

LORDS AMENDMENTS TO THE  
POLICE AND JUSTICE BILL

[The page and line references are to HL Bill 104, the bill as first printed for the Lords.]

**Before Clause 2**

- 1** Insert the following new Clause –

**“Revised power to alter police areas by order**

In section 32(3) of the Police Act 1996 (c. 16) (power to alter police areas by order) –

- (a) leave out “either”;
- (b) in paragraph (a) for “or” substitute “and”.

**After Clause 4**

- 2** Insert the following new Clause –

*“Police pension schemes*

**Power to merge schemes**

Schedule (*Power to merge police pension schemes*) (power to merge police pension schemes) has effect.”

- 3** Insert the following new Clause –

*“Statutory consultation requirements*

**Consultation with APA and ACPO**

- (1) Schedule (*Consultation with APA and ACPO*) (which amends provisions requiring consultation with persons representing the interests of police authorities or chief officers of police so that they require consultation with the Association of Police Authorities or the Association of Chief Police Officers) has effect.
- (2) If it appears to the Secretary of State that, by reason of a change of name or otherwise –

- (a) the interests of police authorities are represented by a body that is not called the Association of Police Authorities, or
  - (b) the interests of chief officers of police are represented by a body that is not called the Association of Chief Police Officers of England, Wales and Northern Ireland,
- he may by order make the appropriate consequential amendments to any statutory provision (including this subsection) containing a reference to the association in question.
- (3) In subsection (2) “statutory provision” means provision contained in, or in any instrument made under, any Act.”

#### Clause 5

- 4 Page 3, leave out lines 34 to 37 and insert –
- “(a) the Association of Police Authorities; and
  - (b) the Association of Chief Police Officers.”

#### Clause 15

- 5 Leave out Clause 15

#### Clause 17

- 6 Page 14, line 16, leave out from “provision” to “about” in line 17
- 7 Page 14, line 18, after “arrangements” insert “, made up of provision corresponding to that made by section 21 of the Local Government Act 2000 and particular provision for the City of London”

#### Clause 22

- 8 Page 19, line 27, at end insert –
- “(8) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is –
- (a) an officer of the local authority which applied for the order, or
  - (b) a person nominated by that authority or by a person or body requested by the authority to make a nomination.
- A person may not be nominated under paragraph (b) without his consent.”
- 9 Page 20, line 22, at end insert –
- “(9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is –
- (a) an officer of the registered social landlord which applied for the order, or
  - (b) a person nominated by that registered social landlord.
- A person may not be nominated under paragraph (b) without his consent.
- (10) In deciding whom to nominate under subsection (9)(b) a registered social landlord must take into account the views of –
- (a) the local authority mentioned in subsection (8), and
  - (b) such other persons or bodies as the registered social landlord thinks appropriate.”

**Before Clause 26**

10 Insert the following new Clause –

**“Her Majesty’s Chief Inspector of Prisons**

(1) In section 5A of the Prison Act 1952 (c. 52) (appointment and functions of Her Majesty’s Chief Inspector of Prisons), after subsection (6) there is inserted –

“(7) Schedule A1 to this Act (which makes further provision about the Chief Inspector) has effect.”

(2) At the beginning of the Schedules to that Act there is inserted –

“SCHEDULE A1

Section 5A

FURTHER PROVISION ABOUT HER MAJESTY’S CHIEF INSPECTOR OF PRISONS

*Delegation of functions*

- 1 (1) The Chief Inspector may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If the carrying out of an inspection is delegated under subparagraph (1) above it is nevertheless to be regarded for the purposes of section 5A of this Act and this Schedule as carried out by the Chief Inspector.
- (3) In subparagraph (1) above “public authority” includes any person certain of whose functions are functions of a public nature.

*Inspection programmes and inspection frameworks*

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Secretary of State may specify by order, prepare –
  - (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Chief Inspector shall consult –
  - (a) the Secretary of State,
  - (b) Her Majesty’s Chief Inspector of Constabulary,
  - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (d) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales,
  - (e) Her Majesty’s Chief Inspector of Court Administration,
  - (f) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (g) the Commission for Healthcare Audit and Inspection,
  - (h) the Commission for Social Care Inspection,

- (i) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (j) the Auditor General for Wales, and
  - (k) any other person or body specified by an order made by the Secretary of State,
- and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
  - (4) Nothing in any inspection programme or inspection framework is to be read as preventing the Chief Inspector from making visits without notice.

*Inspections by other inspectors of organisations within Chief Inspector's remit*

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) below is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the Chief Inspector shall, subject to sub-paragraph (7) below, give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
    - (a) Her Majesty's Inspectorate of the National Probation Service for England and Wales;
    - (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
    - (c) the Commission for Healthcare Audit and Inspection;
    - (d) the Commission for Social Care Inspection;
    - (e) the Audit Commission for Local Government and the National Health Service in England and Wales.
  - (3) The Secretary of State may by order amend sub-paragraph (2) above.
  - (4) In sub-paragraph (1)(a) above "specified organisation" means a person or body specified by order made by the Secretary of State.
  - (5) A person or body may be specified under sub-paragraph (4) above only if it exercises functions in relation to any prison or other institution or matter falling within the scope of the Chief Inspector's duties under section 5A of this Act.
  - (6) A person or body may be specified under sub-paragraph (4) above in relation to particular functions that it has.  
In the case of a person or body so specified, sub-paragraph (1)(a) above is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.

- (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.  
This is subject to sub-paragraph (9) below.
- (9) The Secretary of State, if satisfied that the proposed inspection—
  - (a) would not impose an unreasonable burden on the organisation in question, or
  - (b) would not do so if carried out in a particular manner,may give consent to the inspection being carried out, or being carried out in that manner.
- (10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
  - (a) provision about the form of notices;
  - (b) provision prescribing the period within which notices are to be given;
  - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
  - (d) provision for revising or withdrawing notices;
  - (e) provision for setting aside notices not validly given.

#### *Co-operation*

- 4 (1) The Chief Inspector shall co-operate with—
  - (a) Her Majesty's Inspectors of Constabulary,
  - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
  - (c) Her Majesty's Inspectorate of the National Probation Service for England and Wales,
  - (d) Her Majesty's Inspectorate of Court Administration,
  - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of his functions.

#### *Joint action*

- 5 The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.

*Assistance for other public authorities*

- 6 (1) The Chief Inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit.””

11 Insert the following new Clause –

**“Her Majesty’s Inspectors of Constabulary**

- (1) In section 54 of the Police Act 1996 (c. 16) (appointment and functions of Her Majesty’s Inspectors of Constabulary), after subsection (5) there is inserted –

“(6) Schedule 4A (which makes further provision about the inspectors of constabulary) has effect.”

- (2) After Schedule 4 to that Act there is inserted –

## “SCHEDULE 4A

Section 54

## FURTHER PROVISION ABOUT HER MAJESTY’S INSPECTORS OF CONSTABULARY

*Delegation of functions*

- 1 (1) An inspector of constabulary may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If an inspector of constabulary delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of section 54 and this Schedule as carried out by the inspector.
- (3) In sub-paragraph (1) “public authority” includes any person certain of whose functions are functions of a public nature.

*Inspection programmes and inspection frameworks*

- 2 (1) The chief inspector of constabulary shall from time to time, or at such times as the Secretary of State may specify by order, prepare –
- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the chief inspector of constabulary shall consult –
- (a) the Secretary of State,
  - (b) Her Majesty’s Chief Inspector of Prisons,
  - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,

- (d) Her Majesty's Chief Inspector of the National Probation Service for England and Wales,
- (e) Her Majesty's Chief Inspector of Court Administration,
- (f) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (g) the Commission for Healthcare Audit and Inspection,
- (h) the Commission for Social Care Inspection,
- (i) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (j) the Auditor General for Wales, and
- (k) any other person or body specified by an order made by the Secretary of State,

and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.

- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (4) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectors of constabulary from making visits without notice.

*Inspections by other inspectors of organisations within remit of inspectors of constabulary*

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the chief inspector of constabulary considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the chief inspector of constabulary shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
    - (a) Her Majesty's Chief Inspector of Prisons;
    - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service;
    - (c) Her Majesty's Inspectorate of the National Probation Service for England and Wales;
    - (d) the Audit Commission for Local Government and the National Health Service in England and Wales.
  - (3) The Secretary of State may by order amend sub-paragraph (2).
  - (4) In sub-paragraph (1)(a) "specified organisation" means a person or body specified by order made by the Secretary of State.
  - (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectors of constabulary under section 54 of this Act.

- (6) A person or body may be specified under sub-paragraph (4) in relation to particular functions that it has.  
In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.
- (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.  
This is subject to sub-paragraph (9).
- (9) The Secretary of State, if satisfied that the proposed inspection –  
(a) would not impose an unreasonable burden on the organisation in question, or  
(b) would not do so if carried out in a particular manner,  
may give consent to the inspection being carried out, or being carried out in that manner.
- (10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular –  
(a) provision about the form of notices;  
(b) provision prescribing the period within which notices are to be given;  
(c) provision prescribing circumstances in which notices are, or are not, to be made public;  
(d) provision for revising or withdrawing notices;  
(e) provision for setting aside notices not validly given.

