



# House of Commons

Tuesday 25 March 2014

## PUBLIC BILL COMMITTEE

*New Amendments handed in are marked thus ★*

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

### CRIMINAL JUSTICE AND COURTS BILL

#### NOTE

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

Mr Andy Slaughter  
Dan Jarvis

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

47

Mr Shailesh Vara

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

48

Mr Shailesh Vara

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.’

49

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

- 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.’
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- Mr Andy Slaughter  
 Dan Jarvis 40
- Clause 26, page 25, leave out lines 27 to 32.
- 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  
 Dan Jarvis 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’.

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**Criminal Justice and Courts Bill, continued**

- Mr Andy Slaughter  
Dan Jarvis 42
- Clause 26, page 26, leave out lines 5 and 6.
- Mr Andy Slaughter  
Dan Jarvis 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  
Dan Jarvis 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;’.  
*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.*

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**Criminal Justice and Courts Bill, continued**

- 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  
 Dan Jarvis 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’.
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- Mr Andy Slaughter  
 Dan Jarvis 46
- Clause 27, page 29, leave out line 39.
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- Mr Andy Slaughter  
 Dan Jarvis 98
- Clause 29, page 30, line 7, leave out ‘must’ and insert ‘may’.
- Mr Andy Slaughter  
 Dan Jarvis 99
- Clause 29, page 30, line 8, leave out ‘in respect of’ and insert ‘of up to 50 per cent of total’.
- Mr Andy Slaughter  
 Dan Jarvis 111
- Clause 29, page 30, line 10, after ‘(3)’, insert ‘and (3A)’.
- Mr Andy Slaughter  
 Dan Jarvis 100
- Clause 29, page 30, line 11, at end insert—  
 ‘(c) it being just and reasonable to do so in the opinion of the court’.

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

Mr Andy Slaughter  
Dan Jarvis

**101**

Clause 29, page 30, line 11, 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.’

Mr Andy Slaughter  
Dan Jarvis

**112**

Clause 29, page 30, line 15, at end insert—

‘(3A) An order must not be made—

- (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

**102**

Clause 29, page 30, line 28, at end insert—

‘(6) The court must give reasons for either imposing or not imposing court charges.’

Mr Andy Slaughter  
Dan Jarvis

**113**

Clause 29, page 30, line 28, at end insert—

‘(6) Where there is more than one defendant the charge shall be equally divided between defendants.’

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’.

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

Mr Andy Slaughter  
Dan Jarvis

Clause 29, page 32, line 26, leave out 'person' and insert 'person over 21 years of age'. **106**

Mr Andy Slaughter  
Dan Jarvis

Page 30, line 1, leave out Clause 29. **107**

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Mr Andy Slaughter  
Dan Jarvis

Clause 30, page 33, line 5, leave out '3 years' and insert '12 months'. **108**

Mr Andy Slaughter  
Dan Jarvis

Clause 30, page 33, line 10, leave out 'may' and insert 'must'. **109**

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Mr Andy Slaughter  
Dan Jarvis

Clause 31, page 34, line 27, at end insert— **110**  
'(7) The power to vary orders under this paragraph may only be exercised by an officer of court directly employed by HMCTS.'

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Mr Andy Slaughter  
Dan Jarvis

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

Mr Andy Slaughter  
Dan Jarvis

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

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

Mr Andy Slaughter  
Dan Jarvis

**116**

Clause 32, page 34, leave out from line 40 to end of line 7 on page 35 and 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—

‘(5) In section 15 (cases excluded from section 12) 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.
- (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.”’

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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.’

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

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.’
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Mr Andy Slaughter  
Dan Jarvis

**121**

Page 39, line 31, leave out Clause 35.

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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.

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Mr Andy Slaughter  
Dan Jarvis

**124**

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

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Mr Andy Slaughter  
Dan Jarvis

**125**

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

Mr Andy Slaughter  
Dan Jarvis

**126**

Clause 39, page 44, line 17, leave out ‘subparagraph (b).



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

Mr Andy Slaughter  
Dan Jarvis

127

Page 44, line 11, leave out Clause 39.

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Mr Andy Slaughter  
Dan Jarvis

128

Clause 40, page 44, line 22, leave out 'surrender' and insert 'limit the use of'.

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Mr Andy Slaughter  
Dan Jarvis

129

Page 45, line 6, leave out Clause 41.

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Mr Andy Slaughter  
Dan Jarvis

130

Clause 42, page 47, line 6, leave out subsection (9).

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Mr Andy Slaughter  
Dan Jarvis

131

Clause 43, page 47, line 26, leave out subsection (4).

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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'.

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

Mr Andy Slaughter  
Dan Jarvis

133

Page 47, line 30, leave out Clause 44.

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Mr Shailesh Vara

65

Clause 45, page 48, line 21, leave out ‘and 20F’ and insert ‘to 20G’.

***Member’s explanatory statement***

*This is consequential on amendments 66, 74 and 75.*

Mr Shailesh Vara

66

Clause 45, page 49, leave out lines 4 to 9.

