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**B I L L**

TO

Amend the Criminal Justice Act 1988 to establish a right of appeal in relation to the amount of compensation payable under section 133 of that Act and to make provision about the procedure for the assessment of such amounts.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment of the Criminal Justice Act 1988**

- (1) The Criminal Justice Act 1988 (c. 33) is amended as follows.
- (2) In section 133 (compensation for miscarriages of justice) —
- (a) in subsection (4), for the words from “compensation” to the end, substitute the words “the proposed amount of the compensation shall be assessed by one of the assessors appointed by the Secretary of State”; 5
- (b) after subsection (4), insert —
- “(4ZA) The Secretary of State shall secure that, at any one time, there are at least three assessors appointed by him for the purposes of this section.”; 10
- (c) in subsection (4A), for the words “the assessor”, substitute the words “the first assessor”; and
- (d) after subsection (4A), insert —
- “(4B) The Secretary of State shall —
- (a) inform the person entitled to payment in accordance with the provisions of this section of the proposed amount, and 15
- (b) (subject to subsections (4C) to (4D)), pay that person the proposed amount.
- (4C) Where a person entitled to payment in accordance with the provisions of this section is informed of the proposed amount in accordance with the provisions of subsection (4B)(a), he may, within a period of 28 days beginning with the date on which he 20

was informed of the proposed amount, exercise his right of appeal under this section.

(4D) Where a person exercises his right of appeal under this section, the amount of the compensation shall be assessed by two assessors appointed by the Secretary of State acting jointly, and those assessors shall not include the assessor who assessed the relevant proposed amount under subsection (4). 5

(4E) Subsection (4A) applies to an assessment under subsection (4D) as it applies to an assessment under subsection (4).”

(3) In Schedule 12 (assessors of compensation for miscarriages of justice), at the end, insert – 10

“8 (1) This paragraph applies to –

- (a) an assessment under section 133(4), and
- (b) a joint assessment under section 133(4D).

(2) Where this paragraph applies, the assessor or (as the case may be) the assessors acting jointly shall provide the person entitled to payment in accordance with the provisions of section 133 with an opportunity to make representations in person to him or them.” 15

## 2 Expenses

*There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other enactment.* 20

## 3 Short title, commencement and extent

(1) This Act may be cited as the Criminal Justice Act 1988 (Amendment) Act 2005.

(2) This Act comes into force at the end of a period of two months beginning with the date on which it is passed, but section 1 shall not be construed as conferring any right of appeal in relation to any payment made under section 133(4) of the Criminal Justice Act 1988 (c. 33) before the coming into force of this Act. 25

(3) This Act extends to Northern Ireland, but does not extend to Scotland.

# **Criminal Justice Act 1988 (Amendment) Bill**

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*Presented by Keith Vaz.*

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*Ordered, by The House of Commons,  
to be printed, 23rd March 2005.*

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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

Bill 96

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