



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 18 March 2014

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

PUBLIC BILL COMMITTEE

CRIMINAL JUSTICE AND COURTS BILL

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [11 March 2014].

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.

Dan Jarvis
Mr Andy Slaughter

8

Clause 3, page 4, line 26, at end insert—

‘(10) 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—

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

9

Clause 4, page 4, line 39, at end insert—

- ‘(4) 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.’
-

Dan Jarvis
Mr Andy Slaughter

10

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.’
-

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’.

Mr Shailesh Vara

2

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

Criminal Justice and Courts Bill, continued*'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.

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.

Dan Jarvis
Mr Andy Slaughter

15

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

Dan Jarvis
Mr Andy Slaughter

37

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

Criminal Justice and Courts Bill, *continued*

- ‘(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

11

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.’.

Dan Jarvis
Mr Andy Slaughter

12

Page 9, line 27, leave out Clause 8.

Dan Jarvis
Mr Andy Slaughter

13

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

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

Criminal Justice and Courts Bill, continued

Prosecutions under section 37B of the Police and Criminal Evidence Act 1984.

Dan Jarvis
Mr Andy Slaughter

14

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

Dan Jarvis
Mr Andy Slaughter

29

Clause 16, page 16, 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

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.’.

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.

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

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).’.

Criminal Justice and Courts Bill, *continued*

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).’

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’.

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

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.’

Mr Shailesh Vara

19

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

‘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.

Criminal Justice and Courts Bill, *continued*

- Mr Shailesh Vara 20
 Schedule 3, page 73, line 2, after ‘England’ insert ‘or Wales’.
- Mr Shailesh Vara 21
 Schedule 3, page 73, line 4, after ‘England’ insert ‘or Wales’.
-
- 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.’.
- Sarah Champion 61
 ★ Schedule 4, page 74, line 17, at end insert—
 ‘*Staff*
 4A (1) All staff employed as teachers, counsellors or nurses at a secure unit must hold qualifications as one of the following—
 (a) qualified teachers;
 (b) accredited member of the British Association of Counsellors and Psychotherapists;
 (c) registered nurse (child).’.
- 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 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.’.
- Mr Shailesh Vara 22
 Schedule 4, page 80, line 15, leave out ‘51 weeks’ and insert ‘12 months’.
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

Criminal Justice and Courts Bill, continued

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

- 23
- 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

- 24
- 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”.’.

Mr Shailesh Vara

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

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’.

Mr Andy Slaughter

- 47
- ★ Clause 24, page 23, line 12, leave out ‘single’ and insert ‘two’.

Mr Shailesh Vara

- 48
- ★ Clause 24, page 23, line 23, leave out subsection (4) and insert—
- ‘() In subsection (3), for “The” substitute “Where a relevant prosecutor issues a written charge and a requisition, the”.’.

Member’s explanatory statement

This amendment and amendment 49 provide that prosecutors must serve a copy of a single justice procedure notice on a designated officer for a magistrates’ court (the person responsible for

Criminal Justice and Courts Bill, *continued*

administering the process) and not a specific court. This is to facilitate cases started in this way being dealt with in any magistrates' court.

Mr Shailesh Vara 49

- ★ Clause 24, page 23, line 28, at end insert—
 “(3ZA) Where a relevant prosecutor issues a written charge and a single justice procedure notice, the written charge and notice must be served on the person concerned, and a copy of both must be served on the designated officer specified in the notice.’.

Mr Shailesh Vara 50

- ★ Clause 24, page 23, line 29, leave out first ‘the’ and insert ‘a’.
Member’s explanatory statement
This amendment is consequential on amendments 48 and 49.

Mr Shailesh Vara 51

- ★ Clause 24, page 24, line 5, after ‘issue’ insert ‘written charges,’.
Member’s explanatory statement
This amendment and amendment 52 make clear that an order authorising a prosecutor to issue requisitions and single justice procedure notices, or just single justice procedure notices, will also authorise the issue of written charges.

Mr Shailesh Vara 52

- ★ Clause 24, page 24, line 7, after ‘only’ insert ‘written charges and’.

Mr Andy Slaughter 39

- ★ Clause 24, page 24, line 15, at end insert—
 ‘(11) No offences shall be triable under this procedure unless specified in regulations made by the Secretary of State and of which a draft has been laid before, and approved by each House of Parliament.’.

