



House of Commons

NOTICES OF AMENDMENTS

given on

Friday 1 March 2013

*For other Amendment(s) see the following page(s) of Supplement to Votes:
807 and 809-10*

CONSIDERATION OF BILL

CRIME AND COURTS BILL [*LORDS*], AS AMENDED

Modification of NCA functions

Secretary Theresa May

NC3

To move the following Clause:—

- (1) The Secretary of State may, by order, make—
 - (a) provision about NCA counter-terrorism functions (and, in particular, may make provision conferring, removing, or otherwise modifying such functions); and
 - (b) other provision which the Secretary of State considers necessary in consequence of provision made under paragraph (a) (and, in particular, may make provision about the functions of any person other than the NCA, including provision conferring or otherwise modifying, but not removing, such functions).
- (2) If an order under this section confers an NCA counter-terrorism function, an NCA officer may only carry out activities in Northern Ireland for the purpose of the discharge of the function if the NCA officer does so with the agreement of the Chief Constable of the Police Service of Northern Ireland.
- (3) That includes cases where an order under this section confers an NCA counter-terrorism function by the modification of a function.
- (4) An order under this section may amend or otherwise modify this Act or any other enactment.
- (5) An order under this section is subject to the super-affirmative procedure (see section 43 and Schedule 22).
- (6) In this section “NCA counter-terrorism function” means an NCA function relating to terrorism (and for this purpose “terrorism” has the same meaning as in the Terrorism Act 2000 — see section 1 of that Act).

Crime and Courts Bill [*Lords*], *continued*
Varying designations of authorities responsible for remanded young persons

Secretary Theresa May

NC4

To move the following Clause:—

- (1) Section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (where child remanded to youth detention accommodation, court must designate local authority to look after child and meet costs) is amended as follows.
- (2) In subsection (7)(a) (authority that already looks after child to be designated) after “being looked after by a local authority” insert “otherwise than by virtue of section 104(1)”.
- (3) In subsection (7)(b) (in other cases, court must designate authority for area where child habitually resides or offence committed) for “, the local authority” substitute “but subject to subsection (7B), a local authority”.
- (4) After subsection (7) insert—
 - “(7A) In a case to which subsection (7)(b) applies, the court is to designate a local authority in whose area it appears to the court that the child habitually resides (a “home authority”) except where the court—
 - (a) considers as respects the home authority, or each home authority, that it is inappropriate to designate that authority, or
 - (b) is unable to identify any place in England and Wales where the child habitually resides.
 - (7B) If in a case to which subsection (7)(b) applies—
 - (a) the court is not required by subsection (7A) to designate a home authority, but
 - (b) it appears to the court that the offence was not, or none of the offences was, committed in England and Wales,
 the court is to designate a local authority which it considers appropriate in the circumstances of the case.”
- (5) After subsection (7B) insert—
 - “(7C) Where a child has been remanded to youth detention accommodation, the court—
 - (a) which remanded the child, or
 - (b) to which the child was remanded,
 may designate a local authority (“B”) as the designated authority for the child in substitution for the authority previously designated (whether that previous designation was made when the child was remanded or under this subsection).
 - (7D) Where a child has at any one time been subject to two or more remands to youth detention accommodation, a court which has jurisdiction to make a replacement designation under subsection (7C) in connection with one or some of the remands also has jurisdiction to make such a replacement designation in connection with each of the other remands.
 - (7E) Where a replacement designation is made under subsection (7C) after the end of the period of remand concerned, the substitution of B for the previously-designated authority has effect only for the purposes of regulations under section 103.

Crime and Courts Bill [*Lords*], *continued*

- (7F) Where a replacement designation is made under subsection (7C) during the period of remand concerned, the substitution of B for the previously-designated authority—
 - (a) has effect, as respects the part of that period ending with the making of the replacement designation, only for the purposes of regulations under section 103, and
 - (b) has effect, as respects the remainder of that period, for all of the purposes listed in subsection (6).
- (7G) A court may make a replacement designation under subsection (7C) only if it considers that, had everything it knows been known by the court which made the previous designation, that court would have designated B instead.
- (7H) Where a replacement designation is made under subsection (7C) in relation to a remand, the previously-designated authority is to be repaid any sums it paid in respect of the remand pursuant to regulations under section 103.
- (7J) A court which has jurisdiction to make a replacement direction under subsection (7C) may exercise that jurisdiction on an application by a local authority or of its own motion.”
- (6) A replacement designation under the new section 102(7C) may be made in respect of a remand ordered before this section comes into force, and the amendments made by this section have effect for the purpose of making a replacement designation in any such case; but, in such a case, the substitution of B for the previously-designated authority (and any entitlement to repayment under new section 102(7H)) does not have effect as respects any time before this section comes into force.
- (7) Except as provided by subsection (6), the amendments made by this section have effect only in relation to remands ordered after this section comes into force.’.

Supreme Court chief executive, officers and staff

Secretary Theresa May

NC5

To move the following Clause:—

- ‘(1) For section 48(2) of the Constitutional Reform Act 2005 (chief executive of the Supreme Court to be appointed by Lord Chancellor after consulting President of the Court) substitute—
 - “(2) It is for the President of the Court to appoint the chief executive.”
- (2) Section 49 of that Act (officers and staff of the Supreme Court) is amended as follows.
- (3) In subsection (2) (number of officers and staff, and their terms, are for the chief executive but subject to the provision in subsection (3) about application of civil service pension arrangements)—
 - (a) for “these matters with the agreement of the Lord Chancellor—” substitute “the following matters—”, and
 - (b) for “subsection” substitute “subsections (2A) and”.
- (4) After subsection (2) insert—

Crime and Courts Bill [Lords], continued

- “(2A) Service as the chief executive of the Court, and service as an officer or staff appointed under subsection (1), is service in the civil service of the State.”
- (5) In subsection (3) (civil service pension arrangements apply to chief executive, officers and staff) for “The” at the beginning substitute “Accordingly, the”.

