



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Monday 12 May 2014

REPORT STAGE PROCEEDINGS

CRIMINAL JUSTICE AND COURTS BILL, AS AMENDED

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

Added 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—

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“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.”

Penalty for driving while disqualified

Mr Andy Slaughter
Dan Jarvis

Negatived on division **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

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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.’

Secretary Chris Grayling

Added 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”.

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

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- (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).”
- 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.”

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- 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).”

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—
- “(iiiia) section 3ZC (causing death by driving: disqualified drivers);”.

Term of imprisonment for murder of a police or prison officer

Secretary Chris Grayling

Added 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).

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- (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.’

Committal for sentence of young offenders convicted of certain serious offences

Secretary Chris Grayling

Added **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—
- “(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.’

*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

Withdrawn **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

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- (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).’.
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Tagged curfew on remand not to count towards time served

Philip Davies
Mr David Nuttall

Not called **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

Not called **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

Negated on division **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

Not called **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

Not called **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

Not called **NC41**

To move the following Clause:—

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

Open prisons: victims

Philip Davies
Mr David Nuttall

Not called **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.’

Criminal Justice and Courts Bill, continued*Meeting a child following sexual grooming etc.*

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

Not called 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”.
-

Offence of abduction of child by other persons

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

Not called 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”.
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Aggravated offences against members of the armed forces

Dan Jarvis
Vernon Coaker
Mr Andy Slaughter
Mr Kevan Jones

Negated on division 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

Criminal Justice and Courts Bill, *continued*

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.'.
-

Diana Johnson
Helen Goodman
Dan Jarvis
Mr Andy Slaughter

Not called 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

Negatived on division 18

Page 19, line 4, leave out Clause 19.

Dan Jarvis
Mr Andy Slaughter

Not called 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).'

Criminal Justice and Courts Bill, *continued*

Dan Jarvis
Mr Andy Slaughter

Not called 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

Not called 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

Not called 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 authority than detention in a secure college or young offender institution, to be so detained.’.

Dan Jarvis
Mr Andy Slaughter
John McDonnell
Jeremy Corbyn

Not called 16

Page 20, line 37, leave out Clause 20.

John McDonnell
Jeremy Corbyn

Not called 21

Page 71, line 1, leave out Schedule 3.

Secretary Chris Grayling

Agreed to 5

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”.’.

Secretary Chris Grayling

Agreed to 6

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

Criminal Justice and Courts Bill, *continued*
'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;”’.
-

Dan Jarvis
Mr Andy Slaughter
John McDonnell
Jeremy Corbyn

Not called 17

Page 76, line 10, leave out Schedule 4.

Dan Jarvis
Mr Andy Slaughter
Sarah Champion

Not called 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).’.

Mr Robert Buckland

Not called 19

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

‘(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

Not called 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

Criminal Justice and Courts Bill, *continued*

when all other means of control have been exhausted.’.

*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

Not called **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

Not called **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

Not called **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

Not called **22**

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

Criminal Justice and Courts Bill, *continued*

- (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.’