



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 20 March 2014

For other Amendment(s) see the following page(s):
Criminal Justice and Courts Bill Committee 61-87

PUBLIC BILL COMMITTEE

CRIMINAL JUSTICE AND COURTS BILL

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 7, leave out ‘must’ and insert ‘may’.

98

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 8, leave out ‘in respect of’ and insert ‘of up to 50 per cent of total’.

99

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 12, at end insert—
‘(c) it being just and reasonable to do so in the opinion of the court’.

100

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 12, at end insert—
‘(1A) A reasonable assessment of the defendant’s finances must be taken before a collection date for any court costs is decided.’.

101

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 28, at end insert—
‘(6) The court must give reasons for either imposing or not imposing court charges.’.

102

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter Dan Jarvis		103
	Clause 29, page 30, line 30, leave out ‘must’ and insert ‘may’.	
Mr Andy Slaughter Dan Jarvis		104
	Clause 29, page 30, line 43, leave out ‘must’ and insert ‘may’.	
Mr Andy Slaughter Dan Jarvis		105
	Clause 29, page 31, line 10, leave out ‘must’ and insert ‘may’.	
Mr Andy Slaughter Dan Jarvis		106
	Clause 29, page 32, line 26, leave out ‘person’ and insert ‘person over 21 years of age’.	
Mr Andy Slaughter Dan Jarvis		107
	Page 30, line 1, leave out Clause 29.	
Mr Andy Slaughter Dan Jarvis		108
	Clause 30, page 33, line 5, leave out ‘3 years’ and insert ‘12 months’.	
Mr Andy Slaughter Dan Jarvis		109
	Clause 30, page 33, line 10, leave out ‘may’ and insert ‘must’.	
Mr Andy Slaughter Dan Jarvis		110
	Clause 31, page 34, line 27, at end insert— ‘(7) The power to vary orders under this paragraph may only be exercised by an officer of court directly employed by HMCTS.’.	
Mr Andy Slaughter Dan Jarvis		111
	Clause 31, page 30, line 10, after ‘(30’, insert ‘and (3A)’.	
Mr Andy Slaughter Dan Jarvis		112
	Clause 31, page 30, line 15, after ‘regulations’, insert— ‘(3A) An order must not be made—	

Criminal Justice and Courts Bill, *continued*

- (a) if in the opinion of the court it may affect a decision on plea;
- (b) where enforcement costs are likely to amount to more than the value of the charge;
- (c) in relation to any part of the hearing for which the defendant was not responsible;
- (d) in relation to any appeal; and
- (e) before a written means assessment has been carried out.’

Mr Andy Slaughter
Dan Jarvis

- 113**
- Clause 31, page 30, line 28, after ‘court’, insert—
 ‘(6) Where there is more than one defendant the charge shall be equally divided between defendants.’

Mr Andy Slaughter
Dan Jarvis

- 114**
- Clause 32, page 34, line 37, leave out subparagraph (b).

Mr Andy Slaughter
Dan Jarvis

- 115**
- Clause 32, page 34, line 34, leave out subparagraph (a).

Mr Andy Slaughter
Dan Jarvis

- 116**
- Clause 32, page 34, line 39, after subsection (3) insert—
 ‘(3A) Where the “alternative conditions” are satisfied, any party may apply to the Supreme Court for a certificate enabling an appeal to be made directly to the Supreme Court.
 (3B) The “alternative conditions” are that a point of law of general public importance is involved in the decision and that—
 (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter;
 (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, a hearing by the Supreme Court is justified; and
 (c) the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.’

Mr Andy Slaughter
Dan Jarvis

- 117**
- Clause 32, page 34, line 43, leave out subparagraph (a).

Mr Andy Slaughter
Dan Jarvis

- 118**
- Clause 32, page 35, line 18, at end insert—
 ‘(1B) In section 15 (cases excluded from section 12) after subsection (4), insert—

Criminal Justice and Courts Bill, *continued*

- “(5) No certificate shall be granted under section 12 of this Act in any case where a declaration pursuant to section 6 of the Justice and Security Act 2013 (c. 18) has been made.
- (6) No certificate shall be granted under section 12 of this Act without the consent of one or more parties unless by decision of the Supreme Court following an oral hearing.
- (7) No certificate shall be granted under section 12 of this Act where one or more of the parties is unrepresented.”.

Mr Andy Slaughter
Dan Jarvis

119

Clause 33, page 37, line 30, after subsection (4), insert—

- ‘(5) No certificate shall be granted under section 12 of this Act in any case where a declaration pursuant to section 6 of the Justice and Security Act 2013 (c. 18) has been made.’.

