



House of Commons
NOTICES OF AMENDMENTS
 given on
Tuesday 18 March 2014

For other Amendment(s) see the following page(s):
 Criminal Justice and Courts Bill Committee 31-49

PUBLIC BILL COMMITTEE

CRIMINAL JUSTICE AND COURTS BILL

- | | |
|---|-----------|
| Dr Julian Huppert | 62 |
| Page 54, line 27, leave out Clause 53. | |
| Dr Julian Huppert | 63 |
| Clause 53, page 54, line 36, leave out subsections (4) and (5). | |
| Dr Julian Huppert | 64 |
| Clause 53, page 54, line 43, leave out ‘or (5)’. | |
| Mr Shailesh Vara | 65 |
| Clause 45, page 48, line 21, leave out ‘and 20F’ and insert ‘to 20G’. | |
| <i>Member’s explanatory statement</i> | |
| <i>This is consequential on amendments 66, 74 and 75.</i> | |
| Mr Shailesh Vara | 66 |
| Clause 45, page 49, leave out lines 4 to 9. | |
| <i>Member’s explanatory statement</i> | |
| <i>This amendment and amendments 74 and 75 replace subsections (5) and (6) of new section 20E of the Juries Act 1974 and subsections (7) and (8) of new section 20F of that Act with provision to the same effect in a new section 20G.</i> | |
| Mr Shailesh Vara | 67 |
| Clause 45, page 49, line 24, at end insert— | |

Criminal Justice and Courts Bill, *continued*

- (A1) It is not an offence under section 20D for a person to disclose information to a person listed in subsection (A2) if—
- (a) the disclosure is made after the jury in the proceedings mentioned in section 20D(1) has been discharged, and
 - (b) the person making the disclosure reasonably believes that—
 - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with those proceedings, or
 - (ii) conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (A2) Those persons are—
- (a) a member of a police force;
 - (b) a judge of the Court of Appeal;
 - (c) the registrar of criminal appeals;
 - (d) a judge of the court where the proceedings mentioned in section 20D(1) took place;
 - (e) a member of staff of that court who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (d).
- (A3) It is not an offence under section 20D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a judge of the Court of Appeal or the registrar of criminal appeals, provided that the disclosure does not involve publishing the information.’

Member’s explanatory statement

This amendment and amendment 70 replace subsection (3) of new section 20F of the Juries Act 1974 with provision which additionally allows disclosure of information to a member of a police force in specified circumstances. The amendment also provides that disclosure is only permitted after the jury has been discharged.

Mr Shailesh Vara

68

Clause 45, page 49, line 35, leave out second ‘to’ and insert ‘for the purposes of enabling or assisting’.

Member’s explanatory statement

This amendment and amendment 69 amend new section 20F(2) of the Juries Act 1974 to ensure that the judge or registrar does not have to contact the defendant or legal representative personally when making a disclosure to enable them to consider whether a juror’s conduct may provide grounds for appeal.

Mr Shailesh Vara

69

Clause 45, page 49, line 39, leave out ‘for the purposes of considering’ and insert ‘to consider’.

Mr Shailesh Vara

70

Clause 45, page 49, line 42, leave out from beginning to end of line 3 on page 50.

Mr Shailesh Vara

71

Clause 45, page 50, line 5, after ‘(1)’ insert ‘or (2)’.

Member’s explanatory statement

Criminal Justice and Courts Bill, continued

This amendment and amendment 72 amend new section 20F(4) of the Juries Act 1974 to allow disclosure of jury deliberations where someone reasonably believes that a disclosure under section 20F(2) has been made. The disclosure must be for the purpose of considering whether a juror's conduct provides grounds for appeal.

Mr Shailesh Vara 72
 Clause 45, page 50, line 6, at end insert 'or consideration in question'.

Mr Shailesh Vara 73
 Clause 45, page 50, line 17, at end insert—
 '(5A) It is not an offence under section 20D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in subsection (5)(a) to (c).'

Member's explanatory statement

This amendment allows a person to disclose jury deliberations where that is a part of reasonable preparations for certain court proceedings.

Mr Shailesh Vara 74
 Clause 45, page 50, leave out lines 20 to 25.

Mr Shailesh Vara 75
 Clause 45, page 50, line 41, at end insert—
'20G Offence of disclosing jury's deliberations: exceptions for soliciting disclosures or obtaining information

- (1) It is not an offence under section 20D to solicit a disclosure described in section 20E(1) to (4) or section 20F(A1) to (6).
- (2) It is not an offence under section 20D to obtain information—
 - (a) by means of a disclosure described in section 20E(1) to (4) or section 20F(A1) to (6), or
 - (b) from a document that is available to the public or a section of the public.'''