Making and use of recordings of Supreme Court proceedings

Secretary Theresa May

NC6

To move the following Clause:—

- (1) Section 9 of the Contempt of Court Act 1981 (recording of court proceedings) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) In the case of a recording of Supreme Court proceedings, subsection (1)(b) does not apply to its publication or disposal with the leave of the Court.”
- (3) In subsection (2) (leave under subsection (1)(a): grant, refusal, conditions, withdrawal and amendment)—
- (a) after “paragraph (a) of subsection (1)” insert “, or under subsection (1A),”;
- (b) for “if granted may” substitute “if granted—
- (a) may, in the case of leave under subsection (1)(a),” and
- (c) after “leave; and” insert—
- “(b) may, in the case of leave under subsection (1A), be granted subject to such conditions as the Supreme Court thinks proper with respect to publication or disposal of any recording to which the leave relates;
- and”.
- (4) In subsection (1) (activities which are contempt of court) after paragraph (c) insert—
- “(d) to publish or dispose of any recording in contravention of any conditions of leave granted under subsection (1A).”.

Secretary Theresa May

NS1

To move the following Schedule:—

‘THE NCA: NORTHERN IRELAND

Provisions that do not extend to Northern Ireland

- 1 (1) The relevant NCA provisions do not extend to Northern Ireland.
- (2) The Secretary of State may, by order, provide that any other provision of Part 1 of this Act is not to extend to Northern Ireland.
- (3) This paragraph is subject to paragraph 2.

Power to provide for provisions to extend to Northern Ireland

- 2 The Secretary of State may, by order, provide for any of the following to extend to Northern Ireland—

Crime and Courts Bill [Lords], continued

- (a) any relevant NCA provision;
- (b) any provision in respect of which an order has been made under paragraph 1(2).

Provisions extended to Northern Ireland: consequential provision

- 3 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a provision of this Act extending to Northern Ireland by virtue of an order under paragraph 2.

Provisions not extending to Northern Ireland: consequential provision

- 4 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a provision of this Act not extending to Northern Ireland by virtue of—
- (a) paragraph 1(1), or
 - (b) an order under paragraph 1(2).

NCA functions in Northern Ireland

- 5 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate for modifying the ways in which—
- (a) NCA functions are exercised in Northern Ireland, or
 - (b) the exercise of NCA functions in Northern Ireland is planned or supervised.

Consent of Northern Ireland Assembly to transferred provision

- 6 (1) The Secretary of State may not make an order under this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.
- (2) In this paragraph “transferred provision” means provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of the Assembly, and
 - (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or reserved matter.

Orders under this Schedule: particular provision

- 7 (1) The provision that may be made by an order under paragraph 2, 3, 4 or 5 (whether by virtue of that paragraph or section 43(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);
 - (b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).
- (2) The making of an order under any provision of this Schedule does not prevent—
- (a) a further order from being made under that provision, or
 - (b) an order from being made under any other provision of this Schedule.
- (3) An order under paragraph 2 or 3 may modify or reverse the effects of an order made under paragraph 4.

Crime and Courts Bill [Lords], continued

- (4) Sub-paragraphs (1) to (3) do not limit the powers conferred by paragraphs 2, 3, 4 and 5.
- (5) In this paragraph “function” includes—
- (a) an NCA function, and
 - (b) a function of the Secretary of State.

Interpretation

- 8 Expressions used in this Schedule and in Part 1 of this Act have the same meanings in this Schedule as in that Part.
- 9 For the purposes of this Schedule, each of the provisions of this Act specified in the following table (including any amendment, repeal or revocation made by such a provision) is a “relevant NCA provision”.

The relevant NCA provisions

| | |
|------------|---|
| Section 2 | —subsection (2)(a) so far as it requires consultation with the Department of Justice in Northern Ireland |
| Section 3 | —subsection (6)(a) so far as it requires consultation with the Department of Justice in Northern Ireland —subsection (7)(b) —subsection (8)(c) |
| Section 10 | —subsection (8) |
| Schedule 1 | —paragraph 7(1)(b) —paragraph 8(3)(b) |
| Schedule 2 | —paragraph 5(b) —paragraph 6(2)(b)(ii), (4) and (5) —paragraph 8(4) and (5) |
| Schedule 3 | —paragraph 1(2) so far as it imposes a duty on: (a) a member of the Police Service of Northern Ireland, or (b) a person operating in Northern Ireland who falls within paragraph 1(3)(f) —paragraph 3 so far as it relates to the Chief Constable of the Police Service of Northern Ireland —paragraph 14 —paragraph 15 —paragraph 25 —paragraph 26(3)(b) |
| Schedule 5 | —paragraph 11(1)(c) —paragraph 11(6) to (8) —in paragraph 11(9), the definitions of “Northern Ireland general authorisation” and “Northern Ireland operational authorisation” —paragraph 13 —in paragraph 30, the definition of “powers and privileges of a Northern Ireland constable” |
| Schedule 6 | —paragraph 19 |
| Schedule 8 | —the provisions of Part 2 and Part 3 so far as they relate to transferred matters |

Crime and Courts Bill [*Lords*], *continued*

- 10 In this Schedule—
 “ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998;
 “excepted matter”, “reserved matter” and “transferred matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998.’.

