year-old man from Wales who was convicted for spiking the hot chocolate of his co-worker, Paul Jones, with amphetamines as a "joke". Jones experienced severe symptoms, including a rapid heartbeat and profuse sweating, leading to hospitalisation. He feared for his life during the ordeal. Johnstone admitted to the act, claiming it was meant as a prank. The court sentenced him to a suspended jail term, with the judge describing his actions as dangerous but also foolish. The case underscores the serious consequences of reckless behaviour involving harmful substances.

The amendment brings the law into line with established criminal principles and better reflects the lived experiences of victims, many of whom suffer devastating physical and psychological effects even when malice was not explicitly intended.

Dr Sullivan: Today, with clause 73, we are saying clearly and finally that spiking is a crime. Spiking is a violation, and it will not be tolerated. For too long, this country has failed to name it for what we know it is. Until now, victims have had to navigate a patchwork of old laws dating back to the 19th century—sections 23 and 24 of the Offences against the Person Act 1861. What is going on there?

Those provisions criminalised the behaviour, but they never used the word. They never gave victims the clarity or the recognition they deserved. This clause changes that. It repeals those outdated offences and replaces them with the single, modern offence of administering a harmful substance, including by spiking.

I cannot overstate how important naming the offence is; it draws a clear legal and cultural line in the sand. Spiking is not just some nuisance behaviour. It is not a prank. It is an act of control, violation and harm, and it comes in many forms. Whether it be drink spiking, needle spiking, vape spiking or even food spiking, it is a predatory act and it can happen to anyone.

Some of us may know someone who has been spiked—a friend, a colleague or someone we care about—and yet, how often is there justice? How often do we know who did it? The Home Office tells us that, between May 2022 and April 2023, the police received 6,732 reports of spiking, with nearly 1,000 involving needles. That is over 500 reports a month. However, Stamp Out Spiking, the UK's leading anti-spiking charity, from which we heard in the evidence session, says that over 97% of victims do not even report it to the police. Why? They are not sure that the law will help, and for years there was no offence with the word "spiking" in it—that ends today.

I pay tribute to my local Gravesham street pastors who walk the streets of Gravesend town centre on Friday and Saturday nights, giving out anti-spiking devices, educating partygoers, looking after people and providing comfort and support.

David Burton-Sampson (Southend West and Leigh) (Lab): I, too, welcome clause 73. Does my hon. Friend agree that more needs to be done to prevent spiking? The Government need to work with other partners, such as the police, venues and transport, as set out in their plans for spiking in November last year. Does my hon. Friend agree that that provides a more holistic approach, beyond just what is in clause 73?

Dr Sullivan: I absolutely agree. We must also work with the voluntary sector, including Stamp Out Spiking, and in education and youth services we must shout from the rooftops that this behaviour is not acceptable and is seriously damaging.

Let us be honest: in December 2022 the Conservative Government said that there was

"no gap in the existing law"

and refused to act. It was only after public pressure, and the publication of a damning report under the Police, Crime, Sentencing and Courts Act 2022, that they changed course. It has now fallen to this Government to finish the job, and I am proud that we are doing so. The new offence will be triable either way, with a maximum penalty of 10 years in prison, which applies in England, Wales and Northern Ireland. For the first time, it sends a clear message: if an individual spikes someone and violates their autonomy, safety and night out, the law will hold them to account.

The Bill represents a broader cultural shift—one we have already seen in its response to stalking, intimate image abuse and violence against women and girls. With clause 73 we are putting our foot down and saying, "No more blurred lines, no more excuses and no more evasion. Spiking is illegal, full stop."

Luke Taylor: I was not going to speak, but reflecting on the Conservative amendments, particularly amendment 44, took me back to our evidence session. There was a particularly helpful contribution from Colin Mackie of Spike Aware UK, who talked about his campaign on spiking having picked up on revenge and pranking. He was asked a particularly good question by the hon. Member for Isle of Wight East about the words used in the Bill, particularly "annoy". The ideas of pranking and revenge came out of his evidence, so will the Minister consider accepting amendment 44?

I also want to pick up the wider point about the need to work with all those involved, such as by working with not only nightclubs but bouncers, so that their qualifications require them to reflect on whether someone is out of control and drunk or has actually been spiked. We also need training at A&Es so that evidence can be taken and preserved if spiking is found to be the cause, rather than somebody just having had too much to drink. The clause is a good measure—it reflects the campaigning from Colin Mackie and groups like Spike Aware UK—but we should reflect on the wording and whether it is sensible to include amendment 44.