#### *Co-operation*

- 4 The inspectors of constabulary shall co-operate with –  
(a) Her Majesty’s Chief Inspector of Prisons,  
(b) Her Majesty’s Chief Inspector of the Crown Prosecution Service,  
(c) Her Majesty’s Inspectorate of the National Probation Service for England and Wales,  
(d) Her Majesty’s Inspectorate of Court Administration,  
(e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,  
(f) the Commission for Healthcare Audit and Inspection,  
(g) the Commission for Social Care Inspection,  
(h) the Audit Commission for Local Government and the National Health Service in England and Wales,  
(i) the Auditor General for Wales, and  
(j) any other public authority specified by order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectors of constabulary.

*Joint action*

- 5 The inspectors of constabulary may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of their functions.

*Assistance for other public authorities*

- 6 (1) The chief inspector of constabulary may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector of constabulary thinks fit.

*Orders under this Schedule*

- 7 A statutory instrument containing an order under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**12** Insert the following new Clause –

**“Her Majesty’s Chief Inspector of the Crown Prosecution Service**

- (1) In section 2 of the Crown Prosecution Service Inspectorate Act 2000 (c. 10) (functions of Her Majesty’s Chief Inspector of the Crown Prosecution Service), after subsection (4) there is inserted –
- “(5) The Schedule to this Act (which makes further provision about the Chief Inspector) has effect.”
- (2) At the end of that Act there is inserted –

## “SCHEDULE

Section 2

## FURTHER PROVISION ABOUT HER MAJESTY’S CHIEF INSPECTOR OF THE CROWN PROSECUTION SERVICE

*Delegation of functions*

- 1 (1) The Chief Inspector may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If the carrying out of an inspection is delegated under sub-paragraph (1) it is nevertheless to be regarded for the purposes of this Act as carried out by the Chief Inspector.
- (3) In sub-paragraph (1) “public authority” includes any person certain of whose functions are functions of a public nature.

*Inspection programmes and inspection frameworks*

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Attorney General may specify by order, prepare –

- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Chief Inspector shall consult—
- (a) the Attorney General,
  - (b) Her Majesty’s Chief Inspector of Prisons,
  - (c) Her Majesty’s Chief Inspector of Constabulary,
  - (d) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales,
  - (e) Her Majesty’s Chief Inspector of Court Administration,
  - (f) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (g) the Commission for Healthcare Audit and Inspection,
  - (h) the Commission for Social Care Inspection,
  - (i) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (j) the Auditor General for Wales, and
  - (k) any other person or body specified by an order made by the Attorney General,
- and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Attorney General may by order specify the form that inspection programmes or inspection frameworks are to take.
- (4) Nothing in any inspection programme or inspection framework is to be read as preventing the Chief Inspector from making visits, or causing visits to be made, without notice.

#### *Co-operation*

- 3 (1) The Chief Inspector shall co-operate with—
- (a) Her Majesty’s Chief Inspector of Prisons,
  - (b) Her Majesty’s Inspectors of Constabulary,
  - (c) Her Majesty’s Inspectorate of the National Probation Service for England and Wales,
  - (d) Her Majesty’s Inspectorate of Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by order made by the Attorney General,

where it is appropriate to do so for the efficient and effective discharge of his functions.

*Joint action*

- 4 The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.

*Assistance for other public authorities*

- 5 (1) The Chief Inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit.

*Powers of inspectors regarding documents*

- 6 (1) An inspector may for the purposes of an inspection under this Act—
- (a) require documents to be produced;
  - (b) inspect, copy or take away any documents produced;
  - (c) require an explanation to be given of any document produced;
  - (d) require any other information to be provided.
- (2) A reference in sub-paragraph (1) to the production of a document includes a reference to the production of—
- (a) a legible and intelligible copy of information recorded otherwise than in legible form, or
  - (b) information in a form from which it can readily be produced in legible and intelligible form.
- (3) A person exercising the power under sub-paragraph (1) to inspect documents—
- (a) is entitled to have access to, and inspect and check the operation of, any computer and associated apparatus or material that is or has been in use in connection with the documents in question;
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been used, or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford him such reasonable assistance as he may require.

*Orders under this Schedule*

- 7 (1) The power to make an order under this Schedule is exercisable by statutory instrument.
- (2) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.””

13 Insert the following new Clause—

**“Her Majesty’s Inspectorate of the National Probation Service for England and Wales**

(1) In section 7 of the Criminal Justice and Court Services Act 2000 (c. 43) (functions of Her Majesty’s Inspector of the National Probation Service for England and Wales), after subsection (6) there is inserted—

“(7) Schedule 1A (which makes further provision about the inspectorate) has effect.”

(2) After Schedule 1 to that Act there is inserted—

“SCHEDULE 1A

Section 7

FURTHER PROVISION ABOUT THE INSPECTORATE

*Delegation of functions*

- 1 (1) A member of the inspectorate may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If a member of the inspectorate delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of section 7 and this Schedule as carried out by that member.
- (3) In sub-paragraph (1) “public authority” includes any person certain of whose functions are functions of a public nature.

*Inspection programmes and inspection frameworks*

- 2 (1) The chief inspector shall from time to time, or at such times as the Secretary of State may specify by order, prepare—
  - (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the chief inspector shall consult—
  - (a) the Secretary of State,
  - (b) Her Majesty’s Chief Inspector of Prisons,
  - (c) Her Majesty’s Chief Inspector of Constabulary,
  - (d) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (e) Her Majesty’s Chief Inspector of Court Administration,
  - (f) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (g) the Commission for Healthcare Audit and Inspection,
  - (h) the Commission for Social Care Inspection,
  - (i) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (j) the Auditor General for Wales, and

- (k) any other person or body specified by an order made by the Secretary of State,  
and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (4) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectorate from making visits without notice.

*Inspections by other inspectors of organisations within Chief Inspector's remit*

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the chief inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the chief inspector shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
    - (a) Her Majesty's Chief Inspector of Prisons;
    - (b) the Commission for Healthcare Audit and Inspection;
    - (c) the Commission for Social Care Inspection;
    - (d) the Audit Commission for Local Government and the National Health Service in England and Wales.
  - (3) The Secretary of State may by order amend sub-paragraph (2).
  - (4) In sub-paragraph (1)(a) "specified organisation" means a person or body specified by order made by the Secretary of State.
  - (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectorate under section 7.
  - (6) A person or body may be specified under sub-paragraph (4) in relation to particular functions that it has.  
In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.
  - (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
  - (8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.  
This is subject to sub-paragraph (9).

- (9) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the organisation in question, or
  - (b) would not do so if carried out in a particular manner,
- may give consent to the inspection being carried out, or being carried out in that manner.
- (10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
- (a) provision about the form of notices;
  - (b) provision prescribing the period within which notices are to be given;
  - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
  - (d) provision for revising or withdrawing notices;
  - (e) provision for setting aside notices not validly given.

*Co-operation*

- 4 (1) The inspectorate shall co-operate with—
- (a) Her Majesty’s Chief Inspector of Prisons,
  - (b) Her Majesty’s Inspectors of Constabulary,
  - (c) Her Majesty’s Inspectorate of the Crown Prosecution Service,
  - (d) Her Majesty’s Chief Inspector of Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectorate.

*Joint action*

- 5 The inspectorate may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.

*Assistance for other public authorities*

- 6 (1) The chief inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector thinks fit.”

14 Insert the following new Clause—

**“Her Majesty’s Inspectorate of Court Administration**

- (1) In Part 5 of the Courts Act 2003 (c. 39) (inspectors of court administration), after section 61 there is inserted—

**“61A Further provision about the inspectorate**

Schedule 3A (further provision about the inspectorate) has effect.”

- (2) After Schedule 3 to that Act there is inserted—

“SCHEDULE 3A

Section 61A

FURTHER PROVISION ABOUT THE INSPECTORS OF COURT ADMINISTRATION

*Delegation of functions*

- 1 (1) An inspector of court administration may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If an inspector of court administration delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of this Part as carried out by the inspector.
- (3) In sub-paragraph (1) “public authority” includes any person certain of whose functions are functions of a public nature.

*Inspection programmes and inspection frameworks*

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Lord Chancellor may specify by order, prepare—
- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
- (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Chief Inspector shall consult—
- (a) the Lord Chief Justice of England and Wales,
- (b) the Lord Chancellor,
- (c) Her Majesty’s Chief Inspector of Prisons,
- (d) Her Majesty’s Chief Inspector of Constabulary,
- (e) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
- (f) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales,
- (g) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
- (h) the Commission for Healthcare Audit and Inspection,
- (i) the Commission for Social Care Inspection,

- (j) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (k) the Auditor General for Wales, and
  - (l) any other person or body specified by an order made by the Lord Chancellor,
- and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Lord Chancellor may by order specify the form that inspection programmes or inspection frameworks are to take.
  - (4) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectors of court administration from making visits without notice.

