



# House of Commons

## NOTICES OF AMENDMENTS

given on

**Thursday 13 March 2014**

*For other Amendment(s) see the following page(s):*  
Criminal Justice and Courts Bill Committee 7-16

### PUBLIC BILL COMMITTEE

## CRIMINAL JUSTICE AND COURTS BILL

- |  |   |
|--|---|
| Sarah Champion   | 6 |
| Schedule 1, page 63, line 18, leave out '13' and insert '16'.  |   |
| Sarah Champion   | 7 |
| Schedule 1, page 63, line 19, leave out '13' and insert '16'.  |   |
| Dan Jarvis<br>Mr Andy Slaughter  | 8 |
| Clause 3, page 4, line 26, at end insert—<br>'(10) Before this section comes into force the Secretary of State shall—<br>(a) consult the Parole Board about the resources required for additional hearings resulting from the implementation of this section; and<br>(b) lay a report before Parliament containing—<br>(i) his assessment of the resources required for additional hearings; and<br>(ii) his plans to ensure that the Parole Board has adequate resources to fulfil the requirements of this section effectively.' |   |
| Dan Jarvis<br>Mr Andy Slaughter  | 9 |
| Clause 4, page 4, line 39, at end insert—<br>'(4) Before this section comes into force the Secretary of State shall—<br>(a) consult the Parole Board about the resources required for additional hearings resulting from the implementation of this section; and<br>(b) lay a report before Parliament containing—   |   |

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**Criminal Justice and Courts Bill, *continued***

- (i) his assessment of the resources required for additional hearings; and
- (ii) his plans to ensure that the Parole Board has adequate resources to fulfil the requirements of this section effectively.’.

Dan Jarvis  
Mr Andy Slaughter

Clause 5, page 5, line 12, at end insert—

‘(3) Before this section comes into force the Secretary of State shall—

- (a) consult the Parole Board about the resources required for additional hearings resulting from the implementation of this section; and
- (b) lay a report before Parliament containing—
  - (i) his assessment of the resources required for additional hearings; and
  - (ii) his plans to ensure that the Parole Board has adequate resources to fulfil the requirements of this section effectively.’.

**10**

Dan Jarvis  
Mr Andy Slaughter

Clause 7, page 9, line 26, at end insert—

‘(9) Before this section comes into force the Secretary of State shall—

- (a) consult the Parole Board about the resources required for additional hearings resulting from the implementation of this section; and
- (b) lay a report before Parliament containing—
  - (i) his assessment of the resources required for additional hearings; and
  - (ii) his plans to ensure that the Parole Board has adequate resources to fulfil the requirements of this section effectively.’.

**11**

Dan Jarvis  
Mr Andy Slaughter

Page 9, line 27, leave out Clause 8.

**12**

Dan Jarvis  
Mr Andy Slaughter

Clause 10, page 10, line 29, after ‘fails’, insert ‘deliberately and’.

**13**

Dan Jarvis  
Mr Andy Slaughter

Clause 16, page 16, line 30, leave out from ‘explicit’ to end of line 31 and insert ‘way, real or simulated depictions of either—’.

**14**

Dan Jarvis  
Mr Andy Slaughter

Clause 6, page 5, leave out from line 36 to line 25 on page 6.

**15**

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**Criminal Justice and Courts Bill, continued**

*Meeting a child following sexual grooming etc.*

Sarah Champion

NC9

To move the following Clause:—

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 15(1)(a) (meeting a child following sexual grooming etc.) for “two”, substitute “one”.

***Member’s explanatory statement***

*At present, someone is only considered to be committing an offence if they contact the child twice and arrange to meet them or travel to meet them with the intention of committing a sexual offence. This new Clause would mean that the perpetrator would only have to make contact once.*

*Offence of abduction of child by other persons*

Sarah Champion

NC10

To move the following Clause:—

- (1) The Child Abduction Act 1984 is amended as follows.
- (2) In section 2(1) (offence of abduction of child by other persons) for “sixteen”, substitute “eighteen”.