Joe Robertson (Isle of Wight East) (Con): It is a pleasure to serve under your chairmanship, Sir Roger. I rise to speak to Opposition amendments 44 and 45 and to address directly what I consider to be a major loophole in this proposed law, which has really good intent behind it. There are two elements to the spiking loophole. I can envisage a defendant getting away with administering a harmful substance by saying that he or she did not intend to injure, aggrieve or annoy. Furthermore, they may claim that it was intended merely as a prank, but the act was so obviously reckless and stupid that they should nevertheless be captured by the provision.

As the hon. Member for Sutton and Cheam just mentioned, we heard really good evidence on this issue. I pose the rhetorical question: what is the point of evidence sessions if we do not take on powerful and direct testimony from somebody whose family were affected in the most tragic way? "Pranking" was the word used in that session, and we heard that it is on the rise. Spiking can be done with the worst intent—to cause serious harm—but clearly any law should cover someone who intends a prank with a harmful substance.

The idea behind broadening the offence beyond merely intent—we are no longer necessarily talking about pranking, but about the intent to injure, aggrieve or annoy—to recklessness has plenty of foundation and precedent in law. In fact, we have just debated that point with clause 57, relating to exposure. Under the new law relating to exposure, someone commits an offence if they expose their genitals for the purpose of obtaining sexual gratification. There are two reasons why clause 57 will capture someone under criminal law: if the person intends to be seen, or if they are reckless as to whether

anyone sees them. When it comes to spiking, the idea should be the same: that a person who administers a harmful substance does so either with intent to injure, aggrieve, annoy or prank, or is reckless as to that being the effect of administering the substance.

Let us be clear: under clause 73, administering a harmful substance on its own is not a criminal offence. It requires something in the mind of a person—currently, only intent. I urge the Government to include reckless behaviour in respect of which, to a reasonable person, it should be obvious that injury, grievance or annoyance would result, even if that was not the intention.

The Parliamentary Under-Secretary of State for Justice (Alex Davies-Jones): I thank all hon. Members for their contributions to the debate, which has been a good one, getting to the heart of the important issue of spiking, which needs to be tackled. I am particularly grateful to the hon. Member for Stockton West for tabling amendments 44 and 45, which enable me to give a fuller answer to the question he raised at the end of the Committee's evidence session and to explain the rationale for clause 73.

Clause 73 fulfils our manifesto commitment to crack down on spiking and bring perpetrators to justice. I reassure the shadow Minister, the hon. Member for Sutton and Cheam and my hon. Friends that the new offence is just one part of a package of measures designed to tackle this crime. Alongside the Safeguarding Minister, my hon. Friend the Member for Birmingham Yardley, I co-chair the cross-Government violence against women and girls strategy, which we will publish shortly. We will of course work with all the many agencies in this field—across the night-time economy, transport, the Department of Health and Social Care, the police and education sectors—to try to prevent this abhorrent crime and to support the victims who have sadly suffered.

The new offence is just one step in the Government's commitment to halving violence against women and girls in a decade, and to making our streets safer. I should also say that although the majority of spiking victims are women, we should not forget—as Colin Mackie reminded us in evidence to the Committee—that men are victims too. Colin's son, Greg, died after his drink was spiked with ecstasy. I pay tribute to Colin and Mandy Mackie from Spike Aware, and to the formidable Dawn Dines from Stamp Out Spiking for all her incredible campaigning over the years to get us to the point where we are clarifying this offence. I thank the many other organisations—my hon. Friend the Member for Gravesham told us about the brilliant ones in Gravesend—for their work in this area to protect victims and stop these crimes happening.

4 pm

Let me briefly explain clause 73. It repeals sections 22, 23 and 25 of the Offences Against the Person Act 1861—a very old law—and replaces section 24 of that Act with a new offence of administering harmful substances, including by spiking. Our approach has been developed from reforms proposed by the Law Commission in its 2015 report "Offences Against the Person—Modernising the Law on Violence".

First, the clause repeals section 22 of the 1861 Act. The offence provided for by section 22 is rarely used, and is considered unnecessary due to such conduct being covered by offences in other provisions, such as the offence in proposed new section 24, and section 61 of the Sexual Offences Act 2003, which criminalises the administration of a substance to enable sexual activity. Clause 73 also repeals section 23 of the 1861 Act and replaces section 24 of that Act with proposed new section 24. The new offence will broadly continue to capture the conduct that is currently criminalised by the offences in sections 23 and 24.

