



# House of Commons

Tuesday 29 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 Order of the Committee [22 January].

- 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;’.

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

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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Jenny Chapman  
 Mr David Hanson  
 Stella Creasy  
 Phil Wilson

73

Clause 16, page 16, line 17, at end add—

‘(7) There shall be no restriction on the number of days that a family magistrate may sit in the family proceedings court.’.

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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’.

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

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

74

Schedule 10, page 158, line 8, after ‘legal adviser’, insert ‘provided the functions are deemed to be essentially administrative in nature (for example, case management decisions)’.

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.’.

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

75

Schedule 10, page 158, leave out lines 12 to 23.

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’.

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

76

Schedule 10, page 158, leave out lines 24 to 27.

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’.

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

- 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’.
- 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).”’.

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

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.”’.

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.”’.

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson  
Kate Green

77

Schedule 13, page 219, line 31, at end insert—

- ‘() Each of the Lord Chancellor and the Lord Chief Justice of England shall lay before Parliament a report annually, describing—
- (a) their performance of the duty in this section;
  - (b) the contribution made towards a more diverse judiciary in the preceding year; and
  - (c) the composition of the judiciary, including the number of part-time and full-time judges, gender, educational background and other relevant demographic data.’.

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

78

Schedule 13, page 220, line 22, at end insert—

*Judicial appointments*

- 14A After section 65 of the Constitutional Reform Act 2005 insert—

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**Crime and Courts Bill [*Lords*], *continued***
**“65A Additional guidance**

The Lord Chancellor, after consultation with the Lord Chief Justice, the Treasury Solicitor and the Chairman of the Judicial Appointments Commission, shall issue guidance as to the circumstances in which those employed by the Government Legal Service, the Crown Prosecution Service or any other government legal office may apply for any of the judicial office or tribunal posts, which are in the remit of the Judicial Appointments Commission.”.

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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—’.

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Mr Jeremy Browne

79

☆ Schedule 15, page 269, line 16, leave out paragraph 29.

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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**Enforcement by taking control of goods*

Mr Jeremy Browne

NC8

☆ To move the following Clause:—

- (1) Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (procedure for taking control of goods) is amended as follows.
- (2) In paragraph 17 (enforcement agent may use reasonable force to enter etc where paragraph 18 or 19 applies) for “or 19” substitute “, 18A, 19 or 19A”.
- (3) After paragraph 18 insert—

“18A(1) This paragraph applies if these conditions are met—

- (a) the enforcement agent has power to enter the premises under paragraph 14;
- (b) the enforcement agent reasonably believes that the debtor carries on a trade or business on the premises;
- (c) the enforcement agent is acting under a writ or warrant of control issued for the purpose of recovering a sum payable under a High Court or county court judgment;
- (d) the sum so payable is not a traffic contravention debt.

(2) “Traffic contravention debt” has the meaning given by section 82(2) of the Traffic Management Act 2004.”

- (4) After paragraph 19 insert—

“19A(1) This paragraph applies if these conditions are met—

- (a) the enforcement agent has power to enter the premises under paragraph 16;
- (b) the premises are not premises on which the enforcement agent reasonably believes that the debtor carries on a trade or business;
- (c) the enforcement agent has taken control of the goods by entering into a controlled goods agreement with the debtor;
- (d) the debtor has failed to comply with any provision of the controlled goods agreement relating to the payment by the debtor of the debt;
- (e) the debtor has been given notice of the intention of the enforcement agent to enter the premises to inspect the goods or to remove them for storage or sale;
- (f) paragraph 18 does not apply.

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

- (2) For the purposes of a notice under sub-paragraph (1)(e), regulations must state—
    - (a) the minimum period of notice;
    - (b) the form of the notice;
    - (c) what it must contain;
    - (d) how it must be given;
    - (e) who must give it.
  - (3) The enforcement agent must keep a record of the time when a notice under sub-paragraph (1)(e) is given.
  - (4) If regulations authorise it, the court may order in prescribed circumstances that the notice given may be less than the minimum period.
    - (5) The order may be subject to conditions.”
  - (5) In paragraphs 24(2) and 31(5) (no power to use force against persons except to extent provided in regulations) omit “, except to the extent that regulations provide that it does”.
  - (6) Omit paragraph 53(2) (controlled goods to be treated as abandoned if unsold after a sale).
  - (7) Omit paragraph 56(2) (securities to be treated as abandoned if not disposed of in accordance with notice of disposal).
  - (8) In consequence of the repeals in subsection (5), in section 90 of the Tribunals, Courts and Enforcement Act 2007 (regulations under Part 3)—
    - (a) omit subsection (4) (procedure for regulations under paragraphs 24(2) and 31(5) of Schedule 12), and
    - (b) in subsection (5) omit “In any other case”.
  - (9) In Schedule 13 to that Act (taking control of goods: amendments)—
    - (a) in paragraph 37 (repeal in section 66(2) of the Criminal Justice Act 1972) for the words after “etc.,” substitute “omit subsection (2).”,
    - (b) in paragraph 74 (repeal of sections 93 to 100 of the County Courts Act 1984) after “93 to” insert “98 and”,
    - (c) in paragraph 85 (amendment of section 436 of the Insolvency Act 1986) for “436” substitute “436(1)”,
    - (d) in paragraph 125 (amendment of section 15 of the Employment Tribunals Act 1996) for ““by execution issued from the county court”” substitute “the words from “by execution”, to “court” in the first place after “by execution”,”, and
    - (e) in paragraph 134 (which amends Schedule 17 to the Financial Services and Markets Act 2000) for “paragraph 16(a)” substitute “paragraphs 16(a) and 16D(a)”.’.
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**Crime and Courts Bill [*Lords*], *continued****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.
- (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.’.

