

Coroners and Justice Bill

COMMONS REASONS AND AMENDMENT

[The page and line references are to HL Bill 33, the bill as first printed for the Lords.]

Clause 5

LORDS AMENDMENT NO. 1

1 Insert the following new Clause –

“Information for inquests

In section 15 of the Regulation of Investigatory Powers Act 2000 (c. 23) (general safeguards), after subsection (4)(c) insert –

“(ca) it is necessary to ensure that an inquest has the information it needs to enable the matters required to be ascertained by the investigation to be ascertained;”.

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 1 for the following Reason –

1A *Because intercepted material and related communications data, and information about the circumstances in which they were obtained, should not be publicly disclosed.*

LORDS AMENDMENT NO. 2

2 Insert the following new Clause –

“Amendment to the Regulation of Investigatory Powers Act 2000

(1) Section 18 of the Regulation of Investigatory Powers Act 2000 (c. 23) (exceptions to section 17) is amended as follows.

(2) In subsection (7), after paragraph (c) insert –

“(d) a disclosure to a coronial judge or to a person appointed as counsel to an inquest or to members of a jury at an inquest or to an interested person in which the coronial judge has ordered the disclosure.”

(3) After subsection (8A) insert—

“(8B) A coronial judge shall not order a disclosure under subsection (7)(d) except where the judge is satisfied that the circumstances of the case make the disclosure necessary to enable the matters required to be ascertained by the investigation to be ascertained.

(8C) An order for disclosure made under subsection (7)(d) may include directions enabling the redaction of any material relating to the method or means by which the information was obtained.”

(4) After subsection (13) insert—

“(14) In this section “interested person” has the same meaning as in section 38 of the Coroners and Justice Act 2009.

(15) In this section “coronial judge” means a judge nominated by the Lord Chief Justice under the Coroners and Justice Act 2009 to conduct an investigation into a person’s death and who has agreed to do so.””

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 2 for the following Reason –

2A *Because intercepted material and related communications data, and information about the circumstances in which they were obtained, should not be publicly disclosed.*

Clause 45

LORDS AMENDMENT NO. 55

55 Page 29, line 19, leave out paragraph (c)

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 55 for the following Reason –

55A *Because sexual infidelity should never be a justification for reducing murder to manslaughter.*

Clause 61

LORDS AMENDMENT NO. 59

59 Leave out Clause 61

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 59 for the following Reason –

59A *Because section 29JA of the Public Order Act 1986 makes unnecessary provision.*

After Clause 103

66 Insert the following new Clause –

“Independent Commissioner for Terrorist Suspects

- (1) The Secretary of State shall appoint a person to be known as the Independent Commissioner for Terrorist Suspects (“the Commissioner”) and such appointment shall be subject to the approval of the Lord Chief Justice, and shall be on such terms as to length of service and remuneration as the Secretary of State shall determine.
- (2) The principal function of the Commissioner shall be to monitor the detention and treatment of terrorist suspects held under section 41 of and Schedule 8 to the Terrorism Act 2000 (c. 11) and in particular to give the judicial authority such independent assistance as it may require in deciding whether or not to extend the period of detention, and to perform such other related functions as the Secretary of State may determine.
- (3) In order to fulfil his functions under this section, the Commissioner shall be entitled to visit Paddington Green Police Station, and any other place of detention where terrorist suspects are held, so as to ensure that the questioning of suspects is being carried out diligently and expeditiously, and in accordance with the provisions of Schedule 8 to the Terrorism Act 2000 (c. 11) and PACE code H.
- (4) Such visits shall take place at the discretion of the Commissioner and may be unannounced.
- (5) The custody officer shall inform the Commissioner within 24 hours of a terrorist suspect being detained.
- (6) The police shall give the Commissioner such assistance as he may reasonably require so that he can fulfil his functions under this section.
- (7) The Commissioner shall be entitled to interview terrorist suspects with their consent and may require such interviews to take place in the absence of the police, and he may also attend interviews conducted by the police.
- (8) The custody officer shall inform the Commissioner whenever the prosecution is to make an application for the extension of the period of detention and the Commissioner shall be entitled to be present at the hearing.
- (9) The Commissioner shall make an annual report to Parliament as to the carrying out of his functions under this section.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment No. 66, but propose Amendment 66A in lieu –