Mr Shailesh Vara 76
 Schedule 7, page 92, line 30, leave out 'and 5F' and insert 'to 5G'.
Member's explanatory statement
This is consequential on amendments 77, 82 and 85.

Mr Shailesh Vara 77
 Schedule 7, page 93, leave out lines 15 to 21.
Member's explanatory statement
This amendment and amendments 82 and 85 replace sub-paragraphs (5) and (6) of new paragraph 5E of Schedule 6 to the Coroners and Justice Act 2009 and sub-paragraphs (6) and (7) of new paragraph 5F of that Schedule with provision to the same effect in a new paragraph 5G.

Criminal Justice and Courts Bill, *continued*

Mr Shailesh Vara

78

Schedule 7, page 93, line 34, after '5F' insert—

- '(A1) It is not an offence under paragraph 5D for a person to disclose information to a person listed in sub-paragraph (A2) if—
- (a) the disclosure is made after the jury at the inquest mentioned in paragraph 5D(1) has been discharged, and
 - (b) the person making the disclosure reasonably believes that—
 - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with that inquest, or
 - (ii) conduct of a juror in connection with that inquest may provide grounds for an application under section 13(1)(b) of the Coroners Act 1988.
- (A2) Those persons are—
- (a) a member of a police force;
 - (b) the Attorney General's Office;
 - (c) a judge of the High Court;
 - (d) the Chief Coroner;
 - (e) the senior coroner who dealt with the inquest mentioned in paragraph 5D(1);
 - (f) a coroner's officer or a member of staff assisting a senior coroner who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (e).
- (A3) It is not an offence under paragraph 5D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a person listed in sub-paragraph (A2), provided that the disclosure does not involve publishing the information.'

Member's explanatory statement

This amendment and amendment 80 replace sub-paragraph (2) of new paragraph 5F of Schedule 6 to the Coroners and Justice Act 2009 with provision which additionally allows disclosure of information to a member of a police force in specified circumstances. The amendment also provides that disclosure is only permitted after the jury has been discharged.

Mr Shailesh Vara

79

Schedule 7, page 93, line 34, leave out 'General' and insert 'General's Office'.

Member's explanatory statement

This amendment and amendment 83 permit the Solicitor General and a member of staff of the Attorney General's Office, as well as the Attorney General, to make a disclosure to a relevant investigator for the purposes mentioned in new paragraph 5F of Schedule 6 to the Coroners and Justice Act 2009.

Mr Shailesh Vara

80

Schedule 7, page 93, line 43, leave out from beginning to end of line 6 on page 94.

Mr Shailesh Vara

81

Schedule 7, page 94, line 24, at end insert—

- '(4A) It is not an offence under paragraph 5D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in sub-paragraph (4)(a) to (c).'

Criminal Justice and Courts Bill, continued
Member's explanatory statement

This amendment allows a person to disclose deliberations of a jury at an inquest where that is a part of reasonable preparations for subsequent proceedings arising out of the inquest.

- Mr Shailesh Vara 82
 Schedule 7, page 94, leave out lines 27 to 33.
- Mr Shailesh Vara 83
 Schedule 7, page 94, line 34, at end insert—
 “the Attorney General’s Office” means the Attorney General, the Solicitor General or a member of staff of the Attorney General’s Office;’.
- Mr Shailesh Vara 84
 Schedule 7, page 94, line 41, at end insert—
 ‘(da) a senior coroner, area coroner or assistant coroner;’.
- Member's explanatory statement**
This amendment adds a senior coroner, an area coroner and an assistant coroner to the list of relevant investigators in new paragraph 5F of Schedule 6 to the Coroners and Justice Act 2009.
- Mr Shailesh Vara 85
 Schedule 7, page 94, line 46, at end insert—
 ‘Exceptions for soliciting disclosures or obtaining information
 5G (1) It is not an offence under paragraph 5D to solicit a disclosure described in paragraph 5E(1) to (4) or paragraph 5F(A1) to (5).
 (2) It is not an offence under paragraph 5D to obtain information—
 (a) by means of a disclosure described in paragraph 5E(1) to (4) or paragraph 5F(A1) to (5), or
 (b) from a document that is available to the public or a section of the public.’’.
- Mr Shailesh Vara 86
 Schedule 8, page 98, line 6, leave out ‘and 7’ and insert ‘to 7A’.
Member's explanatory statement
This is consequential on amendments 87, 95 and 96.
- Mr Shailesh Vara 87
 Schedule 8, page 99, leave out lines 1 to 7.
Member's explanatory statement
This amendment and amendments 95 and 96 replace the provision in paragraph 6(5) and (6) and paragraph 7(7) and (8) of new Schedule 2A to the Armed Forces Act 2006 with provision to the same effect in a new paragraph 7A.
- Mr Shailesh Vara 88
 Schedule 8, page 99, line 21, after ‘7’ insert—

