



# House of Commons

Tuesday 22 January 2013

## PUBLIC BILL COMMITTEE

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### CRIME AND COURTS BILL [*LORDS*]

#### NOTE

**The Amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.**

#### RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

*The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 21 January (Standing Order No. 83C):*

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 22 January) meet—
  - (a) at 2.00 pm on Tuesday 22 January;
  - (b) at 11.30 am and 2.00 pm on Thursday 24 January;
  - (c) at 8.55 am and 2.00 pm on Tuesday 29 January;
  - (d) at 11.30 am and 2.00 pm on Thursday 31 January;
  - (e) at 8.55 am and 2.00 pm on Tuesday 5 February;
  - (f) at 11.30 am and 2.00 pm on Thursday 7 February;
  - (g) at 8.55 am and 2.00 pm on Tuesday 12 February; and
  - (h) at 11.30 am and 2.00 pm on Thursday 14 February;
- (2) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 and 3; Schedule 2; Clause 4; Schedule 3; Clauses 5 to 7; Schedule 4; Clause 8; Schedule 5; Clauses 9 and 10; Schedule 6; Clause 11; Schedule 7; Clauses 12 to 14; Schedule 8; Clauses 15 and 16; Schedules 9 to 11; Clause 17; Schedule 12; Clause 18; Schedule 13; Clause 19; Schedule 14; Clauses 20 to 31; Schedule 15; Clause 32; Schedule 16; Clauses 33 to 36; Schedule 17; Clause 37; Schedule 18; Clause 38; new Clauses; new Schedules; Clause 39; Schedule 19; Clauses 40 to 42; and remaining proceedings on the Bill; and

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**Crime and Courts Bill [*Lords*], *continued***

- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 14 February.

*Mr Jeremy Browne has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].*

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Mr Jeremy Browne

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

- 1
- Clause 1, page 1, line 6, leave out from second ‘the’ to end of line 7 and insert—  
‘strategic direction and control of a board to be known as the NCA Board.
- ( ) There shall be a Director General, who is to be one of the NCA officers, and shall be responsible for the exercise of the NCA’s operational and administrative functions.
- ( ) Schedule “*The NCA Board*” has effect.’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

- 21
- Clause 1, page 2, line 9, at end add—
- ‘( ) The Secretary of State shall in consultation with the Director General of the NCA report to Parliament a definition of subsection 5(b) within 12 months beginning with the day on which this Act is passed.’.

Paul Goggins

- 35
- Clause 1, page 2, line 9, at end add—
- ‘(5A) The NCA is to have the following four commands—
- (a) organised crime command;
- (b) border policing command;
- (c) economic crime command; and
- (d) child exploitation and on-line protection command.
- (5B) The Secretary of State may, by order, in the form of statutory instrument—
- (a) close existing commands; and
- (b) open new commands.’.
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**Crime and Courts Bill [*Lords*], *continued***

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

8

Schedule 1, page 45, line 8, at end insert—

‘1A It is the duty of the Secretary of State to ensure that the NCA is provided with sufficient resources to enable its functions to be discharged effectively and efficiently.’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

37

Schedule 1, page 45, line 9, after second ‘the’, insert ‘Home Secretary, the NCA board and the’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

9

Schedule 1, page 45, line 18, leave out paragraph 4.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

38

Schedule 1, page 46, line 23, at beginning insert ‘Ministers in’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

10

Schedule 1, page 46, line 23, at end insert—

( ) the Chairman of the NCA Board; and  
( ) the Association of Police and Crime Commissioners.’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

11

Schedule 1, page 46, line 32, before ‘The’, insert ‘The Director General is to be employed by the NCA Board and’.

**Crime and Courts Bill [*Lords*], *continued***

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

12

- Schedule 1, page 47, line 10, at end insert—
- ‘( ) the Chairman of the NCA Board; and
  - ( ) the Association of Police and Crime Commissioners.’

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

13

- Schedule 1, page 47, line 18, at end insert—
- ‘( ) send a copy of the written explanation to the Chairman of the NCA.
  - ( ) publish a copy of the written explanation in a written ministerial statement to Parliament’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

39

- Schedule 1, page 49, line 35, leave out sub-paragraph (9).
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Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

22

- Clause 2, page 2, line 40, leave out ‘may’ and insert ‘will’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

23

- Clause 2, page 2, line 40, at end add—
- ‘( ) The Secretary of State shall determine the budgets for the NCA on the basis of three-year forward budgets.’
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**Crime and Courts Bill [*Lords*], *continued***

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Clause 3, page 3, line 14, leave out from 'year' to end of line 15.

