



House of Commons

Monday 18 March 2013

CONSIDERATION OF BILL

New Amendments handed in are marked thus ★

CRIME AND COURTS BILL [LORDS], AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Crime and Courts Bill [*Lords*] (Programme) (No. 3) Motion to be proposed by The Prime Minister.

*NEW CLAUSES AND NEW SCHEDULES STANDING IN THE NAME OF THE PRIME MINISTER
AND RELATING TO PRESS CONDUCT*

Awards of exemplary damages

The Prime Minister
Secretary Theresa May
Secretary William Hague
Mr Chancellor of the Exchequer
Secretary Chris Grayling
Secretary Maria Miller

NC21

To move the following Clause:—

- ‘(1) This section applies where—
- (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time,
 - (c) the claim is related to the publication of news-related material, and
 - (d) the defendant is found liable in respect of the claim.
- (2) Exemplary damages may not be awarded against the defendant in respect of the claim if the defendant was a member of an approved regulator at the material time.
- (3) Where the court is not prevented from making an award of exemplary damages by subsection (2), the court—
- (a) may make an award of exemplary damages if it considers it appropriate to do so in all the circumstances of the case, but
 - (b) may do so only under this section.
- (4) Exemplary damages may be awarded under this section only if they are claimed.

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

- (5) Exemplary damages may be awarded under this section only if the court is satisfied that—
 - (a) the defendant’s conduct has shown a deliberate or reckless disregard of an outrageous nature for the claimant’s rights,
 - (b) the conduct is such that the court should punish the defendant for it, and
 - (c) other remedies would not be adequate to punish that conduct.
 - (6) Exemplary damages may be awarded under this section whether or not another remedy is granted.
 - (7) The decision on the question of—
 - (a) whether exemplary damages are to be awarded under this section, or
 - (b) the amount of such damages,
 must not be left to a jury.’.
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Relevant considerations

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC22

To move the following Clause:—

- ‘(1) This section applies where the court is deciding whether the circumstances of the case make it appropriate for exemplary damages to be awarded under section [*Awards of exemplary damages*].
- (2) The court must have regard to the principle that exemplary damages must not usually be awarded if, at any time before the decision comes to be made, the defendant has been convicted of an offence involving the conduct complained of.
- (3) The court must take account of the following—
 - (a) whether membership of an approved regulator was available to the defendant at the material time;
 - (b) if such membership was available, the reasons for the defendant not being a member;
 - (c) so far as relevant in the case of the conduct complained of, whether internal compliance procedures of a satisfactory nature were in place and, if so, the extent to which they were adhered to in that case.
- (4) The reference in subsection (3)(c) to “internal compliance procedures” being in place is a reference to any procedures put in place by the defendant for the purpose of ensuring that—
 - (a) material is not obtained by or on behalf of the defendant in an inappropriate way, and
 - (b) material is not published by the defendant in inappropriate circumstances.
- (5) The court may regard deterring the defendant and others from similar conduct as an object of punishment.

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

- (6) This section is not to be read as limiting the power of the court to take account of any other matters it considers relevant to its decision.’

Amount of exemplary damages

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC23

To move the following Clause:—

- ‘(1) This section applies where the court decides to award exemplary damages under section [*Awards of exemplary damages*].
- (2) The court must have regard to these principles in determining the amount of exemplary damages—
- (a) the amount must not be more than the minimum needed to punish the defendant for the conduct complained of;
 - (b) the amount must be proportionate to the seriousness of the conduct.
- (3) The court must take account of these matters in determining the amount of exemplary damages—
- (a) the nature and extent of any loss or harm caused, or intended to be caused, by the defendant’s conduct;
 - (b) the nature and extent of any benefit the defendant derived or intended to derive from such conduct.
- (4) The court may regard deterring the defendant and others from similar conduct as an object of punishment.
- (5) This section is not to be read as limiting the power of the court to take account of any other matters it considers relevant to its decision.’

Multiple claimants

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC24

To move the following Clause:—

- ‘(1) This section applies where a relevant publisher—
- (a) is a defendant to a relevant claim, and

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

- (b) is found liable to two or more persons in respect of the claim (“the persons affected”).
- (2) In deciding whether to award exemplary damages under section [*Awards of exemplary damages*] or the amount of such damages to award (whether to one or more of the persons affected), the court must take account of any settlement or compromise by any persons of a claim in respect of the conduct.
- (3) But the court may take account of any such settlement or compromise only if the defendant agrees.
- (4) If the court awards exemplary damages under section [*Awards of exemplary damages*] to two or more of the persons affected, the total amount awarded must be such that it does not punish the defendant excessively.
- (5) If the court awards exemplary damages under section [*Awards of exemplary damages*] to one or more of the persons affected, no later claim may be made for exemplary damages as regards the conduct.’
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Multiple defendants

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC25

To move the following Clause:—

- ‘(1) Any liability of two or more persons for exemplary damages awarded under section [*Awards of exemplary damages*] is several (and not joint or joint and several).
- (2) Subsection (1) has effect subject to the law relating to the liability of a partner for the conduct of another partner.
- (3) Where the liability of two or more persons for exemplary damages is several, no contribution in respect of the damages may be recovered by any of them under section 1 of the Civil Liability (Contribution) Act 1978.’
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Awards of aggravated damages

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC26

To move the following Clause:—

- ‘(1) This section applies where—

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

- (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time,
 - (c) the claim is related to the publication of news-related material, and
 - (d) the defendant is found liable in respect of the claim.
- (2) Aggravated damages may be awarded against the defendant only to compensate for mental distress and not for purposes of punishment.
- (3) In this section, “aggravated damages” means damages that were commonly called aggravated before the passing of this Act and which—
- (a) are awarded against a person in respect of the person’s motive or exceptional conduct, but
 - (b) are not exemplary damages or restitutionary damages.
- (4) Nothing in this section is to be read as implying that, in cases where this section does not apply, aggravated damages may be awarded for purposes of punishment.’