*Inspections by other inspectors of organisations within Chief Inspector's remit*

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the Chief Inspector shall, subject to sub-paragraph (6), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
    - (a) the Audit Commission for Local Government and the National Health Service in England and Wales;
    - (b) any other person or body specified by an order made by the Lord Chancellor.
  - (3) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by order made by the Lord Chancellor.
  - (4) A person or body may be specified under sub-paragraph (3) only if it exercises functions in relation to any matter falling within the scope of the inspectors of court administration under section 59 of this Act.
  - (5) A person or body may be specified under sub-paragraph (3) in relation to particular functions that it has.  
In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.
  - (6) The Lord Chancellor may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
  - (7) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.

This is subject to sub-paragraph (8).

- (8) The Lord Chancellor, if satisfied that the proposed inspection—
  - (a) would not impose an unreasonable burden on the organisation in question, or
  - (b) would not do so if carried out in a particular manner,may give consent to the inspection being carried out, or being carried out in that manner.
- (9) The Lord Chancellor may by order make provision supplementing that made by this paragraph, including in particular—
  - (a) provision about the form of notices;
  - (b) provision prescribing the period within which notices are to be given;
  - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
  - (d) provision for revising or withdrawing notices;
  - (e) provision for setting aside notices not validly given.

#### *Co-operation*

- 4 (1) The Chief Inspector shall co-operate with—
  - (a) Her Majesty's Chief Inspector of Prisons,
  - (b) Her Majesty's Inspectors of Constabulary,
  - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
  - (d) Her Majesty's Inspectorate of the National Probation Service for England and Wales,
  - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by order made by the Lord Chancellor,

where it is appropriate to do so for the efficient and effective discharge of his functions.

#### *Joint action*

- 5 The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.

#### *Assistance for other public authorities*

- 6 (1) The Chief Inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.

(2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit.””

15 Insert the following new Clause –

**“Transitional provision**

In relation to any time before the commencement of the provision in Part 8 of the Education and Inspections Act 2006 establishing the office of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, a reference to that inspector in any provision inserted by this Part is to be read as a reference to –

- (a) Her Majesty’s Chief Inspector of Schools in England, and
- (b) the Adult Learning Inspectorate.”

**Clause 26**

16 Leave out Clause 26

**Clause 27**

17 Leave out Clause 27

**Clause 28**

18 Leave out Clause 28

**Clause 29**

19 Leave out Clause 29

**Clause 30**

20 Leave out Clause 30

**Clause 31**

21 Leave out Clause 31

**Clause 32**

22 Leave out Clause 32

**Clause 33**

23 Leave out Clause 33

**Clause 34**

24 Leave out Clause 34

**Clause 35**

25 Leave out Clause 35

**Clause 36**

26 Leave out Clause 36

**Clause 37**

27 Leave out Clause 37

**Clause 39**

28 Page 32, line 10, leave out from beginning to “subsection” in line 11 and insert –

- “(1) In the Computer Misuse Act 1990 (c. 18) (“the 1990 Act”), section 1 is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (a), after “any computer” there is inserted “, or to enable any such access to be secured”;
  - (b) in paragraph (b), after “secure” there is inserted “, or to enable to be secured,”.
- (3) For”

**Clause 40**

29 Page 32, line 25, leave out from beginning to end of line 2 on page 33 and insert –

**“3 Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer, etc.**

- (1) A person is guilty of an offence if –
- (a) he does any unauthorised act in relation to a computer;
  - (b) at the time when he does the act he knows that it is unauthorised; and
  - (c) either subsection (2) or subsection (3) below applies.
- (2) This subsection applies if the person intends by doing the act –
- (a) to impair the operation of any computer;
  - (b) to prevent or hinder access to any program or data held in any computer;
  - (c) to impair the operation of any such program or the reliability of any such data; or
  - (d) to enable any of the things mentioned in paragraphs (a) to (c) above to be done.
- (3) This subsection applies if the person is reckless as to whether the act will do any of the things mentioned in paragraphs (a) to (d) of subsection (2) above.
- (4) The intention referred to in subsection (2) above, or the recklessness referred to in subsection (3) above, need not relate to –
- (a) any particular computer;
  - (b) any particular program or data; or
  - (c) a program or data of any particular kind.”

30 Page 33, line 6, at end insert –

“(c) a reference to impairing, preventing or hindering something includes a reference to doing so temporarily.”

#### Clause 41

31 Page 33, line 23, leave out from “3” to end of line 24 and insert –

“( ) A person is guilty of an offence if he supplies or offers to supply any article believing that it is likely to be used to commit, or to assist in the commission of, an offence under section 1 or 3.”

#### Clause 42

32 Page 33, line 39, at end insert –

“( ) The amendments made by –  
 (a) subsection (2) of section 39, and  
 (b) paragraphs 16(2), 22(1A) and 26(1A) of Schedule 15,  
 apply only where every act or other event proof of which is required for conviction of an offence under section 1 of the 1990 Act takes place after that subsection comes into force.”

33 Page 33, line 41, at beginning insert “subsection (3) of”

34 Page 33, line 43, leave out “section” and insert “subsection”

35 Page 34, line 7, leave out “16, 22, 24(4) and (5) and 26” and insert “16(3), 22(2) to (4), 24(4) and (5) and 26(2) and (3)”

#### After Clause 46

36 Insert the following new Clause –

##### “Designation of Part 2 territories: omission of United States of America

In the list of territories in paragraph 3(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (S.I. 2003/3334) “the United States of America” is omitted.”

37 Insert the following new Clause –

##### *“Repatriation of prisoners*

##### **Transfer of prisoner under international arrangements not requiring his consent**

- (1) Section 1 of the Repatriation of Prisoners Act 1984 (c. 47) (issue of warrant for transfer) is amended as follows.
- (2) In subsection (1), for paragraph (c) there is substituted –  
 “(c) in a case in which the terms of those arrangements provide for the prisoner to be transferred only with his consent, the prisoner’s consent has been given,”.
- (3) In subsection (5), for the words from the beginning to “was given” there is substituted “In such a case as is referred to in subsection (1)(c) above, the relevant Minister shall not issue a warrant under this Act unless he is satisfied that the prisoner’s consent was given”.

- (4) The amendments to section 1 of the 1984 Act in subsections (2) and (3) do not have effect in relation to any case in which the relevant Minister under that section is the Scottish Ministers.”

#### Before Clause 47

38 Insert the following new Clause –

#### “Attendance by accused at certain preliminary or sentencing hearings

For section 57 of the Crime and Disorder Act 1998 (c. 37) (use of live television links at preliminary hearings) there is substituted –

#### “PART 3A

#### LIVE LINKS FOR ACCUSED’S ATTENDANCE AT CERTAIN PRELIMINARY AND SENTENCING HEARINGS

#### 57A Introductory

- (1) This Part –
- (a) applies to preliminary hearings and sentencing hearings in the course of proceedings for an offence; and
  - (b) enables the court in the circumstances provided for in sections 57B, 57C and 57E to direct the use of a live link for securing the accused’s attendance at a hearing to which this Part applies.
- (2) The accused is to be treated as present in court when, by virtue of a live link direction under this Part, he attends a hearing through a live link.
- (3) In this Part –
- “custody” –
- (a) includes local authority accommodation to which a person is remanded or committed by virtue of section 23 of the Children and Young Persons Act 1969; but
  - (b) does not include police detention;
- “live link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during a hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);
- “police detention” has the meaning given by section 118(2) of the Police and Criminal Evidence Act 1984;
- “preliminary hearing” means a hearing in the proceedings held before the start of the trial (within the meaning of subsection (11A) or (11B) of section 22 of the 1985 Act) including, in the case of proceedings in the Crown Court, a preparatory hearing held under –
- (a) section 7 of the Criminal Justice Act 1987 (cases of serious or complex fraud); or

- (b) section 29 of the Criminal Procedure and Investigations Act 1996 (other serious, complex or lengthy cases);

“sentencing hearing” means any hearing following conviction which is held for the purpose of—

- (a) proceedings relating to the giving or rescinding of a direction under section 57E;
- (b) proceedings (in a magistrates’ court) relating to committal to the Crown Court for sentencing; or
- (c) sentencing the offender or determining how the court should deal with him in respect of the offence.

**57B Use of live link at preliminary hearings where accused is in custody**

- (1) This section applies in relation to a preliminary hearing in a magistrates’ court or the Crown Court.
- (2) Where it appears to the court before which the preliminary hearing is to take place that the accused is likely to be held in custody during the hearing, the court may give a live link direction under this section in relation to the attendance of the accused at the hearing.
- (3) A live link direction under this section is a direction requiring the accused, if he is being held in custody during the hearing, to attend it through a live link from the place at which he is being held.
- (4) If a hearing takes place in relation to the giving or rescinding of such a direction, the court may require or permit a person attending the hearing to do so through a live link.
- (5) The court shall not give or rescind such a direction (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.
- (6) If in a case where it has power to do so a magistrates’ court decides not to give a live link direction under this section, it must—
  - (a) state in open court its reasons for not doing so; and
  - (b) cause those reasons to be entered in the register of its proceedings.