Mr Shailesh Vara 53

- ★ Clause 26, page 25, line 27, leave out ‘for the magistrates’ court’.
Member’s explanatory statement
This amendment and amendments 54, 54A, 55, 56 and 60 make clear that a single justice procedure notice will identify a designated officer for a magistrates’ court (the person responsible for administering the process), rather than a specific magistrates’ court, and that any magistrates’ court may deal with a case started in this way.

Mr Andy Slaughter 40

- ★ Clause 26, page 25, leave out lines 27 to 32.

Criminal Justice and Courts Bill, *continued*

- Mr Andy Slaughter 41
- ★ Clause 26, page 25, line 38, at end insert—
 ‘(c) a submission from the DVLA to inform the court of any penalty points endorsed on the defendant’s driver record.’
- Mr Shailesh Vara 54
- ★ Clause 26, page 26, line 2, leave out ‘for the magistrates’ court’.
- Mr Andy Slaughter 42
- ★ Clause 26, page 26, leave out lines 5 and 6.
- Mr Andy Slaughter 43
- ★ Clause 26, page 26, line 7, leave out from ‘parties’ to end.
- Mr Shailesh Vara 54A
- ★ Clause 26, page 26, leave out lines 15 to 17 and insert—
 ‘() Any magistrates’ court may try a written charge in accordance with subsections (3) to (8), whether or not its designated officer is specified in the single justice procedure notice.’
- Mr Andy Slaughter 44
- ★ Clause 26, page 26, line 18, at end insert—
 ‘(12) Prior to a paper procedure the court must publish the cases to which it will apply and when it will take place, and
 (13) Following a paper procedure the court must publish the outcome.’
- Mr Shailesh Vara 55
- ★ Clause 26, page 26, line 27, leave out ‘for the magistrates’ court’.
- Mr Shailesh Vara 56
- ★ Clause 26, page 26, line 33, leave out from ‘court’ to ‘must’ in line 34 and insert ‘dealing with the matter’.
- Mr Shailesh Vara 57
- ★ Clause 26, page 27, line 24, leave out from ‘be)’ to end of line 28.
Member’s explanatory statement
This amendment removes a provision treating a magistrates’ court issuing a summons under new sections 16B and 16C and the court specified in the summons as being in the same local justice area.
- Mr Shailesh Vara 58
- ★ Clause 26, page 27, line 31, leave out from ‘before’ to ‘and’ in line 33 and insert ‘a magistrates’ court for the purpose specified in the earlier summons;’.

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

New section 16D(2) of the Magistrates' Courts Act 1980, inserted by clause 26, provides that, following the issue of a summons under new section 16B or 16C, a justice of the peace may issue a further summons. This amendment provides that the further summons may require the person concerned to appear before any magistrates' court.

Mr Shailesh Vara

59

- ★ Clause 26, page 28, line 5, at end insert—

‘() This section does not apply if the trial of the written charge has been adjourned under section 16B(3)(a) or 16C(3)(a).’.

Member's explanatory statement

This amendment provides that, if proceedings are moved from the procedure under section 16A of the Magistrates' Courts Act 1980 to the usual procedure in a traditional magistrates' court, the new statutory declaration procedure in section 16E of that Act will no longer be available. Instead, the statutory declaration procedure in section 14 of that Act will be available.

Mr Andy Slaughter

45

- ★ Clause 26, page 28, line 11, at end insert ‘or that the accused did not understand the documents specified in 16(a)(2).’.

Mr Shailesh Vara

60

- ★ Clause 26, page 28, line 14, leave out ‘for the magistrates' court’.
-

Mr Andy Slaughter

46

- ★ Clause 27, page 29, leave out line 39.
-

Robert Neill

5

- Clause 57, page 58, line 3, at end insert ‘or the Court of Appeal’

Member's explanatory statement

This allows the Court of Appeal to grant permission to apply under section 288.

