



House of Commons

Monday 12 May 2014

CONSIDERATION OF BILL

New Amendments handed in are marked thus ★

CRIMINAL JUSTICE AND COURTS BILL, AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Criminal Justice and Courts Bill (Programme (No. 2)) Motion to be proposed by Secretary Chris Grayling.

NEW CLAUSES AND NEW SCHEDULES RELATING TO ANY OF THE FOLLOWING: DRIVING OFFENCES; DETERMINATION OF THE MINIMUM TERM IN RELATION TO MANDATORY LIFE SENTENCES; COMMITTAL OF YOUNG OFFENDERS TO THE CROWN COURT FOR SENTENCE

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).

Criminal Justice and Courts Bill, *continued*

- (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—

“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.

Criminal Justice and Courts Bill, continued

- (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.

Penalty for driving while disqualified

Mr Andy Slaughter
Dan Jarvis

NC22

To move the following Clause:—

- ‘(1) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts) in the entry relating to the offence of obtaining licence, or driving, while disqualified, section 103(1)(b) of the Road Traffic Act 1988—
- (a) in column 3 leave out “6 months” and insert “12 months”;
 - (b) in column 2 below “(c) On indictment, in Scotland”, insert “(d) On indictment, in England and Wales”; and
 - (c) in column 3 below “(c) 12 months or a fine or both” insert “(d) 2 years or a fine or both”.
- (2) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference to 12 months is to be read as reference to six months.
- (3) The amendment made by this section applies only in relation to an offence committed on or after the day on which it comes into force.’.

Member’s explanatory statement

Makes the offence of driving while disqualified triable either way, with a maximum penalty of 2 years’ imprisonment for conviction on indictment.

Secretary Chris Grayling

NS2

To move the following Schedule:—

‘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”.

Criminal Justice and Courts Bill, *continued*
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 (iia) 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),
- (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).”

Criminal Justice and Courts Bill, *continued*

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—

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

Criminal Justice and Courts Bill, *continued*
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.

Term of imprisonment for murder of a police or prison officer

Secretary Chris Grayling

NC10

To move the following Clause:—

- ‘(1) Schedule 21 to the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence) is amended as follows.
- (2) In paragraph 4(2) (cases for which a whole life order is the appropriate starting point), after paragraph (b) insert—
- “(ba) the murder of a police officer or prison officer in the course of his or her duty.”.
- (3) In paragraph 5(2) (cases for which 30 years is the appropriate starting point), omit paragraph (a).
- (4) The amendments made by this section apply only in relation to an offence committed on or after the day on which they come into force.’.

Member’s explanatory statement

This amendment provides that the court should normally start by considering a whole life term when sentencing an offender for the murder of a police or prison officer in the course of his or her duty. Currently, the starting point in these cases is a minimum term of 30 years.

Committal for sentence of young offenders convicted of certain serious offences

Secretary Chris Grayling

NC11

To move the following Clause:—

- ‘(1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- (2) In section 3B (committal for sentence on indication of guilty plea by child or young person), for subsection (1) substitute—

Criminal Justice and Courts Bill, *continued*

- “(1) This section applies where on the summary trial of an offence mentioned in section 91(1) of this Act a person aged under 18 is convicted of the offence.”
- (3) For the heading of that section substitute “Committal for sentence of young offenders on summary trial of certain serious offences”.
- (4) The amendment made by subsection (2) applies only if the person convicted of the offence first appeared in respect of the offence after the day on which the amendment comes into force.
- (5) For the purposes of subsection (4), a person first appears in respect of an offence when the person first appears or is brought before a magistrates’ court in the proceedings in which the person is charged with the offence.’.

Member’s explanatory statement

This amendment allows a magistrates’ court to commit a person under 18 for sentence to the Crown Court where the court has found the person guilty of an offence mentioned in section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000. Currently the court can only do so following an early guilty plea.

***NEW CLAUSES AND NEW SCHEDULES RELATING TO ANY OF THE FOLLOWING:
TREATMENT, RELEASE AND RECALL OF PRISONERS; ADULT CAUTIONS; OFFENCES OF
SEXUAL GROOMING OF CHILDREN OR ABDUCTION OF CHILDREN; ARMED FORCES;
AMENDMENTS TO PART 1***

Fixed term recalls

Philip Davies
Mr David Nuttall

NC29

To move the following Clause:—

- ‘(1) Section 255A of the Criminal Justice Act 2003 is amended as follows.
- (2) After subsection 4, insert—
- “(4A) A person is not suitable for automatic release if—
- (a) he is an extended sentence prisoner or a specified offence prisoner;
- (b) in a case where paragraph (a) does not apply, he was recalled under section 254 before the normal entitlement date (having been released before that date under section 246 or 248); or
- (c) in a case where neither of the proceeding paragraphs applies, he has, during the same term of imprisonment, already been released under section 255B(1)(b) or (2) or section 255C(2).’.
-

Criminal Justice and Courts Bill, *continued*

Tagged curfew on remand not to count towards time served

Philip Davies
Mr David Nuttall

NC31

To move the following Clause:—

- (1) The Criminal Justice Act 2003 is amended as follows.
 - (2) In subsection (1B)(c) of section 237, leave out “or section 240A”.
 - (3) In the italic heading before section 240, after “custody”, leave out “or on bail subject to certain types of condition”.
 - (4) Leave out section 240A.’
-

Open prisons: deportees

Philip Davies
Mr David Nuttall

NC37

To move the following Clause:—

‘No prisoner serving a sentence for which he is liable for deportation can be moved to a Category D prison.’