24

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Clause 3, page 3, line 33, leave out from 'plan' to end of line 34.

25

Paul Goggins

Clause 3, page 3, line 35, leave out 'Department of Justice in Northern Ireland' and insert 'Northern Ireland Justice Minister'.

36

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Clause 3, page 3, line 35, leave out from 'Ireland' to end of line 36.

26

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Clause 3, page 3, line 38, leave out from second 'the' to end and insert 'NCA Board'.

2

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Clause 3, page 4, line 1, leave out subsection (10).

3

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Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 50, line 19, after 'must', insert 'by order'.

14

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**Crime and Courts Bill [*Lords*], *continued***

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 50, line 21, after ‘under’, insert ‘annual’.

40

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 50, line 24, at end insert—

‘() An order under this paragraph shall be in the form of a statutory instrument and is subject to approval by resolution of each House of Parliament.’

15

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 50, line 33, leave out paragraph (b).

16

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 51, line 4, at beginning insert ‘Ministers in’.

41

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 51, line 12, leave out from ‘published’ to end of line 13.

42

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 51, line 20, at beginning insert ‘Ministers in’.

43

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 2, page 51, line 28, leave out ‘As soon as possible after’ and insert ‘Within three months of’.

44



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**Crime and Courts Bill [*Lords*], *continued***

Stella Creasy  
Mr David Hanson  
Jenny Chapman

28

- Clause 4, page 4, line 12, at end insert—  
(c) may be made only if the Director General has notified the Police and Crime Commissioner responsible for the totality of policing in that area.’

Stella Creasy  
Mr David Hanson  
Jenny Chapman

29

- Clause 4, page 4, line 23, at end insert—  
(a) may be made only if the chief officer of a UK police force has notified the Police and Crime Commissioner responsible for the totality of policing in that area.’

Stella Creasy  
Mr David Hanson  
Jenny Chapman

27

- Clause 4, page 4, line 28, after ‘may’, insert ‘in exceptional circumstances’.

Stella Creasy  
Mr David Hanson  
Jenny Chapman

31

- Clause 4, page 4, line 34, at end insert—  
(7A) The Government will report annually to Parliament on the number of times a direction has been issued and to whom.’

Stella Creasy  
Mr David Hanson  
Jenny Chapman

30

- Clause 4, page 4, line 38, leave out subsection (9).
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Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

17

- Schedule 3, page 56, line 8, leave out sub-paragraph (3).

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

19

- Schedule 3, page 61, line 15, leave out ‘Secretary of State’ and insert ‘Advisory panel on payments’.

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**Crime and Courts Bill [*Lords*], *continued***

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 3, page 61, line 16, leave out sub-paragraphs (2), (3) and (4).

18

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

Schedule 3, page 61, line 33, at end insert—

20

*‘Advisory panel on payments*

- ( ) The Secretary of State must appoint an independent advisory panel on payments to determine the appropriate amount to be paid under paragraph 32(1)(b).’.

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Stella Creasy  
Mr David Hanson  
Jenny Chapman

Clause 5, page 5, line 7, at end insert—

‘( ) The Secretary of State must—

- (a) report annually to Parliament on the progress of the NCA and its partner agencies in reducing the cost and threat to consumers, government and armed forces of cybercrime.’.

32

Stella Creasy  
Mr David Hanson  
Jenny Chapman

Clause 5, page 5, line 7, at end insert—

- ‘(b) report annually to Parliament on the progress of the NCA and its partner agencies in eliminating the sexual abuse of children and combating human trafficking.’.

33

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Stella Creasy  
Mr David Hanson  
Jenny Chapman

Clause 7, page 7, line 1, at end insert—

- ‘(7) The Director General must ensure any funds delegated by the NCA to the Child Exploitation and Online Protection Centre (CEOP) are reserved for that purpose

34



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**Crime and Courts Bill [Lords], continued**

and this be confirmed through the annual report of the NCA to Parliament set out in section 5(2)(b).’.