***Member’s explanatory statement***

*At present, there is a disparity between the ages that children must be to be considered to be abducted depending on whether they are in the care system or not. This new Clause would rectify this disparity and set a consistent age of under 18.*

Mr Shailesh Vara

16

Clause 17, page 18, line 18, leave out ‘in England,’.

***Member’s explanatory statement***

*This amendment removes the territorial restriction in the new version of section 43 of the Prison Act 1952, inserted by clause 17, to enable the Secretary of State to provide secure colleges in Wales as well as England.*

Mr Shailesh Vara

17

Clause 17, page 18, leave out line 32.

***Member’s explanatory statement***

*This amendment and amendment 18 provide that Schedule A1 to the Prison Act 1952 (HM Chief Inspector of Prisons), which is introduced by section 5A to that Act, applies to secure training centres and secure colleges and, as applied, may not be modified by rules made by the Secretary of State.*

Mr Shailesh Vara

18

Clause 17, page 19, line 12, at end insert ‘and Schedule A1’.

Mr Shailesh Vara

19

Schedule 3, page 71, line 30, at end insert—

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**Criminal Justice and Courts Bill, continued**

- ‘16A In section 28(1) (arrangements to safeguard and promote welfare: Wales), after paragraph (h) insert—  
“(ha) the principal of a secure college in Wales;”.
- 16B In section 31(3) (establishment of Local Safeguarding Children Boards in Wales), after paragraph (f) insert—  
“(fa) the principal of a secure college in the area of the authority;”.
- 16C In section 33(3)(c) (funding of Local Safeguarding Children Boards in Wales), after “or prison” insert “or the principal of a secure college”.’.

**Member’s explanatory statement**

*This amendment and amendments 20, 21, 24, 25, 26 and 27 are consequential on amendment 16..*

Mr Shailesh Vara

Schedule 3, page 73, line 2, after ‘England’ insert ‘or Wales’. 20

Mr Shailesh Vara

Schedule 3, page 73, line 4, after ‘England’ insert ‘or Wales’. 21

Mr Shailesh Vara

Schedule 4, page 80, line 15, leave out ‘51 weeks’ and insert ‘12 months’. 22

**Member’s explanatory statement**

*The offence of wrongful disclosure of information under paragraph 25 of Schedule 4 is triable either on indictment or summarily. When section 154 of the Criminal Justice Act 2003 comes into force, the maximum term of imprisonment on summary conviction should change from 6 months to 12 months (not 51 weeks, which is appropriate for summary-only offences).*

Mr Shailesh Vara

Schedule 4, page 81, line 29, leave out ‘In section 15(3)(d) (funding of Local Safeguarding Children Boards)’ and insert ‘In section 15(3) (funding of Local Safeguarding Children Boards)—  
(a) in paragraph (c), after “principal of a” insert “directly managed”, and  
(b) in paragraph (d),’.

**Member’s explanatory statement**

*This amendment provides that, where the principal of a secure college is a Board partner of the authority that established a Local Safeguarding Children Board, the Secretary of State is only a person who may make payments towards expenditure incurred by the Board if the college is directly managed, rather than contracted-out.*

Mr Shailesh Vara

Schedule 4, page 81, line 30, at end insert—  
‘32A In section 33(3) (funding of Local Safeguarding Children Boards in Wales)—  
(a) in paragraph (c), after “principal of a” insert “directly managed”, and  
(b) in paragraph (d), after “or prison” insert “or the principal of a contracted-out secure college”.’. 24

Mr Shailesh Vara

Schedule 4, page 81, line 33, after ‘references’ insert ‘to a directly managed secure college and’. 25

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**Criminal Justice and Courts Bill, *continued***