Resettlement licence: deportees

Philip Davies
Mr David Nuttall

NC38

To move the following Clause:—

‘No prisoner serving a sentence for which he is liable for deportation can be eligible for resettlement licence.’

Criminal Justice and Courts Bill, *continued*

Open prisons: murderers

Philip Davies
Mr David Nuttall

NC39

To move the following Clause:—

‘No prisoner serving a sentence for murder can be moved to a Category D prison.’

Resettlement licence: murderers

Philip Davies
Mr David Nuttall

NC40

To move the following Clause:—

‘No prisoner serving a sentence for murder can be eligible for resettlement licence.’

Open prisons: serious offenders

Philip Davies
Mr David Nuttall

NC41

To move the following Clause:—

‘No prisoner serving a sentence for an indictable only offence can be moved to a Category D prison.’

Criminal Justice and Courts Bill, *continued*
Open prisons: victims

Philip Davies
Mr David Nuttall

NC42

To move the following Clause:—

‘No prisoner serving a life sentence can be moved to a Category D prison before the views of the victim or the victim’s family have been sought and considered by the Secretary of State for Justice.’.

Meeting a child following sexual grooming etc.

Sarah Champion
Dr Julian Huppert
Mrs Emma Lewell-Buck
Craig Whittaker

NC2

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”.’.

Member’s explanatory statement

At present, someone is only considered to be committing an offence if they contact the child twice and arrange to meet them or travel to meet them with the intention of committing a sexual offence. This new Clause would mean that the perpetrator would only have to make contact once.

Offence of abduction of child by other persons

Sarah Champion
Dr Julian Huppert
Mrs Emma Lewell-Buck
Craig Whittaker

NC3

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 person) for “sixteen”, substitute “eighteen”.’.

Member’s explanatory statement

At present, there is a disparity between the ages that children must be to be considered to be abducted depending on whether they are in the care system or not. This new Clause would rectify

Criminal Justice and Courts Bill, *continued*

this disparity and set a consistent age of under 18.

Aggravated offences against members of the armed forces

Dan Jarvis
 Vernon Coaker
 Mr Andy 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—

“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.’.
-

Criminal Justice and Courts Bill, *continued*

Diana Johnson
Helen Goodman
Dan Jarvis
Mr Andy Slaughter

20

Clause 18, page 17, line 29, leave out from ‘portrays’ to end of line 42 and insert ‘sexual activity which involves real or apparent lack of consent or any form of physical restraint which prevents participants from indicating a withdrawal of consent’.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO ANY OF THE FOLLOWING:
DETENTION OF YOUNG OFFENDERS; YOUTH CAUTIONS; REFERRAL ORDERS;
AMENDMENTS TO PART 2*

Dan Jarvis
Mr Andy Slaughter
John McDonnell
Jeremy Corbyn

18

Page 19, line 4, leave out Clause 19.

Dan Jarvis
Mr Andy Slaughter

14

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 Andy Slaughter

15

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 Andy Slaughter

12

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 Andy Slaughter

13

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

Criminal Justice and Courts Bill, *continued*

authority than detention in a secure college or young offender institution, to be so detained.’.

Dan Jarvis
Mr Andy Slaughter
John McDonnell
Jeremy Corbyn

Page 20, line 37, leave out Clause 20.

16

John McDonnell
Jeremy Corbyn

Page 71, line 1, leave out Schedule 3.

21

Secretary Chris Grayling

Schedule 3, page 73, line 15, at end insert—

‘16A In section 25(4A) (co-operation to improve well-being: Wales)—

(a) for “Crown or” substitute “Crown,” and

(b) after “director” insert “or the principal of a secure college”.’.

Member’s explanatory statement

This amendment and amendment 6 add references to secure colleges to provisions of, or inserted by, the Social Services and Well-being (Wales) Act 2014, including provisions which require Welsh Ministers to seek the Secretary of State’s consent before specifying certain persons as partners in arrangements in Wales to protect or improve the well-being of children.

5

Secretary Chris Grayling

Schedule 3, page 74, line 33, at end insert—

‘Social Services and Well-being (Wales) Act 2014 (anaw 4)

31 (1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.

(2) In section 134(8) (Safeguarding Children Boards and Safeguarding Adults Boards)—

(a) for “Crown or” substitute “Crown,” and

(b) after “director” insert “or the principal of a secure college”.

(3) In section 188(1) (interpretation of sections 185 to 187), in the definition of “youth detention accommodation”, after paragraph (b) insert—

“(ba) a secure college;”.’.

6

Criminal Justice and Courts Bill, *continued*

Dan Jarvis
Mr Andy Slaughter
John McDonnell
Jeremy Corbyn

Page 76, line 10, leave out Schedule 4.