**57C Use of live link at preliminary hearings where accused is at police station**

- (1) This section applies in relation to a preliminary hearing in a magistrates’ court.
- (2) Where subsection (3) or (4) applies to the accused, the court may give a live link direction in relation to his attendance at the preliminary hearing.
- (3) This subsection applies to the accused if—
  - (a) he is in police detention at a police station in connection with the offence; and
  - (b) it appears to the court that he is likely to remain at that station in police detention until the beginning of the preliminary hearing.

- (4) This subsection applies to the accused if he is at a police station in answer to live link bail in connection with the offence.
- (5) A live link direction under this section is a direction requiring the accused to attend the preliminary hearing through a live link from the police station.
- (6) But a direction given in relation to an accused to whom subsection (3) applies has no effect if he does not remain in police detention at the police station until the beginning of the preliminary hearing.
- (7) A live link direction under this section may not be given unless the accused has given his consent to the court.
- (8) A magistrates' court may rescind a live link direction under this section at any time before or during a hearing to which it relates.
- (9) A magistrates' court may require or permit –
  - (a) the accused to give or withhold consent under subsection (7) through a live link; and
  - (b) any party to the proceedings who wishes to make representations in relation to the giving or rescission of a live link direction under this section to do so through a live link.
- (10) Where a live link direction under this section is given in relation to an accused person who is answering to live link bail he is to be treated as having surrendered to the custody of the court (as from the time when the direction is given).
- (11) In this section, “live link bail” means bail granted under Part 4 of the Police and Criminal Evidence Act 1984 subject to the duty mentioned in section 47(3)(b) of that Act.

**57D Continued use of live link for sentencing hearing following a preliminary hearing**

- (1) Subsection (2) applies where –
  - (a) a live link direction under section 57B or 57C is in force;
  - (b) the accused is attending a preliminary hearing through a live link by virtue of the direction;
  - (c) the court convicts him of the offence in the course of that hearing (whether by virtue of a guilty plea or an indication of an intention to plead guilty); and
  - (d) the court proposes to continue the hearing as a sentencing hearing in relation to the offence.
- (2) The accused may continue to attend through the live link by virtue of the direction if –
  - (a) the hearing is continued as a sentencing hearing in relation to the offence;
  - (b) the accused consents to his continuing to attend through the live link; and
  - (c) the court is satisfied that it is not contrary to the interests of justice for him to do so.
- (3) But the accused may not give oral evidence through the live link during a continued hearing under subsection (2) unless –

- (a) he consents to give evidence in that way; and
- (b) the court is satisfied that it is not contrary to the interests of justice for him to give it in that way.

**57E Use of live link in sentencing hearings**

- (1) This section applies where the accused is convicted of the offence.
- (2) If it appears to the court by or before which the accused is convicted that it is likely that he will be held in custody during any sentencing hearing for the offence, the court may give a live link direction under this section in relation to that hearing.
- (3) A live link direction under this section is a direction requiring the accused, if he is being held in custody during the hearing, to attend it through a live link from the place at which he is being held.
- (4) Such a direction –
  - (a) may be given by the court of its own motion or on an application by a party; and
  - (b) may be given in relation to all subsequent sentencing hearings before the court or to such hearing or hearings as may be specified or described in the direction.
- (5) The court may not give such a direction unless –
  - (a) the offender has given his consent to the direction; and
  - (b) the court is satisfied that it is not contrary to the interests of justice to give the direction.
- (6) The court may rescind such a direction at any time before or during a hearing to which it relates if it appears to the court to be in the interests of justice to do so (but this does not affect the court’s power to give a further live link direction in relation to the offender).  
The court may exercise this power of its own motion or on an application by a party.
- (7) The offender may not give oral evidence while attending a hearing through a live link by virtue of this section unless –
  - (a) he consents to give evidence in that way; and
  - (b) the court is satisfied that it is not contrary to the interests of justice for him to give it in that way.
- (8) The court must –
  - (a) state in open court its reasons for refusing an application for, or for the rescission of, a live link direction under this section; and
  - (b) if it is a magistrates’ court, cause those reasons to be entered in the register of its proceedings.”

**39** Insert the following new Clause –

**“Live link bail**

- (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) After section 34(7) (persons who are to be treated as arrested) there is inserted –

- “(8) Subsection (7) does not apply in relation to a person who is granted bail subject to the duty mentioned in section 47(3)(b) and who either –
- (a) attends a police station to answer to such bail, or
  - (b) is arrested under section 46A for failing to do so,
- (provision as to the treatment of such persons for the purposes of this Part being made by section 46ZA).”
- (3) After section 46 (detention after charge) there is inserted –
- “46ZA Persons granted live link bail**
- (1) This section applies in relation to bail granted under this Part subject to the duty mentioned in section 47(3)(b) (“live link bail”).
  - (2) An accused person who attends a police station to answer to live link bail is not to be treated as in police detention for the purposes of this Act.
  - (3) Subsection (2) does not apply in relation to an accused person if –
    - (a) at any time before the beginning of proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 in relation to him, he informs a constable that he does not intend to give his consent to the direction;
    - (b) at any such time, a constable informs him that a live link will not be available for his use for the purposes of that section;
    - (c) proceedings in relation to a live link direction under that section have begun but he does not give his consent to the direction; or
    - (d) the court determines for any other reason not to give such a direction.
  - (4) If any of paragraphs (a) to (d) of subsection (3) apply in relation to a person, he is to be treated for the purposes of this Part –
    - (a) as if he had been arrested for and charged with the offence in connection with which he was granted bail, and
    - (b) as if he had been so charged at the time when that paragraph first applied in relation to him.
  - (5) An accused person who is arrested under section 46A for failing to attend at a police station to answer to live link bail, and who is brought to a police station in accordance with that section, is to be treated for the purposes of this Part –
    - (a) as if he had been arrested for and charged with the offence in connection with which he was granted bail, and
    - (b) as if he had been so charged at the time when he is brought to the station.
  - (6) Nothing in subsection (4) or (5) affects the operation of section 47(6).”
- (4) In section 46A (power of arrest for failure to answer to police bail) after subsection (1) there is inserted –
- “(1ZA) The reference in subsection (1) to a person who fails to attend at a police station at the time appointed for him to do so includes a reference to a person who –

- (a) attends at a police station to answer to bail granted subject to the duty mentioned in section 47(3)(b), but
  - (b) leaves the police station at any time before the beginning of proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 in relation to him, without informing a constable that he does not intend to give his consent to the direction.”
- (5) In section 47 (bail after arrest) –
- (a) in subsection (3) for paragraphs (a) and (b) and the words following them there is substituted –
    - “(a) to appear before a magistrates’ court at such time and such place as the custody officer may appoint;
    - (b) to attend at such police station as the custody officer may appoint at such time as he may appoint for the purposes of –
      - (i) proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 (use of live link direction at preliminary hearings where accused is at police station); and
      - (ii) any preliminary hearing in relation to which such a direction is given; or
    - (c) to attend at such police station as the custody officer may appoint at such time as he may appoint for purposes other than those mentioned in paragraph (b).”; and
  - (b) in subsection (7) at the end insert “or to a person to whom section 46ZA(4) or (5) applies”.
- (6) In section 54 (searches of detained persons) in subsection (1)(b) after “37 above” there is inserted “or as a person to whom section 46ZA(4) or (5) applies”.

**40** Insert the following new Clause –

**“Evidence of vulnerable accused**

After section 33 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (interpretation etc of Chapter 1 of Part 2) there is inserted –

**“CHAPTER 1A**

**USE OF LIVE LINK FOR EVIDENCE OF CERTAIN ACCUSED PERSONS**

**33A Live link directions**

- (1) This section applies to any proceedings (whether in a magistrates’ court or before the Crown Court) against a person for an offence.
- (2) The court may, on the application of the accused, give a live link direction if it is satisfied –
  - (a) that the conditions in subsection (4) or, as the case may be, subsection (5) are met in relation to the accused, and
  - (b) that it is in the interests of justice for the accused to give evidence through a live link.

