



House of Commons

Tuesday 5 February 2013

PUBLIC BILL COMMITTEE PROCEEDINGS

CRIME AND COURTS BILL [*LORDS*]

[*NINTH AND TENTH SITTINGS*]

Mr Shailesh Vara

Withdrawn 81

Clause 30, page 32, line 13, at end insert—

‘(8G) For the avoidance of doubt, the provisions of subsection (5A) will apply to any person who, when V enters the building as a trespasser and it is necessary to use force against V, is present in any of the premises covered by subsections (8A), (8B) or (8C), whether or not that person dwells in said premises.’.

Clause agreed to.

Clause 31 agreed to.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Withdrawn 86

Schedule 15, page 262, line 2, at end insert—

‘(za) have regard to the need to promote rehabilitation.’.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson
Paul Goggins

Not called 87

Schedule 15, page 262, line 8, leave out ‘exceptional’.

Crime and Courts Bill [Lords], continued

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Not called **92**

Schedule **15**, page **262**, line **19**, at end insert—

- ‘5 (1) The Secretary of State shall periodically publish the outcomes of community orders awarded by each criminal court in England and Wales, where “outcomes” is defined as the number and classification of re-offences recorded for each offender sentenced by the court, following their sentence.’

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Withdrawn **100**

Schedule **15**, page **262**, line **24**, leave out ‘activities’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called **101**

Schedule **15**, page **262**, line **27**, leave out ‘restorative justice requirements’ and insert ‘participation in a restorative conference’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called **102**

Schedule **15**, page **262**, line **28**, leave out ‘justice’ and insert ‘conference’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called **103**

Schedule **15**, page **262**, line **29**, leave out ‘an activity’ and insert ‘a meeting or series of meetings’.

Crime and Courts Bill [Lords], continued

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called 104

Schedule 15, page 262, line 33, leave out ‘and’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called 105

Schedule 15, page 262, line 36, at end insert ‘and

- (d) which is facilitated by a restorative justice practitioner whose role is to prepare for, facilitate and follow up the meeting.’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Negatived on division 106

Schedule 15, page 262, leave out lines 37 to 42 and insert—

- ‘(3) The victim is entitled to participate in any meeting which constitutes or forms part of a restorative conference.
- (4) The restorative justice practitioner may allow any other person or persons—
- (a) to participate in any meeting which constitutes or forms part of a restorative conference, or
- (b) to attend any such meeting for any purpose specified by him including to provide additional information or to act as a supporter of the victim or the offender if he considers that their participation or attendance for that purpose would assist the process of restorative justice.
- (4A) Participation by any person in a restorative conference shall require the consent of that person.
- (4B) The Secretary of State may make rules about the procedure of restorative conferences.
- (4C) Without prejudice to the generality of subsection (4B), rules made under this section may, in particular, make provision—
- (a) specifying the circumstances under which the court should consider deferral and imposition of a restorative conference requirement,
- (b) specifying which persons may act as restorative justice practitioners,
- (c) specifying what training and accreditation is required for the registration of restorative justice practitioners and the standards they will work to,
- (d) conferring or imposing functions on restorative conference facilitators (which may include power to exclude from a meeting constituting or forming part of a restorative conference persons otherwise entitled to participate in it),
- (e) about the period within which restorative conferences must be completed, and

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

- (f) about the information that must be returned to the court including the participation of the offender, a report on the restorative conference, its outcome and any action which the offender has agreed to undertake.
- (4D) Rules made under this section are subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument, and accordingly section 5 of the Statutory Instruments Act 1946 (c.36) applies to such rules.
- (4E) Without prejudice to the generality of section 1(5)(a), where the passing of sentence has been deferred the court may include in a community order or in a youth rehabilitation order an activity requirement—
 - (a) requiring the offender to undertake any action to which he has agreed in a restorative conference, or
 - (b) where the victim has agreed to participate in a meeting constituting or forming part of a restorative conference at a subsequent time, requiring the offender to participate in that meeting.’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called 107

Schedule 15, page 262, line 43, leave out ‘justice’ and insert ‘conference’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called 108

Schedule 15, page 263, line 1, leave out ‘activity concerned’ and insert ‘conference’.

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called 109

Schedule 15, page 263, line 2, at end insert—

- ‘(5A) A restorative conference requirement may be imposed whether or not the court considers that there is a real prospect that the defendant will be sentenced to a custodial sentence in the proceedings.
- (5B) A restorative conference requirement may not be imposed unless the offender entered a plea of guilty to the offence.’.

Crime and Courts Bill [Lords], continued

Paul Goggins
Mr David Burrowes
Valerie Vaz
Andy McDonald
Ian Paisley
Steve McCabe

Not called 110

Schedule 15, page 263, line 4, at end insert—

- (7) In this section “participation” may include a victim’s entitlement to participate by teleconference, video conference, or having another person represent their views to the offender on their behalf.’.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Withdrawn 88

Schedule 15, page 263, line 37, before ‘an electronic’, insert ‘in a case where the court also imposes a supervision requirement,’.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Not called 89

Schedule 15, page 264, line 17, before ‘an electronic’, insert ‘in a case where the court also imposes a supervision requirement,’.