17

Dan Jarvis
Mr Andy Slaughter
Sarah Champion

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

10

‘Staff

- 4A (1) 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).’

Mr Robert Buckland

Schedule 4, page 76, line 16, at end insert—

19

‘(3) The Principal shall—

- (a) keep special educational provision in the secure college under review;
- (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.’

Dan Jarvis
Mr Andy Slaughter

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.’.

11



Criminal Justice and Courts Bill, *continued*

*NEW CLAUSES AND NEW SCHEDULES RELATING TO ANY OF THE FOLLOWING:
TRIAL IN MAGISTRATES' COURTS ON THE PAPERS; CHARGING OFFENDERS IN RESPECT
OF COSTS OF CRIMINAL COURTS; COLLECTION OF FINES; APPEALS IN CIVIL
PROCEEDINGS, OTHER THAN JUDICIAL REVIEW AND CHALLENGES TO PLANNING-
RELATED DECISIONS; WASTED COSTS IN CIVIL PROCEEDINGS; CONTEMPT OF COURT;
JURIES AND MEMBERS OF THE COURT MARTIAL; AMENDMENTS TO PART 3*

Criminal courts charge and collection of fines

John McDonnell
Jeremy Corbyn

NC17

To move the following Clause:—

‘Where a court dealing with an offender considers—

- (a) that it would be appropriate to make a compensation order, but
- (b) that he has insufficient means to pay both the criminal courts charge and appropriate compensation, the court must reduce the charge accordingly (if necessary to nil).’.

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.’.

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.’.

John McDonnell
Jeremy Corbyn

22

Clause **33**, page **35**, line **13**, at end insert—

- ‘(7) The provision of this section shall have effect only so long as the functions of Fines Officers remain administrative in nature and do not involve the making any judicial decisions.’.

Criminal Justice and Courts Bill, continued
NEW CLAUSES AND NEW SCHEDULES RELATING TO JUDICIAL REVIEW AND CHALLENGES TO PLANNING-RELATED DECISIONS; AMENDMENTS TO PART 4
Leave of court required for certain planning applications

Secretary Chris Grayling

NC12

To move the following Clause:—

‘Schedule (*amendments relating to planning proceedings*) contains amendments requiring leave of court to be obtained before certain planning applications may be made.’

Member’s explanatory statement

This amendment introduces a new Schedule (see amendment NS1) which provides that challenges to a range of planning-related decisions and other actions may only be brought with the leave of the High Court.

Periods of time for certain legal challenges

Secretary Chris Grayling

NC13

To move the following Clause:—

- (1) In section 61N of the Town and Country Planning Act 1990 (legal challenges relating to neighbourhood development orders)—
 - (a) in subsections (1)(b) and (2)(b), after “beginning with” insert “the day after”;
 - (b) in subsection (3)(b)—
 - (i) for “during” substitute “before the end of”;
 - (ii) after “beginning with” insert “the day after”.
- (2) In section 106C of that Act (legal challenges relating to development consent obligations)—
 - (a) in subsection (1)(b)—
 - (i) for “during” substitute “before the end of”;
 - (ii) after “beginning with” insert “the day after”;
 - (b) in subsection (1A), after “begins with” insert “the day after”;
 - (c) in subsections (2)(b) and (3)(b)—
 - (i) for “during” substitute “before the end of”;
 - (ii) after “beginning with” insert “the day after”.
- (3) In section 13 of the Planning Act 2008 (legal challenges relating to national policy statements), in subsections (1)(b), (2)(b), (3)(b), (4)(b), (5)(b) and (6)(b)—
 - (a) for “during” substitute “before the end of”;
 - (b) after “beginning with” insert “the day after”.
- (4) In section 118 of that Act (legal challenges relating to applications for orders granting development consent)—
 - (a) in subsections (1)(b), (2)(b) and (3)(b)—
 - (i) for “during” substitute “before the end of”;

Criminal Justice and Courts Bill, *continued*

- (ii) after “beginning with” insert “the day after”;
- (b) in subsections (4)(b), (5)(b) and (6)(b)—
 - (i) for “during” substitute “before the end of”;
 - (ii) after “day”, wherever occurring, insert “after the day”;
- (c) in subsection (7)(b)—
 - (i) for “during” substitute “before the end of”;
 - (ii) after “beginning with” insert “the day after”.

Member’s explanatory statement

The provisions amended by the clause allow for legal challenges to certain planning-related decisions and other actions. They stipulate that a challenge may be made during a period of six weeks beginning with the day on which the decision or action challenged occurs. The amendments secure that the six-week period does not start to run until the following day.

