



# House of Commons

Thursday 27 March 2014

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### CRIMINAL JUSTICE AND COURTS BILL

[ELEVENTH AND TWELFTH SITTINGS]

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Mr Shailesh Vara

Schedule 7, page 92, line 30, leave out 'and 5F' and insert 'to 5G'. *Agreed to 76*

Mr Shailesh Vara

Schedule 7, page 93, leave out lines 15 to 21. *Agreed to 77*

Mr Shailesh Vara

Schedule 7, page 93, line 34, after '5F' insert— *Agreed to 78*

'(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.

(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

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

whether to submit the information to a person listed in sub-paragraph (A2), provided that the disclosure does not involve publishing the information.’.

Mr Shailesh Vara

Schedule 7, page 93, line 34, leave out ‘General’ and insert ‘General’s Office’. *Agreed to 79*

Mr Shailesh Vara

Schedule 7, page 93, line 43, leave out from beginning to end of line 6 on page 94. *Agreed to 80*

Mr Shailesh Vara

Schedule 7, page 94, line 24, at end insert— *Agreed to 81*  
 ‘(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).’.

Mr Shailesh Vara

Schedule 7, page 94, leave out lines 27 to 33. *Agreed to 82*

Mr Shailesh Vara

Schedule 7, page 94, line 34, at end insert— *Agreed to 83*  
 “‘the Attorney General’s Office’ means the Attorney General, the Solicitor General or a member of staff of the Attorney General’s Office;’.

Mr Shailesh Vara

Schedule 7, page 94, line 41, at end insert— *Agreed to 84*  
 ‘(da) a senior coroner, area coroner or assistant coroner;’.

Mr Shailesh Vara

Schedule 7, page 94, line 46, at end insert— *Agreed to 85*

*‘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.”.

*Schedule, as amended, agreed to.*

*Clause 47 agreed to.*

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

Mr Shailesh Vara

Schedule 8, page 98, line 6, leave out 'and 7' and insert 'to 7A'. *Agreed to 86*

Mr Shailesh Vara

Schedule 8, page 99, leave out lines 1 to 7. *Agreed to 87*

Mr Shailesh Vara

Schedule 8, page 99, line 21, after '7' insert— *Agreed to 88*

(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.

(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.?

Mr Shailesh Vara

Schedule 8, page 99, line 33, leave out second 'to' and insert 'for the purposes of enabling or assisting'. *Agreed to 89*

Mr Shailesh Vara

Schedule 8, page 99, line 37, leave out 'for the purposes of considering' and insert 'to consider'. *Agreed to 90*

Mr Shailesh Vara

Schedule 8, page 99, line 40, leave out from beginning to end of line 4 on page 100. *Agreed to 91*

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

Mr Shailesh Vara

Schedule 8, page 100, line 6, after '(1)' insert 'or (2)'.

*Agreed to* 92

Mr Shailesh Vara

Schedule 8, page 100, line 7, at end insert 'or consideration in question'.

*Agreed to* 93

Mr Shailesh Vara

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).'

*Agreed to* 94

Mr Shailesh Vara

Schedule 8, page 100, leave out lines 23 to 29.

*Agreed to* 95

Mr Shailesh Vara

Schedule 8, page 100, line 44, at end insert—

*Agreed to* 96

*'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.'

*Schedule, as amended, agreed to.*

*Clause 48 agreed to.*

*Clause 49 agreed to.*

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 Mr Andy Slaughter  
 Dan Jarvis

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

*Withdrawn* 135
 Mr Andy Slaughter  
 Dan Jarvis

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

*Not called* 136

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

Mr Andy Slaughter  
Dan Jarvis

*Not moved* **137**

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

Mr Andy Slaughter  
Dan Jarvis

*Not selected* **138**

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

Mr Andy Slaughter  
Dan Jarvis

*Not called* **139**

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

Mr Andy Slaughter  
Dan Jarvis

*Not called* **140**

Clause **50**, page **52**, line **19**, leave out ‘must’ and insert ‘may’.

Mr Andy Slaughter  
Dan Jarvis

*Not selected* **141**

Clause **50**, page **52**, line **38**, leave out ‘and’.

