

Courts and Tribunals (Judiciary and Functions of Staff) Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 3

BARONESS CHAKRABARTI
LORD BEECHAM

Page 3, line 24, leave out subsection (3) and insert—

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

After Clause 3

BARONESS CHAKRABARTI
LORD BEECHAM

Insert the following new 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.”

The Schedule

BARONESS CHAKRABARTI
LORD BEECHAM

Page 6, line 36, at end insert—

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

The Schedule - *continued*

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”

Page 10, line 28, at end insert “and if they are a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification.”

Page 10, line 33, at end insert—

“() No authorisation under subsection (2) shall include the power to—

- (a) make an order of the court which is opposed by one or more party,
- (b) make any order of the court in a civil claim with a value of more than £25,000,
- (c) make any order of the court with a penal notice or power of arrest,
- (d) make any order of the court in a matter in which one or more parties lack capacity as defined in section 2(1) of the Mental Capacity Act 2005,
- (e) make any order of the court in a matter in which one or more witnesses are a vulnerable witness as defined in section 16(1) of the Youth Justice and Criminal Evidence Act 1999,
- (f) make any order of the court under section 37 of the Senior Courts Act 1981 for an injunction, including any freezing order,
- (g) make any order of the court, referred to as a “search order”, under section 7 of the Civil Procedure Act 1997,
- (h) make any order of the court as to costs,
- (i) make any order of the court concerning expert evidence,
- (j) take a plea from a defendant in criminal proceedings, or
- (k) make any other determination which is dispositive of the cause.”

Page 18, line 9, at end insert—

“() No authorisation under this paragraph shall include the power to make—

- (a) any order of the tribunal which is opposed by one or more party,
- (b) any order of the tribunal in a civil claim with a value of more than £25,000,
- (c) any order of the tribunal with a penal notice or power of arrest,
- (d) any order of the tribunal in a matter in which one or more parties lack capacity as defined in section 2(1) of the Mental Capacity Act 2005,

The Schedule - *continued*

- (e) any order of the tribunal in a matter in which one or more witnesses are vulnerable witnesses as defined in section 16(1) of the Youth Justice and Criminal Evidence Act 1999,
- (f) any order of the tribunal for an injunction,
- (g) any order of the tribunal as to costs,
- (h) any order of the tribunal concerning expert evidence, or
- (i) any other determination which is dispositive of the cause.”

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5 July 2018