Secretary Chris Grayling

NS1

To move the following Schedule:—

‘LEAVE OF COURT REQUIRED FOR CERTAIN PLANNING APPLICATIONS

Town and Country Planning Act 1990 (c. 8)

- 5 Part 12 of the Town and Country Planning Act 1990 (validity) is amended as follows.
- 6 (1) Section 287 (proceedings for questioning validity of development plans and certain schemes and orders) is amended as follows.
 - (2) After subsection (2) insert—
 - “(2A) An application under this section may not be made without the leave of the High Court.
 - (2B) An application for leave for the purposes of subsection (2A) must be made before the end of the period of six weeks beginning with the day after the relevant date.”
 - (3) After subsection (3) insert—
 - “(3ZA) An interim order has effect—
 - (a) if made on an application for leave, until the final determination of—
 - (i) the question of whether leave should be granted, or
 - (ii) where leave is granted, the proceedings on any application under this section made with such leave;
 - (b) in any other case, until the proceedings are finally determined.”
 - (4) Omit subsections (3C) and (4).
 - (5) In subsection (5), for “subsection (4)” substitute “subsection (2B)”.
 - (6) After subsection (5) insert—
 - “(5A) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (2A).”
 - 7 (1) Section 288 (proceedings for questioning validity of other orders, decisions and directions) is amended as follows.

Criminal Justice and Courts Bill, *continued*

- (2) Omit subsection (3).
- (3) After subsection (4) insert—
- “(4A) An application under this section may not be made without the leave of the High Court.
- (4B) An application for leave for the purposes of subsection (4A) must be made before the end of the period of six weeks beginning with the day after (as the case may be)—
- (a) the date on which the order is confirmed or (in the case of an order under section 97 which takes effect under section 99 without confirmation) takes effect, or
 - (b) the date on which the action is taken.
- (4C) When considering whether to grant leave for the purposes of subsection (4A), 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.”

(4) For subsection (6) substitute—

“(6) The High Court may not make an interim order—

 - (a) under subsection (4C), where leave is sought to make an application questioning the validity of a tree preservation order, or
 - (b) under subsection (5)(a), on an application questioning the validity of a tree preservation order.”

(5) After subsection (10) insert—

“(11) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).”

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 8 (1) Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning validity of other orders, decisions and directions) is amended as follows.
- (2) For subsection (3) substitute—
- “(3A) An application under this section may not be made without the leave of the High Court.
- (3B) An application for leave for the purposes of subsection (3A) must be made before the end of the period of six weeks beginning with the day after (as the case may be)—
- (a) the date on which the order is confirmed or (in the case of an order under section 23 which takes effect under section 25 without confirmation) takes effect, or
 - (b) the date on which the action is taken.
- (3C) When considering whether to grant leave for the purposes of subsection (3A), the High Court may by interim order suspend the operation of the order or decision the validity of which the person or

Criminal Justice and Courts Bill, *continued*

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.”

(3) In subsection (4), after “section” insert “(other than an application for leave)”.

Planning (Hazardous Substances) Act 1990 (c. 10)

- 9
- (1) Section 22 of the Planning (Hazardous Substances) Act 1990 (validity of decisions as to applications) is amended as follows.
 - (2) In subsections (1) and (2), omit “within six weeks from the date on which the decision is taken”.
 - (3) After subsection (2) insert—
 - “(2A) An application under this section may not be made without the leave of the High Court.
 - (2B) An application for leave for the purposes of subsection (2A) must be made before the end of the period of six weeks beginning with the day after the date on which the decision to which the application relates is taken.
 - (2C) When considering whether to grant leave for the purposes of subsection (2A), the High Court may by interim order suspend the operation of the decision 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.”
 - (4) In subsection (3), after “section” insert “(other than an application for leave)”.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 10
- (1) Section 113 of the Planning and Compulsory Purchase Act 2004 (validity of strategies, plans and documents) is amended as follows.
 - (2) After subsection (3) insert—
 - “(3A) An application may not be made under subsection (3) without the leave of the High Court.
 - (3B) An application for leave for the purposes of subsection (3A) must be made before the end of the period of six weeks beginning with the day after the relevant date.”
 - (3) Omit subsection (4).
 - (4) After subsection (5) insert—
 - “(5A) An interim order has effect—
 - (a) if made on an application for leave, until the final determination of—
 - (i) the question of whether leave should be granted, or
 - (ii) where leave is granted, the proceedings on any application under this section made with such leave;
 - (b) in any other case, until the proceedings are finally determined.”

Criminal Justice and Courts Bill, continued

(5) Omit subsection (8).’

Member’s explanatory statement

The Schedule provides that challenges to a number of planning-related decisions and other actions may only be brought with the leave of the High Court. The amendments to section 288 of the Town and Country Planning Act 1990 (previously contained in clause 59) are no longer confined to challenges relating to English matters.

Secretary Chris Grayling

1

Page 58, line 28, leave out clause 59.

Member’s explanatory statement

It is proposed to move the amendments made by clause 59 to section 288 of the Town and Country Planning Act 1990 into a new Schedule (see amendment NS1). That amendment also brings the proposed procedure for applications under section 288 for Wales into line with the proposed procedure for England.