Mr Andy Slaughter  
Dan Jarvis

*Not called* **142**

Clause **50**, page **52**, line **44**, leave out ‘highly likely’ and insert ‘inevitable’.

Mr Andy Slaughter  
Dan Jarvis

*Not selected* **143**

Page **51**, line **35**, leave out Clause 50.

*Clause agreed to on division.*

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Mr Andy Slaughter  
Dan Jarvis

*Withdrawn* **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

*Withdrawn* **145**

Clause **51**, page **53**, line **21**, leave out ‘likely to be available’.

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

Mr Andy Slaughter  
Dan Jarvis

Clause 51, page 53, line 22, leave out ‘and’.

*Not selected* 146

Mr Andy Slaughter  
Dan Jarvis

Clause 51, page 53, line 43, leave out ‘likely to be available’.

*Not called* 147

Mr Andy Slaughter  
Dan Jarvis

Clause 51, page 53, line 44, leave out ‘and’.

*Not selected* 148

Mr Andy Slaughter  
Dan Jarvis

Page 53, line 7, leave out Clause 51.

*Not selected* 149

*Clause agreed to on division.*

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Mr Andy Slaughter  
Dan Jarvis

Clause 52, page 54, line 7, leave out ‘must’ and insert ‘may’.

*Withdrawn* 150

Mr Andy Slaughter  
Dan Jarvis

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.’.

*Withdrawn* 152

Mr Andy Slaughter  
Dan Jarvis

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

*Not called* 151

Mr Andy Slaughter  
Dan Jarvis

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.’.

*Withdrawn* 153

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

*Clause agreed to on division.*

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Mr Andy Slaughter  
Dan Jarvis

Clause 53, page 54, line 31, leave out 'not'.

*Withdrawn* 154

Mr Andy Slaughter  
Dan Jarvis

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

*Not called* 155

Mr Andy Slaughter  
Dan Jarvis

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

*Not called* 156

Dr Julian Huppert

Clause 53, page 54, line 36, leave out subsections (4) and (5).

*Negated on division* 63

Mr Andy Slaughter  
Dan Jarvis

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.'

*Not called* 158

Mr Andy Slaughter  
Dan Jarvis

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

*Not called* 157

Mr Andy Slaughter  
Dan Jarvis

Clause 53, page 54, line 39, at end insert 'if the court considers it appropriate to do so'.

*Not called* 159

Dr Julian Huppert

Clause 53, page 54, line 43, leave out 'or (5)'.

*Not called* 64

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

Dr Julian Huppert  
Mr Andy Slaughter  
Dan Jarvis

*Not selected* 62

Page 54, line 27, leave out Clause 53.

*Clause agreed to on division.*

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Mr Andy Slaughter  
Dan Jarvis

*Withdrawn* 161

Clause 54, page 55, line 22, leave out subsection (3).

Mr Andy Slaughter  
Dan Jarvis

*Withdrawn* 162

Clause 54, page 55, line 25, after 'judicial review', insert 'or any intervener'.

Mr Andy Slaughter  
Dan Jarvis

*Withdrawn* 163

Clause 54, page 55, line 30, leave out 'or likely to be available'.

Mr Andy Slaughter  
Dan Jarvis

*Withdrawn* 164

Clause 54, page 56, line 10, leave out subsections (9), (10) and (11).

*Clause agreed to on division.*

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Mr Andy Slaughter  
Dan Jarvis

*Not called* 165

Clause 55, page 56, line 41, leave out 'or may provide'.

Mr Andy Slaughter  
Dan Jarvis

*Not called* 166

Clause 55, page 57, line 1, leave out 'or may provide'.

Mr Andy Slaughter  
Dan Jarvis

*Withdrawn* 167

Clause 55, page 57, line 10, leave out 'must' and insert 'may'.



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

Mr Andy Slaughter  
Dan Jarvis

*Not called* 168

Clause 55, page 57, line 12, leave out subsections (3), (4) and (5).

