

Police and Justice Bill

LORDS NON-INSISTENCE, AMENDMENTS IN LIEU, INSISTENCES AND REASONS

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

Clause 15

LORDS AMENDMENT 5

5 Leave out Clause 15

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

5A *Because the clause removed by the Lords Amendment would improve the provisions about conditional cautions*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 5 and do propose Amendments 5B to 5H in lieu thereof –

5B Page 8, line 33, leave out “as follows” and insert “as set out in subsections (2) to (4)”

5C Page 9, line 4, at beginning insert “(subject to section 23A)”

5D Page 9, line 4, leave out “(as to which see section 23A)”

5E Page 9, leave out lines 18 to 22 and insert –

- “(1) A condition that the offender pay a financial penalty (a “financial penalty condition”) may not be attached to a conditional caution given in respect of an offence unless the offence is one that is prescribed, or of a description prescribed, in an order made by the Secretary of State.
- (2) An order under subsection (1) must prescribe, in respect of each offence or description of offence in the order, the maximum amount of the penalty that may be specified under subsection (5)(a).
- (3) The amount that may be so prescribed in respect of any offence must not exceed –”

- 5F** Page 9, line 25, leave out “£500” and insert “£250”
- 5G** Page 9, leave out line 30 and insert –
- “(5) Where a financial penalty condition is attached to a conditional caution, a relevant prosecutor must specify –
- (a) the amount of the penalty,”
- 5H** Page 10, line 4, at end insert –
- “() In section 330 of that Act (orders subject to affirmative resolution procedure), in subsection (5) –
- (a) in paragraph (a), before “section 25(5)” there is inserted –
- “section 22(3C),”;
- (b) after that paragraph there is inserted –
- “(aa) an order under section 23A(4) which makes provision –
- (i) increasing the fraction in section 23A(3)(a), or
- (ii) increasing the figure in section 23A(3)(b) by more than is necessary to reflect changes in the value of money,.”

After Clause 46

LORDS AMENDMENT 36

- 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.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 36A** *Because it is appropriate for the United States of America to be a designated territory for the purposes of sections 71, 73, 84 and 86 of the Extradition Act 2003*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 36 for the following Reason –

- 36B** *Because it is not appropriate for the United States of America to be a designated territory for the purposes of sections 71, 73, 84 and 86 of the Extradition Act 2003*

Schedule 14

LORDS AMENDMENT 81

- 81** Page 134, line 3, at end insert –
- “(j) forum.”;

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 81A** *Because the Lords Amendment, taken with Lords Amendments Nos. 82 and 83, could cause the United Kingdom to be in breach of existing international agreements and would unduly restrict its ability to enter into further ones*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 81 for the following Reason –

- 81B** *Because it is appropriate that judges should have discretion over requests for extradition in the manner proposed*

LORDS AMENDMENT 82

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

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 82A** *Because the Lords Amendment, taken with Lords Amendments Nos. 81 and 83, could cause the United Kingdom to be in breach of existing international agreements and would unduly restrict its ability to enter into further ones*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 82 for the following Reason –

- 82B** *Because it is appropriate that judges should have discretion over requests for extradition in the manner proposed*

LORDS AMENDMENT 83

- 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.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 83A** *Because the Lords Amendment, taken with Lords Amendments Nos. 81 and 82, could cause the United Kingdom to be in breach of existing international agreements and would unduly restrict its ability to enter into further ones*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 83 for the following Reason –

- 83B** *Because it is appropriate that judges should have discretion over requests for extradition in the manner proposed*

LORDS AMENDMENT 84

- 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.””

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 84A** *Because the Lords Amendment could cause the United Kingdom to be in breach of existing international agreements and would unduly restrict its ability to enter into further ones*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 84 for the following Reason –

- 84B** *Because it is appropriate that judges should have discretion over requests for extradition in*

the manner proposed

LORDS NON-INSISTENCE,
AMENDMENTS IN LIEU,
INSISTENCIES AND REASONS TO
THE
POLICE AND JUSTICE BILL

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