NEW CLAUSES AND NEW SCHEDULES RELATING TO OFFENCES OF POSSESSING OR USING OFFENSIVE WEAPONS; REMAINING NEW CLAUSES AND NEW SCHEDULES; AMENDMENTS TO PART 5; REMAINING PROCEEDINGS ON CONSIDERATION

Possessing an offensive weapon or bladed article in public or on school premises: sentencing for second offences for those aged 16 or over

Nick de Bois
Mr David Burrowes
Tracey Crouch
Mr David Davis
Mr Graham Brady
Mr Dominic Raab

Stephen McPartland
Bob Blackman
Andrew Rosindell
David Morris
Jeremy Lefroy
Mr Stewart Jackson
Jason McCartney
Philip Davies
Mr Brian Binley
Karl McCartney
James Duddridge
Simon Reeve
Mr James Gray

Dr Julian Lewis
Andrew Bingham
Mr David Amess
Karl McCartney
Priti Patel
Gordon Henderson
David T.C. Davies
Mr David Nuttall
Mr Peter Bone
Sheryll Murray
James Morris
Stephen Barclay
Mr Douglas Carswell

Mr Charles Walker
Bob Stewart
Dan Byles
Stephen Barclay
Mark Reckless
Mr Julian Brazier
Mr William Cash
Anne Marie Morris
Mr Richard Bacon
Heather Wheeler
Sir Gerald Howarth
Dr Sarah Woolaston
Charlotte Leslie

NC6

To move the following Clause:—

- ‘(1) The Prevention of Crime Act 1953 is amended as follows.
- (2) In section 1 (Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse) after subsection (2) insert—

Criminal Justice and Courts Bill, *continued*

- “(2A) Section (2B) applies where—
- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 16 or over and had one other conviction under—
 - (i) subsection (1),
 - (ii) section (1A); or
 - (iii) section 139 of the Criminal Justice Act 1988;
 - (iv) section 139A of the Criminal Justice Act 1988; or
 - (v) section 139AA of the Criminal Justice Act 1988;
 - (c) the offence was committed after he had been convicted of the other.
- (2B) Where a person aged 16 or over is convicted of an offence under this section, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (2C) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least six months;
 - (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (2D) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (2E) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (2B)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.
- (3) The Criminal Justice Act 1988 is amended as follows.
- (4) In section 139 (Offence of having article with blade or point in public place) after subsection (6) insert—
- “(6A) Section (6B) applies where—
- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 16 or over and had one other conviction under—
 - (i) subsection (1);
 - (ii) section 139A;
 - (iii) section 139AA; or
 - (iv) sections (1) or (1A) of the Prevention of Crime Act 1953;
 - (c) the offence was committed after he had been convicted of the other.

Criminal Justice and Courts Bill, *continued*

- (6B) Where a person aged 16 or over is convicted of an offence under this section, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (6C) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
 - (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least four months.
- (6D) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (6E) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6B) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”
- (5) In section 139A (Offence of having article with blade or point (or offensive weapon)) on school premises after subsection (5) insert—
- “(5A) Section (5B) applies where—
- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 16 or over and had one other conviction under—
 - (i) subsection (1);
 - (ii) section 139;
 - (iii) section 139AA; or
 - (iv) sections (1) or (1A) of the Prevention of Crime Act 1953;
 - (c) the offence was committed after he had been convicted of the other.
- (5B) Where a person aged 16 or over is convicted of an offence under this section, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (5C) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
 - (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least four months.
- (5D) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall

Criminal Justice and Courts Bill, *continued*

be taken for the purposes of this section to have been committed on the last of those days.

- (5E) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (5B) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.

Possessing an offensive weapon or bladed article in public or on school premises: sentencing for second offences for those aged 18 or over

Nick de Bois
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Stephen Barclay
Mark Reckless
Mr Julian Brazier
Mr William Cash
Anne Marie Morris
Mr Richard Bacon
Heather Wheeler
Sir Gerald Howarth
Dr Sarah Wollaston
Charlotte Leslie

NC7

To move the following Clause:—

- (1) The Prevention of Crime Act 1953 is amended as follows.
(2) In section 1 (Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse) after subsection (2) insert—

“(2A) Subsection (2B) applies where—

- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
(b) at the time when the offence was committed, he was 18 or over and had one other conviction under—
 (i) subsection (1)
 (ii) section (1A);
 (iii) section 139 of the Criminal Justice Act 1988;
 (iv) section 139A of the Criminal Justice Act 1988; or
 (v) section 139AA of the Criminal Justice Act 1988;
(c) the offence was committed after he had been convicted of the other.

Criminal Justice and Courts Bill, *continued*

- (2B) Where a person is convicted of an offence under subsection (1) the court must impose a sentence of imprisonment for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (2C) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two days or more, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (2D) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (2B) to a sentence of imprisonment in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.
- (3) The Criminal Justice Act 1988 is amended as follows.
- (4) In section 139 (Offence of having article with blade or point in public place) after subsection (6) insert—
- “(6A) Subsection (6b) applies where—
- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 18 or over and had one other conviction under—
 - (i) subsection (1);
 - (ii) section 139A;
 - (iii) section 139AA; or
 - (iv) sections (1) or (1A) of the Prevention of Crime Act 1953;
 - (c) the offence was committed after he had been convicted of the other.
- (6B) Where a person is convicted of an offence under subsection (1) the court must impose a sentence of imprisonment for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (6C) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (6D) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6B) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.
- (5) In section 139A (Offence of having article with blade or point (or offensive weapon)) on school premises after subsection (5) insert—
- “(5A) Section (5B) applies where—

Criminal Justice and Courts Bill, *continued*

- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 18 or over and had one other conviction under—
 - (i) subsection (1);
 - (ii) section 139;
 - (iii) section 139AA; or
 - (iv) sections (1) or (1A) of the Prevention of Crime Act 1953;
 - (c) the offence was committed after he had been convicted of the other.
- (5B) Where a person is convicted of an offence under subsection (1) the court must impose a sentence of imprisonment for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (5C) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (5D) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (5B) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.

