
Committee Stage: Thursday 4 November 2021

Judicial Review and Courts Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Fourth Sittings

FIRST AND SECOND SITTINGS

James Cartlidge

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 2 November) meet—
 - (a) at 2.00 pm on Tuesday 2 November;
 - (b) at 11.30 am and 2.00 pm on Thursday 4 November;
 - (c) at 9.25 am and 2.00 pm on Tuesday 9 November;
 - (d) at 9.25 am and 2.00 pm on Tuesday 16 November;
 - (e) at 11.30 am and 2.00 pm on Thursday 18 November;
 - (f) at 2.00 pm on Tuesday 23 November;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 2 November	Until no later than 10.25 am	Sir Stephen Laws, KCB, QC; Professor Jason Varuhas, University of Melbourne; Professor Richard Ekins, University of Oxford
Tuesday 2 November	Until no later than 11.25 am	Professor David Feldman, University of Cambridge; Dr Jonathan Morgan, University of Cambridge
Tuesday 2 November	Until no later than 2.45 pm	Richard Leiper QC; André Rebello OBE, Senior Coroner for Liverpool and the Wirral and Hon Secretary of the Coroners' Society of England and Wales
Tuesday 2 November	Until no later than 3.30 pm	Public Law Project; Law Society; Liberty

Date	Time	Witness
Tuesday 2 November	Until no later than 4.30 pm	Inquest; Justice; Amnesty
Tuesday 2 November	Until no later than 5.00 pm	Dr Joe Tomlinson, University of York; The Law Society of Scotland; Aidan O'Neill QC

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 15; Schedule 1; Clauses 16 and 17; Schedule 2; Clause 18; Schedule 3; Clauses 19 to 29; Schedule 4; Clauses 30 to 32; Schedule 5; Clauses 33 to 48; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 23 November.

James Cartlidge

Agreed to

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

James Cartlidge

Agreed to

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

The following Witnesses gave oral evidence:

Sir Stephen Laws KCB QC, Senior Research Fellow, Policy Exchange; Professor Jason Varuhas, University of Melbourne; Professor Richard Ekins, University of Oxford

Professor David Feldman, University of Cambridge; Dr Jonathan Morgan, University of Cambridge

André Rebello OBE, Senior Coroner for Liverpool and the Wirral and Honorary Secretary of the Coroners' Society of England and Wales; Richard Leiper QC

Sara Lomri, Deputy Legal Director at the Public Law Project; Ellie Cumbo, Head of Public Law at the Law Society; Louise Whitfield, Head of Casework at Liberty

Louise Finer, Head of Policy at Inquest; Stephanie Needleman, Acting Legal Director at Justice; and Steve Valdez-Symonds, Programme Director for Refugee and Migrant Rights at Amnesty

Dr Joe Tomlinson, Senior Lecturer in Public Law at the University of York; Aidan O'Neill QC; Michael P Clancy OBE, Director of Law Reform at The Law Society of Scotland

THIRD AND FOURTH SITTINGS

Andy Slaughter	Negated on division	12
Clause 1, page 1, line 8, leave out from "order" to the end of line 9		
Andy Slaughter	Withdrawn after debate	13
Clause 1, page 1, line 9, at end insert— “(1A) Provision under subsection (1) may only be made if the court considers that it is in the interest of justice to do so.”		
Andy Slaughter	Not called	14
Clause 1, page 1, line 9, at end insert— “(1A) Provision under subsection (1) may only be made in exceptional circumstances.”		
Andy Slaughter	Not called	35
Clause 1, page 1, leave out lines 10 and 11		
Andy Slaughter	Withdrawn after debate	16
Clause 1, page 1, line 13, after "subsection (2)" insert "and to subsection (5A)"		
Andy Slaughter	Not called	40
Clause 1, page 1, leave out lines 15 to 18		

_____	Andy Slaughter	Not called	17
	Clause 1, page 1, line 16, after "subsection (2)" insert "and to subsection (5A)"		
_____	Andy Slaughter	Not called	18
	Clause 1, page 2, line 1, at beginning insert "Subject to subsection (5A),"		
_____	Andy Slaughter	Not called	41
	Clause 1, page 2, line 2, leave out "or (4)"		
_____	Andy Slaughter	Negated on division	15
	Clause 1, page 2, line 4, at end insert—		
	“(5A) Where the impugned act consists in the making or laying of delegated legislation (the impugned legislation), subsection (4) does not prevent any person charged with an offence under or by virtue of any provision of the impugned legislation raising the validity of the impugned legislation as a defence in criminal proceedings.		
	(5B) Subsection (4) does not prevent a court or tribunal awarding damages, restitution or other compensation for loss caused to the claimant by the impugned act before the date on which the quashing takes effect.”		
_____	Andy Slaughter	Not called	19
	Clause 1, page 2, line 12, leave out "must" and insert "may"		
_____	Andy Slaughter	Not called	32
	Clause 1, page 2, line 13, at end insert—		
	“(aa) any detriment to the environment that would result from exercising or failing to exercise the power;		
	(ab) whether exercising or failing to exercise the power would constitute an effective remedy for the claimant;”		
_____	Andy Slaughter	Not called	36
	Clause 1, page 2, leave out lines 14 and 15		
_____	Andy Slaughter	Not called	33
	Clause 1, page 2, leave out lines 14 to 22		

Andy Slaughter	Not called	37
Clause 1, page 2, line 17, at end insert "including, but not limited to, the interests and expectations of a claimant in receiving a timely remedy"		
Andy Slaughter	Not called	38
Clause 1, page 2, line 19, at end insert "which are to be identified by the defendant"		
Andy Slaughter	Not called	20
Clause 1, page 2, line 21, leave out "or proposed to be taken"		
Andy Slaughter	Not called	21
Clause 1, page 2, line 23, at end insert— "(8A) In deciding whether there is a detriment to good administration under subsection (8)(b), a court must have regard to the principle that good administration is administration which is lawful."		
Andy Slaughter	Not called	23
Clause 1, page 2, leave out lines 24 to 32 and insert— "(9) Provision may only be made under subsection (1) if and to the extent that the court considers that an order making such provision would, as a matter of substance, offer an effective remedy to the Claimant and any other person materially affected by the impugned act in relation to the relevant defect."		
Andy Slaughter	Not called	24
Clause 1, page 2, leave out lines 24 to 32 and insert— "(9) If— (a) the court is to make a quashing order, and (b) it appears to the court that an order including provision under subsection (1) would, as a matter of substance, offer an effective remedy to the Claimant and any other person materially affected by the impugned act in relation to the relevant defect, the court must exercise the powers in that subsection accordingly unless it sees good reason not to do so."		
Andy Slaughter	Negated on division	22
Clause 1, page 2, leave out lines 24 to 32		

Andy Slaughter **Not called** 34

Clause 1, page 2, line 27, leave out “adequate redress” and insert “effective remedy to the claimant”

Anne McLaughlin **Not called** 27
Angela Crawley

Clause 1, page 2, line 29, leave out from “court” to end of line 30 and insert “may exercise the powers in that subsection accordingly”

Anne McLaughlin **Not selected** 25
Angela Crawley
Andy Slaughter

Page 1, line 3, leave out Clause 1

Clause agreed to on division.

Adjourned until Tuesday 9 November at 9.25 am

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