Our aim in creating a single offence is to make a simple, modern offence that clearly applies to spiking. Hon. Members will note that the title of the offence now includes, for the first time, an explicit reference to spiking. We hope that will increase public awareness that spiking is illegal, encourage victims to report crimes and improve the police response to such incidents.

Proposed new section 24(1) makes it an offence for a person to unlawfully administer a harmful substance

"with intent to injure, aggrieve or annoy the other person."

Proposed new section 24(1)(a) retains the term "administers a…substance" to continue to capture a wide range of spiking and non-spiking behaviours—not only adding a substance to a drink or via injection, but spraying someone with pepper spray or so-called "potting", which is throwing urine or faeces on another person. The clause also makes it clear that the harmful substance can be directly or indirectly administered and that the administration must be unlawful. That means the offence will not be committed if there is a lawful purpose for administering the harmful substance, or if the person consents to the administration, such as when a doctor injects a strong painkiller into a patient in an emergency.

Proposed new section 24(1)(b) maintains the specific intent requirement from the Act's current section 24 offence—that is, that the person must intend

"to injure, aggrieve or annoy"

the victim. The aim in retaining that language is that the courts' current wide interpretation of the intent requirement will continue to apply.

At this point it is important to address amendment 44, tabled by the hon. Member for Stockton West, and the concerns raised by other hon. Members. The amendment would add the phrase "take revenge on, prank" to the specific intent requirement. Having looked at it very carefully, we think this addition is unnecessary and could actually be unhelpful for the enforcement of the offence.

The offence is committed even if the person who has been spiked suffers no harm. Importantly, the terms "injure, aggrieve, or annoy" have been widely interpreted by the courts. For example, the courts have held that a person had intent to "injure" when a substance was administered to "loosen up" or "overstimulate" another person. Although every case will of course depend on the facts, if a person administers a harmful substance for the purposes of revenge, or to play a prank, they would in all probability be found to have acted with intent to "annoy" or "aggrieve" the other person. The offence would therefore already be made out. In our view, pranking or revenge behaviour that should be criminal is captured by the offence.

I am also concerned that amendment 44 would obscure and overcomplicate the offence when we are trying to make it simple for the police, the public and the legal landscape. "Revenge" and "prank" are not words commonly used in criminal law, and "prank" is essentially a slang

term that has meanings other than referring to a form of practical joke. Importantly, the inclusion of such terms might cast doubt on whether spiking for revenge, or as part of a prank, would otherwise fall within the intents of "annoy" or "aggrieve". As I mentioned already, in all probability a person who administers a harmful substance for revenge or as a prank will have such an intent. We do not want to imply that these motivations are somehow different or need to be proven in addition to the specific intents already included.

Nor is it the case that a person can simply claim they had spiked someone intending it to be only a joke or a prank. That is not a defence under the current offence. It is a matter for a court or jury to decide, when considering the wider context of the incident that has occurred, whether the person intended to injure, aggrieve or annoy a person. Therefore, although I understand why the hon. Member for Stockton West tabled the amendments, the Government remain of the view that they are unnecessary and, potentially, unhelpful.

Joe Robertson: I have a modicum of sympathy for how the Minister is addressing the words "prank" and "revenge", although I do not necessarily agree with her. Will she address the issue of intent and recklessness, because that has a clear precedent in law, and indeed in the Bill itself?

Alex Davies-Jones: I will happily do so. On being reckless, it would be for the court to decide and determine the case on the facts in terms of its interpretation of aggrieve, annoy and intent. It is also important to deal with amendment 45, which could cause a problem, and address the hon. Gentleman's comments head on. The amendment would introduce the requirement that the person must act "knowingly or recklessly" before the offence of administering harmful substances is committed. That risks introducing confusion, rather than bringing clarity. For the offence to be made out, a person has to act with the specific intent to injure, aggrieve or annoy the other person. To additionally require a defendant to knowingly or recklessly act is logically inconsistent with the requirement that they act with a specific intention to injure, aggrieve or annoy the victim.

Having explained why it is not helpful to amend the clause in the way suggested, I will return to the details of the clause, which will help to provide clarity. Proposed new section 24(2) defines "harmful substance" as

"any poison or other destructive or noxious thing".

By incorporating the language of the existing sections 23 and 24 offences, we aim to capture the broad range of substances that can, as established by existing case law, be illegal to administer.