Giving evidence at remote sites

Ann Coffey

NC8

To move the following Clause:—

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) After Section (30) insert—

“30A Giving evidence at remote sites

- (1) A special measures direction may provide for persons eligible for assistance under section (16) to give evidence at a remote site.
- (2) For the purposes of this section any facility may be designated as a remote site where the court is satisfied that all the five criteria as follows have been met—
 - (a) the facility must be suitable for hearing evidence;

Criminal Justice and Courts Bill, *continued*

- (b) the facility must be absent from the court building;
 - (c) the location of the facility must be appropriate to meet the needs and promote the welfare of the witness;
 - (d) the arrangement must not prevent the witness from being able to see, and to be seen by—
 - (i) the judge or justices (or both) and the jury (if there is one);
 - (ii) legal representatives acting in the proceedings; and
 - (iii) any interpreter or other person appointed (in pursuance of the direction or otherwise) to assist the witness.”’.
-

Persons under 11 years of age to give evidence through intermediaries

Ann Coffey

NC9

To move the following Clause:—

- ‘(1) The Youth Justice and Criminal Evidence 1999 is amended as follows.
- (2) After Section (29) insert—

“29A Persons under 11 years of age to give evidence through intermediaries

- (1) Where a victim or witnesses under 11 years of age is required to testify in court proceedings the court must, through a special measures direction, provide for any examination of the witness to be conducted through an intermediary as defined under section (29).
 - (2) A person must not act as an intermediary under subsection (1) except after—
 - (a) undertaking screening to be provided by the Disclosure and Barring Service;
 - (b) making a declaration, in such form as may be prescribed by the rules of court, that he will faithfully perform his function as an intermediary.
 - (c) providing evidence to the court of relevant accredited training, qualifications and experience.”’.
-

Civil proceedings for cases of aggravated trespass

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—

Criminal Justice and Courts Bill, *continued*

- “(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.’.

Member’s explanatory statement

This amendment would enable civil proceedings to be brought by those adversely affected by cases of aggravated trespass.

Definition of a foreign pornographic service

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC18

To move the following Clause:—

- ‘(1) A service is a foreign pornographic service if—
- (a) the principal purpose of the service is the provision of still images or audio-visual material which is pornographic;
 - (b) it includes pornographic material which depicts in an explicit and realistic way—
 - (i) penetration of the vagina or anus of a person with a part of the body or anything else;
 - (ii) oral sex;
 - (iii) masturbation;
 - (iv) ejaculation;
 - (v) urinary or excretory functions; or
 - (vi) acts of restraint or violence or threats which are associated with sexual activity;
 - (c) the provider of the service is not under the jurisdiction of a European Union Member State for the purposes of the Audiovisual Media Services Directive;
 - (d) the pornographic still images or audio-visual material are received by the user by means of an electronic communications network; and
 - (e) the service can be received in the United Kingdom by a member of the public using standard consumer equipment.
- (2) In this section “pornographic” has the same meaning as in section 63 (c)-(e) of the Criminal Justice and Immigration Act 2008.’.
-

Criminal Justice and Courts Bill, *continued**Licensing of foreign pornographic services*

Helen Goodman
Dan Jarvis
Diana Johnson
Mr Andy Slaughter

NC19

To move the following Clause:—

- (1) The provider of a foreign pornographic service is guilty of an offence if the service is not a service licensed by the appropriate licensing authority.
 - (2) An application for a licence to provide a foreign pornographic service—
 - (a) must be made in such manner; and
 - (b) must contain such information about the applicant, his business and the service he proposes to provide, as the appropriate licensing authority may determine.
 - (3) The appropriate licensing authority may require an application for a licence to provide a foreign pornographic service to be accompanied by a fee if such fee is payable in accordance with a tariff approved by the Secretary of State.
 - (4) The Secretary of State may for the purposes of subsection (3) approve a tariff providing for different fees for different classes of foreign pornographic service and for different circumstances.
 - (5) Any licence issued by the appropriate licensing authority must require that any material which falls within section [Definition of a foreign pornographic service](1)(b) is provided in a manner which secures that persons under 18 will not normally see or hear it.
 - (6) The Secretary of State may by notice under this section require that any licence issued by the appropriate licensing authority must contain requirements other than that contained in subsection (5).
 - (7) No licence issued by the appropriate licensing authority may stipulate a condition other than one required under subsection (5) or subsection (6).
 - (8) The appropriate licensing authority may—
 - (a) decline to issue a licence to a foreign pornographic service if that service is in breach of any requirement under subsection (5) or (6); or
 - (b) revoke a licence to provide a foreign pornographic service if that service is in breach of any requirement under subsection (5) or (6).
 - (9) Unless revoked under section (8) above, a licence shall remain in force for one year or for such shorter period as the appropriate licensing authority on the grant of the licence may determine.
 - (10) The appropriate licensing authority may transfer any licence granted by them to such other person as they think fit.
 - (11) The Secretary of State may by notice under this section designate any body to be the appropriate licensing authority.
 - (12) The Secretary of State shall not make any designation under this section unless he is satisfied that adequate arrangements will be made by the designated body for an appeal by any person against—
 - (a) a refusal by the appropriate licensing authority to issue a licence to that person; or
 - (b) a decision by the appropriate licensing authority to revoke a licence issued to that person.
-