Awards of costs

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC27

To move the following Clause:—

- ‘(1) This section applies where—
- (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time, and
 - (c) the claim is related to the publication of news-related material.
- (2) The court may take account of these matters in deciding any question relating to an award of costs in the proceedings—
- (a) if membership of an approved regulator was available to the defendant at the time when the claim was commenced, whether the defendant was a member at that time;
 - (b) if the defendant was a member at that time, whether a party to the proceedings refused to make use of an arbitration scheme of the approved regulator;
 - (c) if the defendant was not a member at that time, the reasons for the defendant not being a member.
- (3) For the purposes of subsection (2)(b), a party refuses to make use of an arbitration scheme of an approved regulator if—
- (a) at the time when the claim was commenced, the approved regulator had arrangements in place for an arbitration scheme under which the claim could have been referred for determination by an arbitrator appointed under the scheme, but
 - (b) the party refused to agree to the claim being so referred.

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

- (4) If the court takes account of the matter mentioned in subsection (2)(b), the court must give the party concerned an opportunity to be heard about the reasons for the refusal.
- (5) This section is not to be read as limiting any power to make rules of court.’

Application of sections [Awards of exemplary damages] to [Awards of costs]

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC28

To move the following Clause:—

‘Sections [Awards of exemplary damages] to [Awards of costs] do not apply until such time as a body is first recognised as an approved regulator.’

Meaning of “relevant publisher”

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC29

To move the following Clause:—

- (1) In sections [Awards of exemplary damages] to [Awards of costs], “relevant publisher” means a person who, in the course of a business (whether or not carried on with a view to profit), publishes news-related material—
 - (a) which is written by different authors, and
 - (b) which is to any extent subject to editorial control.
 This is subject to subsections (5) and (6).
- (2) News-related material is “subject to editorial control” if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for—
 - (a) the content of the material,
 - (b) how the material is to be presented, and
 - (c) the decision to publish it.
- (3) A person who is the operator of a website is not to be taken as having editorial or equivalent responsibility for the decision to publish any material on the site, or for content of the material, if the person did not post the material on the site.

Crime and Courts Bill [Lords], continued

- (4) The fact that the operator of the website may moderate statements posted on it by others does not matter for the purposes of subsection (3).
- (5) A person is not a “relevant publisher” if the person is specified by name in Schedule [*Exclusions from definition of “relevant publisher”*].
- (6) A person is not a “relevant publisher” in so far as the person’s publication of news-related material is in a capacity or case of a description specified in Schedule [*Exclusions from definition of “relevant publisher”*].’.

Other interpretative provisions

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NC30

To move the following Clause:—

- ‘(1) This section applies for the purposes of sections [*Awards of exemplary damages*] to [*Meaning of “relevant publisher”*].
- (2) “Approved regulator” means a body recognised as a regulator of relevant publishers.
- (3) For the purposes of subsection (2), a body is “recognised” as a regulator of relevant publishers if it is so recognised by any body established by Royal Charter (whether established before or after the coming into force of this section) with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers.
- (4) “Relevant claim” means a civil claim made in respect of any of the following—
 - (a) libel;
 - (b) slander;
 - (c) breach of confidence;
 - (d) misuse of private information;
 - (e) malicious falsehood;
 - (f) harassment.
- (5) For the purposes of subsection (4)—
 - (a) the reference to a claim made in respect of the misuse of private information does not include a reference to a claim made by virtue of section 13 of the Data Protection Act 1998 (damage or distress suffered as a result of a contravention of a requirement of that Act);
 - (b) the reference to a claim made in respect of harassment is a reference to a claim made under the Protection from Harassment Act 1997.
- (6) The “material time”, in relation to a relevant claim, is the time of the events giving rise to the claim.
- (7) “News-related material” means—
 - (a) news or information about current affairs,
 - (b) opinion about matters relating to the news or current affairs, or
 - (c) gossip about celebrities, other public figures or other persons in the news.

Crime and Courts Bill [Lords], continued

- (8) A relevant claim is related to the publication of news-related material if the claim results from—
- (a) the publication of news-related material, or
 - (b) activities carried on in connection with the publication of such material (whether or not the material is in fact published).
- (9) A reference to the “publication” of material is a reference to publication—
- (a) on a website,
 - (b) in hard copy, or
 - (c) by any other means;
- and references to a person who “publishes” material are to be read accordingly.
- (10) A reference to “conduct” includes a reference to omissions; and a reference to a person’s conduct includes a reference to a person’s conduct after the events giving rise to the claim concerned.’.

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

NS5

To move the following Schedule:—

‘EXCLUSIONS FROM DEFINITION OF “RELEVANT PUBLISHER”

Broadcasters

- 1 The British Broadcasting Corporation.
- 2 Sianel Pedwar Cymru.
- 3 The holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence.

Special interest titles

- 4 A person who publishes a title that—
 - (a) relates to a particular pastime, hobby, trade, business, industry or profession, and
 - (b) only contains news-related material on an incidental basis that is relevant to the main content of the title.

Scientific or academic journals

- 5 A person who publishes a scientific or academic journal that only contains news-related material on an incidental basis that is relevant to the scientific or academic content.

Public bodies and charities

- 6 (1) A public body or charity that publishes news-related material in connection with the carrying out of its functions.

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

- (2) “Public body” means a person or body whose functions are of a public nature.

Company news publications etc

- 7 A person who publishes a newsletter, circular or other document which—
- (a) relates to a business carried on by the person, and
 - (b) only contains news-related material on an incidental basis that is relevant to the person’s business.

Book publishers

- 8 (1) A person who is the publisher of a book.
- (2) “Book” does not include any title published on a periodic basis with substantially different content.’.