***Member’s explanatory statement***

*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.*

Mr Shailesh Vara

67

Clause 45, page 49, line 24, at end insert—

‘(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*

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**Criminal Justice and Courts Bill, continued**

*after the jury has been discharged.*

Mr Shailesh Vara

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

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

Mr Shailesh Vara

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

Mr Shailesh Vara

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

***Member’s explanatory statement***

*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

Clause 45, page 50, line 6, at end insert ‘or consideration in question’.

Mr Shailesh Vara

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

Clause 45, page 50, leave out lines 20 to 25.

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

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.’

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.”’.

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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.*

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.

**Criminal Justice and Courts Bill, continued**

- (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).'

**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;’.

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

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—

‘(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.

**Criminal Justice and Courts Bill, continued**

- (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.

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.*

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

- 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.’
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- 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’.



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

- 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 19, leave out ‘must’ and insert ‘may’.
- Mr Andy Slaughter  
Dan Jarvis  
141  
Clause 50, page 52, line 38, leave out ‘and’.
- 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.
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- 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’.

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

- 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
- 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
- 151**
- Clause 52, page 54, line 13, leave out ‘must’ and insert ‘may’.
- 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’.

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

Mr Andy Slaughter Dan Jarvis		<b>156</b>
Clause 53, page 54, leave out lines 34 and 35.		
Dr Julian Huppert		<b>63</b>
Clause 53, page 54, line 36, leave out subsections (4) and (5).		
Mr Andy Slaughter Dan Jarvis		<b>158</b>
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.’.		
Mr Andy Slaughter Dan Jarvis		<b>157</b>
Clause 53, page 54, line 37, leave out ‘must’ and insert ‘may’.		
Mr Andy Slaughter Dan Jarvis		<b>159</b>
Clause 53, page 54, line 39, at end insert ‘if the court considers it appropriate to do so’.		
Dr Julian Huppert		<b>64</b>
Clause 53, page 54, line 43, leave out ‘or (5)’.		
Dr Julian Huppert Mr Andy Slaughter Dan Jarvis		<b>62</b>
Page 54, line 27, leave out Clause 53.		
Mr Andy Slaughter Dan Jarvis		<b>161</b>
Clause 54, page 55, line 22, leave out subsection (3).		

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

- 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).
- 
- 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.*
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 Criminal Justice and Courts Bill, *continued*

## NEW CLAUSES

*Drugs for which prisoners etc may be tested*

Mr Shailesh Vara

NC21

★ To move the following Clause:—

- ‘(1) The Prison Act 1952 is amended as follows.
- (2) In section 16A (testing prisoners for drugs), in subsection (3)—
  - (a) at the end of the definition of “drug” insert “or specified drug”,
  - (b) omit the “and” that follows the definition of “prison officer”, and
  - (c) at the appropriate place insert—
    - ““specified drug” means any substance or product specified in prison rules for the purposes of this section.”
- (3) In section 47 (rules for the management of prisons etc), after subsection (3) insert—
  - “(3A) Rules made under this section may specify any substance or product (which is not a controlled drug for the purposes of the Misuse of Drugs Act 1971) in relation to which a person may be required to provide a sample for the purposes of section 16A of this Act.”.

***Member’s explanatory statement***

*This enables the Secretary of State to specify in rules drugs that prisoners and detained young persons can be tested for. It extends the existing provision under section 16A of the Prison Act 1952 for testing for drugs that are controlled drugs under the Misuse of Drugs Act 1971.*

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*Leave of the court required for Listed Building Act proceedings*Robert Neill  
Mr Robert Buckland

NC1

To move the following Clause:—

- ‘(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.”.

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

- (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.*

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*Leave of the court required for section 287 applications*

Robert Neill  
Mr Robert Buckland

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.
- (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

**Criminal Justice and Courts Bill, continued**

(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  
Mr Robert Buckland

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 similar applications under the Hazardous Substances Act 1990.*

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

Robert Neill  
Mr Robert Buckland

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.

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

- (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.*

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

Robert Neill  
Mr Robert Buckland

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

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*Broadening of applications to the High Court to include costs decisions*

Robert Neill  
Mr Robert Buckland

**NC6**

To move the following Clause:—

- ‘(1) In section 284(3) of the Town and Country Planning Act 1990, at end add—



**Criminal Justice and Courts Bill, continued**

- “(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  
Mr Robert Buckland

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”.
- (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*

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

*planning time limits to run Tuesday to Tuesday.*

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

Robert Neill  
Mr Robert Buckland

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.*

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*Meeting a child following sexual grooming etc.*

Sarah Champion  
Dr Julian Huppert

NC9

To move the following Clause:—

- ‘(1) The Sexual Offences Act 2003 is amended as follows.

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**Criminal Justice and Courts Bill, continued**

- (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.*

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*Offence of abduction of child by other persons*

Sarah Champion  
Dr Julian Huppert

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;  
(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.

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

- (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  
Dan Jarvis

**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—
    - (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.”

**Criminal Justice and Courts Bill, continued**

- (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  
Dan Jarvis

**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 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—

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

- “(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””.