Criminal Justice and Courts Bill, continued

- ‘(A1) It is not an offence under paragraph 5 for a person to disclose information to a person listed in sub-paragraph (A2) if—
- (a) the disclosure is made after the proceedings mentioned in paragraph 5(1) terminate, and
 - (b) the person making the disclosure reasonably believes that—
 - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a lay member in connection with those proceedings, or
 - (ii) conduct of a lay member in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (A2) Those persons are—
- (a) a member of a police force listed in section 375;
 - (b) a judge of the Court of Appeal;
 - (c) a judge of the Court Martial Appeal Court;
 - (d) the registrar of criminal appeals;
 - (e) the judge advocate who dealt with the proceedings mentioned in paragraph 5(1);
 - (f) the court administration officer for the Court Martial;
 - (g) a member of the Military Court Service who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (f).
- (A3) It is not an offence under paragraph 5 for a member of a police force listed in section 375 to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a judge of the Court of Appeal, a judge of the Court Martial Appeal Court or the registrar of criminal appeals, provided that the disclosure does not involve publishing the information.’

Member’s explanatory statement

This amendment and amendment 91 replace paragraph 7(3) of new Schedule 2A to the Armed Forces Act 2006 with provision which additionally allows disclosure of information to a member of a police force in specified circumstances. The amendment also provides that disclosure is only permitted after the proceedings have terminated.

Mr Shailesh Vara

89

Schedule 8, page 99, line 33, leave out second ‘to’ and insert ‘for the purposes of enabling or assisting’.

Member’s explanatory statement

This amendment and amendment 90 amend paragraph 7(2) of new Schedule 2A to the Armed Forces Act 2006 to ensure that the judge or registrar does not have to contact the defendant or legal representative personally when making a disclosure to enable them to consider whether a lay member’s conduct may provide grounds for appeal.

Mr Shailesh Vara

90

Schedule 8, page 99, line 37, leave out ‘for the purposes of considering’ and insert ‘to consider’.

Mr Shailesh Vara

91

Schedule 8, page 99, line 40, leave out from beginning to end of line 4 on page 100.

Criminal Justice and Courts Bill, continued

- Mr Shailesh Vara 92
- Schedule 8, page 100, line 6, after '(1)' insert 'or (2)'.
- Member's explanatory statement*
This amendment and amendment 93 amend paragraph 7(4) of new Schedule 2A to the Armed Forces Act 2006 to allow disclosure of deliberations of members of a Court Martial where someone reasonably believes that a disclosure under paragraph 7(2) has been made. The disclosure must be for the purpose of considering whether a lay member's conduct provides grounds for appeal.
- Mr Shailesh Vara 93
- Schedule 8, page 100, line 7, at end insert 'or consideration in question'.
- Mr Shailesh Vara 94
- Schedule 8, page 100, line 20, at end insert—
- '(5A) It is not an offence under paragraph 5 for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in sub-paragraph (5)(a) to (c).'
- Member's explanatory statement*
This amendment allows a person to disclose deliberations of members of the Court Martial for proceedings where that is a part of reasonable preparations for certain subsequent proceedings.
- Mr Shailesh Vara 95
- Schedule 8, page 100, leave out lines 23 to 29.
- Mr Shailesh Vara 96
- Schedule 8, page 100, line 44, at end insert—
- 'Disclosing information about members' deliberations: exceptions for soliciting disclosures or obtaining information*
- 7A (1) It is not an offence under paragraph 5 to solicit a disclosure described in paragraph 6(1) to (4) or paragraph 7(A1) to (6).
- (2) It is not an offence under paragraph 5 to obtain information—
- (a) by means of a disclosure described in paragraph 6(1) to (4) or paragraph 7(A1) to (6), or
- (b) from a document that is available to the public or a section of the public.'
- Mr Robert Buckland 97
- Schedule 4, page 73, line 25, at end insert—
- 'Special Educational Needs*
- 1A (3) All secure colleges, whether directly managed or contracted out, must make provision to meet the special educational needs of persons detained there.'
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