Proposed new section 24 also modernises the law in other ways. It will become an offence triable either way, rather than an indictable only offence: this allows for less serious cases to be dealt with quickly in the magistrates court, allowing for justice to be served quicker. The penalty for the new offence will be 10 years, reflecting the seriousness with which the Government take this behaviour. That penalty is the same as for the existing section 23 offence, and an increase in the maximum penalty for the more commonly prosecuted section 24 offence. The new offence will extend to England, Wales and Northern Ireland.

Finally, Government amendments 16 and 19 add the new offence, as with the other offences in the Bill, to the list of serious offences that exclude a person from claiming as a defence that they committed the offence as the result of being subject to modern slavery.

In conclusion, the Government believe that the new offence to capture spiking will simplify the current legal landscape and be more readily understood by both the public and the police. It is part of our wider programme to increase public awareness of the illegality of spiking, encourage reporting and help the police to better respond to this abhorrent crime. I commend clause 73 to the Committee.

Matt Vickers: I will press the amendment to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 9.

Division No. 17]

AYES

Cross, Harriet	Robertson, Joe
Rankin, Jack	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Burton-Sampson, David	Phillips, Jess
Davies-Jones, Alex	Sullivan, Dr Lauren
Johnson, rh Dame Diana	Taylor, David
Jones, Louise	

Question accordingly negatived.

Amendment proposed: 45, in clause 73, page 88, line 34, at end insert—

"(c) the person does so knowingly or recklessly."—*(Matt Vickers.)*

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 9.

Division No. 18]

AYES

Cross, Harriet	Robertson, Joe
Rankin, Jack	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Burton-Sampson, David	Phillips, Jess
Davies-Jones, Alex	Sullivan, Dr Lauren
Johnson, rh Dame Diana	Taylor, David
Jones, Louise	

Question accordingly negatived.

Amendment made: 16, in clause 73, page 89, line 9, at end insert—

"(2) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 7 (offences under the Offences against the Person Act 1861)—

(a) omit the entry for section 22;

(b) omit the entry for section 23;

(c) before the entry for section 27, insert—

'section 24 (administering etc harmful substances (including by spiking))'."—*(Alex Davies-Jones.)*

This amendment excepts the offence of administering harmful substances from the defence in section 45 of the Modern Slavery Act 2015 and makes other changes consequential on clause 73.

Clause 73, as amended, ordered to stand part of the Bill.

Clause 74

ENCOURAGING OR ASSISTING SERIOUS SELF-HARM

Question proposed, That the clause stand part of the Bill.

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

Government amendment 17.

Clause 75 stand part.

Alex Davies-Jones: Although clauses 74 and 75 are separate clauses, I will speak to both at the same time for the benefit of the Committee, given that they are very much linked provisions. Encouraging or assisting self-harm remains a matter of great concern. I commend the continued work of organisations such as the Samaritans and the Molly Rose Foundation in campaigning for suicide and self-harm prevention. The Law Commission's 2021 report on modernising communications recommended a criminal offence to target the issue. Section 184 of the Online Safety Act 2023 gave partial effect to that recommendation by introducing an offence of encouraging or assisting serious self-harm by means of communications only. The Government are now fully implementing the Law Commission's recommendation by creating a broader offence that covers the encouragement or assistance of serious self-harm both by means of communication and in any other way. That could include direct assistance, such as giving someone a blade with which to seriously self-harm.

Clauses 74 and 75 achieve that aim by repealing the Online Safety Act offence, in so far as it extends to England, Wales and Northern Ireland, and replaces it with the broader offence. The Committee can be assured that these clauses include two key elements that the Law Commission and this Government are confident constrain the offence to only the most culpable offending—namely, that the person's act must be intended to encourage or assist the serious self-harm of another person, and that self-harm is serious if it amounts to grievous bodily harm. That ensures that the sharing of helpful and supportive material is not criminalised. To be clear, where there is no intent to encourage or assist serious self-harm, the offence is not committed.

As with the Online Safety Act offence, clause 74 provides that a person commits an offence if they do an act capable of encouraging or assisting the serious self-harm of another person and have the intention to do so. It specifies that the person committing the offence does not need to know or be able to identify who they have encouraged or assisted in their act, and an offence is committed regardless of whether serious self-harm of another person actually occurs.