NEW CLAUSES

Leave of the court required for Listed Building Act proceedings

Robert Neill

NC1

To move the following Clause:—

Criminal Justice and Courts Bill, *continued*

- ‘(1) Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning the validity of other orders, decisions and directions) is amended as follows.
- (2) In subsection (3) after “section”, insert “relating to anything other than an English matter”.
- (3) After subsection (3) insert—
- “(3A) An application under this section relating to an English matter may not be made without the leave of the High Court or the Court of Appeal.
- (3B) An application for leave for the purposes of subsection (3A) must be made within six weeks from (as the case may be)—
- (a) the date on which the order is confirmed; or (in the case of an order under section 23 which takes effect under section 25 without confirmation) takes effect, or
- (b) the date on which the action is taken.”.
- (4) After subsection (5) insert—
- “(5A) When considering whether to grant leave for the purposes of subsection (3A), the High Court may, subject to subsection (6), by interim order suspend the operation of the order or action the validity of which the person or authority concerned wishes to question, until the final determination of—
- (a) the question of whether leave should be granted, or
- (b) where leave is granted, the proceedings on any application under this section made with such leave.”.
- (5) After subsection (6) insert—
- “(6A) In this section “English matter” means—
- (a) an order to which this section applies which is made by—
- (i) a local planning authority in England, or
- (ii) the Secretary of State, or
- (b) action to which this section applies which is on the part of the Secretary of State.”.
- (6) After subsection (7) insert—
- “(8) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (3A).”.

Member’s explanatory statement

This New Clause allows leave requirement for section 288 applications to be extended to other similar applications under the Listed Buildings Act.

Leave of the court required for section 287 applications

Robert Neill

NC2

To move the following Clause:—

- ‘(1) Section 287 of the Town and Country Planning Act 1990 (proceedings for questioning the validity of certain schemes and orders) is amended as follows.

Criminal Justice and Courts Bill, *continued*

- (2) In subsection (4) after “section”, insert “relating to anything other than an English matter”.
- (3) After subsection (4) insert—
- “(4A) An application under this section relating to an English matter may not be made without the leave of the High Court or the Court of Appeal.
- (4B) An application for leave for the purposes of subsection (4A) must be made within six weeks from the relevant date.”.
- (4) In subsection (5) leave out “subsection (4)” and insert “subsections (4) and (4A).”.
- (5) After subsection (5) insert—
- “(6) In this section “English matter” means a scheme or alteration of such a scheme or an order to which this section applies which is made by—
- (a) a local planning authority in England, or
- (b) the Secretary of State, or
- (7) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).”.

Member’s explanatory statement

This New Clause allows leave requirement for section 288 applications to be extended to other similar applications under section 61N of the Town and Country Planning Act 1990.

Leave of the court required for hazardous substances applications

Robert Neill

NC3

To move the following Clause:—

- ‘(1) Section 22 of the Planning (Hazardous Substances) Act 1990 (Validity of decisions as to applications) is amended as follows.
- (2) In subsection (3) after “section”, insert “relating to anything other than an English matter”.
- (3) After subsection (3) insert—
- “(3A) An application under this section relating to an English matter may not be made without the leave of the High Court or the Court of Appeal.
- (3B) An application for leave for the purposes of subsection (3A) must be made within six weeks from from the relevant date.”.
- (4) After subsection (6) insert—
- “(7) In this section “English matter” means a scheme or alteration of such a scheme or an order to which this section applies which is made by—
- (a) a local planning authority in England, or
- (b) the Secretary of State, or
- (8) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).”.’.

Member’s explanatory statement

This New Clause allows leave requirement for section 288 applications to be extended to other

Criminal Justice and Courts Bill, continued

similar applications under the Hazardous Substances Act 1990.

Leave of the court required for section 113 applications against development plans

Robert Neill

NC4

To move the following Clause:—

- ‘(1) Section 113 of the Planning and Compulsory Purchase Act 2004 (validity of strategies, plans and documents) is amended as follows.
- (2) In subsection (3) after “document”, insert “relating to anything other than an English matter”.
- (3) After subsection (3) insert—
 - “(3A) An application under this section relating to an English matter may not be made without the leave of the High Court or the Court of Appeal.
 - (3B) An application for leave for the purposes of subsection (3A) must be made within six weeks from the relevant date.”.
- (4) In subsection (4) after “application”, insert “under subsection (3) or (3A)”.
- (5) After subsection (11) insert—
 - “(12) In this section “English matter” means a scheme or alteration of such a scheme or an order to which this section applies which is made by—
 - (a) a local planning authority in England, or
 - (b) the Secretary of State, or
 - (13) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).”.

Member’s explanatory statement

This New Clause allows leave requirement for section 288 applications to be extended to other similar applications under the Planning and Compulsory Purchase Act 2004.