Secretary Theresa May

NS2

To move the following Schedule:—

‘PROCEEDS OF CRIME PROVISIONS: NORTHERN IRELAND

PART 1

CIVIL RECOVERY PROVISIONS

Meaning of “relevant civil recovery provision”

- 1 For the purposes of this Part of this Schedule, each of the following is a “relevant civil recovery provision”—
- (a) section 33(2), (3), (5) and (6);
 - (b) section 33(7) so far as it relates to amendments made by section 33(2), (3) and (5) and Part 2 of Schedule 17;
 - (c) each provision in Schedule 17;
 - (d) each amendment or repeal made by the provisions mentioned in paragraphs (a) and (c).

Relevant civil recovery provisions not to extend to Northern Ireland unless order made

- 2 (1) The relevant civil recovery provisions do not extend to Northern Ireland.
 (2) But that is subject to paragraph 3.

Power to provide for relevant civil recovery provisions to extend to Northern Ireland

- 3 The Secretary of State may, by order, provide for one or more of the relevant civil recovery provisions to extend to Northern Ireland.

Relevant civil recovery provision extending to Northern Ireland

- 4 (1) The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant civil recovery provision extending to Northern Ireland.
 (2) An order under this paragraph may, in particular—
- (a) provide for section 282A of the Proceeds of Crime Act 2002 to have effect in relation to orders made by the High Court in Northern Ireland;
 - (b) provide for an enforcement authority in relation to Northern Ireland to make requests for assistance under section 282B of that Act;
 - (c) provide for a receiver appointed under an order made by the High Court in Northern Ireland to make requests for assistance under section 282C of that Act;
 - (d) provide for the High Court in Northern Ireland or a receiver appointed by an order made by that court to make requests for assistance under section 282D of that Act;

Crime and Courts Bill [Lords], continued

- (e) provide for an enforcement authority or trustee for civil recovery to make a request for assistance under section 282F of that Act where a recovery order has been made by the High Court in Northern Ireland;
- (f) provide for section 316(8B) of that Act to have effect in relation to an enforcement authority in relation to Northern Ireland.

Relevant civil recovery provision not extending to Northern Ireland

- 5 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant civil recovery provision not extending to Northern Ireland.

Consent of Northern Ireland Assembly to transferred provision

- 6 (1) The Secretary of State may not make an order under this Part of this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.
- (2) In this paragraph “transferred provision” means provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of the Assembly, and
 - (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted or reserved matter.
- (3) In sub-paragraph (2)—
- “ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998;
- “excepted matter”, “reserved matter” and “transferred matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998.

Orders under this Part of this Schedule: particular provision

- 7 (1) The provision that may be made by an order under paragraph 3, 4 or 5 (whether by virtue of that paragraph or section 43(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);
 - (b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).
- (2) Such an order may provide for provision amending, repealing or otherwise modifying Chapter 2 or 4 of Part 5 of the Proceeds of Crime Act 2002 to have retrospective effect.
- (3) The making of an order under any provision of this Part of this Schedule does not prevent—
- (a) a further order from being made under that provision, or
 - (b) an order from being made under any other provision of this Part of this Schedule.
- (4) An order under paragraph 3 or 4 may modify or reverse the effects of an order made under paragraph 5.
- (5) Sub-paragraphs (1) to (4) do not limit the powers conferred by paragraphs 3, 4 and 5.
- (6) In this paragraph—
- “enactment” means any enactment, whenever passed or made, contained in—
- (a) an Act of Parliament;

Crime and Courts Bill [Lords], continued

- (b) an Act of the Scottish Parliament;
- (c) Northern Ireland legislation;
- (d) a Measure or Act of the National Assembly for Wales;
- (e) an instrument made under any such Act, legislation or Measure;
- (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);

“function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise).

PART 2

INVESTIGATION PROVISIONS

Meaning of “relevant investigation provision”

- 8 For the purposes of this Part of this Schedule, each of the following is a “relevant investigation provision”—
- (a) each provision in paragraphs 2 to 13, 25 to 27, 29 and 30 of Schedule 18 (including each amendment or repeal made by those provisions), and
 - (b) section 34 so far as it relates to each of those provisions.

Relevant investigation provisions not to extend to Northern Ireland unless order made

- 9 (1) The relevant investigation provisions do not extend to Northern Ireland.
 (2) But that is subject to paragraph 10.

Power to provide for relevant investigation provisions to extend to Northern Ireland

- 10 The Secretary of State may, by order, provide for one or more of the relevant investigation provisions to extend to Northern Ireland.

Relevant investigation provision extending to Northern Ireland

- 11 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant investigation provision extending to Northern Ireland.

Relevant investigation provision not extending to Northern Ireland

- 12 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant investigation provision not extending to Northern Ireland.

Consent of Northern Ireland Assembly to transferred provision

- 13 (1) The Secretary of State may not make an order under this Part of this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.
 (2) In this paragraph “transferred provision” means provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of the Assembly, and
 - (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or a reserved matter.

Crime and Courts Bill [*Lords*], *continued*

- (3) In sub-paragraph (2)—
 “ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998;
 “excepted matter”, “reserved matter” and “transferred matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998.