Mr Andy Slaughter
Dan Jarvis

120

Clause 34, page 39, line 30, after subsection (4), insert—

- ‘(5) No certificate shall be granted under section 12 of this Act in any proceedings where closed material proceedings under Rule 54 of the Employment Tribunals Rules of Procedure pursuant to Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I 2004/1861) have been used.’.

Mr Andy Slaughter
Dan Jarvis

121

Page 39, line 31, leave out Clause 35.

Mr Andy Slaughter
Dan Jarvis

122

Clause 36, page 42, line 7, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter
Dan Jarvis

123

Page 42, line 2, leave out Clause 36.

Mr Andy Slaughter
Dan Jarvis

124

Clause 37, page 43, line 17, leave out from ‘proceedings’ to end of line 28.

Mr Andy Slaughter
Dan Jarvis

125

Clause 39, page 44, line 13, leave out ‘but under 76’.

Criminal Justice and Courts Bill, *continued*

- Mr Andy Slaughter
Dan Jarvis
126
Clause 39, page 44, line 17, leave out ‘subparagraph (b).
- Mr Andy Slaughter
Dan Jarvis
127
Page 44, line 11, leave out Clause 39.
- Mr Andy Slaughter
Dan Jarvis
128
Clause 40, page 44, line 22, leave out ‘surrender’ and insert ‘limit the use of’.
- Mr Andy Slaughter
Dan Jarvis
129
Page 45, line 6, leave out Clause 41.
- Mr Andy Slaughter
Dan Jarvis
130
Clause 42, page 47, line 6, leave out subsection (9).
- Mr Andy Slaughter
Dan Jarvis
131
Clause 43, page 47, line 26, leave out subsection (4).
- Mr Andy Slaughter
Dan Jarvis
132
Clause 44, page 47, line 36, leave out ‘from which it may be reasonably concluded’
and insert ‘which demonstrates an intention’.
- Mr Andy Slaughter
Dan Jarvis
133
Page 47, line 30, leave out Clause 44.
- Mr Andy Slaughter
Dan Jarvis
134
Clause 45, page 50, line 25, at end insert—
(8A) It is not an offence under section 20D to disclose information for the purpose of
allowing approved academic research into jury deliberations.’.

Criminal Justice and Courts Bill, *continued*
Juror education and information

Mr Andy Slaughter
Dan Jarvis

NC17

To move the following Clause:—

- (1) The Department for Education shall require schools to deliver teaching about the role and importance of jury service.
- (2) The Judicial College and HCTMS shall provide information to jurors about their obligations during jury service, to include offences under this Act.
- (3) Jurors, on the first day of jury service, shall sign a declaration to say—
 - (a) they must not undertake their own research;
 - (b) they must base their verdict only on the evidence presented at court; and
 - (c) they must not seek or disclose information about any case they try.’.

Mr Andy Slaughter
Dan Jarvis

135

Clause 50, page 52, line 3, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter
Dan Jarvis

136

Clause 50, page 52, line 5, leave out ‘not’ and insert ‘choose not to’.

Mr Andy Slaughter
Dan Jarvis

137

Clause 50, page 52, line 7, leave out ‘highly likely’ and insert ‘inevitable’.

Mr Andy Slaughter
Dan Jarvis

138

Clause 50, page 52, line 15, leave out ‘and’.

Mr Andy Slaughter
Dan Jarvis

139

Clause 50, page 52, line 18, leave out ‘highly likely’ and insert ‘inevitable’.

Mr Andy Slaughter
Dan Jarvis

140

Clause 50, page 52, line 18, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter
Dan Jarvis

141

Clause 50, page 53, line 38, leave out ‘and’.

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter Dan Jarvis		142
Clause 50, page 52, line 44, leave out ‘highly likely’ and insert ‘inevitable’.		
Mr Andy Slaughter Dan Jarvis		143
Page 51, line 35, leave out Clause 50.		
Mr Andy Slaughter Dan Jarvis		144
Clause 51, page 53, line 16, at end insert ‘or the Court has ordered that such prescribed information need not be provided in whole or in part’.		
Mr Andy Slaughter Dan Jarvis		145
Clause 51, page 53, line 21, leave out ‘likely to be available’.		
Mr Andy Slaughter Dan Jarvis		146
Clause 51, page 53, line 22, leave out ‘and’.		
Mr Andy Slaughter Dan Jarvis		147
Clause 51, page 53, line 43, leave out ‘likely to be available’.		
Mr Andy Slaughter Dan Jarvis		148
Clause 51, page 53, line 44, leave out ‘and’.		
Mr Andy Slaughter Dan Jarvis		149
Page 53, line 7, leave out Clause 51.		
Mr Andy Slaughter Dan Jarvis		150
Clause 52, page 54, line 7, leave out ‘must’ and insert ‘may’.		
Mr Andy Slaughter Dan Jarvis		151
Clause 52, page 54, line 13, leave out ‘must’ and insert ‘may’.		