Broadening of remedies in applications to the High Court in planning cases

Robert Neill

NC5

To move the following Clause:—

- ‘(1) In section 288(5) of the Town and Country Planning Act 1990, at end add “wholly or in part”.
- (2) In section 63(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990, at end add “, wholly or in part”.
- (3) In section 287 of the Town and Country Planning Act 1990, at end add “wholly or in part”.

Member’s explanatory statement

These changes allow a decision to be quashed in part, for example to remove an unlawful part of

Criminal Justice and Courts Bill, continued

a condition rather than to quash the whole planning permission because of that mistake.

Broadening of applications to the High Court to include costs decisions

Robert Neill

NC6

To move the following Clause:—

- ‘(1) In section 284(3) of the Town and Country Planning Act 1990, at end add—
 - “(j) any decision whether any person should pay the costs of the Secretary of State or any other person in respect of the orders under subsection (2) above or any action listed in this subsection.”.
- (2) In section 62(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, at end add—
 - “(e) any decision whether any person should pay the costs of the Secretary of State or any other person in respect of the orders or decisions under subsection (1) above or decisions listed in this subsection.”.’.

Member’s explanatory statement

*At present, challenges to the award of costs in planning appeals and call-ins have to be brought by judicial review: *Botton v Secretary of State for the Environment* [1992] 1 PLR 1 even if there is a section 288 application being brought at the same time.*

Equalisation of six week periods for bringing proceedings

Robert Neill

NC7

To move the following Clause:—

- ‘(1) In section 61N(2) of the Town and Country Planning Act 1990, leave out “beginning with” and insert “from”.
- (2) In section 113(4) of the Planning and Compulsory Purchase Act 2004, leave out “beginning with” and insert “from”.
- (3) Section 13 of the Planning Act 2008 (Legal challenges relating to national policy statements) is amended as follows.
- (4) In section 13(1), leave out “beginning with” and insert “from”.
- (5) In section 13(2), leave out “beginning with” and insert “from”.
- (6) In section 13(3), leave out “beginning with” and insert “from”.
- (7) In section 13(4), leave out “beginning with” and insert “from”.
- (8) In section 13(5), leave out “beginning with” and insert “from”.
- (9) In section 13(6), leave out “beginning with” and insert “from”.
- (10) In section 118(1), leave out “beginning with” and insert “from”.
- (11) In section 118(2), leave out “beginning with” and insert “from”.
- (12) In section 118(3), leave out “beginning with” and insert “from”.

Criminal Justice and Courts Bill, *continued*

- (13) In section 118(4), leave out “beginning with” and insert “from”.
- (14) In section 118(5), leave out “beginning with” and insert “from”.
- (15) In section 118(6), leave out “beginning with” and insert “from”.
- (16) In section 118(7), leave out “beginning with” and insert “from”.
- (17) Section 106C of the Town and Country Planning Act 1990 is amended as follows.
- (18) In section 106C(1), leave out “beginning with” and insert “from”.
- (19) In section 106C(2), leave out “beginning with” and insert “from”.’.

Member’s explanatory statement

At present some time periods for bringing proceedings run from the date of the decision (so start the day afterwards) whilst others include the date of the decision. Given the short time limits for these proceedings, cases are often brought at the last minute. This Clause would standardise planning time limits to run Tuesday to Tuesday.

Allowing the grant of permission or consent to be challenged in an enforcement notice challenge and simplification

Robert Neill

NC8

To move the following Clause:—

- ‘(1) In section 289 of the Town and Country Planning Act 1990, leave out subsections (1) and (2) and insert—
 - “(1) If a person is aggrieved by any decision of the Secretary of State in proceedings on an appeal under Part VII against an enforcement notice, including any grant of planning permission or of a lawful development certificate under section 177, and wishes to question the validity of that decision on a point of law that person may make an application to the High Court under this section.
 - (2) If a person is aggrieved by any decision of the Secretary of State in proceedings on an appeal under Part VIII against a notice under section 207, and wishes to question the validity of that decision on a point of law, that person may make an application to the High Court under this section.”.
- (2) In section 289 of the Town and Country Planning Act 1990, leave out subsections (3) and (4).
- (3) In section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990, leave out subsections (1) to (3) and insert—
 - “(1) If a person is aggrieved by any decision of the Secretary of State in proceedings on an appeal under section 39 against a listed building enforcement notice, including any grant of listed building consent, and wishes to question the validity of that decision on a point of law, that person may make an application to the High Court under this section.”.’.