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- Mr Jeremy Browne 45  
 Schedule 8, page 91, line 5, leave out ‘under a staff transfer scheme’.
- Mr Jeremy Browne 46  
 Schedule 8, page 98, line 14, at end insert—  
 ‘(aa) in paragraph (bfa) (inserted by Schedule 1 to the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013), in sub-paragraph (vi), for “member of staff of SOCA” substitute “National Crime Agency officer”.’.
- Mr Jeremy Browne 47  
 Schedule 8, page 98, line 18, leave out paragraph (a) and insert—  
 ‘(a) for paragraph (c) substitute—  
     “(c) in relation to any such service as is mentioned in subsection (1)(bfa)(vi) or subsection (1)(ca) above, or any service of the kind described in section 97(1)(cj) of the Police Act 1996, “police pension authority” means the Director General of the National Crime Agency and “pension supervising authority” means the Secretary of State;”.’.
- Mr Jeremy Browne 48  
 Schedule 8, page 112, line 29, at end insert—  
 ‘(2) In Schedule 3 to that Act (handling of complaints and conduct matters etc), in paragraph 19F(7), for paragraph (b) substitute—  
     “(b) the National Crime Agency.”’.
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- Mr David Hanson  
 Jenny Chapman  
 Stella Creasy  
 Phil Wilson 4  
 Clause 15, page 14, line 25, at end insert—  
 ‘(i) The Association of Police and Crime Commissioners’.
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**Crime and Courts Bill [*Lords*], *continued***

- Mr Jeremy Browne 49  
Schedule 10, page 150, line 28, leave out ‘legal adviser or assistant legal adviser’ and insert ‘justices’ clerk or an assistant to a justices’ clerk’.
- Mr Jeremy Browne 50  
Schedule 10, page 157, line 40, leave out from ‘31O’ to end of line 3 on page 158 and insert ‘**Justices’ clerks and assistants: functions**’.
- Mr Jeremy Browne 51  
Schedule 10, page 158, line 8, leave out ‘legal adviser’ and insert ‘justices’ clerk’.
- Mr Jeremy Browne 52  
Schedule 10, page 158, line 9, leave out from ‘a’ to end of line 11 and insert ‘justices’ clerk given under paragraph (a), or specified in subsection (5), to be carried out by an assistant to a justices’ clerk.’.
- Mr Jeremy Browne 53  
Schedule 10, page 158, line 12, leave out ‘legal adviser’ and insert ‘justices’ clerk’.
- Mr Jeremy Browne 54  
Schedule 10, page 158, line 17, leave out ‘adviser’ and insert ‘clerk’.
- Mr Jeremy Browne 55  
Schedule 10, page 158, line 18, leave out ‘adviser thinks that the adviser’ and insert ‘clerk thinks that the clerk’.
- Mr Jeremy Browne 56  
Schedule 10, page 158, line 25, leave out ‘legal adviser’ and insert ‘justices’ clerk’.
- Mr Jeremy Browne 57  
Schedule 10, page 158, line 27, leave out ‘legal adviser’ and insert ‘justices’ clerk’.
- Mr Jeremy Browne 58  
Schedule 10, page 158, line 28, leave out ‘legal adviser’ and insert ‘justices’ clerk’.
- Mr Jeremy Browne 59  
Schedule 10, page 158, line 32, leave out ‘legal adviser’ and insert ‘to a justices’ clerk’.
- Mr Jeremy Browne 60  
Schedule 10, page 158, line 33, leave out ‘legal adviser’ and insert ‘justices’ clerk’.

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**Crime and Courts Bill [*Lords*], *continued***