The clause further provides that an act includes any conduct except conduct consisting only of omissions. The definition of "act" is intended to cover a series of acts, as well as a combination of acts and omissions, but not a stand-alone omission or a series of omissions. It also provides that encouraging the serious self-harm of a person includes putting pressure on a person to self-harm, whether by threatening them or otherwise. Serious self-harm is when the self-harm amounts to grievous bodily harm within the meaning of the Offences against the Person Act 1861. For example, a person may cause themselves serious self-harm by alternatively purging and starving themselves of food over a period of time. The offence is triable either way and carries a maximum sentence of five years' imprisonment.

Clause 75 then provides that a person who arranges for someone else to do an act capable of encouraging or assisting the serious self-harm of another person is committing the offence. The clause also ensures that where an act is in fact not capable of encouraging or assisting serious self-harm, it will still be treated as so capable had the facts been as the defendant believed them to be at the time of the act, or had subsequent events happened in the way the defendant believed they would happen, or both. An example of that is if a person sends razor blades to another person with the intention that they will use them to seriously self-harm, but the blades, for whatever reason, fail to reach them.

Clause 75 clarifies that an internet service provider does not commit the offence by providing a means through which others can send, transmit or publish content that is capable of encouraging or assisting the serious self-harm of a person. Government amendment 17 adds

"encouraging or assisting serious self-harm"

to schedule 4 to the Modern Slavery Act 2015, thereby removing the offence from the ambit of the statutory criminal defence in section 45 of the 2015 Act.

4.15 pm

Matt Vickers: Clause 74 creates a new criminal offence targeting individuals who intentionally carry out acts capable of encouraging or assisting another person to seriously self-harm. Crucially, the offence goes beyond previous legislation, such as section 184 of the Online Safety Act 2023, by covering not just verbal or digital communications, but any form of direct or indirect action. That includes, for example, physically providing someone with an object like a blade to use for self-harm.

The new offence is based on a recommendation from the Law Commission, which proposed criminalising the intentional encouragement or assistance of serious self-harm. The proposal was modelled on the existing offence of encouraging or assisting suicide, as set out in the Suicide Act 1961. The Law Commission highlighted the need for any such offence to be carefully and narrowly defined to ensure that vulnerable individuals, particularly those who share self-harm content online, are not unintentionally criminalised.

Subsection (1) sets out the core of the offence. A person commits it if they carry out

"an act capable of encouraging or assisting the serious self-harm of another person"

and they did so with the intent that such harm would be caused. Subsection (2) clarifies that the offender does not need to know who the victim is. The offence still applies if the act is aimed at an unknown or unidentified individual, such as in the case of anonymous online posts targeting vulnerable people. Subsection (3) states

[Matt Vickers]

that an offence is committed whether or not serious self-harm actually takes place. The focus is on the intent and the potential for harm, not the outcome.

Self-harm is a deeply concerning issue that affects people of all ages, but especially young people and those struggling with mental health challenges. It involves deliberately causing pain or injury to oneself as a way of coping with overwhelming emotional distress, anxiety, trauma or feelings of numbness and hopelessness. The physical risks of self-harm can be severe, ranging from permanent scarring and infections to life-threatening injuries and even accidental death. The psychological toll is often even more damaging. Those who self-harm frequently experience shame, isolation and a deepening of the very mental health struggles that led them to harm themselves in the first place.

It is not just the individuals who suffer. Families, friends, schools and communities are all affected. Loved ones often feel helpless or guilty, and support systems can become strained. In many cases, self-harm can escalate to suicidal ideation or attempts, making early intervention critical. The rise of online content that normalises or encourages self-harm has made the issue even more urgent. Vulnerable individuals can be influenced or manipulated into dangerous behaviours by others, sometimes even strangers, through social media or online forums. The law must recognise and respond to this modern reality to better protect those at risk. Tackling self-harm requires not just healthcare support and early intervention, but strong legal tools to prevent others from encouraging or facilitating this deeply harmful behaviour. Clause 74 takes an important step in that direction.

Clause 75 strengthens the framework around the offence of encouraging or assisting serious self-harm by closing potential loopholes in enforcement. It ensures that individuals who arrange for others to carry out a harmful act are equally accountable if those acts are carried out, even if indirectly. The provision also captures cases where the intended harm could not physically occur, such as when a person mistakenly believes a harmless item will cause harm, or when the planned outcome does not materialise as expected. That underlines that liability can arise from intention and belief, not just outcome.