Criminal Justice and Courts Bill, *continued*

Parliamentary procedure for designation

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC20

To move the following Clause:—

- ‘(1) Where the Secretary of State proposes to make a designation under section [Licensing of foreign pornographic services](11) of this Act, he shall lay particulars of his proposal before both Houses of Parliament and shall not make the proposed designation until after the end of the period of 40 days beginning with the day on which the particulars of his proposal were so laid.
- (2) If, within the period mentioned in subsection (1) above, either House resolves that the Secretary of State should not make the proposed designation, the Secretary of State shall not do so, but without prejudice to his power to lay before Parliament particulars of further proposals in accordance with that subsection.
- (3) For the purposes of subsection (1) above—
 - (a) where particulars of a proposal are laid before each House of Parliament on different days, the later day shall be taken to be the day on which the particulars were laid before both Houses; and
 - (b) in reckoning any period of 40 days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.’

Penalties

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC21

To move the following Clause:—

‘A person guilty of an offence under section [Licensing of foreign pornographic services](1) shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.’

Criminal Justice and Courts Bill, *continued**Unduly lenient sentences: time limit*

Philip Davies
Mr David Nuttall

NC23

To move the following Clause:—

- (1) The Criminal Justice Act 1988 is amended as follows.
 - (2) In Schedule 3, paragraph 1, after “within” leave out “28” and insert “42”.
-

Unduly lenient sentences: time limit (No. 2)

Philip Davies
Mr David Nuttall

NC24

To move the following Clause:—

- (1) The Criminal Justice Act 1988 is amended as follows.
 - (2) In Schedule 3, paragraph 1, after “within” leave out “28” and insert “56”.
-

Unduly lenient sentences: time limit (No. 3)

Philip Davies
Mr David Nuttall

NC25

To move the following Clause:—

- (1) The Criminal Justice Act 1988 is amended as follows.
 - (2) In Schedule 3, paragraph 1, after “within” leave out “28” and insert “70”.
-

Unduly lenient sentences: time limit (No. 4)

Philip Davies
Mr David Nuttall

NC26

To move the following Clause:—

- (1) The Criminal Justice Act 1988 is amended as follows.
 - (2) In Schedule 3, paragraph 1, leave out “28” and insert “90”.
-

Criminal Justice and Courts Bill, *continued*

Raising the retirement age for JPs to 75

Philip Davies
Mr David Nuttall

NC27

To move the following Clause:—

- ‘(1) Section 13 of the Courts Act 2003 is amended as follows.
- (2) In subsection (2), leave out “70” and insert “75”.
- (3) In subsection (3)(a), leave out “70” and insert “75”.
- (4) (a) after “reaches”, leave out “70” and insert “75”.’.

Raising the retirement age for judges to 75

Philip Davies
Mr David Nuttall

NC28

To move the following Clause:—

- ‘(1) Section 26 of the Judicial Pensions and Retirement Act 1993 is amended as follows.
- (2) In subsection (1), leave out “70” and insert “75”.
- (3) In subsection (4), leave out “70” and insert “75”.
- (4) In subsection (5), leave out the words “and not extending beyond the day on which the person attains the age of 75”.
- (5) In subsection (6), leave out the words “and not extending beyond the day on which the person attains the age of 75”.
- (6) In subsection (7), leave out “70” and insert “75”.’.

Increasing magistrates’ sentencing powers to 12 months for one offence

Philip Davies
Mr David Nuttall

NC30

To move the following Clause:—

- ‘(1) Section 154 of the Criminal Justice Act 2003 shall come into force.
 - (2) Section 282 of the Criminal Justice Act 2003 shall come into force.’.
-

Criminal Justice and Courts Bill, *continued**Collection and provision to judges of information relating to re-offending*

Philip Davies
Mr David Nuttall

NC32

To move the following Clause:—

‘The Lord Chancellor must—

- (1) Arrange for the collection on an annual basis of statistics relating to re-offending by defendants in criminal trials (excluding Magistrates Courts) who have not received immediate custodial sentences on conviction and who subsequently re-offend; and
- (2) Provide information to the judge in each trial mentioned in (1) about the further offence and sentence in the case of each such defendant case.’.

Sentencing escalator

Philip Davies
Mr David Nuttall

NC33

To move the following Clause:—

- ‘(1) Any person convicted of the same criminal offence on more than one occasion must receive a longer custodial sentence for the second or subsequent offence than his longest previous sentence for the same offence, unless the Court considers it unjust to do so.
- (2) Where the sentencing options for the current offence do not permit the court to increase the sentence under the provisions of subsection (1) the court must impose the maximum sentence available to it, unless the Court considers it unjust to do so.
- (3) In determining a sentence under subsection (1), a court shall not be bound by section 125 (sentencing guidelines: duty of court) of the Coroners and Justice Act 2009.’.