Member’s explanatory statement

This set of amendments makes a series of alterations to the procedure for High Court challenges to enforcement appeal decisions.

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.

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;

Criminal Justice and Courts Bill, *continued*

- (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.’
-

Instituting proceedings by written charge

Mr Andy Slaughter

NC12

★ To move the following Clause:—

- ‘(1) Section 29 of the Criminal Justice Act 2003 (public prosecutor to institute proceedings by written charge) is amended as follows.
- (2) In subsection (1), for “public prosecutor” substitute “relevant prosecutor”.
- (3) For subsection (2) substitute—
 - “(2) Where a relevant prosecutor issues a written charge, it must at the same time issue—
 - (a) a requisition, or
 - (b) a two justice procedure notice.
 - (2A) A requisition is a document which requires the person on whom it is served to appear before a magistrates’ court to answer the written charge.
 - (2B) A two justice procedure notice is a document which requires the person on whom it is served to serve on the designated officer for a magistrates’ court specified in the notice a written notification stating—
 - (a) whether the person desires to plead guilty or not guilty, and
 - (b) if the person desires to plead guilty, whether or not the person desires to be tried in accordance with section 16A of the Magistrates’ Courts Act 1980.”
- (4) In subsection (3)—
 - (a) for “and requisition” substitute “and the requisition of two justice procedure notice”, and
 - (b) after “the requisition” insert “or, as the case may be, the two justice procedure notice”.
- (5) After subsection (3) insert—
 - “(3A) If a two justice procedure notice is served on the person, the relevant prosecutor must—

Criminal Justice and Courts Bill, *continued*

- (a) at the same time serve on the person such documents as may be prescribed by Criminal Procedure Rules, and
- (b) serve copies of those documents on the court.”.
- (6) After subsection (3A) insert—
 - “(3B) The written notification required by a two justice procedure notice may be served by the legal representative of the person charged on the person’s behalf.”.
- (7) In subsection (4), for the words from the beginning to “public prosecutor” substitute “A relevant prosecutor authorised to issue a requisition”.
- (8) In subsection (5), for ““public prosecutor”” substitute ““relevant prosecutor””.
- (9) After subsection (5) insert—
 - “(5A) An order under subsection (5)(h) specifying a person for the purposes of this section must also specify whether that person and a person authorised by that person to institute criminal proceedings—
 - (a) are authorised to issue requisitions and two justice procedure notices, or
 - (b) are authorised to issue only two justice procedure notices.”.
- (10) A person who immediately before the commencement of this section is—
 - (a) a person specified in an order under section 29(5)(h) of the Criminal Justice Act 2003, or
 - (b) a person authorised by a person so specified to institute criminal proceedings,
 is to be treated after the commencement of this section as authorised to issue requisitions and two justice procedure notices (subject to the order specifying that person being varied or revoked).’.

Instituting proceedings: further provision

Mr Andy Slaughter

NC13

★ To move the following Clause:—

- (1) Section 30 of the Criminal Justice Act 2003 (further provision about method of instituting proceedings in section 29) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), for “or requisitions” substitute “requisitions or two justice procedure notices”, and
 - (b) in paragraph (b), for “or requisitions” substitute “requisitions or two justice procedure notices”.
- (3) In subsection (2)(b), after “further requisitions” insert “or further two justice procedure notices”.
- (4) In subsection (5)—
 - (a) in paragraph (b), for “public prosecutor” substitute “relevant prosecutor”, and
 - (b) after paragraph (b) insert “, and
 - (c) any reference (however expressed) which is or includes a reference to a summons under section 1 of the

Criminal Justice and Courts Bill, *continued*

Magistrates' Courts Act 1980 (or to a justice of the peace issuing such a summons) is to be read as including a reference to a two justice procedure notice (or to a relevant prosecutor issuing a two justice procedure notice).”.

- (5) After subsection (7) insert—
- “(7A) The reference in subsection (5) to an enactment contained in an Act passed before this Act is to be read, in relation to paragraph (c) of subsection (5), as including—
- (a) a reference to an enactment contained in an Act passed before or in the same Session as the Criminal Justice and Courts Act 2014, and
 - (b) a reference to an enactment contained in such an Act as a result of an amendment to that Act made by the Criminal Justice and Courts Act 2014 or by any other Act passed in the same Session as the Criminal Justice and Courts Act 2014.”.