Furthermore, the clause draws a clear boundary for internet service providers, confirming that they will not be held criminally responsible solely for providing the platform through which harmful content is transmitted. The provision aligns with broader legislative changes by removing overlapping measures in existing law, ensuring clarity and consistency in how such offences are addressed. I would be grateful if the Minister would outline what further steps might be under consideration to ensure that platforms and tech companies have a legal duty to report and remove harmful content, and that this provision is implemented alongside adequate mental health support.

Luke Taylor: I will speak briefly about the concern raised by a self-harm charity that has been in contact with us that it may fall within the scope of encouragement of self-harm, because when sufferers and victims—individuals who are engaging in self-harm—try to access support to reduce their dependence on the habit, they are often advised to moderate and change the behaviour. Does the Minister have any thoughts on the details of how charities involved in this incredibly important work to help people in extremely difficult situations would not, through treatment and other measures to mitigate and moderate particular practices, fall within scope of what is an incredibly well intentioned and important measure to stop the encouragement of them?

Alex Davies-Jones: I am grateful to the Liberal Democrat spokesperson for that question. The intention of this offence is not to capture that; it is for those who have a specific intent to cause or assist self-harm. We recognise, obviously, that there are organisations that do that work. They are not intended to be captured under this offence, and we are ensuring that guidance is available.

I want to respond to the comments of the shadow Minister, the hon. Member for Stockton West, regarding online safety. He will be aware that Ofcom is in the process of implementing the guidance and codes of practice that will be operational under the Online Safety Act 2023 to ensure that platforms have to act to protect children, specifically, by removing this content where it is at risk of being seen by children. If platforms do not comply with the Act and with Ofcom's codes of practice and guidance, they could be fined. Those fines are currently being dished out by Ofcom in relation to some of the harmful and illegal practices by social media platforms.

Of course, this issue is also being looked at, in terms of violence being carried out against women and girls, and children, under our broader strategy across Government. The Safeguarding Minister, my hon. Friend the Member for Birmingham Yardley, and I have met the tech Minister in the Department for Science, Innovation and Technology and Ministers in the Department of Health and Social Care to look at all these issues to ensure that we have the most holistic approach to tackling some of the horrific acts and harms that are proliferating and causing damage to women and girls, and children, so that we protect them all.

Question put and agreed to.

Clause 74 accordingly ordered to stand part of the Bill.

Clause 75

Encouraging or assisting serious self-harm: supplementary

Amendment made: 17, in clause 75, page 90, line 20, at end insert—

"(6) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (inserted by section 17), after the entry for section 52 (inserted by section 52), insert—

'section 74 (encouraging or assisting serious self-harm).'."—*(Alex Davies-Jones.)*

This amendment excepts the offence of encouraging or assisting serious self-harm from the defence in section 45 of the Modern Slavery Act 2015.

Clause 75, as amended, ordered to stand part of the Bill.

Clause 76

CHILD ABDUCTION

Question proposed, That the clause stand part of the Bill.

Alex Davies-Jones: Clause 76 aims to fill a small but important gap in the law on child abduction in relation to the detention of a child abroad without appropriate consent. It is already an offence, under section 1 of the Child Abduction Act 1984, for one parent, or person with similar responsibility, to take or send a child under the age of 16 out of the UK without the consent of the other parent or person with responsibility or of the court.

In 2012, the court confirmed, in the case of Nicolaou *v.* Redbridge magistrates court, that it is not a criminal offence, for a parent who has consent to take a child abroad, to detain that child outside the UK for longer than the permitted period. In contrast, section 2 of the 1984 Act makes it an offence for a person other than a parent or person with similar responsibility to take or detain a child out of the control of any person entitled to lawful control, whether or not the child is taken out of the UK.

The Law Commission, in considering Nicolaou in its 2014 report "Simplification of Criminal Law: Kidnapping and Related Offences", concluded that wrongful retention of a child abroad by a parent or person with similar responsibility should be an offence. That is what the clause seeks to do.

Disputes involving children retained abroad without appropriate consent can usually be resolved through civil dispute and family court processes, including under the 1980 Hague convention on the civil aspects of international child abduction, rather than criminal law. The new child abduction offence aims to supplement such civil dispute mechanisms where the force of the criminal law is required.

Reunite International, the leading charity in this area, has called for legislative change to close the gap in the law, indicating that there appears to be an issue of children being detained abroad without appropriate consent. The charity says that about 40% of the cases to its helpline concern a child being wrongfully retained abroad. That suggests that parents realise that that is an easier route to abduct the child, with no criminal charges or police involvement.

