

RE: PROPOSED AMENDMENT NC90 TO THE CRIMINAL JUSTICE BILL  
“CONVERSION PRACTICES: PROHIBITION”

---

ADDENDUM

---

1. Further to my advice of the 17<sup>th</sup> March and 9<sup>th</sup> May 2024, I am asked to advise the Labour Women’s Declaration Working Group on the fifth iteration of an amendment (now NC90) to the Criminal Justice Bill, again proposed by Alicia Kearns MP. Specifically, I am asked to advise on the impact of the changes to the wording of the clause.
2. The change from “premeditated” to “predetermined” in 2(a) makes no practical difference to the required intention in the proposed offence. Similarly, the move from “perceived” to “presumed” simply brings the language into harmony with the terminology used in s.28 of the Crime & Disorder Act 1998 (providing for certain offences to be prosecuted as racially or religiously aggravated).
3. The addition of the words “including private religious prayer, provided that it is not directed to an individual as part of a conversion practice” to 6(a)(i) has a foreseeable and, I presume, unintended effect of making explicit the criminalisation of private prayer. The earlier wording of this sub-clause was highly unlikely to have been interpreted by police and the courts to criminalise private prayer. The application of the new wording would result in criminal liability of, for example, grandparents who disclose to their grandchild that they pray privately every night for her/him to desist from cross-sex ideation, or from homosexuality. A family who pray over their meals to the same effect will, if the alleged victim is present, be committing a criminal offence. Family members, and members of a religious community will be required to keep their prayers secret from the alleged victim. The conflict with Articles 9 and 10 (freedom of belief and expression) could not be clearer.

11<sup>th</sup> May 2024

Sarah Vine KC

Doughty Street Chambers