- (3) A live link direction is a direction that any oral evidence to be given before the court by the accused is to be given through a live link.
- (4) Where the accused is aged under 18 when the application is made, the conditions are that—
  - (a) his ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by his level of intellectual ability or social functioning, and
  - (b) use of a live link would enable him to participate more effectively in the proceedings as a witness (whether by improving the quality of his evidence or otherwise).
- (5) Where the accused has attained the age of 18 at that time, the conditions are that—
  - (a) he suffers from a mental disorder (within the meaning of the Mental Health Act 1983) or otherwise has a significant impairment of intelligence and social function,
  - (b) he is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court, and
  - (c) use of a live link would enable him to participate more effectively in the proceedings as a witness (whether by improving the quality of his evidence or otherwise).
- (6) While a live link direction has effect the accused may not give oral evidence before the court in the proceedings otherwise than through a live link.
- (7) The court may discharge a live link direction at any time before or during any hearing to which it applies if it appears to the court to be in the interests of justice to do so (but this does not affect the power to give a further live link direction in relation to the accused). The court may exercise this power of its own motion or on an application by a party.
- (8) The court must state in open court its reasons for—
  - (a) giving or discharging a live link direction, or
  - (b) refusing an application for or for the discharge of a live link direction,and, if it is a magistrates' court, it must cause those reasons to be entered in the register of its proceedings.

### **33B Section 33A: meaning of “live link”**

- (1) In section 33A “live link” means an arrangement by which the accused, while absent from the place where the proceedings are being held, is able—
  - (a) to see and hear a person there, and
  - (b) to be seen and heard by the persons mentioned in subsection (2),and for this purpose any impairment of eyesight or hearing is to be disregarded.
- (2) The persons are—
  - (a) the judge or justices (or both) and the jury (if there is one),
  - (b) where there are two or more accused in the proceedings, each of the other accused,

- (c) legal representatives acting in the proceedings, and
- (d) any interpreter or other person appointed by the court to assist the accused.

### 33C Saving

Nothing in this Chapter affects –

- (a) any power of a court to make an order, give directions or give leave of any description in relation to any witness (including an accused), or
- (b) the operation of any rule of law relating to evidence in criminal proceedings.”

41 Insert the following new Clause –

### “Appeals under Part 1 of the Criminal Appeal Act 1968

- (1) In section 22 of the Criminal Appeal Act 1968 (c. 19) (right of appellant to be present at criminal appeal hearings in Court of Appeal), after subsection (3) there is inserted –
  - “(4) The Court of Appeal may give a live link direction in relation to a hearing at which the appellant is expected to be in custody but is entitled to be present (by virtue of subsection (1) or leave given under subsection (2)) at any time before the beginning of that hearing.
  - (5) For this purpose –
    - (a) a “live link direction” is a direction that the appellant (if he is being held in custody at the time of the hearing) is to attend the hearing through a live link from the place at which he is held; and
    - (b) “live link” means an arrangement by which the appellant is able to see and hear, and to be seen and heard by, the Court of Appeal (and for this purpose any impairment of eyesight or hearing is to be disregarded).
  - (6) The Court of Appeal –
    - (a) must not give a live link direction unless the parties to the appeal have had the opportunity to make representations about the giving of such a direction; and
    - (b) may rescind a live link direction at any time before or during any hearing to which it applies (whether of its own motion or on the application of a party).”
- (2) In section 23 of that Act (giving of evidence), after subsection (4) there is inserted –
  - “(5) A live link direction under section 22(4) does not apply to the giving of oral evidence by the appellant at any hearing unless that direction, or any subsequent direction of the court, provides expressly for the giving of such evidence through a live link.”
- (3) In section 31(2) of that Act (powers exercisable by single judge), after paragraph (c) there is inserted –
  - “(ca) to give a live link direction under section 22(4);”.

**Clause 47**

- 42 Page 37, leave out lines 26 and 27
- 43 Page 37, line 30, leave out “section 29(3)(a) or (b) or”

**Clause 52**

- 44 Page 40, line 34, leave out “(5)” and insert “(5A)”
- 45 Page 40, line 38, at end insert –  
“section (*Power to merge schemes*) and Schedule (*Power to merge police pension schemes*);”
- 46 Page 40, leave out line 39
- 47 Page 40, line 42, leave out “Section 11 extends” and insert “Sections (*Consultation with APA and ACPO*) and 11 extend”
- 48 Page 40, line 45, at end insert –  
“(5A) Subsection (5) does not apply to the amendments made by paragraphs 12A and 31A of Schedule 15, which do not extend to Scotland.”

**Schedule 1**

- 49 Page 45, line 29, leave out paragraphs (b) and (c) and insert –  
“(b) the Association of Police Authorities,  
(c) the Association of Chief Police Officers, and”
- 50 Page 45, line 38, leave out paragraphs (b) and (c) and insert –  
“(b) the Association of Chief Police Officers, and  
(c) the Association of Police Authorities.”
- 51 Page 46, line 28, leave out paragraphs (a) and (b) and insert –  
“(a) the Association of Police Authorities, and  
(b) the Association of Chief Police Officers.”
- 52 Page 46, line 37, leave out paragraphs (a) and (b) and insert –  
“(a) at least one member nominated by the Association of Police Authorities,  
(b) at least one member nominated by the Association of Chief Police Officers, and”
- 53 Page 53, line 30, leave out “for Justice, Community Safety and Custody” and insert “of Constabulary”
- 54 Page 58, line 13, at end insert –  
““the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland.”
- 55 Page 59, line 29, leave out paragraphs (b) and (c) and insert –  
“(b) the Association of Police Authorities, and  
(c) the Association of Chief Police Officers.”
- 56 Page 64, line 22, leave out from beginning to “(offence” in line 24 and insert “In section 91(2)”
- 57 Page 64, line 29, leave out sub-paragraph (3)

## Schedule 2

58 Page 71, line 3, leave out paragraphs 1 and 2

59 Page 72, line 40, leave out paragraphs 3 and 4 and insert—

“ In section 4 (membership of police authorities outside Greater London), in subsection (4), for “Schedules 2 and 3” there is substituted “Schedule 2”.

For Schedule 2 there is substituted—

### “SCHEDULE 2

Section 4

#### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

##### *Membership of police authorities*

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of police authorities established under section 3.
- (2) Regulations under this paragraph shall provide for a police authority to consist of—
  - (a) persons who are members of a relevant council, and
  - (b) other persons, including at least one lay justice.
- (3) Those regulations shall—
  - (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
  - (b) secure that the majority of members of a police authority are persons falling within paragraph (a) of that sub-paragraph.
- (4) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of a police authority to be persons of a specified description.
- (5) Those regulations may include provision as to—
  - (a) how a member is to be appointed;
  - (b) disqualification for membership;
  - (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (d) re-appointment as a member;
  - (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
  - (f) the validity of proceedings of a police authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the authority;
  - (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

*Appointment of councillor members*

- 2 Regulations under paragraph 1 shall provide that—
- (a) in the case of a police authority in relation to which there is only one relevant council, the members falling within paragraph 1(2)(a) are to be appointed by that council;
  - (b) in any other case, those members are to be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

*Appointment of other members*

- 3 (1) Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(b) are to be appointed—
- (a) by the existing members of the authority,
  - (b) from among persons on a short-list prepared by a selection panel.
- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
- (a) the number of members of a selection panel;
  - (b) how and by whom a member of a panel is to be appointed;
  - (c) disqualification for membership;
  - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (e) re-appointment as a member of a panel;
  - (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;
  - (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
  - (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;
  - (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

*Chairman and vice chairmen*

- 4 (1) The Secretary of State shall by regulations provide that—
- (a) a police authority is to appoint a chairman from among its members at each annual meeting; and
  - (b) at an annual meeting a police authority may appoint one or more vice-chairmen from among its members.

- (2) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
- (a) qualification and disqualification for appointment;
  - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
  - (c) eligibility for re-appointment;
  - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
  - (e) the validity of proceedings of a police authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
  - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

#### *Standards committees*

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the standards committee of a police authority established under section 3.

#### *Consultation*

- 6 Before making regulations under this Schedule the Secretary of State shall consult—
- (a) the Association of Police Authorities,
  - (b) persons whom he considers to represent the interests of county and district councils in England and county and county borough councils in Wales,
  - (c) in the case of regulations that are not to apply to all police authorities established under section 3—
    - (i) any police authority to which the regulations are to apply, and
    - (ii) any relevant council in relation to such an authority,
- and
- (d) such other persons as he thinks fit.

#### *Supplementary*

- 7 (1) Regulations under this Schedule may make different provision for different police authorities.
- (2) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.

- (3) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Interpretation*

- 8 (1) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in England if it is the council for—
- (a) a county, or
  - (b) a district comprised in an area for which there is no county council,
- which constitutes, or is wholly within, the authority’s police area.
- (2) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in Wales if it is the council for a county or county borough which constitutes, or is wholly within, the authority’s police area.
- 9 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.””

60 Page 75, line 5, leave out paragraph 5 and insert—

“ In section 5C (membership etc of Metropolitan Police Authority), in subsection (6), for “Schedules 2A and 3” there is substituted “Schedule 2A”.

