



# House of Commons

Tuesday 18 March 2014

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### CRIMINAL JUSTICE AND COURTS BILL

[FIFTH AND SIXTH SITTINGS]

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Mr Shailesh Vara

*Agreed to* 1

Clause 1, page 1, leave out lines 12 to 15 and insert ‘, to imprisonment for life’.

***Member’s explanatory statement***

*This amendment provides for the increase in the maximum penalty available for an offence under section 4 of the Explosive Substances Act 1883 from 14 years imprisonment to imprisonment for life to apply in Scotland as well as in England and Wales and Northern Ireland.*

*Clause, as amended, agreed to.*

*Clause 2 agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Withdrawn* 8

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

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

*Clause agreed to.*

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

Dan Jarvis  
Mr Andy Slaughter

*Not called* 9

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

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

*Clause agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Not called* 10

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

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

*Clause agreed to.*

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Sarah Champion

*Withdrawn* 6

Schedule 1, page 63, line 18, leave out ‘13’ and insert ‘16’.

Sarah Champion

*Not called* 7

Schedule 1, page 63, line 19, leave out ‘13’ and insert ‘16’.

Mr Shailesh Vara

*Agreed to* 2

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

*‘Road Traffic Offenders Act 1988 (c. 53)*

- 10A (1) Section 35A(4) of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed) is amended as follows.

**Criminal Justice and Courts Bill, continued**

- (2) In paragraph (e), for “that Act” (in the first place) substitute “the Criminal Justice Act 2003”.
- (3) After paragraph (f) insert—
- “(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2)(a) of that Act calculated after that term has been reduced by any relevant discount;”.

**Member’s explanatory statement**

*This amendment is consequential on the new custodial sentence created by Clause 5 of, and paragraph 2 of Schedule 1 to, the Bill and means that provision to ensure that a driving ban is extended when a custodial sentence is imposed at the same time will apply to the new sentence as it does to other custodial sentences.*

Mr Shailesh Vara

*Agreed to 3*

Schedule 1, page 66, line 27, at end insert—

*‘Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 11A (1) Section 147A(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (extension of disqualification where custodial sentence also imposed) is amended as follows.
- (2) In paragraph (e), for “that Act” (in the first place) substitute “the Criminal Justice Act 2003”.
- (3) After paragraph (f) insert—
- “(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2)(a) of that Act calculated after that term has been reduced by any relevant discount;”.

**Member’s explanatory statement**

*This amendment is consequential on the new custodial sentence created by Clause 5 of, and paragraph 2 of Schedule 1 to, the Bill and means that provision to ensure that a driving ban is extended when a custodial sentence is imposed at the same time will apply to the new sentence as it does to other custodial sentences.*

*Schedule, as amended, agreed to.*

Dan Jarvis  
Mr Andy Slaughter

*Withdrawn 15*

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

Dan Jarvis  
Mr Andy Slaughter

*Negatived on division 37*

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

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

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

carrying out of electronic monitoring in the same manner as if they were such a public authority.’.

*Clause agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Not called* 11

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

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

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

*Clause agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Not selected* 12

Page 9, line 27, leave out Clause 8.

*Clause agreed to.*

*Clause 9 agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Withdrawn* 13

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

*Clause agreed to.*

*Clauses 11 to 14 agreed to.*

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Mr Shailesh Vara

*Agreed to* 4

Clause 15, page 16, line 16, at end insert—

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

- ( ) In section 37B of the Police and Criminal Evidence Act 1984 (consultation with the Director of Public Prosecutions), in subsection (7), after “such a caution” insert “(whether because of section 14 of the Criminal Justice and Courts Act 2014 or for any other reason)”.’.

***Member’s explanatory statement***

*This amendment clarifies that the restriction on giving cautions in Clause 14 is one of the reasons why it may not be possible to give a caution following a decision to do so by the Director of Public Prosecutions under section 37B of the Police and Criminal Evidence Act 1984.*

*Clause, as amended, agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Withdrawn 14*

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

Dan Jarvis  
Mr Andy Slaughter

*Not called 29*

Clause 16, page 16, line 31, leave out from ‘of’ to end of line 37 and insert ‘the portrayal of sexual activity which involves real or apparent lack of consent,’.

Dan Jarvis  
Mr Andy Slaughter

*Not called 28*

Clause 16, page 16, line 37, at end insert—

- ‘(c) sexual activity where one of the participants is portrayed in such a way as to make them appear under 18;
- (d) a person participating in a sexual activity with someone who is depicted as a member of their immediate family; and
- (e) sexual activity incorporating sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game.’.

*Clause agreed to.*

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Mr Shailesh Vara

*Agreed to 16*

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

***Member’s explanatory statement***

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

Dan Jarvis  
Mr Andy Slaughter

*Withdrawn 32*

Clause 17, page 18, line 18, at end insert—

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

‘(d) Secure Children’s Homes’.

Dan Jarvis  
Mr Andy Slaughter

*Withdrawn* 30

Clause 17, page 18, line 20, at end insert—

‘(2A) No person who is aged under 15 shall be detained in a secure college established under subsection (1)(c).’.

Dan Jarvis  
Mr Andy Slaughter

*Withdrawn* 31

Clause 17, page 18, line 20, at end insert—

‘(2A) A young woman may not be placed in a secure college established under subsection (1)(c).’.

Mr Shailesh Vara

*Agreed to* 17

Clause 17, page 18, leave out line 32.

***Member’s explanatory statement***

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

Mr Shailesh Vara

*Agreed to* 18

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

Dan Jarvis  
Mr Andy Slaughter

*Not called* 33

Clause 17, page 19, line 35, after ‘contempt’, insert—

‘(14) The Secretary of State shall make arrangements to ensure that sufficient places are available in secure children’s homes to enable young persons for whom detention in a secure children’s home is deemed more appropriate by the relevant authority than detention in a secure college or young offender institution to be so detained.’.

*Clause, as amended, agreed to.*

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Dan Jarvis  
Mr Andy Slaughter

*Not called* 35

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

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

Mr Shailesh Vara

*Agreed to* 19

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

‘16A In section 28(1) (arrangements to safeguard and promote welfare: Wales), after paragraph (h) insert—

“(ha) the principal of a secure college in Wales;”.

16B In section 31(3) (establishment of Local Safeguarding Children Boards in Wales), after paragraph (f) insert—

“(fa) the principal of a secure college in the area of the authority;”.

16C In section 33(3)(c) (funding of Local Safeguarding Children Boards in Wales), after “or prison” insert “or the principal of a secure college”.

***Member’s explanatory statement****This amendment and amendments 20, 21, 24, 25, 26 and 27 are consequential on amendment 16..*

Mr Shailesh Vara

*Agreed to* 20

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

Mr Shailesh Vara

*Agreed to* 21

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

*Schedule, as amended, agreed to.*

[Adjourned until Thursday at 11.30 am]