



House of Commons

Tuesday 25 March 2014

PUBLIC BILL COMMITTEE PROCEEDINGS

CRIMINAL JUSTICE AND COURTS BILL

[NINTH AND TENTH SITTINGS]

Mr Andy Slaughter
Dan Jarvis

Clause 24, page 23, line 12, leave out 'single' and insert 'two'. *Not selected* 47

Mr Shailesh Vara

Clause 24, page 23, line 23, leave out subsection (4) and insert— *Agreed to* 48
() In subsection (3), for "The" substitute "Where a relevant prosecutor issues a written charge and a requisition, the".

Mr Shailesh Vara

Clause 24, page 23, line 28, at end insert— *Agreed to* 49
“(3ZA)Where a relevant prosecutor issues a written charge and a single justice procedure notice, the written charge and notice must be served on the person concerned, and a copy of both must be served on the designated officer specified in the notice.”

Mr Shailesh Vara

Clause 24, page 23, line 29, leave out first 'the' and insert 'a'. *Agreed to* 50

Mr Shailesh Vara

Clause 24, page 24, line 5, after 'issue' insert 'written charges,'. *Agreed to* 51

Mr Shailesh Vara

Clause 24, page 24, line 7, after 'only' insert 'written charges and'. *Agreed to* 52

Mr Andy Slaughter

Clause 24, page 24, line 15, at end insert— *Withdrawn* 39

Criminal Justice and Courts Bill, *continued*

‘(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.’

Clause, as amended, agreed to.

Clause 25 agreed to.

Mr Andy Slaughter
Dan Jarvis

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

Withdrawn 40

Mr Shailesh Vara

Clause 26, page 25, line 27, leave out ‘for the magistrates’ court’.

Agreed to 53

Mr Andy Slaughter
Dan Jarvis

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.’

Withdrawn 41

Mr Shailesh Vara

Clause 26, page 26, line 2, leave out ‘for the magistrates’ court’.

Agreed to 54

Mr Andy Slaughter
Dan Jarvis

Clause 26, page 26, leave out lines 5 and 6.

Negated on division 42

Mr Andy Slaughter
Dan Jarvis

Clause 26, page 26, line 7, leave out from ‘parties’ to end.

Withdrawn 43

Mr Shailesh Vara

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.’

Agreed to 54A

Mr Andy Slaughter
Dan Jarvis

Clause 26, page 26, line 18, at end insert—

Not called 44

Criminal Justice and Courts Bill, *continued*

- (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

Clause 26, page 26, line 27, leave out ‘for the magistrates’ court’. *Agreed to 55*

Mr Shailesh Vara

Clause 26, page 26, line 33, leave out from ‘court’ to ‘must’ in line 34 and insert ‘dealing with the matter’. *Agreed to 56*

Mr Shailesh Vara

Clause 26, page 27, line 24, leave out from ‘be)’ to end of line 28. *Agreed to 57*

Mr Shailesh Vara

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;’. *Agreed to 58*

Mr Shailesh Vara

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).’. *Agreed to 59*

Mr Andy Slaughter
 Dan Jarvis

Clause 26, page 28, line 11, at end insert ‘or that the accused did not understand the documents specified in 16(a)(2).’. *Withdrawn 45*

Mr Shailesh Vara

Clause 26, page 28, line 14, leave out ‘for the magistrates’ court’. *Agreed to 60*

Clause, as amended, agreed to.

Mr Andy Slaughter
 Dan Jarvis

Clause 27, page 29, leave out line 39. *Withdrawn 46*

Clause agreed to.

Clause 28 agreed to.

Criminal Justice and Courts Bill, *continued*

Schedule 5 agreed to.

