



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 6 June 2014

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CONSIDERATION OF BILL

CRIMINAL JUSTICE AND COURTS BILL, AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Order of the House [12 May 2014].

NEW CLAUSES AND NEW SCHEDULES RELATING TO JUDICIAL REVIEW AND CHALLENGES TO PLANNING-RELATED DECISIONS; AMENDMENTS TO PART 4

Secretary Chris Grayling

NC12

To move the following Clause—

“Leave of court required for certain planning applications

Schedule (*Leave of court required for certain 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

Criminal Justice and Courts Bill, *continued*

Secretary Chris Grayling

NC13

To move the following Clause—

“Periods of time for certain legal challenges

- (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”;
 - (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

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter
Dan Jarvis

NC43

To move the following Clause—

“Arrangements for legal aid

The Secretary of State may not omit, vary, limit or change the arrangements for legal aid set out in section (2) or section (9) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in so far as such changes related to the provisions of Part 4 of this Act.”

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)

- 1 Part 12 of the Town and Country Planning Act 1990 (validity) is amended as follows.
- 2 (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).”
 - 3 (1) Section 288 (proceedings for questioning validity of other orders, decisions and directions) is amended as follows.
 - (2) Omit subsection (3).

Criminal Justice and Courts Bill, *continued*

- (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)

- 4 (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 authority concerned wishes to question, until the final determination of—

Criminal Justice and Courts Bill, *continued*

- (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)

- 5 (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)

- 6 (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.”
- (5) Omit subsection (8).”

Member’s explanatory statement

The Schedule provides that challenges to a number of planning-related decisions and other actions

Criminal Justice and Courts Bill, *continued*

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

Mr Andy Slaughter Dan Jarvis		23
Page 55, line 12, leave out Clause 55		
Mr Andy Slaughter Dan Jarvis		24
Clause 55, page 55, line 16, leave out “must” and insert “may”		
Mr Andy Slaughter Dan Jarvis		25
Clause 55, page 55, line 18, leave out “not” and insert “decide not to”		
Mr Andy Slaughter Dan Jarvis		26
Clause 55, page 55, line 20, leave out “highly likely” and insert “inevitable”		
Mr Andy Slaughter Dan Jarvis		27
Clause 55, page 55, line 31, leave out “highly likely” and insert “inevitable”		
Mr Andy Slaughter Dan Jarvis		28
Clause 55, page 55, line 32, leave out “must” and insert “may”		
Mr Andy Slaughter Dan Jarvis		29
Clause 55, page 55, line 35, leave out “conduct (or alleged conduct) of the defendant” and insert “procedural defect”		
Mr Andy Slaughter Dan Jarvis		30
Clause 55, page 56, line 15, leave out “conduct (or alleged conduct) of the respondent” and insert “procedural defect”		
Mr Andy Slaughter Dan Jarvis		31
Clause 55, page 56, line 19, leave out “highly likely” and insert “inevitable”		

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter Dan Jarvis		32
Clause 55, page 56, line 21, leave out “must” and insert “may”		
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Mr Andy Slaughter Dan Jarvis		33
Page 56, line 28, leave out Clause 56		
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Mr Andy Slaughter Dan Jarvis		34
Page 57, line 25, leave out Clause 57		
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Mr Andy Slaughter Dan Jarvis		35
Page 58, line 2, leave out Clause 58		
Mr Andy Slaughter Dan Jarvis		36
Clause 58, page 58, line 11, leave out subsections (4) and (5)		
Mr Andy Slaughter Dan Jarvis		37
Clause 58, page 58, line 18, leave out “or (5)”		
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Mr Andy Slaughter Dan Jarvis		38
Page 58, line 34, leave out Clause 59		
Dr Hywel Francis		42
Clause 59, page 58, line 41, leave out “only if leave to apply for judicial review has been granted” and insert “at any stage of the proceedings.”		