- Mr Shailesh Vara 26  
 Schedule 4, page 81, line 34, leave out ‘such a’ and insert ‘a contracted-out.’
- Mr Shailesh Vara 27  
 Schedule 4, page 81, line 35, leave out ‘1’ and insert ‘27’.
- Dan Jarvis  
 Mr Andy Slaughter 28  
 Clause 16, page 16, line 37, at end insert—  
 ‘(c) sexual activity where one of the participants is portrayed in such a way as to make them appear under 18;  
 (d) a person participating in a sexual activity with someone who is depicted as a member of their immediate family; and  
 (e) sexual activity incorporating sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game.’
- Dan Jarvis  
 Mr Andy Slaughter 29  
 Clause 16, page 6, line 31, leave out from ‘of’ to end of line 37 and insert ‘the portrayal of sexual activity which involves real or apparent lack of consent.’
- Dan Jarvis  
 Mr Andy Slaughter 30  
 Clause 17, page 18, line 20, at end insert—  
 ‘(2A) No person who is aged under 15 shall be detained in a secure college established under subsection (1)(c).’
- Dan Jarvis  
 Mr Andy Slaughter 31  
 Clause 17, page 18, line 20, at end insert—  
 ‘(2A) A young woman may not be placed in a secure college established under subsection (1)(c).’
- Dan Jarvis  
 Mr Andy Slaughter 32  
 Clause 17, page 18, line 18, at end insert—  
 ‘(d) Secure Children’s Homes’.
- Dan Jarvis  
 Mr Andy Slaughter 33  
 Clause 17, page 19, line 35, after ‘contempt’, insert—  
 ‘(14) The Secretary of State shall make arrangements to ensure that sufficient places are available in secure children’s homes to enable young persons for whom detention in a secure children’s home is deemed more appropriate by the relevant

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**Criminal Justice and Courts Bill, *continued***

authority than detention in a secure college or young offender institution to be so detained.’.

Dan Jarvis  
Mr Andy Slaughter

34

Schedule 4, page 75, line 14, at end insert—  
‘(e) to assess and promote their best interests.’.

Dan Jarvis  
Mr Andy Slaughter

35

Schedule 3, page 69, line 30, after ‘colleges’, insert ‘including, in the case of secure colleges, joint inspection by Her Majesty’s Inspectorate of Prisons and the Office for Standards in Education, Children’s Services and Skills.’.

Dan Jarvis  
Mr Andy Slaughter

36

Schedule 4, page 75, line 26, leave out from ‘where’ to end of line 27 and insert ‘a young person poses an imminent threat of injury to himself or others, and only when all other means of control have been exhausted.’.

*Offence of assaulting a worker selling alcohol*

Dan Jarvis  
Mr Andy Slaughter

NC11

To move the following Clause:—

- ‘(1) A person who assaults a worker who is required to enforce the Licensing Act 2003—
  - (a) in the course of that worker’s employment; or
  - (b) by reason of that worker’s employment,
 commits an offence.
- (2) No offence is committed—
  - (a) under subsection (1)(a) unless the person who assaults knows, or ought to know, that the worker is acting in the course of the worker’s employment or is enforcing the 2003 Act;
  - (b) under subsection (1)(b) unless the assault is motivated, in whole or in part, by malice towards the worker by reason of the worker’s employment and their enforcement of the 2003 Act.
- (3) In this section—
 

“worker selling alcohol” means a person whose employment involves them selling alcohol under the provisions of the Licensing Act 2003.

“employment” in this context means any paid or unpaid work whether under contract, apprenticeship, or otherwise.
- (4) Evidence from a single source is sufficient evidence to establish for the purpose of subsection (1) whether a person is a worker.
- (5) A person guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding six months or to a fine not exceeding level 5 on the standard scale.’.

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**Criminal Justice and Courts Bill, *continued***

Dan Jarvis  
Mr Andy Slaughter

37

Clause 6, page 6, line 29, at end insert—

- ‘(1A) The Code of Practice must include a requirement that a person carrying out electronic monitoring who is not a public authority as defined by section 3 of the Freedom of Information Act 2000 shall provide information in respect of the carrying out of electronic monitoring in the same manner as if they were such a public authority.’

Dan Jarvis  
Mr Andy Slaughter

38

Schedule 4, page 73, line 25, at end insert—

- ‘(1A) Where the Secretary of State enters into a contract with another person under paragraph 1(1), and that person is not a public authority for the purposes of section 3 of the Freedom of Information Act 2000, that person shall be designated by the Secretary of State as a public authority for the purposes of that section in relation to that contract.’
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