Mr Jeremy Browne

Agreed to on division 79

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

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Not called 90

Schedule 15, page 269, line 16, leave out ‘with probation trusts’ and insert ‘for the provision of supervision of offenders’.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Not called 91

Schedule 15, page 269, line 16, leave out ‘require each probation trust to’.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Not called 93

Schedule 15, page 269, line 22, at end insert—

Crime and Courts Bill [Lords], continued

- ‘(3) The Secretary of State shall in each year publish a strategy for the delivery of appropriate and effective services for female offenders in the criminal justice system.’.

Schedule, as amended, agreed to.

Clause 32 agreed to.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson
Emily Thornberry

Withdrawn 94

Schedule 16, page 274, line 27, at end insert—

‘Sentencing guidelines for DPAs

- 4A (1) The Sentencing Council must produce a guideline on the financial penalties and remedial measures appropriate for a DPA.
- (2) The Coroners and Justice Act 2009 is amended as follows—
- (a) at the end of section 120(1) insert “and corporate bodies, partnerships and unincorporated associations who have been charged with an offence but whose prosecution has been deferred under Schedule 16 to the Crime and Courts Act 2013”
- (3) Where the Council has prepared guidelines under subsection (1), it must publish them as draft guidelines.
- (4) The Council must consult the following persons about the draft guidelines—
- (a) the Secretary of State;
- (b) such persons as the Secretary of State may direct;
- (c) such other persons as the Council considers appropriate.
- (5) Before the guideline is permitted to come into effect, it shall be laid before Parliament, which shall have the opportunity of debating it.
- 4B (1) If the guideline is amended or replaced, the Sentencing Council must publish the new guideline as a draft guideline.
- (2) The Sentencing Council must consult the following persons about the new guideline—
- (a) the Secretary of State;
- (b) such persons as the Secretary of State may direct;
- (c) such other persons as the designated prosecutors consider appropriate.’.

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson
Emily Thornberry

Not called 95

Schedule 16, page 275, line 9, at end insert—

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

- '(6) A DPA must not contain a term granting a blanket indemnity for prosecution for undisclosed criminal acts committed in the past.
- (7) A DPA must have regard to the DPA guideline issued by the Sentencing Council.'

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Withdrawn 96

Schedule 16, page 275, line 27, at end insert—

- '() Where the Director of Public Prosecutions and the Director of the Serious Fraud Office have produced a code under sub-paragraph (1), they must publish it as a draft code.
- () The Director of Public Prosecutions and the Director of the Serious Fraud Office must consult the following persons about the draft code—
 - (a) the Secretary of State;
 - (b) such persons as the Secretary of State may direct;
 - (c) such other persons as the Director of Public Prosecutions and the Director of the Serious Fraud Office consider appropriate.
- () Before the code is permitted to come into effect, it shall be laid before Parliament.'

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson
Emily Thornberry

Not called 82

Schedule 16, page 275, line 33, at end insert—

- '() The Director of Public Prosecutions and the Director of the Serious Fraud Office must publish the new code as a draft code.
- () The Director of Public Prosecutions and the Director of the Serious Fraud Office must consult the following persons about the amended code—
 - (a) the Secretary of State;
 - (b) such persons as the Secretary of State may direct;
 - (c) such other persons as the Director of Public Prosecutions and the Director of the Serious Fraud Office consider appropriate.
- () Before the code is permitted to come into effect, it shall be laid before Parliament.'

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Withdrawn 97

Schedule 16, page 280, line 25, leave out 'or to disgorge profits made from the alleged offence'.

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

Jenny Chapman
Mr David Hanson
Stella Creasy
Phil Wilson

Not called 98

Schedule 16, page 280, line 26, at end insert—

- (i) Any money that is received by a prosecutor under a term of a DPA that required for P to disgorge profits from the alleged offence is to be distributed according to the Home Office’s Asset Recovery Incentive Scheme.’.

Schedule agreed to.

Clause 33 agreed to.

Jenny Chapman
Mr David Hanson
Phil Wilson
Stella Creasy

Negatived on division 83

Clause 34, page 33, line 42, at end insert—

(5A) After section 50(2)(c) (Procedure) of the 2006 Act insert—

“(2A) In respect of any application or claim in connection with immigration (whether or not under the rules referred to in subsection (1) or any other enactment) the Secretary of State may make provision for the communication of an immigration officer with the applicant before a decision is taken in respect of that application or claim.

(2B) Provisions under (2A) may include communication with the individual so as to obtain additional information relevant to their application or claim.”.

(5B) Before the coming into force of this section, the Secretary of State must make provision for communication between an immigration officer and the applicant for the purposes of obtaining further necessary information not included in the original application, as provided for under sections 50(2A) and (2B) of the 2006 Act.’.

Clause agreed to on division.

Clause 35 agreed to.

[Adjourned until Thursday at 11.30 am