Criminal Justice and Courts Bill, *continued*

Mr Andy Slaughter
 Dan Jarvis
 Dr Hywel Francis

Clause 59, page 59, line 32, leave out subsections (9) to (11) 39

Mr Andy Slaughter
 Dan Jarvis

Page 60, line 11, leave out Clause 60 40

Dr Hywel Francis

Clause 60, page 60, line 29, leave out “must” and insert “should normally” 44

Dr Julian Huppert
 Sarah Teather

Clause 60, page 60, line 31, leave out subsections (3) to (5) 41

Secretary Chris Grayling

Page 61, line 10, leave out Clause 62 1

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

Criminal Justice and Courts Bill, *continued*

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

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
Andrew Bridgen
Chris Heaton-Harris

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
Tim Loughton

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
Chris Kelly

NC6

To move the following Clause—

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

- (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) 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.

Criminal Justice and Courts Bill, *continued*

- (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.
- (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.”

Criminal Justice and Courts Bill, *continued*

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

Nick de Bois
 Mr David Burrowes
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Mr Charles Walker
 Bob Stewart
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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
 Chris Kelly

NC7

To move the following Clause—

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

- (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.
- (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.

Criminal Justice and Courts Bill, *continued*

- (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—
- (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.

Criminal Justice and Courts Bill, *continued*

- (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.”.”
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Ann Coffey

NC8

To move the following Clause—

“Giving evidence at remote sites

- (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;
 - (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.”.”
-

Criminal Justice and Courts Bill, *continued*

Ann Coffey

NC9

To move the following Clause—

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

- (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.””

Mr Robert Buckland

NC16

To move the following Clause—

“Civil proceedings for cases of aggravated trespass

- (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.”

Member’s explanatory statement

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

Criminal Justice and Courts Bill, *continued*

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC18

To move the following Clause—

“Definition of a foreign pornographic service

- (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 of 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.”

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC19

To move the following Clause—

“Licensing of foreign pornographic services

- (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.

Criminal Justice and Courts Bill, *continued*

- (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.”

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC20

To move the following Clause—

“Parliamentary procedure for designation

- (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—

Criminal Justice and Courts Bill, *continued*

- (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.”
-

Helen Goodman
 Dan Jarvis
 Diana Johnson
 Mr Andy Slaughter

NC21

To move the following Clause—

“Penalties

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.”

Philip Davies
 Mr David Nuttall

NC23

To move the following Clause—

“Unduly lenient sentences: time limit

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

Philip Davies
 Mr David Nuttall

NC24

To move the following Clause—

“Unduly lenient sentences: time limit (No. 2)

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

Criminal Justice and Courts Bill, *continued*

Philip Davies
Mr David Nuttall

NC25

To move the following Clause—

“Unduly lenient sentences: time limit (No. 3)

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

Philip Davies
Mr David Nuttall

NC26

To move the following Clause—

“Unduly lenient sentences: time limit (No. 4)

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

Philip Davies
Mr David Nuttall

NC27

To move the following Clause—

“Raising the retirement age for JPs to 75

- (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”.

Philip Davies
Mr David Nuttall

NC28

To move the following Clause—

“Raising the retirement age for judges to 75

- (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”.

Criminal Justice and Courts Bill, *continued*

- (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”.

Philip Davies
Mr David Nuttall

NC30

To move the following Clause—

“Increasing magistrates’ sentencing powers to 12 months for one offence

- (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.”

Philip Davies
Mr David Nuttall

NC32

To move the following Clause—

“Collection and provision to judges of information relating to re-offending

‘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.”

Philip Davies
Mr David Nuttall

NC33

To move the following Clause—

“Sentencing escalator

- (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.

Criminal Justice and Courts Bill, *continued*

- (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.”
-

Philip Davies
Mr David Nuttall

NC34

To move the following Clause—

“Criminalising commercial squatting and squatting on land

- (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”.
 - (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”.”
-

Philip Davies
Mr David Nuttall

NC35

To move the following Clause—

“New form of joint enterprise offence

- (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”.”
-

Criminal Justice and Courts Bill, *continued*

Philip Davies
Mr David Nuttall

NC36

To move the following Clause—

“Intentional harassment, alarm or distress

- (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”.

Secretary Chris Grayling

2

Clause 66, page 63, line 18, 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 66, page 63, leave out line 19

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 66, page 63, line 21, 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

Criminal Justice and Courts Bill, *continued*

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.

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.

ORDER OF THE HOUSE [12 MAY 2014]

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—

- (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

7.00 pm

New Clauses and new Schedules relating to any of the following—

- (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.

8.30 pm

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.
-