The purpose of the clause in filling that gap in the law is to add to the suite of measures available to deter parents from illegally detaining children abroad. In effect, it will mean that a parent or person with similar responsibility who has detained a child abroad without appropriate consent could face extradition to the UK and a criminal sanction if, or when, they return to the UK.

Clause 76(2)(a) therefore amends section 1 of the 1984 Act to insert the new child abduction offence. That means that a person connected with a child under the age of 16 will commit an offence if the child is taken or sent out of the UK with the appropriate consent and, at any time after the child is taken or sent, the person detains the child outside the UK without the appropriate consent.

In inserting the new offence into section 1, other minor amendments, detailed in subsection (2)(b), (c) and (d), and subsection (4), are required to the 1984 Act so that the provisions in section 1 and the schedule properly apply to the new offence in the same way as the existing section 1 offence. Additionally, since the new offence by its very nature takes place outside the UK, at subsection (3) an amendment is made so that the new offence is not carved out from having extraterritorial jurisdiction in the relevant circumstances.

The clause will apply to England and Wales. The consent of the Director of Public Prosecutions will be required to prosecute, and the maximum penalty will be the same as that which applies to the taking or sending offence in section 1 of the 1984 Act, which is seven years' imprisonment.

We have given considerable thought to whether it is right to potentially criminalise a parent for detaining their child abroad and how that will impact on the safe and prompt return of the child. The new offence, however, will criminalise only parents who intentionally keep the child out of the control of the other parent. Other important protections are also built into the offence. For example, the detaining parent will not commit the offence if the other parent has unreasonably refused to consent.

There is evidence that suggests that some parents are deliberately seeking to circumvent the law. We are therefore persuaded that it is necessary to fill the gap and to criminalise such behaviour. I stress again the importance of the Hague conventions as a route to ensure the safe return of children. The UK continues to work with other states parties to the 1980 Hague convention to improve its operation, including considering the impact of allegations and evidence of domestic abuse in judicial decision making. The new criminal law provision supplements the international civil remedies and deals with a small but important gap in the law. I commend the clause to the Committee.

Matt Vickers: Proposed new section 1(1A) of the 1984 Act addresses a deeply concerning and potentially damaging loophole by making it an offence for a person connected to a child to detain that child abroad after initially taking or sending them out of the UK with proper consent, unless they continue to have that consent. That ensures that consent must be maintained throughout and not just at the point of departure.

The 2012 judicial review highlighted a potential gap in the legal framework under section 1 of the Child Abduction Act 1984. The issue arose in situations where a parent lawfully took or sent a child out of the UK with the required consent, but then failed to return the child once the agreed period ended. The case involved Nicholas Nicolaou, who in 2007 arranged for his son to visit him in Cyprus for a limited time, in accordance with a court order. However, he did not return his son to the UK when the permitted visit expired.

Following unsuccessful attempts to resolve the matter through the family courts, a warrant was issued for Nicolaou's arrest. Nicolaou challenged the warrant through judicial review, arguing that he had not committed an offence under section 1 of the 1984 Act. His reasoning was that his son had been taken out of the UK with the appropriate consent, and that section 1 covers only the

[Matt Vickers]

act of removal, not the failure to return a child thereafter. The High Court upheld Nicolaou's claim, agreeing that section 1 applies only to the removal of a child from the UK, and that what matters legally is whether consent was in place at the moment the child left the country. As a result, the High Court granted Nicolaou's application for judicial review, exposing this serious loophole in the existing legislation.

4.30 pm

Child abduction is a profoundly traumatic and devastating crime that inflicts long-lasting emotional, psychological and physical harm on the child and their family. The impact on the child can be severe, as they may experience confusion, fear and anxiety due to being forcibly separated from their familiar environment, caregivers and support systems. The sense of security and trust they once had is shattered, often leading to lasting effects on their mental health.

For the parents or guardians, the abduction creates immense distress, with a constant sense of helplessness and uncertainty regarding their child's safety and wellbeing. The emotional toll of not knowing where their child is, or when or if they will be reunited, is overwhelming. The trauma caused by child abduction extends beyond the immediate incident, potentially affecting the child's future relationships, development and ability to trust others. That is why robust laws and measures are vital to prevent and address such heinous acts.