Criminalising commercial squatting and squatting on land

Philip Davies
Mr David Nuttall

NC34

To move the following Clause:—

- ‘(1) Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In the heading, after “in”, leave out “a residential building” and insert “buildings and on land”.

Criminal Justice and Courts Bill, *continued*

- (3) In subsection (1)(a) after “a”, leave out “residential”, and after “building”, insert “or on land”.
- (4) In subsection (1)(c) after “building”, insert “or on the land”.
- (5) In subsection (2) after “building”, add “or land”.
- (6) Leave out subsection (3)(b) and insert “Land has the meaning defined in section 205(1)(ix) of the Law of Property Act 1925.
- (7) After “building”, insert “or land”.
- (8) (a) after “squatting in” leave out “a residential building” and insert “buildings and on land”.

New form of joint enterprise offence

Philip Davies
Mr David Nuttall

NC35

To move the following Clause:—

- (1) The Domestic Violence, Crime and Victims Act 2004 is amended as follows.
- (2) In the italic cross-heading before section 5, leave out all the words after “a” and insert “person”.
- (3) In subsection 1(a) leave out “child or vulnerable adult” and insert “person”.
- (4) In subsection (1)(a) after “unlawful act of”, leave out to end of the subsection and insert “someone” (“P”), where D was with P at the time of the unlawful act”.
- (5) Leave out subsection (1)(b).
- (6) Leave out subsection (3).
- (7) Leave out subsection (4).
- (8) In subsection 6 leave out the definitions of “child” and “vulnerable adult”.

Intentional harassment, alarm or distress

Philip Davies
Mr David Nuttall

NC36

To move the following Clause:—

- (1) Section 4A of the Public Order Act 1986 is amended as follows.
 - (2) In subsection (1)(a) leave out “, abusive or insulting” and insert “or abusive”.
 - (3) In subsection (1)(b) leave out “, abusive or insulting” and insert “or abusive”.
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Criminal Justice and Courts Bill, *continued*

Secretary Chris Grayling

2

Clause 63, page 60, line 34, leave out '16' and insert '16(1) to (4)'.

Member's explanatory statement

This amendment is consequential on the insertion of subsection (5) of clause 16 (which was inserted in Public Bill Committee).

Secretary Chris Grayling

3

Clause 63, page 60, leave out line 35.

Member's explanatory statement

This amendment and amendment 4 are required so that the amendments in Part 5 of Schedule 4 (further amendments relating to contracting-out secure colleges) have the same territorial extent as the legislation that they amend (see clause 63(1)).

Secretary Chris Grayling

4

Clause 63, page 60, line 37, at beginning insert 'Parts 1 to 4 of'.

Secretary Chris Grayling

7

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

ORDER OF THE HOUSE [24 FEBRUARY 2014]

That the following provisions shall apply to the Criminal Justice and Courts Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 1 April 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Criminal Justice and Courts Bill, *continued*

Other Proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

CRIMINAL JUSTICE AND COURTS BILL (PROGRAMME (NO. 2))

Secretary Chris Grayling

That the Order of 24 February 2014 (Criminal Justice and Courts Bill (Programme)) be varied as follows—

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration shall be taken on the days shown in the first column of the following Table and in the order so shown.
4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

Proceedings

*Time for conclusion of
proceedings*

First day

New Clauses and new Schedules relating to any of the following— 7.00 pm
 (a) driving offences;
 (b) determination of the minimum term in relation to mandatory life sentences;
 (c) committal of young offenders to the Crown Court for sentence

New Clauses and new Schedules relating to any of the following— 8.30 pm
 (a) treatment, release and recall of prisoners;
 (b) adult cautions;
 (c) offences of sexual grooming of children or abduction of children;
 (d) Armed Forces;
 amendments to Part 1.

Criminal Justice and Courts Bill, *continued*
*Proceedings**Time for conclusion of proceedings*

New Clauses and new Schedules relating to any of the following: 10.00 pm

- (a) detention of young offenders;
 - (b) youth cautions;
 - (c) referral orders;
- amendments to Part 2;
- New Clauses and new Schedules relating to any of the following—
- (a) trial in magistrates' courts on the papers;
 - (b) charging offenders in respect of costs of criminal courts;
 - (c) collection of fines;
 - (d) appeals in civil proceedings, other than judicial review and challenges to planning-related decisions;
 - (e) wasted costs in civil proceedings;
 - (f) contempt of court;
 - (g) juries and members of the Court Martial;
- amendments to Part 3

Second day

New Clauses and new Schedules relating to judicial review and challenges to planning-related decisions; amendments to Part 4 Two hours after commencement of proceedings on Consideration

New Clauses and new Schedules relating to offences of possessing or using offensive weapons; remaining new Clauses and new Schedules; amendments to Part 5; remaining proceedings on Consideration One hour before the moment of interruption

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.
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