- Mr Jeremy Browne 61  
 Schedule 10, page 158, line 37, leave out ‘legal adviser or assistant legal adviser’ and insert ‘justices’ clerk or an assistant to a justices’ clerk’.
- Mr Jeremy Browne 62  
 Schedule 10, page 158, line 43, leave out ‘legal adviser or assistant legal adviser’ and insert ‘justices’ clerk or an assistant to a justices’ clerk’.
- Mr Jeremy Browne 63  
 Schedule 10, page 159, line 11, leave out from beginning to end of line 13 on page 160.
- Mr Jeremy Browne 64  
 Schedule 10, page 160, line 22, leave out ‘regulations under section 31P(4) or’.
- Mr Jeremy Browne 65  
 Schedule 10, page 160, line 24, leave out ‘regulations or’.
- Mr Jeremy Browne 66  
 Schedule 10, page 169, line 2, at end insert—  
 ‘51A In section 144 (procedure rules for civil proceedings in magistrates’ courts and before justices’ clerks) after subsection (1) insert—  
 “(1ZA) Subsection (1) does not apply in relation to functions of justices’ clerks given under section 31O(4)(a), or specified in section 31O(5), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court).”’.
- Mr Jeremy Browne 67  
 Schedule 10, page 174, line 14, at end insert—  
 ‘() After subsection (2) insert—  
 “(2A) Subsection (2) does not apply in relation to functions of a justices’ clerk given under section 31O(4)(a), or specified in section 31O(5), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court, but see section 31O(4)(b) of that Act).”’.
- Mr Jeremy Browne 68  
 Schedule 10, page 174, line 20, at end insert—  
 ‘87A In section 34(2) (no order for costs in legal proceedings to be made against justices’ clerk or assistant in respect of acts or omissions in exercising functions of a single justice of the peace) after “function of a single justice of the peace” insert “or a function of the family court or of a judge of that court.”’.
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**Crime and Courts Bill [*Lords*], *continued***

Mr Jeremy Browne

69

Schedule 13, page 219, line 12, at end insert—

‘8A In section 27 of the Constitutional Reform Act 2005 (selection for appointment to Supreme Court to be on merit etc) after subsection (5) insert—

“(5A) Where two persons are of equal merit—

- (a) section 159 of the Equality Act 2010 (positive action: recruitment etc) does not apply in relation to choosing between them, but
- (b) Part 5 of that Act (public appointments etc) does not prevent the commission from preferring one of them over the other for the purpose of increasing diversity within the group of persons who are the judges of the Court.”.

Mr Jeremy Browne

70

Clause 28, page 30, line 18, leave out from ‘In’ to end of line 20 and insert ‘the case of any particular proceedings of a court or tribunal, the court or tribunal may in the interests of justice or in order to ensure that a person is not unduly prejudiced—’.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

5

Clause 37, page 38, line 40, leave out from beginning to ‘and’ in line 44.

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

7

Clause 37, page 39, leave out lines 8 to 11 and insert—

- ‘( ) knowingly contrary to any advice (which may take account of any accompanying instructions given by the manufacturer or distributor of the drug), given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a motor vehicle.’.

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*Crime and Courts Bill [Lords], continued*

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

6

Clause 37, page 39, leave out lines 12 to 14.

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*NEW CLAUSES**Review of NCA functions*

Mr David Hanson  
Jenny Chapman  
Stella Creasy  
Phil Wilson

NC1

To move the following Clause:—

- ‘(1) The Secretary of State shall commission a review of the NCA functions to report no later than one year following commencement of this Act.
- (2) The review shall report on the appropriateness of the modification of NCA functions, in particular in relation to—
  - (a) provision about NCA counter-terrorism functions;
  - (b) provision about NCA public order functions; and
  - (c) other national response coordination functions.’.

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*Regional organised crime task forces*

Paul Goggins

NC2

To move the following Clause:—

- ‘(1) The Secretary of State may make arrangements for the establishment of regional organised crime task forces.
- (2) Such bodies will comprise representatives of—
  - (a) the NCA;
  - (b) local police forces;
  - (c) HM Revenue and Customs;
  - (d) the UK Border Agency;
  - (e) local authorities;
  - (f) business; and
  - (g) the Police and Crime Commissioners.
- (3) Each regional organised crime task force will make its own arrangements for—
  - (a) administration; and
  - (b) chairing the body.

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**Crime and Courts Bill [*Lords*], *continued***

- (4) The purpose of the Regional Organised Crime Task Force will be to—
- (a) encourage and support joint working to counter organised crime; and
  - (b) increase public awareness of the causes and impact of organised crime.’.
- 

Mr Jeremy Browne

71

Clause 42, page 44, line 25, leave out subsection (17).

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ORDER OF THE HOUSE [14 JANUARY 2013]

That the following provisions shall apply to the Crime and Courts Bill [*Lords*] Bill—

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 14 February 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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