REMAINING NEW CLAUSES AND NEW SCHEDULES RELATING TO PRESS CONDUCT

Exemplary damages

Simon Hughes
 Mr Ben Bradshaw
 Ian Paisley
 Mr Elfyn Llwyd
 Mark Durkan
 Caroline Lucas

NC19

To move the following Clause:—

‘Damages and costs

- (1) The court may make an award of exemplary damages in respect of any tort or any equitable wrong if it considers it appropriate in all the circumstances of the case.
- (2) Exemplary damages may be awarded only if they are claimed.
- (3) Exemplary damages may be awarded only if the court is satisfied that—
 - (a) the defendant’s conduct has shown a deliberate or reckless disregard of any outrageous nature for the claimant’s rights;
 - (b) the conduct is such that the court should punish the defendant for it; and
 - (c) other remedies would not be adequate to punish that conduct.
- (4) Exemplary damages may be awarded whether or not another remedy is granted.
- (5) The fact that the defendant’s conduct falls outside the following categories is not a ground for refusing to award exemplary damages—
 - (a) oppressive, arbitrary or unconstitutional conduct by a servant of the government; and
 - (b) conduct calculated to make a profit which might exceed compensation payable to the claimant.
- (6) The civil standard of proof shall apply for the purpose of determining facts relevant to the question whether to award exemplary damages.
- (7) The decision on whether to award exemplary damages, or on the amount of exemplary damages, may not be left to a jury.

Crime and Courts Bill [Lords], continued

- (8) Schedule [*Exemplary damages*], which makes provision supplementary to this section, shall have effect.
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Costs of legal proceedings: publishers

Simon Hughes
 Mr Ben Bradshaw
 Ian Paisley
 Mr Elfyn Llwyd
 Caroline Lucas
 Mark Durkan

NC20

To move the following Clause:—

- (1) A court determining publication proceedings brought against a regulated publisher shall (irrespective of the outcome) not award costs against the regulated publisher unless the court is satisfied that—
- (a) the issues raised by the proceedings could not have been resolved satisfactorily in accordance with the procedures of the relevant recognised regulator, or
 - (b) in all the circumstances, it is just to award costs against the regulated publisher.
- (2) A court determining publication proceedings brought against a non-regulated news publisher shall (irrespective of the outcome) award costs, on an indemnity basis or otherwise, against the news publisher unless the court is satisfied that—
- (a) the news publisher was unable to become regulated for reasons beyond its control;
 - (b) it would have been unreasonable in the circumstances to expect the news publisher to have become regulated;
 - (c) the issues raised by the proceedings could not have been resolved satisfactorily in accordance with the procedures of any relevant recognised regulator; or
 - (d) in all the circumstances, it is just to award costs to make a different award of costs (or not to award costs).
- (3) Where a person has entered into a conditional fee agreement or a collective conditional fee agreement which provides for a success fee within the meaning of section 58(2) of the Courts and Legal Services Act 1990 by which he or she receives legal services to pursue or defend publication proceedings then, subject to subsection (4), the general rule that the court will order an unsuccessful party to pay the costs of a successful party shall not apply.
- (4) The court may apply the general rule where the court finds—
- (a) the claim was fraudulent;
 - (b) the claim was so unreasonable that it was or could have been struck out on the grounds that it was frivolous, vexatious or an abuse of process; or
 - (c) in respect of a claim for damages, the cost consequences under Part 36 of the Civil Procedure Rules apply, save that the proportion of a defendant's costs payable by a claimant within the regime, whether fixed or assessed, shall be limited to 10 per cent of the damages awarded to the claimant.
- (5) Rules of court may reflect or give effect to this section (and may, in particular, make transitional provision to address situations where a news publisher

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

becomes, or ceases to be, regulated before or after the commencement of legal proceedings).

- (6) In this section the following expressions shall be construed in accordance with Schedule [*Costs and Exemplary Damages: Publication Proceedings: Regulation*]

“publication proceedings”;

“news publisher”;

“regulated publisher”.

Royal Charters: requirements for Parliamentary approval

Simon Hughes
Edward Miliband
Ms Harriet Harman

NC31

To move the following Clause:—

‘Where a body is established by Royal Charter after 18 March 2013 with functions relating to the carrying on of an industry, no recommendation may be made to Her Majesty in Council to amend the Body’s Charter or dissolve the body unless any requirements included in the Charter on the date it is granted for Parliament to approve the amendment or dissolution have been met.’.

Royal Charter of recognition body

Simon Hughes
Edward Miliband
Ms Harriet Harman
Mr Elfyn Llwyd
Mark Durkan
Caroline Lucas

Total signatories: 7

Naomi Long

NC32

To move the following Clause:—

‘The Royal Charter of a body established with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers must be in the form set out in the Schedule.’.

Crime and Courts Bill [Lords], continued

Simon Hughes
 Mr Ben Bradshaw
 Ian Paisley
 Mr Elfyn Llwyd
 Caroline Lucas
 Mark Durkan

NS3

To move the following Schedule:—

‘EXEMPLARY DAMAGES

Introductory

- 9 This Schedule supplements the provisions of section [*Exemplary damages*].
- 10 In this Schedule the following expressions shall be construed in accordance with Schedule [*Costs and Exemplary Damages: Publication proceedings: Regulation*]—
- “publication proceedings”;
 - “news publisher”;
 - “regulated publisher”.

Relevant considerations

- 11 (1) This paragraph applies where a court is deciding whether to award exemplary damages.
- (2) The court must have regard to the principle that exemplary damages must not usually be awarded if the defendant has been convicted of an offence involving the conduct complained of.
- (3) Where the defendant is a news publisher which has been found liable in publication proceedings, the court must take account of the following—
- (a) whether membership of a recognised regulator was available to the defendant at the time of the events giving rise to the claim;
 - (b) if the defendant was a member at that time, whether the recognised regulator has imposed any sanction for the conduct;
 - (c) whether internal compliance procedures of a satisfactory nature were in place and, if so, the extent to which they were adhered to.
- (4) In sub-paragraph (3)(c) “internal compliance procedures” means procedures put in place by the defendant for the purposes of ensuring that—
- (a) material is not obtained, handled or processed by or on behalf of the defendant in an inappropriate way (having regard to any code of standards to which the defendant was subject as a result of being a member of a recognised regulator); and
 - (b) material is not published by the defendant in inappropriate circumstances (having regard to any such code).
- (5) The court may regard deterring the defendant and others from conduct similar to the conduct to which the claim relates, as a purpose of punishment.
- (6) This paragraph does not restrict the court from taking account of any circumstances it considers relevant.

Amount of exemplary damages

- 12 (1) This paragraph applies where the court decides to award exemplary damages under section [*Exemplary damages*].