For Schedule 2A there is substituted—

“SCHEDULE 2A

Section 5C

THE METROPOLITAN POLICE AUTHORITY

*Membership of Authority*

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of the Metropolitan Police Authority.
- (2) Regulations under this paragraph shall provide for the Authority to consist of—
- (a) persons appointed from among the persons specified in sub-paragraph (3), and
  - (b) other persons, including at least one lay justice.
- (3) The persons referred to in sub-paragraph (2)(a) are—
- (a) the Mayor of London, and
  - (b) members of the London Assembly.
- (4) Regulations under this paragraph shall—
- (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
  - (b) secure that the majority of members of the Authority are persons falling within paragraph (a) of that sub-paragraph.

- (5) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of the Authority to be persons of a specified description.
- (6) Those regulations may include provision as to—
  - (a) how a member is to be appointed;
  - (b) disqualification for membership;
  - (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (d) re-appointment as a member;
  - (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
  - (f) the validity of proceedings of the Authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the Authority;
  - (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

*Appointment of members from London Assembly etc*

- 2 Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(a) are to be appointed by the Mayor of London.

*Appointment of other members*

- 3 (1) Regulations under paragraph 1 shall provide that—
  - (a) one of the members falling within paragraph 1(2)(b) is to be appointed by the Secretary of State, and
  - (b) the other members are to be appointed by the existing members of the Metropolitan Police Authority from among persons on a short-list prepared by a selection panel.
- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
  - (a) the number of members of a selection panel;
  - (b) how and by whom a member of a panel is to be appointed;
  - (c) disqualification for membership;
  - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (e) re-appointment as a member of a panel;
  - (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;

- (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
- (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;
- (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

#### *Chairman and vice chairmen*

- 4 (1) The Secretary of State shall by regulations provide that—
- (a) if the Mayor of London is a member of the Metropolitan Police Authority, he is to be the chairman;
  - (b) if not, the Mayor of London is to appoint a chairman from among the members of the Authority.
- (2) The Secretary of State shall by regulations provide that the Mayor of London may appoint one or more vice-chairmen from among the members of the Authority.
- (3) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
- (a) qualification and disqualification for appointment;
  - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
  - (c) eligibility for re-appointment;
  - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
  - (e) the validity of proceedings of the Authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
  - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

#### *Standards committees*

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the Metropolitan Police Authority's standards committee.

#### *Consultation*

- 6 Before making any regulations under this Schedule, the Secretary of State shall consult—
- (a) the Metropolitan Police Authority,

- (b) the Association of Police Authorities,
- (c) the Greater London Authority,
- (d) persons whom he considers to represent the interests of London boroughs, and
- (e) such other persons as he thinks fit.

*Supplementary*

- 7 (1) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.
- (2) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Interpretation*

- 8 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.””

- 61 Page 77, line 8, leave out “section 4(10)” and insert “paragraph 8 of Schedule 2”
- 62 Page 77, line 9, leave out paragraph 7
- 63 Page 77, line 18, leave out from “Schedules” to “are” and insert “3 (police authorities: selection of independent members) and 3A (police authorities: selection of lay justice members)”
- 64 Page 78, leave out lines 14 to 17 and insert—
  - “(a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and”
- 65 Page 78, line 26, leave out from beginning to end of line 22 on page 79 and insert—

**““6ZB Plans by police authorities**

- (1) Before the beginning of each financial year every police authority shall issue a plan (a “policing plan”) setting out—
  - (a) the authority’s objectives (“policing objectives”) for the policing of its area during that year; and
  - (b) the proposed arrangements for the policing of that area for the period of three years beginning with that year.
- (2) Policing objectives shall be so framed as to be consistent with any strategic priorities determined under section 37A.
- (3) Before determining policing objectives, a police authority shall—
  - (a) consult the relevant chief officer of police, and
  - (b) consider any views obtained by the authority in accordance with arrangements made under section 96.
- (4) A draft of a policing plan required to be issued by a police authority under this section shall be prepared by the relevant chief officer of police and submitted by him to the authority for it to consider.

The authority shall consult the relevant chief officer of police before issuing a policing plan which differs from the draft submitted by him under this subsection.

- (5) The Secretary of State may by regulations make provision supplementing that made by this section.
- (6) The regulations may make provision (further to that made by subsection (3)) as to persons who are to be consulted, and matters that are to be considered, before determining policing objectives.
- (7) The regulations may contain provision as to—
  - (a) matters to be dealt with in policing plans (in addition to those mentioned in subsection (1));
  - (b) persons who are to be consulted, and matters that are to be considered, in preparing policing plans;
  - (c) modification of policing plans;
  - (d) persons to whom copies of policing plans are to be sent.
- (8) Before making regulations under this section the Secretary of State must consult—
  - (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (9) Regulations under this section may make different provision for different police authorities.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “the relevant chief officer of police”, in relation to a police authority, means the chief officer of police of the police force maintained by that authority.

#### **6ZC Reports by police authorities**

- (1) The Secretary of State may by order require police authorities to issue reports concerning the policing of their areas.
- (2) An order under this section may contain provision as to—
  - (a) the periods to be covered by reports, and, as regards each period, the date by which reports are to be issued;
  - (b) the matters to be dealt with in reports;
  - (c) persons to whom copies of reports are to be sent.
- (3) Before making an order under this section the Secretary of State must consult—
  - (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.

- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.””
- 66 Page 79, leave out lines 33 to 36 and insert –  
“(b) the policing plan issued by the Metropolitan Police Authority under section 6ZB.””
- 67 Page 79, leave out lines 41 to 44 and insert –  
“(b) the policing plan issued by the police authority for his area under section 6ZB.””
- 68 Page 79, line 45, leave out paragraph 15 and insert –  
“15 (1) Section 96B (national and international functions: application of requirements relating to reports etc) is amended as follows.  
(2) In subsection (2), for “section 7(1) shall have effect as if the reference” there is substituted “section 6ZB(1) shall have effect as if a reference”.  
(3) Subsection (3) is repealed.  
(4) In subsection (4), for “section 9(1)” there is substituted “section 6ZC(1)”.”
- 69 Page 81, line 41, at end insert –  
“*Clerks to police authorities renamed chief executives*  
19A (1) Section 16 (appointment of clerk by police authority) is amended as follows.  
(2) In subsections (1) and (2), for “clerk to” there is substituted “chief executive of”.  
(3) In the heading, for “clerk” there is substituted “chief executive”.  
19B In Schedule 6 (appeals to police appeal tribunals), in paragraph 6(2), for “clerk” there is substituted “chief executive”.  
19C (1) A reference in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) to the clerk to a police authority has effect as a reference to the chief executive of the authority.  
(2) A person holding office as clerk to a police authority on the commencement of paragraph 19A continues in that office as chief executive of the authority.  
(3) In this paragraph “police authority” means –  
(a) a police authority established under section 3 of the Police Act 1996 (c. 16);  
(b) the Metropolitan Police Authority.”
- 70 Page 82, leave out lines 21 to 24 and insert –  
“(a) the Association of Police Authorities, and  
(b) the Association of Chief Police Officers.”
- 71 Page 83, line 1, leave out paragraphs 26 to 28
- 72 Page 86, line 17, leave out paragraph 29 and insert –

- “29 (1) Section 96 (arrangements for obtaining the views of the community on policing) is amended as follows.
- (2) In subsection (1)(b), after “crime” there is inserted “and anti-social behaviour”.
- (3) In subsection (2), for “subsection (6)” there is substituted “provision made by virtue of subsection (6)(b)”.
- (4) For subsections (6) to (10) there is substituted –
- “**(6)** The Secretary of State may by regulations –
- (a) make provision supplementing that made by this section (or by regulations under paragraph (b));
- (b) make provision applying in place of subsection (2) in relation to the City of London police area.
- (7)** Regulations under subsection (6)(a) may contain –
- (a) provision requiring a police authority to review arrangements made under this section from time to time;
- (b) provision (further to that made by subsection (2) or by regulations under subsection (6)(b)) as to persons whom a police authority is to consult in making or reviewing the arrangements;
- (c) provision as to matters to which a police authority is to have regard in making or reviewing the arrangements;
- (d) provision for the Secretary of State, if not satisfied with the adequacy of arrangements made under this section by a police authority, to require the authority –
- (i) to submit reports to him concerning the arrangements;
- (ii) to review the arrangements.
- (8)** Before making regulations under this section the Secretary of State must consult –
- (a) the Association of Police Authorities,
- (b) the Association of Chief Police Officers, and
- (c) such other persons as he thinks fit.
- (9)** Regulations under this section may make different provision for different police authorities.
- (10)** A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.””

### After Schedule 2

73 Insert the following new Schedule –

#### “POWER TO MERGE POLICE PENSION SCHEMES

##### *Introduction*

- 1 In this Schedule –
- “the 1976 Act” means the Police Pensions Act 1976;

“1976 Act scheme” means a pension scheme established by regulations under section 1 of the 1976 Act (pensions for police in Great Britain);

“the 1998 Act” means the Police (Northern Ireland) Act 1998;

“1998 Act scheme” means a pension scheme established by regulations under section 25(2)(k) of the 1998 Act (pensions for members of Police Service of Northern Ireland) or section 26(2)(g) of that Act (pensions for members of Police Service of Northern Ireland Reserve);

“police pension scheme” means a 1976 Act scheme or a 1998 Act scheme;

“police pensions regulations” means—

- (a) regulations under section 1 of the 1976 Act;
- (b) regulations under section 25(2)(k) or 26(2)(g) of the 1998 Act.

