



# House of Commons

## NOTICES OF AMENDMENTS

given on

**Wednesday 7 May 2014**

*For other Amendment(s) see the following page(s) of Supplement to Votes:  
1847, 1939-40, 1941-44 and 1963-75*

### CONSIDERATION OF BILL

#### CRIMINAL JUSTICE AND COURTS BILL, AS AMENDED

*Offences committed by disqualified drivers*

Secretary Chris Grayling

**NC14**

To move the following Clause:—

‘(1) After section 3ZB of the Road Traffic Act 1988 insert—

**“3ZC Causing death by driving: disqualified drivers**

A person is guilty of an offence under this section if he or she—

- (a) causes the death of another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

**3ZD Causing serious injury by driving: disqualified drivers**

(1) A person is guilty of an offence under this section if he or she—

- (a) causes serious injury to another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

(2) In this section “serious injury” means—

- (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
- (b) in Scotland, severe physical injury.”

(2) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts) at the appropriate place insert—

Criminal Justice and Courts Bill, *continued*

“RTA section 3ZC	Causing death by driving: disqualified drivers	On indictment	10 years or a fine or both	Obligatory	Obligatory	3-11
RTA section 3ZD	Causing serious injury by driving: disqualified drivers	(a) Summarily	(a) On conviction in England and Wales: 12 months or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.	Obligatory	Obligatory	3-11”.
		(b) On indictment	(b) 4 years or a fine or both			

- (3) In the entries in Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 relating to an offence under section 3ZD of the Road Traffic Act 1988—
- (a) in relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in column 4 to 12 months on summary conviction in England and Wales is to be read as a reference to 6 months, and
  - (b) 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 column 4 to a fine on summary conviction in England and Wales is to be read as a reference to the statutory maximum.
- (4) Schedule (*Offences committed by disqualified drivers: further amendments*) contains further amendments relating to the offences under sections 3ZC and 3ZD of the Road Traffic Act 1988.
- (5) The amendments made by this section and Schedule (*Offences committed by disqualified drivers: further amendments*) have effect only in relation to driving which occurs after they come into force.’.

**Member’s explanatory statement**

*This amendment makes the offence of causing death by driving while disqualified an indictable only offence and increases the maximum penalty for such conduct to 10 years’ imprisonment. It also creates an offence of causing serious injury by driving while disqualified - an either way offence with a maximum penalty of 4 years’ imprisonment.*

Secretary Chris Grayling

NS2

To move the following Schedule:—

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

‘OFFENCES COMMITTED BY DISQUALIFIED DRIVERS: FURTHER AMENDMENTS

*Road Traffic Act 1988 (c. 52)*

- 1 (1) Section 3ZB of the Road Traffic Act 1988 (causing death by driving: unlicensed, disqualified or uninsured drivers) is amended as follows.
- (2) Omit paragraph (b) (but not the “or” at the end).
- (3) In the heading, omit “, disqualified”.

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

- 2 The Road Traffic Offenders Act 1988 is amended as follows.
- 3 (1) Section 24 (alternative verdicts: general) is amended as follows.
- (2) In subsection (A2)—
  - (a) after paragraph (b) insert—
    - “(ba) an offence under section 3ZC of that Act (causing death by driving: disqualified drivers),
    - (bb) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers)”.
- (3) In the table in subsection (1), at the appropriate place insert—

“Section 3ZC (causing death by driving: disqualified drivers)	Section 103(1)(b) (driving while disqualified)
Section 3ZD (causing serious injury by driving: disqualified drivers)	Section 103(1)(b) (driving while disqualified)”.

- 4 In section 34(4)(a) (disqualification for certain offences), after sub-paragraph (ia) insert—
  - “(iib) an offence under section 3ZC of that Act (causing death by driving: disqualified drivers), or
  - (iic) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers), or”.
- 5 (1) Section 36(2) (disqualification until test is passed) is amended as follows.
- (2) At the end of paragraph (a) omit “or”.
- (3) For paragraph (b) substitute—
  - “(b) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),
  - (c) an offence under section 1A of that Act (causing serious injury by dangerous driving),
  - (d) an offence under section 2 of that Act (dangerous driving),
  - (e) an offence under section 3ZC of that Act (causing death by driving: disqualified drivers), or
  - (f) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers).”
- 6 In section 45 (effect of endorsement of counterparts), for subsection (6) substitute—
  - “(6) Where the offence was under one of the following sections of the Road Traffic Act 1988, the endorsement remains effective until four years have elapsed since the conviction—
    - (a) section 1 (causing death by dangerous driving),

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

- (b) section 1A (causing serious injury by dangerous driving),
  - (c) section 2 (dangerous driving),
  - (d) section 3ZC (causing death by driving: disqualified drivers),  
or
  - (e) section 3ZD (causing serious injury by driving: disqualified drivers).”
- 7 In section 45A (effect of endorsement of driving records), for subsection (4) as substituted by paragraph 42 of Schedule 3 to the Road Safety Act 2006 (endorsement: all drivers), substitute—
- “(4) Where the offence was under one of the following sections of the Road Traffic Act 1988, the endorsement remains effective until four years have elapsed since the conviction—
- (a) section 1 (causing death by dangerous driving),
  - (b) section 1A (causing serious injury by dangerous driving),
  - (c) section 2 (dangerous driving),
  - (d) section 3ZC (causing death by driving: disqualified drivers),  
or
  - (e) section 3ZD (causing serious injury by driving: disqualified drivers).”
- 8 (1) The table in Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply) is amended as follows.
- (2) In the entry relating to section 3ZB of the Road Traffic Act 1988, in the second column omit “, disqualified”.
- (3) After that entry insert—

“RTA section 3ZC	Causing death by driving: disqualified drivers	Section 11 of this Act.
RTA section 3ZD	Causing serious injury by driving: disqualified drivers	Sections 11 and 12(1) of this Act.”