Crime and Courts Bill [Lords], *continued*

- (2) The court must have regard to these principles in determining the amount of exemplary damages—
 - (a) the amount must not be more than the minimum needed to punish the defendant for the conduct complained of; and
 - (b) the amount must be proportionate to the seriousness of the conduct.
- (3) The court must take account of these matters in determining the amount of exemplary damages—
 - (a) the state of mind of the defendant (or of persons acting on behalf of the defendant);
 - (b) the nature of the rights infringed by the defendant;
 - (c) the nature and extent of any loss or harm caused, or intended to be caused, by the defendant's conduct;
 - (d) the nature and extent of any benefit the defendant derived or intended to derive.
- (4) The court may regard to the importance of deterring the defendant and others from similar conduct.

Taking account of defendant's means

- 13 (1) If the court decides to award exemplary damages it must indicate the amount it has in mind to award irrespective of the defendant's means.
- (2) If the defendant shows that the defendant does not have the means to discharge an award of that amount without undue hardship, the court must take account of the defendant's means in deciding the amount of exemplary damages.
- (3) If an amount awarded as exemplary damages would have been more but for subsection (2) the award must specify what the amount awarded would have been but for that subsection.
- (4) The defendant's means include anything falling to be paid under a contract of insurance against the risk of an award of exemplary damages.

Multiple claimants

- 14 (1) This paragraph applies where a defendant is found liable to two or more persons in respect of a claim.
- (2) In deciding whether to award exemplary damages, or in deciding the amount of exemplary damages (whether to one or more of the persons affected), the court must, if the defendant consents, take account of any settlement or compromise by any persons of a claim in respect of the conduct to which the claim relates.
- (3) If the court awards exemplary damages to two or more of the persons affected, the total amount awarded must not punish the defendant excessively.
- (4) If the court awards exemplary damages to any of the persons affected, no later claim may be made for exemplary damages as regards the conduct to which the claim relates.

Multiple defendants

- 15 (1) Liability of two or more persons for exemplary damages is several (and not joint or joint and several).
- (2) Sub-paragraph (1) has effect subject to the law relating to—
 - (a) vicarious liability;
 - (b) the liability of a partner for the conduct of another partner.

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

- (3) Where the liability of two or more persons for exemplary damages is several, no contribution in respect of the damages may be recovered by any of them under section 1 of the Civil Liability (Contribution) Act 1978.

Vicarious liability

- 16 (1) A person may be vicariously liable to pay exemplary damages in respect of another's conduct.
- (2) Where a person would be vicariously liable to pay exemplary damages awarded against a defendant, references to the defendant in this Schedule are to the other person.
- (3) If the court decides to award exemplary damages and a person is vicariously liable to pay them in respect of another's conduct, references to the "defendant and his means" in section 78L reads "means of the person vicariously liable or the person in respect of whose conduct he is vicariously liable".

Awards of aggravated damages

- 17 (1) This paragraph applies where—
- (a) a relevant publisher is a defendant to a relevant claim;
 - (b) the conduct complained of arose out of activities carried on for the purposes of, or in connection with, the publication of any material (whether or not the material was in fact published), and
 - (c) the defendant is found liable in respect of the claim.
- (2) Aggravated damages (meaning damages awarded in respect of a defendant's motive or exceptional conduct, not being exemplary or restitutionary damages) may be awarded only to compensate for mental distress and not for purposes of punishment (irrespective of whether they otherwise could be awarded for the purposes of punishment).²

Simon Hughes
Mr Ben Bradshaw
Ian Paisley
Mr Elfyn Llwyd
Caroline Lucas
Mark Durkan

NS4

To move the following Schedule:—

‘COSTS AND EXEMPLARY DAMAGES: PUBLICATION PROCEEDINGS: REGULATION

PART 1

INTRODUCTION

Interpretation: "the media", "news publisher" etc

- 5 1 (1) In this Schedule "the media" means—
- (a) media organisations; and
 - (b) servants and agents of media organisations in the performance of functions relating to the activities of those organisations.
- (2) In this Schedule "media organisations" means organisations which—

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

- 10 (a) make broadcasts within the meaning of section 95(1) of the Wireless
Telegraphy Act 2006;
- 15 (b) publish, for circulation anywhere in England or Wales, a newspaper,
magazine or periodical (or online content associated with a
newspaper, magazine or periodical), a substantial proportion of which
consists of news of, or opinion and discussion about, current affairs;
- (c) in the course of a business, publish content on a website, a substantial
proportion of which consists of news of, or opinion and discussion
about, current affairs in England and Wales.
- 20 (3) In this Schedule “news publishers” means media organisations referred to in
sub-paragraph (2)(b) and (c).
- (4) In this Schedule “publication proceedings” means proceedings for—
- 25 (a) defamation;
- (b) malicious falsehood;
- (c) misuse of private information;
- (d) invasion of privacy;
- (e) breach of confidence;
- (f) harassment under the Prevention from Harassment Act 1997; and
- (g) breach of statutory duty under the Data Protection Act 1998 against a
news publisher.
- 30 (5) In this Schedule “regulated publisher” means a news publisher which
subscribes to a recognised regulator.
- (6) In this Schedule a reference to “conduct” includes a reference to omissions;
and a reference to a person’s conduct can include a reference to a person’s
conduct after the events giving rise to a claim.

35

PART 2

REGULATION

Recognition

- 2 (1) In this Schedule “recognised regulator” means a body which—
- 40 (a) in the opinion of the Recognition Commission is established as a
voluntary regulatory body for the purposes of those sections; and
- (b) is certified by the Recognition Commission for the purpose of this
subsection.
- (2) The Recognition Commission shall be established in accordance with the
provisions of Part 3.
- 45 (3) In deciding whether to certify a body the Recognition Commission must
consider, in particular, whether the body—
- (a) has sufficient guarantees of independence, including suitable
independent, fair and transparent procedures for appointments and
funding;
- 50 (b) has suitable functions, powers, personnel and resources to ensure that
it can fulfil its principal objectives effectively;
- (c) has an appropriately prepared standards code;
- (d) has effective processes for upholding standards;
- (e) has an efficient procedure for handling complaints;
- 55 (f) has an effective and accessible arbitration service; and
- (g) includes subscribers which are clearly in separate ownership.