*Power to merge police pension schemes*

- 2 (1) Regulations may—
  - (a) revoke those provisions of the police pensions regulations that apply to persons who became members of a police pension scheme before 6th April 2006, and
  - (b) make equivalent provision establishing a single pension scheme for the benefit of those persons.
- (2) In sub-paragraph (1)(b) “equivalent provision” means, subject to sub-paragraph (3), provision having the same effect as the provisions revoked.
- (3) The regulations may make changes to the effect of the provisions revoked if the changes—
  - (a) are made as a result of consolidating the provisions of the different police pensions regulations into a single pension scheme, and
  - (b) do not make the scheme less beneficial to any member of it than the police pension scheme of which he was previously a member.

*Exercise of power to establish merged scheme*

- 3 (1) This paragraph applies to the first regulations under this Schedule.
- (2) The power to make the regulations is exercisable by the Secretary of State with the consent of the Treasury.
- (3) Before exercising the power the Secretary of State shall consult with the Police Negotiating Board for the United Kingdom.
- (4) The regulations may be framed so as to have effect as from a date before the making of the regulations.

*Exercise of power to amend merged scheme*

- 4 (1) The power to make amending regulations is exercisable as if—
  - (a) any provision of the 1976 Act applying to regulations under section 1 of that Act,

- (b) any provision of Northern Ireland legislation applying to regulations under section 25(2)(k) of the 1998 Act, and
  - (c) any provision of Northern Ireland legislation applying to regulations under section 26(2)(g) of that Act,
- applied also to the amending regulations.
- (2) In this paragraph “amending regulations” means regulations amending regulations previously made under this Schedule.

*Application of provisions of other Acts*

- 5 (1) The provisions of –
- (a) section 8A of the 1976 Act (information in connection with police pensions etc),
  - (b) section 9 of that Act (assignment etc of pension to be void), and
  - (c) section 10 of that Act (obtaining pension by self-inflicted injury etc),
- apply to regulations under this Schedule, so far as relating to persons who are former members of a 1976 Act Scheme, as they apply to regulations under section 1 of the 1976 Act.
- (2) The Pensions (Increase) Act 1971 has effect as if a reference in paragraph 15 or 43 of Schedule 2 to a pension payable under the Police Pensions Act 1976 included a reference to a pension payable under regulations under this Schedule to a person who is a former member of a 1976 Act Scheme.

*Transitional provision*

- 6 A reference, however expressed, in any document (including an enactment) to –
- (a) regulations under section 1 of the 1976 Act,
  - (b) regulations under section 25(2)(k) of the 1998 Act, or
  - (c) regulations under section 26(2)(g) of that Act,
- is to be read, where the context allows, as including a reference to regulations under this Schedule.

*Continuity of schemes for tax purposes*

- 7 A pension scheme established under this Schedule is to be regarded for the purposes of Part 4 of the Finance Act 2004 (taxation of pension schemes etc) as a continuation of each police pension scheme that it replaces, and not as a different scheme.”

**74** Insert the following new Schedule –

“CONSULTATION WITH APA AND ACPO

*Police and Criminal Evidence Act 1984 (c. 60)*

- 1 In section 67 of the Police and Criminal Evidence Act 1984 (supplementary provisions about codes), for paragraphs (a) and (b) of subsection (4) there is substituted –
- “(a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers of England, Wales and Northern Ireland.”.

*Police Act 1996 (c. 16)*

- 2 In section 8A of the Police Act 1996 (local policing summaries), for paragraphs (a) and (b) of subsection (6) there is substituted –  
 “(a) the Association of Police Authorities;  
 (b) the Association of Chief Police Officers; and”.
- 3 In section 39A of that Act (codes of practice for chief officers), for paragraphs (a) and (b) of subsection (4) there is substituted –  
 “(a) the Association of Police Authorities;  
 (b) the Association of Chief Police Officers; and”.
- 4 In section 42A of that Act (procedure in relation to removal of senior officers), for paragraphs (a) and (b) of subsection (2) there is substituted –  
 “(a) the Association of Police Authorities;  
 (b) the Association of Chief Police Officers; and”.
- 5 In section 53 of that Act (regulations as to standard of equipment), for paragraphs (a) and (b) of subsection (2) there is substituted –  
 “(a) the Association of Police Authorities;  
 (b) the Association of Chief Police Officers; and”.
- 6 (1) Section 53A of that Act (regulation of procedures and practices) is amended as follows.  
 (2) For paragraphs (a) and (b) of subsection (3) there is substituted –  
 “(a) the Association of Police Authorities; and  
 (b) the Association of Chief Police Officers.”  
 (3) For paragraphs (a) and (b) of subsection (5) there is substituted –  
 “(a) the Association of Police Authorities; and  
 (b) the Association of Chief Police Officers; and”.
- 7 In section 57 of that Act (common services), for paragraphs (a) and (b) of subsection (4) there is substituted –  
 “(a) the Association of Police Authorities;  
 (b) the Association of Chief Police Officers; and”.
- 8 In section 101 of that Act (interpretation), at the beginning of the list of definitions in subsection (1) there is inserted –  
 ““the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland;”.

*Criminal Procedure and Investigations Act 1996 (c. 25)*

- 9 In section 21A of the Criminal Procedure and Investigations Act 1996 (code of practice for police interviews of certain witnesses), in subsection (4) –  
 (a) before paragraph (a) there is inserted –  
 “(za) the Association of Chief Police Officers of England, Wales and Northern Ireland;”;  
 (b) sub-paragraph (i) of paragraph (a) is omitted.

*Criminal Justice and Police Act 2001 (c. 16)*

- 10 In section 97 of the Criminal Justice and Police Act 2001 (regulations for police forces), for paragraphs (c) and (d) of subsection (4) there is substituted –
- “(c) the Association of Police Authorities; and
  - (d) the Association of Chief Police Officers of England, Wales and Northern Ireland.”

*Police Reform Act 2002 (c. 30)*

- 11 In section 22 of the Police Reform Act 2002 (power of Independent Police Complaints Commission to issue guidance), for paragraphs (a) and (b) of subsection (3) there is substituted –
- “(a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers; and”.
- 12 In section 24 of that Act (consultation on regulations), for paragraphs (b) and (c) there is substituted –
- “(b) the Association of Police Authorities;
  - (c) the Association of Chief Police Officers; and”.
- 13 In section 39 of that Act (police powers for contracted-out staff), for paragraphs (a) and (b) of subsection (11) there is substituted –
- “(a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers;”.
- 14 In section 43 of that Act (railway safety accreditation scheme), in subsection (9) –
- (a) for paragraph (a) there is substituted –
    - “(a) the Association of Chief Police Officers;”;
  - (b) for paragraph (c) there is substituted –
    - “(c) the Association of Police Authorities;”.
- 15 In section 45 of that Act (code of practice relating to chief officers’ powers under Chapter 1 of Part 4), in subsection (3) –
- (a) for paragraph (c) there is substituted –
    - “(c) the Association of Police Authorities;”;
  - (b) for paragraph (f) there is substituted –
    - “(f) the Association of Chief Police Officers;”.
- 16 In section 51 of that Act (independent custody visitors for places of detention), for paragraphs (a) and (b) of subsection (7) there is substituted –
- “(a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers; and”.
- 17 In section 96 of that Act (president of ACPO), the words “of England, Wales and Northern Ireland” are omitted.
- 18 In section 106 of that Act (general interpretation), at the appropriate place there is inserted –
- “the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland;”.

### Schedule 6

75 Page 96, line 1, leave out from “that” to first “to” in line 3 and insert “acts as its crime and disorder committee and also acts in one or more other capacities, the reference in sub-paragraph (1)”

76 Page 97, line 5, leave out sub-paragraph (2)

77 Page 97, line 11, at end insert –

*“Application to the City of London*

10 Paragraph 8 does not apply to the crime and disorder committee of the Common Council or to a sub-committee of that committee.

11 (1) The Common Council may discharge its duty under section 18(1) by itself acting as the crime and disorder committee of the Council, and sub-paragraphs (2) to (4) apply if it does so.

(2) In section 18 or 19 or this Schedule, or in section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies), a reference to the crime and disorder committee of a local authority includes a reference to the Common Council in its capacity as crime and disorder committee.

(3) Paragraph 2, in its application to the Common Council, has effect with the omission of sub-paragraph (2).

(4) Paragraph 9, in its application to the Common Council, applies only so far as it relates to sub-committees.