Orders under this Part of this Schedule: particular provision

- 14 (1) The provision that may be made by an order under paragraph 10, 11 or 12 (whether by virtue of that paragraph or section 43(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);
 - (b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).
- (2) The making of an order under any provision of this Part of this Schedule does not prevent—
- (a) a further order from being made under that provision, or
 - (b) an order from being made under any other provision of this Part of this Schedule.
- (3) An order under paragraph 10 or 11 may modify or reverse the effects of an order made under paragraph 12.
- (4) Sub-paragraphs (1) to (3) do not limit the powers conferred by paragraphs 10, 11 and 12.
- (5) In this paragraph—
 “enactment” means any enactment, whenever passed or made, contained in—
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) Northern Ireland legislation;
 - (d) a Measure or Act of the National Assembly for Wales;
 - (e) an instrument made under any such Act, legislation or Measure;
 - (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);
- “function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise).²

Secretary Theresa May

Page 2, line 42 [*Clause 2*], leave out ‘may’ and insert ‘must’.

4

Secretary Theresa May

Page 115, line 37 [*Schedule 8*], at end insert—

- ‘() In section 195S (Codes of practice: Secretary of State), in subsection (1)(c), for “members of staff of SOCA” substitute “NCA officers”.’.

5

Secretary Theresa May

Page 117, line 3 [*Schedule 8*], at end insert—

- ‘() In section 339ZA (disclosures to SOCA)—
 (a) in the title, for “SOCA” substitute “the NCA”;

6

Crime and Courts Bill [*Lords*], *continued*

- (b) for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.

Secretary Theresa May

7

Page 118, line 38 [*Schedule 8*], at end insert—

‘() In subsection (6)—

- (a) for “a member of SOCA’s staff” substitute “an NCA officer”;
- (b) for “SOCA” substitute “the Director General of the NCA”.

Secretary Theresa May

8

Page 121, line 30 [*Schedule 8*], leave out ‘officer’ and insert ‘agency’.

Secretary Theresa May

9

Page 121, line 32 [*Schedule 8*], leave out from beginning to end of line 34 and insert—

“(b) the National Crime Agency;”.

Secretary Theresa May

10

Page 166, line 12 [*Schedule 10*], after ‘court’ insert ‘and to be varied by that court’.

Secretary Theresa May

11

Page 167, line 15 [*Schedule 10*], leave out paragraph 8 and insert—

- ‘8 (1) Section 4 (variation etc of orders registered in a magistrates’ court) is amended as follows.
- (2) In subsection (1) (orders in relation to which section 4 applies) for “orders registered in magistrates’ courts” substitute “High Court orders registered in the family court”.
- (3) In subsection (2)(a) (court of registration may vary rate of payments specified by order)—
 - (a) for “court of registration” substitute “family court”, and
 - (b) for “original court” substitute “High Court”.
- (4) In subsection (2)(b) (general rule that variation of rate of payments specified by registered order is to be by court of registration) for the words from “court of registration” to the end substitute “family court.”
- (5) Omit subsections (2A) to (2C), (5A), (5B) and (7).
- (6) In subsection (4) (power of court of registration to remit application for variation of rate of payments to original court)—
 - (a) omit “it appears to the court to which”,
 - (b) after “registered order” insert “and it appears to the family court”,
 - (c) for “original court”, in both places, substitute “High Court”, and
 - (d) for “first-mentioned court” substitute “family court”.
- (7) In subsection (5) (other circumstances in which original court has jurisdiction to vary rate of payments) for “original court” substitute “High Court”.
- (8) In subsection (6A) (with the exception of power to make provision as to means of payment, magistrates’ courts in England and Wales have no power to vary

Crime and Courts Bill [*Lords*], *continued*

certain orders made by Court of Session or by High Court in Northern Ireland)—

- (a) for the words before “variation” substitute “Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other”,
 - (b) for “any court” substitute “the family court”,
 - (c) for “that court” substitute “the family court”, and
 - (d) for “section 1(2)” substitute “sections 1(2) and 2(6A)”.
- (9) In subsection (6B) (no application to be made to a magistrates’ court for variation of certain orders) for “any court” substitute “the family court”.

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| Secretary Theresa May | 12 |
| Page 167, line 36 [<i>Schedule 10</i>], leave out ‘or an officer of that court’. | |
| Secretary Theresa May | 13 |
| Page 167, line 39 [<i>Schedule 10</i>], leave out ‘or an officer of that court’. | |
| Secretary Theresa May | 14 |
| Page 177, line 37 [<i>Schedule 10</i>], leave out ‘or an officer of the court’. | |
| Secretary Theresa May | 15 |
| Page 177, line 40 [<i>Schedule 10</i>], leave out ‘, or an officer of the court,’. | |
| Secretary Theresa May | 16 |
| Page 181 [<i>Schedule 10</i>], leave out lines 21 and 22. | |
| Secretary Theresa May | 17 |
| Page 181, line 23 [<i>Schedule 10</i>], leave out ‘paragraphs 3 and’ and insert ‘paragraph’. | |
| Secretary Theresa May | 18 |
| Page 182, line 10 [<i>Schedule 10</i>], leave out ‘paragraphs 4 and 5’ and insert ‘paragraph 4’. | |
| Secretary Theresa May | 19 |
| Page 183, line 7 [<i>Schedule 10</i>], leave out ‘22,’ and insert ‘22(2),’. | |
| Secretary Theresa May | 20 |
| Page 188, line 14 [<i>Schedule 11</i>], leave out sub-paragraphs (3) to (7) and insert— | |
| ‘() For subsections (1A) to (1E) (powers of magistrates’ courts in England and Wales to vary registered orders) substitute— | |

Crime and Courts Bill [*Lords*], *continued*

“(1A) The family court may exercise the same powers in relation to an order registered in the family court under this Part of this Act as are exercisable by the family court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the family court, including the power under subsection (7) of that section to revoke, suspend, revive or vary any means of payment order (within the meaning of that subsection) made by virtue of this subsection.”.