(6) In subsection (8)—

 - (a) for ““public prosecutor”, substitute ““relevant prosecutor””, and
 - (b) after ““requisition”” insert “two justice procedure notice””.

Trial by two justices on the papers

Mr Andy Slaughter

NC14

★ To move the following Clause:—

- (1) The Magistrates' Courts Act 1980 is amended as follows.
- (2) In section 11 (non-appearance of accused: general provisions)—
 - (a) in subsection (1), for “and (4)” substitute “, (4) and (8)”, and
 - (b) after subsection (7) insert—

“(8) This section and sections 12 to 16 do not apply if and for so long as a written charge is to be tried by a magistrates' court in accordance with section 16A.”
- (3) After section 16 insert—

“Trial by two justices on the papers

16A Trial by two justices on the papers

- (1) A magistrates' court may try a written charge in accordance with subsections (3) to (8) if—
 - (a) the offence charged is a summary offence not punishable with imprisonment,
 - (b) the accused had attained the age of 18 years when charged,
 - (c) the court is satisfied that—
 - (i) the documents specified in subsection (2) have been served on the accused, and

Criminal Justice and Courts Bill, *continued*

- (ii) service of all of the documents was effected at the same time, and
 - (d) the accused has not served on the designated officer for the magistrates' court specified in the two justice procedure notice, within the period prescribed by Criminal Procedure Rules, a written notification stating either—
 - (i) a desire to plead not guilty, or
 - (ii) a desire not to be tried in accordance with this section.
- (2) The documents mentioned in subsection (1)(c) are—
 - (a) a written charge and a two justice procedure notice (see section 29 of the Criminal Justice Act 2003), and
 - (b) such other documents as may be prescribed by Criminal Procedure Rules (see section 29(3A) of the Criminal Justice Act 2003).
- (3) The court must try the written charge in reliance only on—
 - (a) the documents specified in subsection (2), and
 - (b) any written submission that the accused makes with a view to mitigation of sentence.
- (4) The court may disregard a written submission that is not served on the designated officer for the magistrates' court specified in the two justice procedure notice within the period prescribed by Criminal Procedure Rules.
- (5) The court may try the charge in the absence of the parties.
- (6) The court may not remand the accused.
- (7) If the resumed trial is to be conducted in accordance with subsections (3) to (7), no notice is required of the resumption of the trial after an adjournment.
- (8) A magistrates' court acting under this section may be composed of two justices.
- (9) A magistrates' court not specified in the two justice procedure notice may try a written charge in accordance with subsections (3) to (8) as if it were the magistrates' court so specified.
- (10) Subsection (1) is subject to sections 16B and 16C.

16B Cases not tried in accordance with section 16A

- (1) If a magistrates' court decides, before the accused is convicted of the offence, that it is not appropriate to try the written charge in accordance with section 16A, the court may not try or continue to try the charge in that way.
- (2) A magistrates' court may not try a written charge in accordance with section 16A if, at any time before the trial, the accused or the accused's legal representative on the accused's behalf gives notice to the designated officer for the magistrates' court specified in the two justice procedure notice that the accused does not desire to be tried in accordance with section 16A.
- (3) If a magistrates' court may not try or continue to try a written charge in accordance with section 16A because the conditions in section 16A(1)

Criminal Justice and Courts Bill, *continued*

are not satisfied or because of subsection (1) or (2), the magistrates' court specified in the two justice procedure notice or, if different, the magistrates' court trying the written charge must—

- (a) adjourn the trial, if it has begun, and
 - (b) issue a summons directed to the accused requiring the accused to appear before a magistrates' court for the trial of the written charge.
- (4) A magistrates' court issuing a summons under subsection (3)(b) may be composed of two justices.

16C Cases that cease to be tried in accordance with section 16A

- (1) If a magistrates' court decides, after the accused is convicted of the offence, that it is not appropriate to try the written charge in accordance with section 16A, the court may not continue to try the charge in that way.
- (2) If a magistrates' court trying a written charge in accordance with section 16A proposes, after the accused is convicted of the offence, to order the accused to be disqualified under section 34 or 35 of the Road Traffic Offenders Act 1988—
 - (a) the court must give the accused the opportunity to make 5 representations or further representations about the proposed disqualification, and
 - (b) if the accused indicates a wish to make such representations, the court may not continue to try the case in accordance with
 - (c) section 16A.
- (3) If a magistrates' court may not continue to try a written charge in accordance with section 16A because of subsection (1) or (2), the magistrates' court must—
 - (a) adjourn the trial, and
 - (b) issue a summons directed to the accused requiring the accused to appear before a magistrates' court to be dealt with in respect of the offence.