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*Trial by two justices on the papers*

Mr Andy Slaughter  
Dan Jarvis

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
    - (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

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

- (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) 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.

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

- (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 20 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).
- (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.



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

- (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)
- (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.

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

- (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."?

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*Trial by two justices on the papers: sentencing etc*

Mr Andy Slaughter  
Dan Jarvis

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);
    - (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;

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

- (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).’.
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*Protection of confidential information for victims of domestic and sexual abuse*

Dan Jarvis  
Mr Andy Slaughter  
Sarah Champion

NC16

To move the following Clause:—

- ‘(1) The Secretary of State shall—
- (a) issue mandatory codes of practice to ensure that safe addresses and other confidential contact information which would otherwise be subject to disclosure during court proceedings, is provided only to relevant court officials in cases involving victims of domestic and sexual violence or abuse; and
  - (b) by order bring such codes into effect as soon as reasonably practicable.
- (2) Court officials in receipt of confidential information under subsection (1)(a) have a duty to prevent the unauthorised disclosure of such information.
- (3) The codes of practice shall apply to all courts.’.
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*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.’.

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**Criminal Justice and Courts Bill, *continued***
*Offence of sending letters etc with intent to cause distress or anxiety*

Angie Bray  
Mr Robert Buckland

NC20

★ To move the following Clause:—

‘(1) In section 1 of the Malicious Communications Act 1988 (offence of sending letters etc with intent to cause distress or anxiety), for subsection (4) substitute—

“(4) A person guilty of an offence under this section is liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both);
- (b) on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).

(5) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (4)(b) to 12 months is to be read as reference to six months.

(6) In relation to an offence committed before section 85 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (4)9B) to a fine is to be read as a reference to a fine not exceeding the statutory maximum,”

(2) The amendment made by this section applies only in relation to an offence committed on or after the day on which it comes into force.’

***Member’s explanatory statement***

*This amendment makes the offence in section 1 of the Malicious Communications Act 1988 of sending communications with intent to cause distress or anxiety an either-way offence and provides that the penalty on conviction on indictment is imprisonment for a term not exceeding two years or a fine (or both).*

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*Aggravated offences and discrimination towards members of the armed forces*

Dan Jarvis  
Vernon Coaker  
Gemma Doyle

NC22

★ To move the following Clause:—

‘(1) Part 12 (Sentencing) of the Criminal Justice Act 2003, is amended as follows.

(2) At the end of section 146, insert—

**“147 Increase in sentences for aggravation related to membership of the armed forces**

(1) This section applies where the court is considering the seriousness of an offence committed in any of the circumstances mentioned in subsection (2).

(2) Those circumstances are—

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

- (a) that, at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim being a former or serving member (or presumed former or serving member) of the armed forces or army reserve.
  - (b) that the offence is motivated (wholly or partly) by hostility towards persons who are former or serving members of the armed forces.
- (3) The court—
- (a) must treat that fact that the offence was committed in any of those circumstances as an aggravating factor; and
  - (b) must state in open court that the offence was committed in such circumstances.
- (4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (5) In this section “armed forces” means Royal Navy, Army and Royal Air Force, both regular and reserve.”.
- (3) The Secretary of State shall bring forward legislation, within six months of this Act coming into force, making it an offence for any person to discriminate against serving or former members of the armed forces.
- (a) This offence will apply in cases where sections 13 (*Direct Discrimination*), 19 (*Indirect Discrimination*) and 28 (*Provision of services, etc.*) of the Equality Act 2010 are breached.
  - (b) Breaches under (3)(a) will extend to serving and former members of the armed forces, as if membership of such forces were a protected characteristic under section 4 of the Equality Act 2010.
  - (c) In this section “armed forces” means Royal Navy, Army and Royal Air Force, both regular and reserve.’.

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*Legal aid for judicial review*

Mr Andy Slaughter

NC23

★ To move the following Clause:—

- ‘(1) The Secretary of State may not omit, vary, limit or change the arrangements for legal aid pursuant to section 2 or section 9 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in so far as those changes related to legal services for judicial review (pursuant to section 9 and Schedule 1, paragraph 19, Legal Aid, Sentencing and Punishment of Offenders Act 2012).’
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**Criminal Justice and Courts Bill, *continued***
*Information and education for jurors*

Mr Andy Slaughter

NC24

★ To move the following Clause:—

- ‘(1) The Ministry of Justice shall develop a public education programme on the role and responsibilities of jurors, to include provisions set out in this Act.
  - (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

169

Page 58, line 34, leave out Clause 58.

Mr Shailesh Vara

170

★ Clause 60, page 59, line 27, at end insert—

- ‘() An order under this section bringing into force section (*Drugs for which prisoners etc may be tested*) may appoint different days for different areas.’

***Member’s explanatory statement****This amendment enables the Secretary of State to bring into force the new clause inserted by amendment NC21 on different days for different areas in England and Wales.*


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**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

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

- 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;
  - (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

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

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 11 March	Until no later than 5.00 pm	Law Commision
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
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.

**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 24 March 2014:*  
NC17 and NC18.