Secretary Theresa May 21
 Page 216, line 37 [*Schedule 11*], column 2, at end insert—
 ‘In Schedule 2, paragraph 3(3).’.

Secretary Theresa May 22
 Page 17, line 21 [*Clause 18*], at end insert—
 ‘Part 4A amends the selection procedure for certain senior judicial appointments until Part 4 of the Schedule is in force.’.

Secretary Theresa May 23
 Page 227, line 8 [*Schedule 13*], leave out ‘Wales, of some other’ and insert ‘a particular geographical’.

Secretary Theresa May 24
 Page 227, line 11 [*Schedule 13*], at end insert—
 ‘6B The powers to make regulations under this Part of this Schedule are to be exercised with a view to ensuring, so far as may be practicable, that the Commissioners who are lay members include at any time at least one person who appears to have special knowledge of Wales.’.

Secretary Theresa May 25
 Page 230, line 13 [*Schedule 13*], leave out sub-paragraphs (2) to (5).

Secretary Theresa May 26
 Page 230, line 45 [*Schedule 13*], leave out ‘subsections (4) to’ and insert ‘subsection (4) or’.

Secretary Theresa May 27
 Page 231, line 28 [*Schedule 13*], leave out ‘Chief Justice’ and insert ‘Chancellor’.

Secretary Theresa May 28
 Page 231, line 40 [*Schedule 13*], at end insert ‘,

Crime and Courts Bill [Lords], continued

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.’.

Secretary Theresa May

Page **232**, line **5** [*Schedule 13*], leave out ‘, (5A)(a), (5B) or (5C)(c)’ and insert ‘or (5A)(a)’. **29**

Secretary Theresa May

Page **232**, line **33** [*Schedule 13*], leave out ‘Chief Justice’ and insert ‘Chancellor’. **30**

Secretary Theresa May

Page **232**, line **44** [*Schedule 13*], at end insert ‘, **31**
but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.’.

Secretary Theresa May

Page **233**, line **9** [*Schedule 13*], leave out ‘, (6A)(a), (6B) or (6C)(c)’ and insert ‘or (6A)(a)’. **32**

Secretary Theresa May

Page **233**, line **41** [*Schedule 13*], leave out ‘Chief Justice’ and insert ‘Chancellor’. **33**

Secretary Theresa May

Page **234**, line **4** [*Schedule 13*], at end insert ‘, **34**
but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.’.

Secretary Theresa May

Page **234**, line **13** [*Schedule 13*], leave out ‘, (5ZA)(a), (5ZB) or (5ZC)(c)’ and insert ‘or (5ZA)(a)’. **35**

Secretary Theresa May

Page **234**, line **43** [*Schedule 13*], leave out ‘Chief Justice’ and insert ‘Chancellor’. **36**

Secretary Theresa May

Page **235**, line **5** [*Schedule 13*], at end insert ‘, **37**
but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.’.

Crime and Courts Bill [*Lords*], *continued*

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| Secretary Theresa May | 38 |
| Page 235, line 13 [<i>Schedule 13</i>], leave out ‘, (3A)(a), (3B) or (3C)(c)’ and insert ‘or (3A)(a)’. | |
| Secretary Theresa May | 39 |
| Page 235, line 38 [<i>Schedule 13</i>], leave out ‘Chief Justice’ and insert ‘Chancellor’. | |
| Secretary Theresa May | 40 |
| Page 236, line 2 [<i>Schedule 13</i>], at end insert ‘, but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.’. | |
| Secretary Theresa May | 41 |
| Page 236, line 11 [<i>Schedule 13</i>], leave out ‘, (4)(a), (4A) or (4B)(c)’ and insert ‘or (4)(a)’. | |
| Secretary Theresa May | 42 |
| Page 238 [<i>Schedule 13</i>], leave out line 9. | |
| Secretary Theresa May | 43 |
| Page 238 [<i>Schedule 13</i>], leave out line 11. | |
| Secretary Theresa May | 44 |
| Page 238, line 12 [<i>Schedule 13</i>], leave out ‘7(3A)(a)’ and insert ‘7(1)’. | |
| Secretary Theresa May | 45 |
| Page 238 [<i>Schedule 13</i>], leave out line 13. | |
| Secretary Theresa May | 46 |
| Page 238 [<i>Schedule 13</i>], leave out line 19. | |
| Secretary Theresa May | 47 |
| Page 238, line 19 [<i>Schedule 13</i>], at end insert— | |
| ‘(3) In section 46 (delegation of functions by Lord Chief Justice etc) after subsection (6) insert— | |
| “(7) In Schedules 2 to 4 “senior judge” means— | |
| (a) the Lord Chief Justice of England and Wales, | |
| (b) the Lord President of the Court of Session, | |
| (c) the Lord Chief Justice of Northern Ireland, or | |
| (d) the Senior President of Tribunals.”’. | |