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 7, leave out 'must' and insert 'may'. *Negated on division* 98

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 8, leave out 'in respect of' and insert 'of up to 50 per cent of total'. *Not called* 99

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 10, after '(3)', insert 'and (3A)'. *Not called* 111

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 11, at end insert—
'(c) it being just and reasonable to do so in the opinion of the court'. *Not called* 100

Mr Andy Slaughter
Dan Jarvis

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.'. *Withdrawn* 101

Mr Andy Slaughter
Dan Jarvis

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.'. *Not called* 112

Mr Andy Slaughter
Dan Jarvis

Clause 29, page 30, line 28, at end insert—
'(6) The court must give reasons for either imposing or not imposing court charges.'. *Not called* 102

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter
Dan Jarvis

Withdrawn 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

Not called 103

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

Mr Andy Slaughter
Dan Jarvis

Not called 104

Clause 29, page 30, line 43, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter
Dan Jarvis

Not called 105

Clause 29, page 31, line 10, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter
Dan Jarvis

Withdrawn 106

Clause 29, page 32, line 26, leave out ‘person’ and insert ‘person over 21 years of age’.

Mr Andy Slaughter
Dan Jarvis

Not selected 107

Page 30, line 1, leave out Clause 29.

Clause agreed to.

Schedule 6 agreed to.

Mr Andy Slaughter
Dan Jarvis

Withdrawn 108

Clause 30, page 33, line 5, leave out ‘3 years’ and insert ‘12 months’.

Mr Andy Slaughter
Dan Jarvis

Not called 109

Clause 30, page 33, line 10, leave out ‘may’ and insert ‘must’.

Criminal Justice and Courts Bill, *continued*

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Withdrawn 110

Clause 31, page 34, line 27, at end insert—

‘(7) The power to vary orders under this paragraph may only be exercised by an officer of court directly employed by HMCTS.’.

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Withdrawn 115

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

Mr Andy Slaughter
Dan Jarvis

Not called 114

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

Mr Andy Slaughter
Dan Jarvis

Not called 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

Not called 117

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

Mr Andy Slaughter
Dan Jarvis

Withdrawn 118

Clause 32, page 35, line 18, at end insert—

Criminal Justice and Courts Bill, *continued*

(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.”.

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Not called 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.’.

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Not called 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.’.

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Not selected 121

Page 39, line 31, leave out Clause 35.

Clause agreed to on division.

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter
Dan Jarvis

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

Withdrawn 122

Mr Andy Slaughter
Dan Jarvis

Page 42, line 2, leave out Clause 36.

Not called 123

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

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

Withdrawn 124

Clause agreed to.

Clause 28 agreed to.

Mr Andy Slaughter
Dan Jarvis

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

Withdrawn 125

Mr Andy Slaughter
Dan Jarvis

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

Not called 126

Mr Andy Slaughter
Dan Jarvis

Page 44, line 11, leave out Clause 39.

Not selected 127

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

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

Withdrawn 128

Criminal Justice and Courts Bill, *continued*

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Page 45, line 6, leave out Clause 41.

Not selected 129

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

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

Withdrawn 130

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

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

Not called 131

Clause agreed to.

Mr Andy Slaughter
Dan Jarvis

Clause 44, page 47, line 36, leave out 'from which it may be reasonably concluded'
and insert 'which demonstrates an intention'.

Withdrawn 132

Mr Andy Slaughter
Dan Jarvis

Page 47, line 30, leave out Clause 44.

Not selected 133

Clause agreed to.

Criminal Justice and Courts Bill, *continued*

Mr Shailesh Vara

Agreed to 65

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

Mr Shailesh Vara

Agreed to 66

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

Mr Shailesh Vara

Agreed to 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.'

Mr Shailesh Vara

Agreed to 68

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

Mr Shailesh Vara

Agreed to 69

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

Mr Shailesh Vara

Agreed to 70

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

Criminal Justice and Courts Bill, *continued*

Mr Shailesh Vara

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

Agreed to 71

Mr Shailesh Vara

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

Agreed to 72

Mr Shailesh Vara

Clause 45, page 50, line 17, at end insert—

Agreed to 73

'(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).'

Mr Shailesh Vara

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

Agreed to 74Mr Andy Slaughter
Dan Jarvis

Clause 45, page 50, line 25, at end insert—

Withdrawn 134

'(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

Clause 45, page 50, line 41, at end insert—

Agreed to 75

'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."

*Clause, as amended, agreed to.**Clause 46 agreed to.*

[Adjourned until Thursday at 11.30 am]