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

Mr Robert Buckland  
Mr David Burrowes  
Paul Goggins

NC3

To move the following Clause:—

‘Section 1 of the Children and Young Persons Act 1933 (Cruelty to persons under sixteen) is hereby repealed and replaced as follows—

**“1 Child maltreatment**

- (1) It is an offence for a person with responsibility for a child intentionally or recklessly to subject that child or allow that child to be subjected to maltreatment, whether by act or omission, such that the child suffers, or is likely to suffer, significant harm.
  - (2) For the purposes of this section:
    - (a) ‘recklessly’ shall mean that a person with responsibility for a child foresaw a risk that an act or omission regarding that child would be likely to result in significant harm, but nonetheless unreasonably decided to take that risk;
    - (b) ‘responsibility’ shall be as defined in section 17;
    - (c) ‘maltreatment’ includes—
      - (i) neglect (including abandonment),
      - (ii) physical abuse,
      - (iii) sexual abuse,
      - (iv) exploitation, and
      - (v) emotional abuse (including exposing the child to violence against others in the same household);
    - (d) ‘harm’ means the impairment of—
      - (i) physical or mental health, or
      - (ii) physical, intellectual, emotional, social or behavioural development.
  - (3) Where the question of whether harm suffered by a child is significant turns on the child’s health or development, that child’s health or development shall be compared with that which could reasonably be expected of a similar child.”’.
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Crime and Courts Bill [*Lords*], *continued*

*Review into the Courts and Tribunals Service*

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

NC4

To move the following Clause:—

‘The Lord Chancellor shall conduct a periodic review of HM Courts and Tribunals Service, including the Office of the Public Guardian, and the impact of section 16 and Schedules 9 to 11, including reports on its efficiency, cost, ease of access and user and practitioner satisfaction, and specifically the impact of court closures on court users and access to justice, and shall publish a report on the review to both Houses of Parliament.’

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*Information for court users*

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

NC5

To move the following Clause:—

‘The Secretary of State shall publish and consult on a strategy for the delivery of legal information, support and dispute resolution services to the public by HM Courts and Tribunals Service.’

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*Chief Executive of the Supreme Court of the United Kingdom*

Jenny Chapman  
Mr David Hanson  
Stella Creasy  
Phil Wilson

NC6

To move the following Clause:—

- ‘(1) The Constitutional Reform Act 2005 is amended as follows.
- (2) In section 48 (Chief executive) omit subsection (2).
- (3) After subsection (1) insert—
  - “(2) The President of the Supreme Court shall appoint the Chief Executive in accordance with the arrangements for the time being in force for the selection of persons to be employed in the civil service of the State.”

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

- (4) In Section 49(2) (Officers and staff), omit the words “with the agreement of the Lord Chancellor”.
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*Extension of section 37 and section 47 of the Children Act 1989 to youth courts*

Mr David Burrowes

NC7

To move the following Clause:—

- ‘(1) The powers of direction of courts—
- (a) under section 37 of the Children Act 1989 (including the power to direct the local authority children’s service to investigate whether a child is at risk of suffering significant harm); and
  - (b) under section 47 of that Act to direct a local authority to intervene to safeguard and to promote a child’s welfare
- shall extend to youth courts.
- (2) Such powers shall be available to youth courts throughout any criminal proceedings and in any family proceedings concerning the welfare of a child.
- (3) In any investigation pursuant to the foregoing subsections, the local authority shall consider whether it should—
- (a) apply for a care order or supervision order with respect to the child;
  - (b) provide services or care to the child or his family; or
  - (c) take any other action with respect to the child.
- (4) It shall be in the discretion of the youth court to adjourn sentencing until such local authority investigation has concluded and the findings thereof have been notified to the court.
- (5) Any youth court in which the powers under this section are to be or may be exercised shall include on its panel at least one member of the Family Court.’
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Mr Jeremy Browne

80

- ☆ Clause 42, page 43, line 13, after ‘18’ insert ‘to 22, [*Enforcement by taking control of goods*] and 23’.

Mr Jeremy Browne

71

- Clause 42, page 44, line 25, leave out subsection (17).
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**Crime and Courts Bill [Lords], continued**

Mr Robert Buckland  
Mr David Burrowes  
Paul Goggins

72

Title, line 6, after ‘driving’, insert ‘to amend the law relating to children and young persons;’.

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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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## ORDER OF THE COMMITTEE [22 JANUARY 2013]

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

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

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

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