Crime and Courts Bill [*Lords*], *continued*

- Secretary Theresa May 48
 Page 239, line 3 [*Schedule 13*], leave out ‘Senior President of Tribunals’ and insert ‘Lord Chancellor’.
- Secretary Theresa May 49
 Page 239, line 14 [*Schedule 13*], at end insert ‘,
 but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.’.
- Secretary Theresa May 50
 Page 240, line 3 [*Schedule 13*], leave out ‘Senior President of Tribunals’ and insert ‘Lord Chancellor’.
- Secretary Theresa May 51
 Page 240, line 14 [*Schedule 13*], at end insert ‘,
 but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.’.
- Secretary Theresa May 52
 Page 240, line 44 [*Schedule 13*], leave out ‘Senior President of Tribunals’ and insert ‘Lord Chancellor’.
- Secretary Theresa May 53
 Page 241, line 8 [*Schedule 13*], at end insert ‘,
 but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.’.
- Secretary Theresa May 54
 Page 242, line 42 [*Schedule 13*], leave out ‘Senior President of Tribunals’ and insert ‘Lord Chancellor’.
- Secretary Theresa May 55
 Page 243, line 7 [*Schedule 13*], at end insert ‘,
 but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.’.
- Secretary Theresa May 56
 Page 244, line 5 [*Schedule 13*], at end insert—

Crime and Courts Bill [Lords], continued

- (5) In the entry in Part 3 for Deputy Chief Coroner appointed under paragraph 2(5) of Schedule 8 to the Coroners and Justice Act 2009, for “2(5)” substitute “2(6)”.
- (6) In paragraph 51 of Schedule 21 to the Coroners and Justice Act 2009 (which inserts entries at the end of Part 3 of Schedule 14 to the 2005 Act)—
 - (a) after “at the end of” insert “Table 1 of”, and
 - (b) for “2(5)” substitute “2(6)”.
 (Accordingly, the power to commence that paragraph 51 becomes a power to commence it as amended by this sub-paragraph.)’.

Secretary Theresa May

57

Page 248, line 11 [*Schedule 13*], at end insert—

‘(3A) Omit subsection (2A) (steps that are to be part of selection process).’.

Secretary Theresa May

58

Page 254, line 37 [*Schedule 13*], at end insert—

‘Changes in relation to selection process: consequential repeals

80A Omit Part 4A of this Schedule (amendments which come into force on the passing of this Act, but which are superseded on amendments made by this Part of this Schedule being brought into force).

PART 4A

SELECTION OF LORD CHIEF JUSTICE AND HEADS OF DIVISION: TRANSITORY PROVISION

- 80B (1) The Constitutional Reform Act 2005 is amended as follows.
- (2) In section 70 (selection process for appointment of Lord Chief Justice or Head of Division) after subsection (2) insert—
 - “(2A) In determining the selection process to be applied, the panel must ensure that the process—
 - (a) includes consultation of the Lord Chancellor, and
 - (b) if the request relates to a recommendation for an appointment to the office of Lord Chief Justice, also includes consultation of the First Minister for Wales.”
- (3) For section 71 of the Constitutional Reform Act 2005 (selection panel for appointment of Lord Chief Justice or Head of Division) substitute—

“71 Selection panel for appointment of Lord Chief Justice

- (1) This section applies where the request relates to a recommendation for an appointment to the office of Lord Chief Justice.
- (2) The selection panel must consist of five members.
- (3) The first member is the chairman of the Commission, unless there is no chairman of the Commission or the chairman of the Commission is incapacitated.
- (4) If there is no chairman of the Commission or the chairman of the Commission is incapacitated, the first member is a lay member of the

Crime and Courts Bill [*Lords*], *continued*

Commission selected by the lay members of the Commission other than the chairman.

- (5) The second member is the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee.
- (6) The third member is a lay member of the Commission designated by the first member.
- (7) The fourth member is a member of the Commission designated by the first member.
- (8) The fifth member is a person designated by the Lord Chief Justice, unless subsection (10) applies.
- (9) Subsection (10) applies if—
 - (a) there is no Lord Chief Justice, or
 - (b) the Lord Chief Justice is incapacitated.
- (10) In those cases the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated must, after consulting the first member, designate a person as the fifth member.
- (11) Only the following may be a nominee under subsection (5) or designated under subsection (8) or (10)—
 - (a) an England and Wales Supreme Court judge,
 - (b) a Head of Division, or
 - (c) an ordinary judge of the Court of Appeal in England and Wales.
- (12) A person may not be a nominee under subsection (5), or be designated under this section, if the person is disqualified.
- (13) Before designating a person under subsection (7) as the fourth member, the first member must, if practicable, consult the Lord Chief Justice.
- (14) The first member is the chairman of the panel.
- (15) A person is disqualified for the purposes of this section if—
 - (a) the person is the Lord Chief Justice,
 - (b) the office of Lord Chief Justice is vacant and the person is the immediate previous holder of that office, or
 - (c) the person is willing to be considered for selection.

71A Selection panel for appointment of Head of Division

- (1) This section applies where the request relates to a recommendation for an appointment to one of the following offices—
 - (a) Master of the Rolls;
 - (b) President of the Queen's Bench Division;
 - (c) President of the Family Division;
 - (d) Chancellor of the High Court.
- (2) The selection panel must consist of five members.
- (3) The first member is the Lord Chief Justice or the Lord Chief Justice's nominee, unless subsection (9) applies.