The provision applies only to cases where the child is taken or sent out of the UK on or after the commencement date of the clause, ensuring clarity for any ongoing or past cases. In 2014, the Law Commission released a report examining the legal framework around kidnapping and related offences. One of its key recommendations was to expand the scope of the section 1 offence to include situations where a child is wrongfully kept abroad beyond the agreed period, either in breach of permission granted by another parent, a person with parental responsibility, or the court. Does the Minister believe that the measure goes far enough to deter wrongful retention abroad? Are the Government considering any additional safeguarding or preventive measures?

Alex Davies-Jones: I commend the clause to the Committee.

Question put and agreed to.

Clause 76 accordingly ordered to stand part of the Bill.

Clause 77

SAFEGUARDING VULNERABLE GROUPS: REGULATED ACTIVITY

Question proposed, That the clause stand part of the Bill.

Jess Phillips: The Disclosure and Barring Service issues criminal record checks in England and Wales to support employers to make decisions about the suitability of individuals for particular roles. The DBS also maintains two lists of individuals whom it has barred from working in regulated activity: the adults' and children's barred lists. Regulated activity is defined in legislation and covers sensitive roles and activities working closely with children and vulnerable adults—for example, teaching and supervising children. Roles in regulated activity are eligible for the highest level of DBS check, namely the enhanced with barred lists check.

Under the current definition of regulated activity, there is an exemption for work that is subject to day-to-day supervision of another person. That means that people in roles that involve close work with children are not in regulated activity if they are working under supervision. That supervision exemption means that employers cannot check whether such people are on the children's barred list, which creates a safeguarding risk. It means that somebody who the DBS considers to pose a risk of harm to children, such that they have been barred from working in regulated activity with them, could nevertheless work with them under supervision and without the employer's knowledge. That cannot be right.

In the final report of the independent inquiry into child sexual abuse, it recommended that anyone engaging an individual to work or volunteer with children on a frequent basis should be able to check whether they have been barred by the DBS from working with children, including where the role is supervised. The Government agree.

Clause 77 therefore gives effect to that recommendation. It removes the supervision exemption so that these roles will be defined as regulated activity, regardless of whether they are supervised. That will allow employers to access enhanced DBS checks that include a check of the children's barred list. Bringing those supervised roles into regulated activity will also make it an offence for a barred person to apply for or undertake those roles, and an offence for an employer to knowingly employ them in those roles. With this measure, we will reduce the risk of a barred person working with children in a supervised capacity.

Question put and agreed to.

Clause 77 accordingly ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. *—(Keir Mather.)*

4.35 pm

Adjourned till Tuesday 29 April at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CPB 47 CEASE (Centre to End All Sexual Exploitation)

CPB 48 Basis Yorkshire

CPB 49 CEASE (Centre to End All Sexual Exploitation) (further submission)

CPB 50 Dr Vicky Heap, Dr Alex Black, Dr Benjamin Archer, Dr Ayse Sargin, and Joshua Whitworth (all Sheffield Hallam University)

CPB 51 StreetlightUK

CPB 52 Decrim Now

CPB 53 Sex Work Research Hub (SWRH)

CPB 54 English Collective of Prostitutes

CPB 55 A transgender prostitute based in Westminster, SW1

CPB 56 Every Child Protected Against Trafficking (ECPAT UK) (further submission)

CPB 57 Regulatory Policy Committee (RPC) (further submission)

CPB 58 Dr Larissa Sandy, University of Nottingham

CPB 59 Association of Convenience Stores

CPB 60 Not Buying It

CPB 61 Justice and Care

CPB 62 London's Victims' Commissioner

CPB 63 John Pidgeon

CPB 64 Crisis

CPB 65 British Transport Police

CPB 66 The Traveller Movement

CPB 67 Melanie McLaughlan, Usame Altuntas, Prof Marion Oswald MBE

CPB 68 Zoe Rodgers

CPB 69 Local Government Association (LGA) (supplementary)

CPB 70 Amnesty International UK (further submission)

CPB 71 CARE (Christian Action Research and Education)

CPB 72 Consilium Training and Support Ltd

CPB 73 CyberUp Campaign

CPB 74 Prof Sarah Kingston, University of Lancashire

CPB 75 Mr R. E. Flook

CPB 76 Palestine Solidarity Campaign

CPB 77 Reunite International Child Abduction Centre

CPB 78 POW Nottingham

CPB 79 Advance

CPB 80 A sex worker

CPB 81 Letter to the Committee from Rt Hon Dame Diana Johnson DBE MP, Minister of State for Policing and Crime Prevention, relating to details of a second tranche of Government amendments which were tabled on 22 April concerning Youth Diversion Orders.