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter
Dan Jarvis

152

Clause 52, page 54, line 12, at end insert—

- ‘(1) Where the information in subsection (2) includes confidential information about the financial position of a natural person the Court may to the extent necessary to protect the confidentiality of such information—
- (a) sit in private, and
 - (b) impose reporting restrictions.’.

Mr Andy Slaughter
Dan Jarvis

153

Clause 52, page 54, line 16, leave out from ‘proceedings’ to end of line 16 and insert ‘and who has in fact provided such financial support.’.

Mr Andy Slaughter
Dan Jarvis

154

Clause 53, page 54, line 31, leave out ‘not’.

Mr Andy Slaughter
Dan Jarvis

155

Clause 53, page 54, line 33, at end insert ‘if the court considers it appropriate to do so’.

Mr Andy Slaughter
Dan Jarvis

156

Clause 53, page 54, leave out lines 34 and 35.

Mr Andy Slaughter
Dan Jarvis

157

Clause 53, page 54, line 37, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter
Dan Jarvis

158

Clause 53, page 54, line 36, leave out subsections (4), (5) and (6) and insert—

- ‘() On an application to the High Court or the Court of Appeal by a relevant party to the proceedings, the court may order the intervener to pay such costs as the court considers just.
- () An order under subsection (4) will not be considered just unless exceptional circumstances apply.
 - () For the purposes of subsection (5), exceptional circumstances include where an intervener has in substance acted as if it were the principal applicant, appellant or respondent in the case.’.

Criminal Justice and Courts Bill, *continued*

- Mr Andy Slaughter
Dan Jarvis
159
Clause 53, page 54, line 39, at end insert 'if the court considers it appropriate to do so'.
- Mr Andy Slaughter
Dan Jarvis
160
Page 54, line 27, leave out Clause 53.
- Mr Andy Slaughter
Dan Jarvis
161
Clause 54, page 55, line 22, leave out subsection (3).
- Mr Andy Slaughter
Dan Jarvis
162
Clause 54, page 55, line 25, after 'judicial review', insert 'or any intervener'.
- Mr Andy Slaughter
Dan Jarvis
163
Clause 54, page 55, line 30, leave out 'or likely to be available'.
- Mr Andy Slaughter
Dan Jarvis
164
Clause 54, page 56, line 10, leave out subsections (9), (10) and (11).
- Mr Andy Slaughter
Dan Jarvis
165
Clause 55, page 56, line 41, leave out 'or may provide'.
- Mr Andy Slaughter
Dan Jarvis
166
Clause 55, page 57, line 1, leave out 'or may provide'.
- Mr Andy Slaughter
Dan Jarvis
167
Clause 55, page 57, line 10, leave out 'must' and insert 'may'.
- Mr Andy Slaughter
Dan Jarvis
168
Clause 55, page 57, line 12, leave out subsections (3), (4) and (5).

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter
Dan Jarvis

169

Page **58**, line **34**, leave out Clause 58.

Legal Aid, Judicial Review and Delegated Legislation

Mr Andy Slaughter
Dan Jarvis

NC18

To move the following Clause:—

- ‘(1) The Legal Aid Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In section 2, after subsection (3), insert the following new subsection—
 - “() Any regulations made under subsection (3) must be consistent with the intention that the services specified in this Act and its Schedules should continue to be available to individuals pursuant to this Act.”.
- (3) In section 9, after “(schedule)” insert the following new subsection—
 - “() No order made pursuant to subsection 2(b) may vary or omit any services specified in paragraph 19, Part 1, Schedule 1 (Judicial Review).”.

Permission hearing and costs

Mr Andy Slaughter
Dan Jarvis

NC19

To move the following Clause:—

- ‘(1) The High Court shall order the costs of any hearing to determine an application for leave pursuant to section 31 of the Supreme Courts Act 1981 to be paid by the unsuccessful party unless there is an exceptional circumstance which would make such an order unjust.
 - (2) In this section, “unsuccessful party” means—
 - (a) the respondent in case where leave is granted; or
 - (b) the claimant in case where leave is refused.’.
-