16D Sections 16B and 16C: further provision

- (1) If a summons is issued under section 16B(3)(b) or 16C(3)(b)—
 - (a) a reference in sections 11 to 13 to a summons issued under section 1 is to be read, for the purposes of subsequent proceedings as regards the matter, as if it included a reference to a summons issued under section 16B(3)(b) or 16C(3)(b) (as the case may be), and
 - (b) the magistrates' court that issued the summons under section 25 16B(3)(b) or 16C(3)(b) and the magistrates' court specified in the summons are to be treated, for those purposes, as if they were in the same local justice area.
- (2) If a summons has been issued under section 16B(3)(b) or 16C(3)(b), a justice of the peace may issue a summons directed to the accused requiring the accused to appear before the magistrates' court specified in the summons under section 16B(3)(b) or 16C(3)(b) for the purpose specified in that summons; and subsection (1)(a) applies in relation to a summons under this section as it applies in relation to a summons under section 16B(3)(b) or 16C(3)(b).

Criminal Justice and Courts Bill, *continued*

- (3) Where a summons has been issued under section 16B(3)(b) or 16C(3)(b), a magistrates' court that afterwards tries the written charge or deals with the accused for the offence must be—
 - (a) composed as described in section 121(1), or
 - (b) composed of a District Judge (Magistrates' Courts) sitting alone by virtue of section 26 of the Courts Act 2003.
- (4) Where—
 - (a) the accused is convicted of an offence before a matter is adjourned under section 16C(3)(a), and
 - (b) the matter is tried after the adjournment by another magistrates' court,that other magistrates' court is to be treated as if it were the court that convicted the accused for the purposes of section 142(2).

16E Accused not aware of two justice procedure notice

- (1) This section applies if—
 - (a) a two justice procedure notice has been issued, and
 - (b) the written charge is being tried, or has been tried, in accordance with section 16A.
- (2) The proceedings subsequent to the two justice procedure notice are void if—
 - (a) the accused makes a statutory declaration that the accused did not know of the two justice procedure notice or the proceedings until a date that the accused specifies in the statutory declaration,
 - (b) that date is a date after a magistrates' court began to try the written charge,
 - (c) the declaration is served on the designated officer for the magistrates' court specified in the two justice procedure notice within 21 days of that date in such manner as Criminal Procedure Rules may prescribe, and
 - (d) at the same time as serving the declaration, the accused responds to the two justice procedure notice by serving a written notification on that designated officer.
- (3) Subsection (2) does not affect the validity of a written charge or a two justice procedure notice.
- (4) A magistrates' court may accept service of a statutory declaration required by subsection (2) after the period described in subsection (2)(c) if, on application by the accused, it appears to the court that it was not reasonable to expect the accused to serve that statutory declaration within that period.
- (5) A magistrates' court that accepts a statutory declaration under subsection (4) is to be treated as accepting service of a written notification that is served at the same time.
- (6) A statutory declaration accepted under subsection (4) and a written notification treated as accepted under subsection (5) are to be treated as having been served as required by subsection (2)

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- (7) If proceedings have become void under subsection (2), the reference in section 16A to the period within which a written notification must be served is to be read as referring to a period that ends on—
- (a) the date on which a written notification is served under subsection (2)(d), or
 - (b) if a magistrates' court is treated as accepting service of a written notification by virtue of subsection (5), the date on which the written notification is so treated as accepted.
- (8) If proceedings have become void under subsection (2), the written charge may not be tried again by any of the same justices.
- (9) A magistrates' court carrying out functions under subsection (4) may be composed of a two justices.'.'.