Crime and Courts Bill [Lords], continued

- (4) The Recognition Commission may not certify a body unless satisfied that it complies with the minimum requirements specified in Part 4.
- 60 (5) The Recognition Commission must review each recognised regulator—
- (a) at least once during the period of two years beginning with the date of certification; and
- (b) at intervals of not more than three years after that.
- 65 (6) The Recognition Commission must also review a recognised regulator if in the Commission's opinion there has been, or may have been, a significant change in the structure, processes, independence, fairness or effectiveness of the recognised regulator.
- (7) The Recognition Commission may not carry out a review under sub-paragraph (6) unless the Commission has given the approval regulator reasonable notice in writing of the proposal to do so; and the notice must specify the Commission's reasons.
- 70 (8) The Recognition Commission must prepare and publish a report of each review under this section.
- (9) A review under this section of a recognition under this section is a review only of the extent to which the recognised body is meeting requirements for certification in sub-paragraphs (1), (3) and (4).
- 75 (10) If having reviewed a recognised body the Recognition Commission is no longer satisfied that it complies with sub-paragraphs (1), (3) and (4), the Recognition Commission must consult the body and give directions designed to ensure that the body complies with sub-paragraphs (1), (3) and (4).
- 80 (11) If the body fails to comply with directions given under sub-paragraph (10) within a reasonable time, the Recognition Commission must revoke the body's certification.
- (12) In making decisions under this Schedule, the Recognition Commission must aim to adopt procedures which are transparent and must, in particular—
- 85 (a) publish information and invite representations about applications made to it;
- (b) publish information about the progress of proceedings on consideration of applications; and
- (c) publish the determination of applications.
- 90 (13) Interference with the operation of the Recognition Commission by Ministers of the Crown, public officials or news publishers shall be unlawful (and any actual or threatened breach of this provision shall be actionable in the High Court at the instance of the Recognition Commission).
- 95 (14) The Recognition Commission shall not be involved in the regulation of any media organisation.

Reports by Recognition Commission on Failure

- 3 (1) Within three months of a trigger event specified in sub-paragraph (2), the Recognition Commission must send a report to the Secretary of State and to the Speaker of the House of Commons drawing their attention to the fact that
- 100 the system of regulation is not sufficiently effective.
- (2) The following are trigger events—
- (a) the first anniversary of the commencement of section (Recognition), if there is no recognised regulator certified under that section;
- 105 (b) the end of any continuous period of six months, after the first anniversary of the commencement of section (Recognition), at which there is no recognised regulator;

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

- 110 (c) the first anniversary of the commencement of section (Recognition), if in the opinion of the Recognition Commission there is a significant news publisher who is not a subscriber to a recognised regulator;
- (d) the end of the period of three months, beginning with the date of revocation of a recognised regulator’s certificate of recognition, if in the opinion of the Recognition Commission a significant news publisher which was at the time of revocation a subscriber to that recognised regulator is not a subscriber to a recognised regulator; and
- 115 (e) the end of any continuous period of six months, after the first anniversary of the commencement of section (Recognition), during which in the opinion of the Recognition Commission a significant news publisher was not a subscriber to a recognised regulator.
- 120 (3) For the purposes of this section, a “significant news publisher” is a news publisher which in the opinion of the Recognition Commission has a weekly readership which would place it within the first 20 of a list of news publishers ranked in descending order of weekly readership.
- 125 (4) The Secretary of State must, within three months of the receipt of a report under sub-paragraph (1), lay proposals about the regulation of news publishers before Parliament for approval by each House of Parliament within one month of their being laid.
- 130 (5) If proposals are not approved under sub-paragraph (4) (or this sub-paragraph) the Secretary of State must within one month lay amended proposals before Parliament for approval by each House of Parliament within one month of their being laid.

Data protection

- 4 In considering the exercise of any of its powers in relation to news publishers, the Information Commissioner shall have regard whether such publishers are subscribers regulated by recognised regulator with the purpose of reducing the burden of regulation on such news publishers.
- 135

Public functions

- 5 The functions of the Recognition Commission and of a recognised regulator are to be treated as public functions.

PART 3

140 RECOGNITION COMMISSION

Introduction

- 6 This part provides the method by which the Recognition Commission shall be constituted.

Appointment of the Recognition Commission

- 145 7 The appointment of the first Chair of the Recognition Commission together with at least four initial other members shall follow a fair and open process, independent of news publishers, politicians and the Government to be conducted in the manner, and by the persons, described in this Schedule.
- 150 8 The responsibility for identifying and appointing the Chair of the Recognition Commission shall be that of an Appointments Committee, constituted in accordance with paragraphs 10 to 15, and the Appointments Committee shall ensure that the Chair is appointed before the appointment of any other member.

Crime and Courts Bill [Lords], continued

155 9 The other initial members of the Recognition Commission shall be identified and appointed by the Appointments Committee, acting together with the Chair of the Recognition Commission.

Appointments Committee

10 The Appointments Committee shall consist of four individuals.
11 The Chair of the Judicial Appointments Commission shall be ex officio Chair of the Appointments Committee.

160 12 The Chair of the Appointments Committee shall appoint to the Committee—
(a) two members who, in the Chair's opinion, are independent of political parties, the Government and news publishers; and
(b) one person who, in the Chair's opinion, is independent of political parties, the Government and news publishers and is a Public Appointments Assessor (appointed pursuant to the Public Appointments Order in Council 2002) nominated for membership of the Appointments Committee by the Commissioner for Public Appointments for England and Wales.

170 13 In order to ensure the independence of the Committee, the following shall be ineligible to be appointed to the Appointments Committee—

- (a) a serving editor or current employee of a publication of a relevant publisher;
(b) a relevant publisher or a person who is otherwise involved in the publication of news or current affairs in the United Kingdom;
175 (c) a person who is involved in the governance of or is employed by a recognised regulator or by a body which is seeking recognition as a recognised regulator;
(d) a person who is, or has been, a member of the House of Commons, the House of Lords, the Scottish Parliament, the Northern Ireland Assembly or the National Assembly for Wales and whilst a member has been affiliated to any political party;
180 (e) a person who is, or has ever been, a Minister of the Crown, a Scottish Minister, a Northern Ireland Minister, or a Welsh Minister;
(f) a person who has held an appointment under Article 3(2) of the Civil Service Order in Council 1995 (or its predecessor or replacement);
185 (g) a person who has in the previous 10 years held elected political office at principal local authority level or above or who is or has been employed by a political party.