*Clause agreed to.*

*Clause 56 agreed to.*

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Robert Neill

*Withdrawn* 5

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

*Clause agreed to.*

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*NEW CLAUSES*

*Drugs for which prisoners etc may be tested*

Mr Shailesh Vara

*Agreed to* 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.”
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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  
 Mr Shailesh Vara  
 Stephen Metcalfe  
 Robert Neill

*Agreed to* **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)(b) 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.’

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*Leave of the court required for Listed Building Act proceedings*

Robert Neill  
 Mr Robert Buckland  
 Angie Bray

*Not called* **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)—

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

- (a) the date on which the order is confirmed; or (in the case of an order under section 23 which takes effect under section 25 without confirmation) takes effect, or
  - (b) the date on which the action is taken.”.
- (4) After subsection (5) insert—
- “(5A) When considering whether to grant leave for the purposes of subsection (3A), the High Court may, subject to subsection (6), by interim order suspend the operation of the order or action the validity of which the person or authority concerned wishes to question, until the final determination of—
- (a) the question of whether leave should be granted, or
  - (b) where leave is granted, the proceedings on any application under this section made with such leave.”.
- (5) After subsection (6) insert—
- “(6A) In this section “English matter” means—
- (a) an order to which this section applies which is made by—
    - (i) a local planning authority in England, or
    - (ii) the Secretary of State, or
  - (b) action to which this section applies which is on the part of the Secretary of State.”.
- (6) After subsection (7) insert—
- “(8) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (3A).”.

*Leave of the court required for section 287 applications*

Robert Neill  
Mr Robert Buckland  
Angie Bray

*Not called* 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—

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

- “(6) In this section “English matter” means a scheme or alteration of such a scheme or an order to which this section applies which is made by—
- (a) a local planning authority in England, or
  - (b) the Secretary of State, or
- (7) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).”.

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*Leave of the court required for hazardous substances applications*

Robert Neill  
Mr Robert Buckland  
Angie Bray

*Not called* **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).”.

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

Robert Neill  
Mr Robert Buckland  
Angie Bray

*Not called* **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).”.

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

Robert Neill  
Mr Robert Buckland  
Angie Bray

*Not called* **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”.’.

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

Robert Neill  
Mr Robert Buckland  
Angie Bray

*Not called* **NC6**

To move the following Clause:—

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

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

- (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.”.

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*Equalisation of six week periods for bringing proceedings*

Robert Neill  
Mr Robert Buckland

*Not called* 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”.

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

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

Robert Neill  
Mr Robert Buckland  
Angie Bray

*Not called* 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.”.’.
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*Meeting a child following sexual grooming etc.*

Sarah Champion  
Dr Julian Huppert  
Mrs Emma Lewell-Buck

*Withdrawn* NC9

To move the following Clause:—

- ‘(1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 15(1)(a) (meeting a child following sexual grooming etc.) for “two”, substitute “one”.’.
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**Criminal Justice and Courts Bill, *continued***
*Offence of abduction of child by other persons*

Sarah Champion  
 Dr Julian Huppert  
 Mrs Emma Lewell-Buck

*Withdrawn 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”.’.
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*Offence of assaulting a worker selling alcohol*

Dan Jarvis  
 Mr Andy Slaughter

*Negatived on division 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.
  - (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.’.
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**Criminal Justice and Courts Bill, *continued***
*Instituting proceedings by written charge*

Mr Andy Slaughter  
Dan Jarvis

*Not called* 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.”.
- (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

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

- (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).’.
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*Instituting proceedings: further provision*

Mr Andy Slaughter  
Dan Jarvis

*Not called* **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—
  - “(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.”.

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

- (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

*Not called* 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
    - (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—

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

- (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.
- (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.

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

- (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.
- (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).

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

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

Mr Andy Slaughter  
Dan Jarvis

*Not called* 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;
- (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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**Criminal Justice and Courts Bill, *continued****Protection of confidential information for victims of domestic and sexual abuse*

Dan Jarvis  
Mr Andy Slaughter  
Sarah Champion

*Withdrawn* **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

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

Dan Jarvis  
Vernon Coaker  
Gemma Doyle

*Withdrawn* **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—



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**Criminal Justice and Courts Bill, *continued*****“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—
    - (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.’.

[Adjourned until Tuesday 1 April at 8.55 am