UK: Johnson government suffers defeats in Lords over Police, Crime, Sentencing and Courts Bill amendments, but core threat remains

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The Johnson government suffered a defeat in the House of Lords, with peers voting down 14 amendments to its draconian Police, Crime, Sentencing and Courts Bill.

Before going to parliament's second chamber for its "Report" stage, the Bill had already passed its required stages in the House of Commons, with a third reading of the bill going through on July 5, 2021 by 365 votes to 265. This success prompted a law-and-order frenzy, with demands from the right-wing media that the government clamp down harder still on ongoing environmental protests. In December, a raft of amendments drafted by the Conservative government totalling 18 pages were added in the Lords.

Widespread opposition to the Bill, and amendments that were so authoritarian they would effectively ban all protests, meant the move backfired, with opposition parties in the Lords forced to strike a pose of opposition.

The amendments were defeated through a combination of Labour, Liberal Democrats and Green votes against the Conservatives. Former Labour MP Lord Hain said, "This Bill, in my view, represents the biggest threat to the right to dissent and non-violent protest in my lifetime. It's deeply reactionary. It's an authoritarian attack on the fundamental liberties of our citizens."

Under law, if an amendment to a government bill is made in the Lords rather than the House of Commons and then defeated in the Lords, that amendment cannot be part of a Bill that is finally passed to the satisfaction of both chambers. The Bill will now return to the House of Commons minus the amendments for further debate.

Given the Tories' commanding working majority of 77, the still authoritarian Bill will eventually pass and must do so before the current parliamentary session ends in late March or April. The Bill empowers police to place the same restrictions on static "public assemblies" as they currently can on moving "public processions". These include restrictions on the location and start and finish times of protests.

In case these definitions are not broad enough for the police's purposes, the home secretary is empowered to decide what constitutes "serious disruption to the activities of an organisation which are carried on in the vicinity of a public procession" or "serious disruption to the life of the community" and restrict protests accordingly.

The Tories' defeat in the Lords will be short lived. The government can effectively overturn the Lords votes against the amendments in the Commons. Tweeting after Monday night's votes, Labour peer Baron Prem Sikka said, "The govt has lost all votes on the Policing Bill in the Lords. It is likely to use its majority in the Commons to override them." In a further tweet he added, "They have many options, including a new mini Bill to achieve the same in different words."

Reports soon emerged that the government will seek to pass the Bill as it presently stands and then introduce another smaller Bill, including another version of the rejected amendments. BBC commentator Mark D'Arcy noted, "My best guess is that the government's proposals will resurface as a free standing public order bill, when the new Parliamentary year begins in April."

One of the defeated amendments would have enabled the imposition of restrictions on protests on noise grounds. Asked on Tuesday by BBC Radio's *Today* if the government would try to bring back those measures, Deputy Prime Minister and Justice Secretary Dominic

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Raab said, “We’ll look very carefully at all of that, but, yes, absolutely.”

Other amendments defeated included:

• A proposal to outlaw “locking on”, a tactic used by protesters to make it difficult to remove them from roads and buildings, that would have meant those convicted of it being jailed for up to a year.

• A proposal making an offence of obstructing the construction or maintenance of major transport works.

• Another making it unlawful for a person to interfere with the use or operation of key national infrastructure, including airports, the road network, railways and newspaper printers.

• Allowing police to stop and search a person or vehicle merely if they suspect an offence was planned.

• Allowing police to stop and search anyone at a protest “without suspicion”.

• Allowing individuals deemed to have caused “serious disruption” previously to be banned by the courts from attending certain protests.

Clause 59 of the Police Bill would have banned large-scale demonstrations in the vicinity of Parliament Square. Protests have been held in the area for centuries. The Lords backed an amendment protecting Parliament Square as a place to protest.

Police officers, as demonstrated in the decades-long denial of justice to the victims of the Hillsborough football stadium disaster, are currently not required to tell the truth to public inquires. The Lords voted for an amendment to the Bill requiring a duty of candour by police in their testimony before any form of public inquiry and criminal investigation.

While voting against aspects of the Bill in the latest amendments, the main opposition Labour Party has no fundamental differences with it. It originally planned to abstain on the Bill introduced last March and was vocal in support of several of its provisions, particularly stiffer sentences for several crimes. It only switched to opposing the Bill following widespread protests against the police for the brutal attack on the vigil held on London’s Clapham Common last March following the murder of a young woman, Sarah Everard, by a Metropolitan Police officer.

Speaking before the defeat of the amendments, Shadow Home Secretary Yvette Cooper MP said the Bill “should have been an opportunity to tackle violence against women, improve support for victims of crime and keep communities safe”. Warning of the danger that the Bill will fuel mass social opposition to the government, Cooper stated, “Instead of seeking headlines and stoking division, the Conservatives should implement Labour’s plans to keep the public safe.”

An example of Labour’s duplicity was over the vote against the government’s proposal to prohibit interference with or the operation of the entire road network. Labour put forward a Lords amendment that was passed which restricted the imposition of tougher sentences for those *blocking a highway leading to* major routes and motorways!

The concerns of the Lords as to the explosive social consequences of an attempt to close all avenues of legitimate protest were expressed by crossbencher Lord Pannick QC who warned, “The ability to demonstrate and the ability to demonstrate while making a noise is a very valuable safety valve in our civil society. If you close that safety valve off you are going to cause a far greater mischief than is currently the case.”

Every attempt is being made in the media to play down the moves to impose dictatorial means for a clampdown on all social opposition in the working class. The government is also seeking to pass in the current parliamentary session its Nationality and Borders Bill and legislation attacking fundamental democratic rights in the Election Bill.

Yet the coverage of the BBC and *Guardian* focused almost exclusively on the fact that one amendment to the Police Bill passed by the Lords was to make misogyny a hate crime in England and Wales and an aggravating factor in any crime, increasing sentences accordingly.

No protests against the Bill have ever been called by Labour or the trade unions. Instead, Labour’s Baron Sikka advised only that those opposed to the Bill “please lobby MPs, write letters to media,” to oppose only “the most oppressive changes being forced on people.”

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