190 14 A person may not be appointed to the Appointments Committee under paragraph 13(a) unless the Commissioner for Public Appointments in England and Wales has published written confirmation that—

- (a) the selection process was fair and open and independent of political parties, the Government and news publishers; and
(b) that the person is independent.

195 15 The members of the Appointments Committee shall serve in a personal capacity.

Criteria for Appointment to the Recognition Commission

200 16 In making an appointment under this Schedule, the matters set out in paragraph 17 shall be used for—

- (a) determining the overall nature of the membership of the Recognition Commission; and

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

(b) assessing the suitability of any particular person to be appointed as the Chair or a member of the Recognition Commission.

205 17 The criteria for appointment as a member of the Recognition Commission are that every member shall have an understanding of the context within which a Regulator will operate and at least one member of the Recognition Commission should—

210 (a) have legal qualifications and skills, together with an understanding of the legal framework within which the Recognition Commission must operate;

(b) have financial skills, including experience of delivering value for money;

215 (c) have experience of public policy making, particularly in the context of consumer rights;

(d) be a man;

(e) be a woman.

18 In order to ensure the independence of the Recognition Commission, the disqualifications in paragraph 13 apply to the Commission.

220 19 A person may not be appointed to the Recognition Commission unless the Commissioner for Public Appointments in England and Wales has published written confirmation that—

(a) the selection process was fair and open; and

(b) the person appointed is independent.

Terms of membership

225 20 Each Member of the Recognition Commission, including the Chair, shall hold and vacate office in accordance with the terms of this Schedule.

21 Each Member shall be eligible to serve for an initial term of six years and shall be eligible for reappointment for a further period of three years.

230 22 The Recognition Commission may make arrangements for the payment of allowances to members; the amounts shall be set having regard to the prevailing rates payable to the members of equivalent public sector bodies.

Termination

23 A member of the Recognition Commission may resign by giving notice in writing to the Recognition Commission.

235 24 The Chair or any Member of the Recognition Commission may be dismissed by a majority vote of the Commission where they are satisfied that the Chair or member is unwilling, unable or unfit to discharge functions under this Schedule.

240 25 The Chair or a member may not be dismissed unless the Commissioner for Public Appointments in England and Wales has published written confirmation that the dismissal process was fair, open and independent of news publishers, of political parties and of the Government.

Further appointments

245 26 Upon any person, including the Chair, ceasing to be a member of the Recognition Commission for any reason, or the Recognition Commission determining that the appointment of an additional member is desirable the process for appointing a successor or additional member (as appropriate) shall be fair and open, and meet the requirements specified above for appointments; and the responsibility for making such an appointment (including selection)

Crime and Courts Bill [Lords], continued

250 shall be with the serving members of the Recognition Commission, and not the Appointments Committee.

Money

27 The Secretary of State must within two months of Royal Assent set aside the sum of £5 million for the purposes of this Schedule.

255 28 The sum set aside under paragraph 27 is to be invested by the Secretary of State, and investment receipts are to be added to the capital and set aside for the purposes of this Schedule.

260 29 The Appointments Committee and the Recognition Commission may apply to the Secretary of State for sums to be made available in respect of expenditure incurred or to be incurred by the Committee of the Commission; and

(a) the Secretary of State shall grant applications;

265 (b) but if the Secretary of State is concerned about sums expended or to be expended, or the manner in which decisions about expenditure have been or are to be taken, or the methods of procurement adopted, the Secretary of State may refer the matter to, and comply with any directions given by, the Comptroller and Auditor General.

30 The Appointments Committee and the Recognition Commission shall have regard to any guidance given to them by the Treasury in relation to—

270 (a) best practice in relation to procurement in the public sector;

(b) any applicable European Union law relating to procurement;

(c) accounting practice and record-keeping in the public sector; and

(d) any other financial matters on which the Treasury think it appropriate to give guidance.

Procedure

275 31 The Appointments Committee shall regulate its own procedure.

32 The Recognition Commission shall, subject to this Act, regulate its own procedure.

Status of the Appointments Committee and the Recognition Commission

280 33 The Appointments Committee and Recognition Commission are not to be regarded—

(a) as the servant or agent of the Crown; or

(b) as enjoying any status, immunity of privilege of the Crown.

Powers

285 34 The Appointments Committee and the Recognition Commission may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of their functions.

35 The Recognition Commission may charge fees to bodies which apply to be recognised.

290 36 The Appointments Committee and the Recognition Commission may appoint staff and engage services.

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

PART 4

MINIMUM REQUIREMENTS FOR RECOGNISED REGULATORS

Structure

37 A recognised regulator must be a company limited by guarantee.

295

Company objects

38 The principal objects of a recognised regulator must be to—
 (a) ensure the protection of freedom of expression of news publishers;
 (b) protect the public interest by ensuring ethical, accurate and truthful reporting by news publishers;
 300 (c) maintain certain minimum ethical and professional standards among news publishers; and
 (d) ensure that the privacy and dignity of the individual is protected.

Independence

305 39 A recognised regulator must be independent in the performance of its functions.

Access to services

310 40 The regulatory system provided by a recognised regulator must be open to subscription by any news publisher or other publisher on fair, reasonable and non-discriminatory terms (although subscription should be made available on different terms for different types of publishers).

Governing Board

41 A recognised regulator must be governed by an independent board, the members of which are appointed without any influence of news publishers or the Government.

315

42 The Board must be appointed by an independent panel which must—
 (a) be appointed in an independent, fair and open way;
 (b) contain a substantial majority of members who are demonstrably independent of news publishers;
 (c) include at least one person with current experience of news publishers;
 320 (d) include no more than one current editor of a news publisher;
 (e) not include any Minister of the Crown, or any present or former member of the House of Commons or the House of Lords or of any devolved Parliament or Assembly who, while a member, has been affiliated to any political party.