66A Page 63, line 35, at end insert –

“Detention of persons under section 41 of the Terrorism Act 2000

- (1) Section 36 of the Terrorism Act 2006 (c. 11) (review of terrorism legislation) is amended in accordance with subsections (2) and (3).
- (2) After subsection (2) insert –
 - “(2A) A review under subsection (2) may, in particular, consider whether –
 - (a) the requirements imposed by or under Part 1 or 2, or paragraph 37, of Schedule 8 to the Terrorism Act 2000 (detention of suspected terrorists), and
 - (b) the requirements imposed by any relevant code of practice under section 66 of the Police and Criminal Evidence Act 1984 or Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),
have been complied with in relation to persons detained under section 41 of the Terrorism Act 2000 pursuant to a warrant of further detention issued under Part 3 of Schedule 8 to that Act.”
- (3) In subsection (3) for “That person” substitute “The person appointed under subsection (1)”.
- (4) Section 51 of the Police Reform Act 2002 (c. 30) (independent custody visitors for places of detention) is amended in accordance with subsections (5) to (7).
- (5) After subsection (1) insert –
 - “(1A) Every police authority must ensure –
 - (a) that the arrangements made by it require independent custody visitors to prepare and submit to it a report of any visit made under the arrangements to a suspected terrorist detainee, and
 - (b) that a copy of any report submitted under paragraph (a) is given to the person appointed under section 36(1) of the Terrorism Act 2006 (independent reviewer of terrorism legislation).”
- (6) In subsection (3), after paragraph (b) insert –
 - “(ba) in relation to suspected terrorist detainees, to listen to the audio recordings and view the video recordings (with or without sound) of interviews with those detainees which have taken place during their detention there and which were conducted by a constable;”.
- (7) After that subsection insert –

- “(3A) The arrangements may include provision for access to the whole or part of an audio or video recording of an interview of the kind mentioned in subsection (3)(ba) to be denied to independent custody visitors if—
- (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
 - (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
 - (c) the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.
- (3B) Grounds are not to be specified in any arrangements for the purposes of subsection (3A)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).”
- (8) For subsection (10) substitute—
- “(10) In this section—
- “detainee”, in relation to arrangements made under this section, means a person detained in a police station in the police area of the police authority;
- “suspected terrorist detainee” means a detainee detained under section 41 of the Terrorism Act 2000.””

Clause 165

LORDS AMENDMENT NO. 119

119 Page 111, line 26, leave out paragraph (b)

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 119 for the following Reason –

119A *Because section 29JA of the Public Order Act 1986 makes unnecessary provision.*

LORDS AMENDMENT NO. 121

121 Page 111, line 37, leave out sub-paragraphs (i) and (ii)

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 121 for the following Reason –

121A *Because section 29JA of the Public Order Act 1986 makes unnecessary provision.*

Schedule 20

LORDS AMENDMENT NO. 216

216 Page 212, line 28, at end insert—

“3A Section (*Amendment to the Regulation of Investigatory Powers Act 2000*) has effect in relation to investigations that have begun, but have not been concluded, before the day on which that section comes into force (as well as to inquests beginning on or after that day).”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 216 for the following Reason –

216A *Because it is consequential on Lords Amendment No. 2 to which the Commons disagree.*

Schedule 21

LORDS AMENDMENT NO. 236

236 Page 224, leave out line 38

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 236 for the following Reason –

236A *Because section 29JA of the Public Order Act 1986 makes unnecessary provision.*

LORDS AMENDMENT NO. 239

239 Page 224, leave out lines 39 and 40

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 239 for the following Reason –

239A *Because section 29JA of the Public Order Act 1986 makes unnecessary provision.*