Trial by two justices on the papers: sentencing etc

Mr Andy Slaughter

NC15

★ To move the following Clause:—

(1) In section 121 of the Magistrates' Courts Act 1980 (constitution etc of a magistrates' court), after subsection (5) insert—

“(5A) A magistrates' court that is trying a summary offence in accordance with section 16A is restricted to the following in dealing with the accused for the offence—

- (a) imposing a fine;
- (b) imposing a penalty under section 102(3)(aa) of the Customs and Excise Management Act 1979 or section 29, 35A or 37 of the Vehicle Excise and Registration Act 1994 (penalties imposed for certain offences in relation to vehicle excise licences);
- (c) ordering an amount to be paid under section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994 (liability to additional duty);
- (d) making an order under section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders);
- (e) ordering payment of a surcharge under section 161A of the Criminal Justice Act 2003 (victim surcharge);
- (f) making an order as to costs to be paid by the accused to the prosecutor under section 18 of the Prosecution of Offences Act 1985;
- (g) making an order as to costs to be paid by the accused by virtue of section 19 of the Prosecution of Offences Act 1985;
- (h) ordering payment of a charge under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge);
- (i) making an order under section 34 or 35 of the Road Traffic Offenders Act 1988 (disqualification from driving);
- (j) making an order under section 44 of the Road Traffic Offenders Act 1988 (endorsement of a driving record);

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- (k) making an application to the Secretary of State by virtue of section 24(1)(a) of the Criminal Justice Act 1991 (benefit deductions);
 - (l) making an attachment of earnings order under Part 3 of Schedule 5 to the Courts Act 2003;
 - (m) making an application for benefits deductions to the Secretary of State under Part 3 of Schedule 5 to the Courts Act 2003;
 - (n) making a collection order under Part 4 of Schedule 5 to the Courts Act 2003;
- (5B) The limit in subsection (5) does not apply to fines imposed as described in subsection (5A).”’.

ORDER OF THE HOUSE [24 FEBRUARY 2014]

That the following provisions shall apply to the Criminal Justice and Courts 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 Tuesday 1 April 2014.
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.

ORDER OF THE COMMITTEE [11 MARCH 2014]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 11 March) meet—
 - (a) at 2.00 pm on Tuesday 11 March;
 - (b) at 11.30 am and 2.00 pm on Thursday 13 March;
 - (c) at 8.55 am and 2.00 pm on Tuesday 18 March;
 - (d) at 11.30 am and 2.00 pm on Thursday 20 March;
 - (e) at 8.55 am and 2.00 pm on Tuesday 25 March;

Criminal Justice and Courts Bill, *continued*

- (f) at 11.30 am and 2.00 pm on Thursday 27 March;
 (g) at 8.55 am and 2.00 pm on Tuesday 1 April;
 (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 11 March	Until no later than 9.30 am	Office of the Children's Commissioner
Tuesday 11 March	Until no later than 10.30 am	Magistrates' Association; Howard League for Penal Reform; Criminal Justice Alliance
Tuesday 11 March	Until no later than 11.25 am	Civitas; Standing Committee for Youth Justice; Education Links; John D'Abbro, New Rush Hall School
Tuesday 11 March	Until no later than 2.30 pm	Public and Commercial Services Union; Trades Union Congress
Tuesday 11 March	Until no later than 3.15 pm	Prison Reform Trust; Prisoners' Education Trust
Tuesday 11 March	Until no later than 3.45 pm	Victims' Services Alliance
Tuesday 11 March	Until no later than 4.30 pm	Survivors Trust; Shelter
Tuesday 11 March	Until no later than 5.00 pm	Law Commission
Tuesday 11 March	Until no later than 6.00 pm	Law Society; Bar Council
Thursday 13 March	Until no later than 12.30 pm	Liberty; JUSTICE; Public Law Project
Thursday 13 March	Until no later than 1.00 pm	British Board of Film Classification
Thursday 13 March	Until no later than 2.30 pm	Criminal Bar Association; Constitutional and Administrative Law Bar Association
Thursday 13 March	Until no later than 3.00 pm	Professor Cheryl Thomas, University College London
Thursday 13 March	Until no later than 4.00 pm	Nick Armstrong, Matrix Chambers; Nicola Mackintosh, Mackintosh Law; Adam Wagner, One Crown Office Row; Michael Fordham QC, Blackstone Chambers

Criminal Justice and Courts Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 13 March	Until no later than 4.45 pm	Angus Walker, Bircham Dyson Bell; Taylor Wimpey; Campaign to Protect Rural England

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 5; Schedule 1; Clause 6; Schedule 2; Clauses 7 to 17; Schedule 3; Clause 18; Schedule 4; Clauses 19 to 28; Schedule 5; Clause 29; Schedule 6; Clauses 30 to 46; Schedule 7; Clause 47; Schedule 8; Clauses 48 to 57; new Clauses; new Schedules; Clauses 58 to 63; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 1 April.
-