Crime and Courts Bill [*Lords*], *continued*

- (4) Unless subsection (9) applies, the second member is the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee.
- (5) The third member is the chairman of the Commission or the chairman's nominee, unless subsection (11) applies.
- (6) The fourth member is a lay member of the Commission designated by the third member.
- (7) The fifth member is a person designated by the first member after consulting the third member.
- (8) Subsection (9) applies if—
 - (a) there is no Lord Chief Justice,
 - (b) the Lord Chief Justice is disqualified, or
 - (c) the Lord Chief Justice is incapacitated.
- (9) In those cases—
 - (a) the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee, is the first member, and
 - (b) the second member is a person designated by the first member.
- (10) Subsection (11) applies if—
 - (a) there is no chairman of the Commission, or
 - (b) the chairman of the Commission is incapacitated.
- (11) In those cases the third member of the Commission is a lay member of the Commission selected by the lay members of the Commission other than the chairman.
- (12) Only the following may be a nominee under subsection (3), (4) or (9)(a) or designated under subsection (9)(b)—
 - (a) an England and Wales Supreme Court judge,
 - (b) a Head of Division, or
 - (c) an ordinary judge of the Court of Appeal in England and Wales.
- (13) Only a lay member of the Commission may be a nominee under subsection (5).
- (14) Only the following may be designated under subsection (7)—
 - (a) an England and Wales Supreme Court judge,
 - (b) a senior judge (as defined by section 109(5)),
 - (c) the holder of an office listed in Schedule 14, or
 - (d) a member of the Commission.
- (15) A person may not be a nominee under this section, or be designated under this section, if the person is disqualified.
- (16) The first member is the chairman of the panel.
- (17) A person is disqualified for the purposes of this section if—
 - (a) the person is the current holder of the office for which a selection is to be made, or

Crime and Courts Bill [*Lords*], *continued*

- (b) the person is willing to be considered for selection.

71B Sections 71 and 71A: diversity and interpretation

- (1) Subsection (2) applies where a person chooses a person to be a member of a selection panel under section 71 or 71A (whether as a nominee, as a designated member or otherwise).
- (2) The person making the choice must, in doing so, have regard (alongside all other relevant considerations) to the fact that it is desirable that the members of the panel should include—
 - (a) both women and men, and
 - (b) members drawn from a range of different racial groups; and in this subsection “racial group” has the same meaning as in section 9 of the Equality Act 2010.
- (3) Section 16 does not apply to functions of the Lord Chief Justice under section 71 or 71A; and references in sections 71 and 71A to a person being incapacitated are to the person being incapacitated in the opinion of the Lord Chancellor.
- (4) Seniority amongst the judges of the Supreme Court who are England and Wales Supreme Court judges is to be determined for the purposes of sections 71 and 71A as follows—
 - (a) the President of the Supreme Court, if an England and Wales Supreme Court judge, is senior to all other England and Wales Supreme Court judges;
 - (b) the Deputy President of the Supreme Court, if an England and Wales Supreme Court judge, is senior to all ordinary England and Wales Supreme Court judges;
 - (c) one ordinary England and Wales Supreme Court judge is senior to another if that first judge has served longer as a judge of the Supreme Court (whether over one or more periods and whether or not including one or more previous periods as President or Deputy President of the Court).
- (5) In subsection (4) “ordinary England and Wales Supreme Court judge” means an England and Wales Supreme Court judge who is neither the President of the Court nor the Deputy President.
- (6) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Supreme Court for the purposes of subsection (4)(c).
- (7) In sections 71 and 71A and this section “England and Wales Supreme Court judge” means a judge of the Supreme Court who has held high judicial office in England and Wales before appointment to the Court.”
- (4) In paragraph 11(3) of Schedule 12 (functions of the chairman of the Judicial Appointments Commission which, in the chairman’s absence, are not exercisable by the vice-chairman) after paragraph (b) insert—

“(ba) section 71A;”.
- (5) An amendment made by this paragraph does not have effect in relation to a request under section 69 of the Constitutional Reform Act 2005 received by the Judicial Appointments Commission before the amendment comes into force.’.

Crime and Courts Bill [*Lords*], *continued*

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| Secretary Theresa May | 60 |
| Page 31, line 39 [<i>Clause 28</i>], at end insert— ‘(5A) The preceding provisions of this section do not apply in relation to Supreme Court proceedings.’. | |
| Secretary Theresa May | 61 |
| Page 33, line 33 [<i>Clause 33</i>], after ‘High Court’ insert ‘in England and Wales’. | |
| Secretary Theresa May | 62 |
| Page 34, line 2 [<i>Clause 33</i>], after ‘High Court’ insert ‘in England and Wales’. | |
| Secretary Theresa May | 63 |
| Page 34, line 14 [<i>Clause 33</i>], leave out from beginning to ‘and’ in line 15. | |
| Secretary Theresa May | 64 |
| Page 36, line 10 [<i>Clause 33</i>], leave out ‘a part of the United Kingdom’ and insert ‘England and Wales or Scotland’. | |
| Secretary Theresa May | 65 |
| Page 290, line 5 [<i>Schedule 17</i>], after ‘authority’ insert ‘in relation to England and Wales or Scotland’. | |
| Secretary Theresa May | 66 |
| Page 290, line 8 [<i>Schedule 17</i>], leave out ‘and Northern Ireland’. | |
| Secretary Theresa May | 67 |
| Page 290, line 29 [<i>Schedule 17</i>], after ‘order’ insert ‘made by the High Court in England and Wales’. | |
| Secretary Theresa May | 68 |
| Page 290, line 35 [<i>Schedule 17</i>], leave out ‘or’ and insert ‘made by the High Court in England and Wales or an’. | |
| Secretary Theresa May | 69 |
| Page 291, line 8 [<i>Schedule 17</i>], leave out ‘or’ and insert ‘made by the High Court in England and Wales or an’. | |
| Secretary Theresa May | 70 |
| Page 291, line 17 [<i>Schedule 17</i>], after ‘High Court’ insert ‘in England and Wales’. | |