- 9 In the table in Part 1 of Schedule 2 (prosecution and punishment of offences under the Traffic Acts), in the entry relating to section 3ZB of the Road Traffic Act 1988, in column 2 omit “, disqualified”.

*Crime (International Co-operation) Act 2003 (c. 32)*

- 10 (1) Paragraph 3 of Schedule 3 to the Crime (International Co-operation) Act 2003 (application of duty to give notice to foreign authorities of driving disqualification of a non-UK resident) is amended as follows.
- (2) In sub-paragraph (ca) omit “, disqualified”.
- (3) After that sub-paragraph insert—

- “(cb) section 3ZC (causing death by driving: disqualified drivers),
- (cc) section 3ZD (causing serious injury by driving: disqualified drivers).”

*Criminal Justice Act 2003 (c. 44)*

- 11 In Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences for the purposes of sentencing dangerous offenders), after paragraph 48 (offence under section 1 of the Road Traffic Act 1988) insert—

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

“48A An offence under section 3ZC of that Act (causing death by driving: disqualified drivers).”

*Coroners and Justice Act 2009 (c. 25)*

- 12 (1) In paragraph 1(6) of Schedule 1 to the Coroners and Justice Act 2009 (suspension of investigations where certain criminal charges may be brought), in the definition of “homicide offence”, paragraph (b) is amended as follows.
- (2) In sub-paragraph (iii) omit “, disqualified”.
- (3) After that sub-paragraph insert—
- “(iia) section 3ZC (causing death by driving: disqualified drivers);”.

***Member’s explanatory statement***

*This Schedule contains amendments relating to the offences under sections 3ZC and 3ZD of the Road Traffic Act 1988 (inserted by amendment NC14). It includes provisions about alternative verdicts, retests and the period of endorsement.*

Secretary Chris Grayling

7

Title, line 2, after ‘conviction;’ insert ‘to make provision about offences committed by disqualified drivers;’.

Julie Hilling  
Mike Kane

8

Clause 28, page 26, line 35, at end insert—

‘(3A) For cases involving driving offences, where the accused has 12 or more penalty points currently on their drivers’ record, any exceptional hardship plea previously made by the accused must be disclosed to the court.’

Julie Hilling  
Mike Kane

9

Clause 28, page 26, line 31, at end insert—

‘(c) a submission from the DVLA to inform the court of any penalty points endorsed on the driver’s record.’

*Aggravated offences against members of the armed forces*

Dan Jarvis  
Vernon Coaker  
Mr Andrew Slaughter  
Mr Kevan Jones

NC15

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; and
  - (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 the 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.’.

Dan Jarvis  
Mr Andrew Slaughter  
Sarah Champion

**10**

Schedule 4, page 74, line 17, at end insert—

*‘Staff*

- 4A (4) All staff employed as teachers, counsellors or nurses at a secure unit must hold qualifications as one of the following—
- (a) qualified teachers;
  - (b) accredited member of the British Association of Counsellors and Psychotherapists; and
  - (c) registered nurse (children).’.

Dan Jarvis  
Mr Andrew Slaughter

**11**

Schedule 4, page 77, line 20, leave out from ‘where’ until the end of line 21 and insert ‘a young person poses an imminent threat of injury to himself or others, and only when all other means of control have been exhausted.’.

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

Dan Jarvis Mr Andrew Slaughter	<b>12</b>
Clause 19, page 20, line 30, at end insert— ‘(14) The Secretary of State must make arrangements to ensure there is adequate specialist provision to cater for the health and wellbeing needs of all young persons detained in a secure college.’	
Dan Jarvis Mr Andrew Slaughter	<b>13</b>
Clause 19, page 20, line 30, at end 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.’	
Dan Jarvis Mr Andrew Slaughter	<b>14</b>
Clause 19, page 19, line 16, at end insert— ‘(2A) A young woman may not be placed in a secure college established under subsection (1)(c).’	
Dan Jarvis Mr Andrew Slaughter	<b>15</b>
Clause 19, page 19, line 16, 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 Andrew Slaughter	<b>16</b>
Page 20, line 37, leave out Clause 20.	
Dan Jarvis Mr Andrew Slaughter	<b>17</b>
Page 75, line 1, leave out Schedule 4.	
Dan Jarvis Mr Andrew Slaughter	<b>18</b>
Page 19, line 4, leave out Clause 19.	
Mr Robert Buckland	<b>19</b>
Schedule 4, page 76, line 16, at end insert— ‘(3) The Principal shall— (a) keep special educational provision in the secure college under review;	

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

- (b) keep SEN and disability training of secure college workforce under review;
- (c) ensure persons detained who may have a special educational need are brought to the attention of their home local authority; and
- (d) carry out (a), (b) and (c) with advice from the secure college SEN co-ordinator.’

*The Criminal Justice and Public Order Act 1994*

Mr Robert Buckland

NC16

To move the following Clause:—

- ‘(1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 68, after subsection (5) insert—
  - “(6) A contravention of subsection (1) shall be actionable in civil proceedings at the suit of a person adversely affected by it, subject to the defences and other incidents applying to actions for breach of statutory duty.’.

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**NOTICES WITHDRAWN***The following Notices were withdrawn on 7 May 2014:*NC1.

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