325

43 The Chair of the Board—
 (a) must be appointed by the independent panel by an independent, fair and open process; and
 (b) must be independent of all political parties and all media organisations.

330

44 The other members of the Board must be appointed by the independent panel, and the Chair of the Board, using the same independent, fair and open process; and the process must be designed to secure that the Board—

Crime and Courts Bill [Lords], *continued*

- 335 (a) comprises a majority of members who are independent of news publishers;
- (b) includes a sufficient number of members with experience of the media who may include former editors and senior or academic journalists;
- (c) does not include any serving editor of a news publisher;
- 340 (d) does not include any Minister of the Crown, or any present or former member of the House of Commons or the House of Lords or of any devolved Parliament or Assembly who, while a member, has been affiliated to any political party; and
- (e) numbers among its members at least one third men and at least one third women.

Finance

- 345 45 A recognised regulator must be funded under the terms of an agreement between news publishers and the Board of the regulator, taking into account the cost of fulfilling obligations of a regulator and the commercial pressures on news publishers.
- 350 46 The Board of a recognised regulator must prepare an indicative budget which it certifies is adequate for the purpose, in accordance with which funding settlements—
- (a) cover five-year periods; and
- (b) are negotiated with a minimum notice period of 2 years excluding the year of establishment of the regulator.

355 *Standards Code*

- 47 A recognised regulator must have a Standards Code which is the responsibility of the Board, advised by a Code Committee which may comprise both members of the Board and serving editors of news publishers.
- 48 The Code Committee—
- 360 (a) must include members of the Board who are independent of news publishers (“independent members”);
- (b) may include serving editors of news publishers; and
- (c) must have a simple majority of independent members.
- 49 The Standards Code must take into account the importance of freedom of speech and the public interest.
- 365 50 The Standards Code must set out the ethical and legal context within which it applies; together with a clear picture of how good journalism serves the public interest and the implications that has for journalistic behaviour; and the Code must cover standards for—
- 370 (a) conduct, especially in relation to the treatment of other people in the process of obtaining material;
- (b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and
- (c) accuracy and the need to avoid misrepresentation.
- 375 51 A recognised regulator must provide guidance, in the context of different provisions of the Standards Code, on the interpretation of “public interest” that justifies conduct that would otherwise be a breach of the Code.
- 52 The Standards Code must provide that news publishers will be held strictly accountable for any material that they publish, including photographs (however sourced).
- 380

Crime and Courts Bill [Lords], *continued*

53 A recognised regulator must establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the Standards Code.

Governance of subscribers

385 54 A recognised regulator must require all subscribers—
 (a) to maintain appropriate internal governance processes, in particular in relation to the process of obtaining material for publication;
 (b) to provide transparency on what governance processes they have in place, and
 390 (c) to give notice of any failures in compliance with the Code, as well as details of steps taken to address those failures.

Complaints handling

55 A recognised regulator must—
 395 (a) require all subscribers to have an adequate and speedy complaints handling mechanism;
 (b) encourage those who wish to complain to do so through that mechanism;
 (c) not receive complaints directly unless or until the internal complaints system has been engaged and the complaint has not been resolved
 400 within specified time limits.

56 In relation to complaints—
 (a) a recognised regulator must have the power to hear and decide on complaints about breach of the standards code by subscribers;
 405 (b) a recognised regulator must have the power (but not necessarily in all cases, depending on the circumstances, the duty) to hear complaints whoever they come from, whether persons personally or directly affected by the alleged breach, or a representative group affected by the alleged breach, or a third party seeking to ensure accuracy of published information (in which case the views of the party most
 410 closely involved should be taken into account);
 (c) a recognised regulator must have the power to allow a complaint to be brought prior to commencing legal proceedings, without prejudice to any power of the court to order a stay of the regulator's action if continuing it would endanger the civil action;
 415 (d) decisions on complaints must be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made;
 (e) serving editors may not have any role in determining the outcome of
 420 individuals' complaints, nor be members of any Committee advising the Board on complaints and any such Committee must have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press; and
 (f) the mechanism must allow complainants to bring complaints free of charge.

425 *Investigations*

57 The arrangements for subscription to each registered regulator must ensure that—
 (a) the Board has authority to examine issues on its own initiative;

Crime and Courts Bill [Lords], continued

- 430 (b) the Board has sufficient powers, and personnel with the necessary
experience and expertise and independence from news publishers, to
carry out investigations both into suspected serious or systemic
breaches of the Code and failures to comply with directions of the
Board;
- 435 (c) subscribers are required to cooperate with any such investigation; and
(d) the investigation process is simple and credible.

Breaches of Standards Code

- 58 A Board must have both the power and a duty to ensure that all breaches of the
Standards Code that is considers are recorded as such and that proper data is
440 kept that records the extent to which complaints have been made and their
outcome; and this information must be made available to the public in a way
that allows understanding of the compliance record of each subscribing
member.
- 59 In relation to breaches of the Standards Code which a Board finds to have been
established—
- 445 (a) the Board must have the power to direct appropriate remedial action
for breach of standards and the publication of corrections and
apologies;
- 450 (b) the Board must have the power to require publication of a correction
and an apology, both in relation to standards breaches affecting
individuals or groups of people, and in relation to matters of fact where
no single identifiable individual has been affected;
- 455 (c) the Board must have the power to direct the nature, extent and
placement of apologies;
- 460 (d) the Board must have the power to impose appropriate and
proportionate sanctions (including financial sanctions up to 1 per cent
of turnover, with a maximum of £1 million) on any subscriber found
to be responsible for serious or systemic breaches of the Standards
Code or governance requirements of the body; and
- (e) the Board must not have the power to prevent publication of any
material, by anyone, at any time although (in its discretion) it should
be able to offer a service of advice to editors of subscribing
publications relating to Standards Code compliance which editors, in
their discretion, can deploy in civil proceedings arising out of
publication.

