



House of Commons

NOTICES OF AMENDMENTS

given on

Tuesday 11 March 2014

For other Amendment(s) see the following page(s):
Criminal Justice and Courts Bill Committee 3

PUBLIC BILL COMMITTEE

CRIMINAL JUSTICE AND COURTS BILL

Mr Shailesh Vara

1

Clause 1, page 1, leave out lines 12 to 15 and insert ‘, to imprisonment for life’.

Member’s explanatory statement

This amendment provides for the increase in the maximum penalty available for an offence under section 4 of the Explosive Substances Act 1883 from 14 years imprisonment to imprisonment for life to apply in Scotland as well as in England and Wales and Northern Ireland.

Mr Shailesh Vara

2

Schedule 1, page 66, line 20, at end insert—

‘Road Traffic Offenders Act 1988 (c. 53)

10A (1) Section 35A(4) of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed) is amended as follows.

(2) In paragraph (e), for “that Act” (in the first place) substitute “the Criminal Justice Act 2003”.

(3) After paragraph (f) insert—

“(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2)(a) of that Act calculated after that term has been reduced by any relevant discount;”.

Member’s explanatory statement

This amendment is consequential on the new custodial sentence created by clause 5 of, and paragraph 2 of Schedule 1 to, the Bill and means that provision to ensure that a driving ban is extended when a custodial sentence is imposed at the same time will apply to the new sentence as it does to other custodial sentences.

Criminal Justice and Courts Bill, continued

Mr Shailesh Vara

3

Schedule 1, page 66, line 27, at end insert—

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

11A (1) Section 147A(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (extension of disqualification where custodial sentence also imposed) is amended as follows.

(2) In paragraph (e), for “that Act” (in the first place) substitute “the Criminal Justice Act 2003”.

(3) After paragraph (f) insert—

“(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2)(a) of that Act calculated after that term has been reduced by any relevant discount;”.

Member’s explanatory statement

This amendment is consequential on the new custodial sentence created by clause 5 of, and paragraph 2 of Schedule 1 to, the Bill and means that provision to ensure that a driving ban is extended when a custodial sentence is imposed at the same time will apply to the new sentence as it does to other custodial sentences.

Mr Shailesh Vara

4

Clause 15, page 16, line 16, at end insert—

() In section 37B of the Police and Criminal Evidence Act 1984 (consultation with the Director of Public Prosecutions), in subsection (7), after “such a caution” insert “(whether because of section 14 of the Criminal Justice and Courts Act 2014 or for any other reason)”.

Member’s explanatory statement

This amendment clarifies that the restriction on giving cautions in clause 14 is one of the reasons why it may not be possible to give a caution following a decision to do so by the Director of Public Prosecutions under section 37B of the Police and Criminal Evidence Act 1984.
