

Criminal Justice and Courts Bill

LORDS INSISTENCE AND REASONS, LORDS NON-INSISTENCE AND AMENDMENT IN LIEU OF THOSE AMENDMENTS

[The page and line references are to HL Bill 30, the bill as first printed for the Lords.]

LORDS AMENDMENT NO. 74

Clause 29

74 Page 29, line 36, at end insert –

“() No female, nor any male under the age of fifteen, may be placed in a secure college.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 74 for the following reason –

74A *Because it is not appropriate to prevent the detention in secure colleges of males under the age of 15 and females.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment No. 74 for the following reason –

74B *Because the Lords remain of the view that it would be inappropriate to detain females, and males under the age of fifteen, in a secure college.*

LORDS AMENDMENTS NOS. 97 TO 102

Clause 64

97 Page 64, line 35, leave out “must” and insert “may”

- 98 Page 64, line 37, leave out “not” and insert “decline to”
- 99 Page 65, line 10, leave out “must” and insert “may”
- 100 Page 65, line 13, leave out “must” and insert “may”
- 101 Page 65, line 33, leave out “must” and insert “may”
- 102 Page 65, line 40, leave out “must” and insert “may”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 97, 98, 99, 100, 101 and 102 for the following reason –

- 102A *Because it is appropriate to impose duties, rather than to confer discretions, on the High Court and the Upper Tribunal in connection with judicial review proceedings in which it is highly likely that the outcome for the applicant would not have been substantially different if the conduct complained of had not occurred.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendments Nos. 97, 98, 99, 100, 101 and 102, but do propose Amendment No. 102B in lieu –

- 102B Page 65, line 46, at end insert –
- “() The duties of the court or tribunal under section 31(2A), (3B) and (3C) of the Senior Courts Act 1981, or section 16(3B), (3C) and (3D) of the Tribunals, Courts and Enforcement Act 2007, are subject to the discretion of the court or tribunal to act otherwise where it considers it in the public interest to do so in all the circumstances of the case.”

LORDS AMENDMENTS NOS. 103 TO 106

Clause 65

- 103 Page 66, line 10, after “paragraph” insert “or, notwithstanding a failure to do so, the court in its discretion considers that it is nevertheless appropriate to grant the applicant leave to make the application for judicial review”
- 104 Page 66, line 32, after “paragraph” insert “or, notwithstanding a failure to do so, the tribunal in its discretion considers that it is nevertheless appropriate to grant the applicant permission or leave to apply for relief”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 103, 104, 105 and 106 for the reason set out at No. 106A.

Clause 66

- 105 Page 67, line 1, leave out “must” and insert “may”

- 106** Page 67, line 7, leave out “must” and insert “may”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 103, 104, 105 and 106 for the following reason –

- 106A** *Because it is appropriate to impose duties, rather than confer discretions, on the High Court, the Upper Tribunal and the Court of Appeal in connection with information about the financing of applications for judicial review.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendments Nos. 103, 104, 105 and 106 for the following reason –

- 106D** *Because the High Court, the Upper Tribunal and the Court of Appeal should have a reasonable degree of discretion in connection with information about the financing of applications for judicial review.*

LORDS INSISTENCE AND REASONS,
LORDS NON-INSISTENCE AND
AMENDMENT IN LIEU OF THOSE
AMENDMENTS TO THE
**CRIMINAL JUSTICE AND COURTS
BILL**

*Ordered, by The House of Commons,
to be Printed, 10 December 2014.*

© Parliamentary copyright 2014

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright.*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx