



House of Commons

Tuesday 4 December 2018

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

COURTS AND TRIBUNALS (JUDICIARY AND FUNCTIONS OF STAFF) BILL [*LORDS*]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 3 December (Standing Order 83C):

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 4 December) meet—
 - (a) at 2.00 pm on Tuesday 4 December;
 - (b) at 11.30 am and 2.00 pm on Thursday 6 December;
- (2) the proceedings shall be taken in the following order: Clauses 1 to 3; the Schedule; Clause 4; new Clauses; new Schedules; remaining proceedings on the Bill;
- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 6 December.

Lucy Frazer has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords], continued

Lucy Frazer

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Richard Burgon
Yasmin Qureshi
Gloria De Piero
Imran Hussain
Lloyd Russell-Moyle

Clause 3, page 3, line 24, leave out subsection 3 and insert—

“(3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.”

Member’s explanatory statement

This amendment would require that where statutory instruments delegating judicial functions to authorised persons are brought they would be subject to the affirmative procedure.

Richard Burgon
Yasmin Qureshi
Gloria De Piero
Imran Hussain
Lloyd Russell-Moyle

Schedule, page 6, line 36, at end insert—

“(aa) is a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification, and”

Member’s explanatory statement

This amendment would stipulate that the minimum legal qualifications for authorised persons should be three years’ experience post-qualification.

Richard Burgon
Yasmin Qureshi
Gloria De Piero
Imran Hussain
Lloyd Russell-Moyle

Schedule, page 8, line 31, at end insert—

“() is a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification, and”

Member’s explanatory statement

See explanatory statement to Amendment 3.

Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords], continued

Richard Burgon
 Yasmin Qureshi
 Gloria De Piero
 Imran Hussain
 Lloyd Russell-Moyle

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Schedule, page 11, line 12, at end insert “and if they are a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification”

Member’s explanatory statement

See explanatory statement to Amendment 3.

Richard Burgon
 Yasmin Qureshi
 Gloria De Piero
 Imran Hussain
 Lloyd Russell-Moyle

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Schedule, page 11, line 32, leave out subsection 67C and insert—

“67C Right to judicial reconsideration of decision made by an authorised person

A party to any decision made by an authorised person in the execution of the person’s duty as an authorised person exercising a relevant judicial function, by virtue of section 67B(1), may apply in writing, within 14 days of the service of the order, to have the decision reconsidered by a judge of the relevant court within 14 days from the date of application.”

Member’s explanatory statement

This amendment would grant people subject to a decision made under delegated powers to a statutory right to judicial reconsideration.

Richard Burgon
 Yasmin Qureshi
 Gloria De Piero
 Imran Hussain
 Lloyd Russell-Moyle

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Schedule, page 11, line 40, at end insert—

“(2A) In reaching its decision under sub-paragraph 2 above, the authority must consider whether the function is capable of having a material impact on the substantive rights of the parties.”

Member’s explanatory statement

This amendment would require any Procedure Rules Committee making rules about the functions to which a reconsideration right would apply to consider whether the substantive rights of the parties will be materially affected.

Richard Burgon
 Yasmin Qureshi
 Gloria De Piero
 Imran Hussain
 Lloyd Russell-Moyle

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Schedule, page 19, line 21, at end insert—

“(7A) A party to any decision made by an authorised person in the execution of the person’s duty as an authorised person exercising functions of a tribunal, by virtue of this subsection, may apply in writing, within 14 days of the service of

Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords], continued

the order, to have the decision reconsidered by a judge of the relevant tribunal within 14 days from the date of the application.”

Member’s explanatory statement

This amendment would require the Tribunal Procedure Rules to set out a procedure for applying for judicial reconsideration. It is consequential on Amendment 6.

Richard Burgon
Yasmin Qureshi
Gloria De Piero
Imran Hussain
Lloyd Russell-Moyle

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Schedule, page 19, line 39, at end insert—

“(2A) In reaching its decision the Committee must consider whether the function is capable of having a material impact on the substantive rights of the parties.”

Member’s explanatory statement

This amendment would require any Procedure Rules Committee making rules about the functions to which a reconsideration right would apply to consider whether the substantive rights of the parties will be materially affected.

Lucy Frazer

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Clause 4, page 4, line 6, leave out subsection (8)

Member’s explanatory statement

This amendment would remove the privilege amendment inserted by the Lords.

Richard Burgon
Yasmin Qureshi
Gloria De Piero
Imran Hussain
Lloyd Russell-Moyle

NC1

To move the following Clause—

“Review of the delegation of legal advice and judicial functions to authorised staff

- (1) Within the period of three years from the coming into force of this Act, the Lord Chancellor must arrange for a review to be undertaken on the impact of the implementation of the provisions contained within section 3 and the Schedule to this Act.
- (2) A report setting out the findings of the review must be laid before both Houses of Parliament.”

Member’s explanatory statement

This amendment would require the impact of the delegation of judicial functions to be reviewed within three years of it coming into force.

Courts and Tribunals (Judiciary and Functions of Staff) Bill [*Lords*], *continued*

ORDER OF THE HOUSE [27 NOVEMBER 2018]

That the following provisions shall apply to the Courts and Tribunals (Judiciary and Functions of Staff) Bill [*Lords*]:

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 Thursday 6 December 2018.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration 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 up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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