Crime and Courts Bill [*Lords*], continued

- Secretary Theresa May 71
 Page 292, line 40 [*Schedule 17*], after ‘order’ insert ‘made by the High Court in England and Wales or the Court of Session’.
- Secretary Theresa May 72
 Page 47, line 5 [*Clause 43*], leave out ‘2’ and insert ‘[*Modification of NCA functions*]’.
- Secretary Theresa May 73
 Page 47, line 27 [*Clause 43*], at end insert—
 ‘(k) an order under paragraph 5 of Schedule [*The NCA: Northern Ireland*]’.
- Secretary Theresa May 74
 Page 47, line 37 [*Clause 43*], at end insert—
 ‘() an order under paragraph 1, 2, 3 or 4 of Schedule [*The NCA: Northern Ireland*]’.
- Secretary Theresa May 75
 Page 47, line 37 [*Clause 43*], at end insert—
 ‘() an order under Schedule [*Proceeds of crime provisions: Northern Ireland*]’.
- Secretary Theresa May 76
 Page 336, line 26 [*Schedule 22*], leave out ‘2’ and insert ‘[*Modification of NCA functions*]’.
- Secretary Theresa May 77
 Page 49, line 13 [*Clause 46*], after first ‘to’ insert ‘26 and [*Supreme Court chief executive, officers and staff*] and’.
- Secretary Theresa May 78
 Page 49, line 13 [*Clause 46*], before ‘28’ insert ‘27 and’.
- Secretary Theresa May 79
 Page 49, line 13 [*Clause 46*], leave out ‘(except section 24(2))’.
- Secretary Theresa May 80
 Page 49, line 15 [*Clause 46*], at end insert—
 ‘() Subsection (3) does not apply to—
 (a) Part 4A of Schedule 13, or section 18 so far as relating to that Part;
 (b) section 24(2).’.

Crime and Courts Bill [*Lords*], *continued*

- Secretary Theresa May 81
- Page 49, line 15 [*Clause 46*], at end insert—
 ‘() Section [*Varying designations of authorities responsible for remanded young persons*] comes into force on the day after the day on which this Act is passed.’.
- Secretary Theresa May 82
- Page 49, line 16 [*Clause 46*], after ‘24(2)’ insert ‘, [*Making and use of recordings of Supreme Court proceedings*]’.
- Secretary Theresa May 83
- Page 49, line 30 [*Clause 46*], leave out subsection (8) and insert—
 ‘(8) The following come into force on the day on which this Act is passed—
 (a) Part 4A of Schedule 13, and section 18 so far as relating to that Part;
 (b) section 33 (except subsection (6)(a));
 (c) Part 2 of Schedule 17;
 (d) sections 43 to 45 and this section.’.
- Secretary Theresa May 84
- Page 49, line 31 [*Clause 46*], at end insert—
 ‘() Section 30 comes into force on the day on which this Act is passed.’.
- Secretary Theresa May 85
- Page 49, line 31 [*Clause 46*], at end insert—
 ‘() Schedule [*The NCA: Northern Ireland*] comes into force on the day on which this Act is passed.’.
- Secretary Theresa May 86
- Page 49, line 31 [*Clause 46*], at end insert—
 ‘() Schedule [*Proceeds of crime provisions: Northern Ireland*] comes into force on the day on which this Act is passed.’.
- Secretary Theresa May 87
- Page 50, line 13 [*Clause 46*], at end insert—
 ‘() This section is subject to Schedule [*The NCA: Northern Ireland*] (the NCA: Northern Ireland).’.
- Secretary Theresa May 88
- Page 50, line 13 [*Clause 46*], at end insert—
 ‘() This section is subject to Schedule [*Proceeds of crime provisions: Northern Ireland*] (proceeds of crime provisions: Northern Ireland).’.

Crime and Courts Bill [*Lords*], *continued**Enforcement services*

Jenny Chapman
Mr David Hanson
Stella Creasy

NC7

To move the following Clause:—

- (1) The Legal Services Act 2007 is amended as follows.
- (2) After section 125 insert—

“125A Extension of Part 6 to enforcement services

- (1) For the purposes of this Part (and sections 1, 21 and 27 as they apply in relation to this Part)—
 - (a) the Bailiffs and Enforcement Agents Council is to be treated as an approved regulator;
 - (b) enforcement services are to be treated as a reserved legal activity;
 - (c) a person authorised under sections 63 and 64 of the Tribunals Courts and Enforcement Act services is to be treated as an authorised person in relation to that activity;
 - (d) the Bailiffs and Enforcement Agents Council is to be treated as a relevant authorising body in relation to such a person, and
 - (e) regulations under the Tribunals Courts and Enforcement Act 2007 and the National Standards for Enforcement Agents are to be treated as regulatory arrangements of the Bailiffs and Enforcement Agents Council as an approved regulator.
 - (2) For the purposes of sections 112 and 145 (as extended by this section), a person authorised under sections 63 and 64 of the Tribunals Courts and Enforcement Act, is to be treated as a “relevant authorised person” in relation to the Regulator.”.
-