12 In paragraphs 10 and 11 “the Common Council” means the Common Council of the City of London.”

### Schedule 9

78 Leave out Schedule 9

### Schedule 10

79 Leave out Schedule 10

### Schedule 11

80 Leave out Schedule 11

### Schedule 14

81 Page 134, line 3, at end insert –

“(j) forum.”;

82 Page 134, line 5, leave out “19A” and insert “19B”

83 Page 134, line 23, at end insert –

#### “19B Forum

(1) If the conduct disclosed by the request was committed partly in the United Kingdom, the judge shall not order

the extradition of the person unless it appears in the light of all the circumstances that it would be in the interests of justice that the person should be tried in the category 1 territory.

- (2) In deciding whether extradition is in the interests of justice, the judge shall take into account whether the competent United Kingdom authorities have decided to refrain from prosecuting the person whose surrender is sought for the conduct constituting the offence for which extradition is requested.”

84 Page 142, line 5, at end insert –

*“Bars to extradition*

- (1) Section 79 (bars to extradition) is amended as follows.
- (2) After paragraph (d) of subsection (1) there is inserted –  
“(e) forum.”
- (3) In subsection (2), for “83” there is substituted “83A”.
- (4) After section 83 there is inserted –

**“83A Forum**

- (1) If the conduct disclosed by the request was committed partly in the United Kingdom, the judge shall not order the extradition of the person unless it appears in the light of all the circumstances that it would be in the interests of justice that the person should be tried in the category 2 territory.
- (2) In deciding whether extradition is in the interests of justice, the judge shall take into account whether the competent United Kingdom authorities have decided to refrain from prosecuting the person whose surrender is sought for the conduct constituting the offence for which extradition is requested.”

85 Page 142, line 5, at end insert –

“14A(1) Section 84 (case where person has not been convicted) is amended as follows.

- (2) After subsection (7) there is inserted –

“(7A) The Secretary of State may not make an order under subsection (7) designating the United States of America for the purposes of this section unless there is in force an agreement with the United States of America pursuant to which an order for the extradition of persons from the United States of America to the United Kingdom may be obtained in terms relating to the production of information and evidence similar to those which apply to extradition from the United Kingdom to the United States of America after the designation takes effect.”

**Schedule 15**

86 Page 146, line 35, at end insert –

*“Prison Act 1952 (c. 52)*

- (3) Section 52 of the Prison Act 1952 (exercise of power to make orders, rules and regulations) is amended as follows.
- (4) In subsection (1), after “of this Act” there is inserted “or under Schedule A1 to this Act”.
- (5) After subsection (2) there is inserted –
  - “(2A) A statutory instrument containing an order under Schedule A1 to this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (6) In subsection (3), after “of this Act” there is inserted “or under Schedule A1 to this Act”.

87 Page 149, line 25, at end insert –

*“Criminal Justice Act 1988 (c. 33)*

- 12A In section 142 of the Criminal Justice Act 1988 (power of justice of the peace to authorise entry and search of premises for offensive weapons), in subsection (3), for “subsection (1)(b)” there is substituted “subsection (1)(c)”.

88 Page 149, line 37, at end insert –

*“Local Government and Housing Act 1989 (c. 43)*

In section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer), in subsection (1), for “the clerk to the authority” there is substituted “the chief executive of the authority”.

89 Page 150, leave out line 14 and insert –

- “(1) Section 5 of that Act (significant links with domestic jurisdiction) is amended as follows.
- (2) In subsection (2), for paragraph (b) there is substituted –
  - “(b) that any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the home country concerned at that time.”
- (3) In”

90 Page 150, line 39, at end insert –

- “(1A) In subsection (1), for paragraph (b) there is substituted –
  - “(b) any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the sheriffdom at that time.””

91 Page 152, line 16, at end insert –

“(1A) In subsection (2), after “such access” there is inserted “or to enable such access to be secured”.”

92 Page 152, line 25, at end insert –

“*Police Act 1996 (c. 16)*

In section 91 of the Police Act 1996 (offence of causing disaffection amongst members of police forces etc), after subsection (2) there is inserted –

“(3) Liability under subsection (1) for any behaviour is in addition to any civil liability for that behaviour.””

93 Page 153, line 14, at end insert –

“*Audit Commission Act 1998 (c. 18)*

(1) Section 37 of the Audit Commission Act 1998 is amended as follows.

(2) In the heading, for “**CHAI and CSCI**” there is substituted “**other bodies and persons**”.

(3) After subsection (1) there is inserted –

“(1A) The Audit Commission may provide assistance to –

- (a) Her Majesty’s Chief Inspector of Prisons,
  - (b) Her Majesty’s Inspectors of Constabulary,
  - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (d) Her Majesty’s Inspectorate of the National Probation Service for England and Wales, and
  - (e) Her Majesty’s Inspectorate of Court Administration,
- in the discharge of any of their functions.”

(4) For subsection (2) there is substituted –

“(2) Assistance under subsection (1) or (1A) may be provided on such terms, including terms as to payment, as the Audit Commission and the body or person in question may agree.””

94 Page 153, line 18, at end insert –

“*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

31A (5) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

(6) In the cross-heading before section 47 (restrictions on reporting directions under Chapter 1 or 2 of Part 2) and in the heading to that section, for “Chapter I or II” there is substituted “Chapter 1, 1A or 2”.

(7) In section 47, in subsection (2)(a), after “section 19”, in the first place it occurs, there is inserted “, 33A”.”

95 Page 154, line 6, at end insert –

“In section 9 of the Police Reform Act 2002 (the Independent Police Complaints Commission), in subsection (3)(d), after “section 41” there is inserted “or 41A”.”

96 Page 157, line 19, at end insert—

- “(1) In Schedule 4 to that Act (British Transport Police Authority), in paragraph 11(b) (appointment of clerk), for “a clerk” there is substituted “a chief executive”.
- (2) A person holding office as clerk to the British Transport Police Authority on the commencement of this paragraph continues in that office as chief executive of the authority.”

97 Page 157, line 24, leave out paragraph 46 and insert—

- “46 (3) Section 26 of that Act (parenting orders in respect of criminal conduct and anti-social behaviour) is amended as follows.
- (4) In the heading, at the end there is inserted “: **youth offending teams**”.
- (5) After subsection (8) there is inserted—
  - “(9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is a member of a youth offending team.””

98 Page 158, line 9, leave out from first “officers” to “registered” in line 10 and insert “in relation to parenting orders made on the application of local authorities in England or of”

99 Page 158, line 18, leave out from first “officers” to “registered” in line 19 and insert “in relation to parenting orders made on the application of local authorities in Wales or of”

100 Page 158, line 30, leave out from “(29),” to end of line 42 and insert “in the definition of “responsible officer”, for the words after “means” there is substituted “the person who is specified as such in the order,””

101 Page 159, line 13, at end insert—

“*Public Audit (Wales) Act 2004 (c. 23)*

After section 67 of the Public Audit (Wales) Act 2004 there is inserted—

**“67A Assistance by Auditor General to inspectorates**

- (1) The Auditor General for Wales may provide assistance to—
  - (a) Her Majesty’s Chief Inspector of Prisons,
  - (b) Her Majesty’s Inspectors of Constabulary,
  - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (d) Her Majesty’s Inspectorate of the National Probation Service for England and Wales, and
  - (e) Her Majesty’s Inspectorate of Court Administration,
 in the discharge of any of their functions.
- (2) Assistance under subsection (1) may be provided on such terms, including terms as to payment, as the Auditor General for Wales and the body or person in question may agree.”

102 Page 159, line 18, at end insert –

*“Serious Organised Crime and Police Act 2005 (c. 15)*

After section 75 of the Serious Organised Crime and Police Act 2005 (proceedings under section 74: exclusion of public) there is inserted –

**“75A Proceedings under section 74: use of live link**

Section 57E of the Crime and Disorder Act 1998 (use of live link in sentencing hearings) applies to hearings in proceedings relating to a reference under section 74(3) as it applies to sentencing hearings.””

**Schedule 16**

103 Page 161, line 31, column 2, leave out “Section 5.”

104 Page 161, line 38, column 2, leave out “and (4)”

105 Page 161, line 39, column 2, leave out “2, 2A,”

106 Page 161, line 41, at end insert –

“Criminal Procedure and Investigations Act 1996 (c. 25)	Section 21A(4)(a)(i)”
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107 Page 161, line 46, column 2, leave out “103,”

108 Page 162, line 13, column 2, at end insert –

	“In section 96, the words “of England, Wales and Northern Ireland””
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109 Page 162, line 22, column 2, leave out “371” and insert “373”

110 Page 163, line 8, leave out from beginning to end of line 11 on page 164

**In the Title**

111 Line 2, after “authorities” insert “and about police pensions”

112 Line 6, leave out from “to” to “to” in line 7 and insert “make further provision about certain inspectorates;”

113 Line 13, after “2003;” insert “to make further provision about the use of live links in criminal proceedings;”



LORDS AMENDMENTS TO THE  
POLICE AND JUSTICE BILL

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to be Printed, 19th October 2006.*

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