465 *Matters for consideration by the Board*

- 60 The Board must demonstrate at the time of certification under paragraph 2(1)
that it has the ability and a timetable to consider all the matters set out in
paragraph 62.
- 61 The Board must demonstrate at the time of—
- 470 (a) a review under paragraph 2(5)(a) that it has considered the matters set
out in paragraph 57 since certification; and
- (b) a review under paragraph 2(5)(b) that is has considered the matters set
out in paragraph 57 since the previous review.
- 62 The matters to be considered by the Board are—
- 475 (a) the publication of compliance reports by papers in their own pages,
and requiring papers to have named senior individuals with
responsibility for compliance;
- (b) the establishment of a kite-mark scheme;

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

- 480 (c) the holding of an early review of the Standards Code;
- (d) Standards Code amendments giving the recognised regulator the power to intervene in cases of allegedly discriminatory reports, having regard to the need to protect freedom of speech and the need to reflect the purpose of equalities legislation;
- 485 (e) the need to be explicit in its work that where public-interest justification will be used, there should be a record of factors weighing for and against publication, and of conclusions reached;
- (f) the provision of an advisory service to editors in relation to public-interest considerations;
- 490 (g) encouragement of its subscribers to be transparent with stories' sources by providing information to help readers assess reliability of the information provided, such as links to studies and poll results and the names of photographers, subject to the condition that such transparency does not undermine the protection of confidential sources; and
- 495 (h) a requirement for there to be a conscience clause in journalists' contracts.

Annual report

- 63 The Board must publish an Annual Report identifying—
- 500 (a) the body's subscribers, identifying any significant changes in subscriber numbers;
- (b) the number of complaints it has handled and the outcomes reached, both in aggregate for all subscribers and individually in relation to each subscriber;
- 505 (c) a summary of any investigations carried out and their results;
- (d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by each subscriber;
- (e) information about the extent to which the arbitration service has been used;
- 510 (f) information relating to its financial arrangements in the exercise of its functions and any changes to its financial arrangements.

Arbitration process

- 64 The Board must provide an arbitration service, for resolving publication proceedings by arbitration which has rules which provides for a fair, quick and inexpensive process, which is inquisitorial and free for complainants to use (save for a power to make an adverse order for the costs of the arbitrator if proceedings are frivolous or vexatious) and which has rules that—
- 515 (a) allow complainants to recover their costs from persons subscribing to the service, in circumstances where procedural fairness or access to justice requires this;
- 520 (b) give the arbitrator the powers in section 48(3) to (5) of the Arbitration Act 1996;
- (c) allow either party to appeal to the High Court on a point of law in accordance with section 69 of the Arbitration Act 1996;
- 525 (d) allow the arbitrator to hold hearings where necessary or dispense with them where not necessary; and
- (e) provide for frivolous or vexatious claims to be struck out at an early stage.

Crime and Courts Bill [Lords], continued
Enforcement fund

- 530 65 The Board must establish a ring-fenced enforcement fund into which receipts from financial sanctions are paid, for the purpose of funding investigations.

Advice to public

- 66 The Board must have the duty to provide advice to the public in relation to issues concerning its subscribers and the Code.

Advice to media

- 535 67 The Board must have the duty to provide a service to warn its subscribers, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.

Duty to co-operate

- 540 68 The Board must have the duty to cooperate with any other recognised regulator and must put in place procedures to enable such co-operation.⁷.

As an Amendment to Simon Hughes's proposed New Schedule (NS4):—

Simon Hughes
Ian Paisley
Mr Ben Bradshaw
Mr Elfyn Llwyd

- ★ Line 431, after 'carry out investigations', insert 'by a single and credible process'. (a)

Simon Hughes

NS6

To move the following Schedule:—

'ROYAL CHARTER OF RECOGNITION BODY RECOGNITION CRITERIA

The following requirements are the recognition criteria for the Scheme of Recognition established under Article 4 of, and Schedule 2 to, this Charter.

- 1 An independent self-regulatory body should be governed by an independent Board. In order to ensure the independence of the body, the Chair and members of the Board must be appointed in a genuinely open, transparent and independent way, without any influence from industry or Government. For the avoidance of doubt, the industry's activities in establishing a self-regulatory body, and its participation in making appointments to the Board in accordance with criteria 2 to 5, or in financing the self-regulatory body shall not constitute influence by the industry in breach of this criterion.
- 2 The Chair of the Board (who is subject to the restrictions of criterion 5(d), (e) and (f)) can only be appointed if nominated by an appointment panel. The selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of Government.
- 3 The appointment panel—

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

- (a) should be appointed in an independent, fair and open way;
 - (b) should contain a substantial majority of members who are demonstrably independent of the press;
 - (c) should include at least one person with a current understanding and experience of the press; and
 - (d) should include no more than one current editor of a publication that could be a member of the body.
- 4 The nomination process for the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The appointment panel may only nominate as many people as there are vacancies on the Board (including the Chair), and the Board shall accept all nominations. The requirement for independence means that there should be no serving editors on the Board.
- 5 The members of the Board should be appointed only following nomination by the same appointment panel that nominates the Chair, together with the Chair (once appointed), and should—
- (a) be nominated by a process which is fair and open;
 - (b) comprise a majority of people who are independent of the press;
 - (c) include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists;
 - (d) not include any serving editor;
 - (e) not include any serving member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party) or a Minister of the Crown, a Scottish Minister, a Northern Ireland Executive Minister or a Welsh Government Minister; and
 - (f) in the view of the appointment panel, and having regard to any publicly stated position of the individual concerned, be a person who can manifestly act fairly and impartially in the decision-making of the Board.
- 6 Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be negotiated well in advance.
- 7 The standards code must ultimately be the responsibility of the Board, and be written by code committee comprising both independent members of the board and serving editors but on which editors should not have a decisive part to play. The Code Committee must conduct an annual public consultation on changes to the code.
- 8 The code must take into account the importance of freedom of speech, the interests of the public (including but not limited to the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of—
- (a) conduct, especially in relation to the treatment of other people in the process of obtaining material;
 - (b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and
 - (c) accuracy, and the need to avoid misrepresentation.

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

- 8A A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards code, along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.
- 8B A self-regulatory body should make it clear that subscribers will be held strictly accountable under the standards code for any material that they publish, including photographs, however sourced. This criterion does not include advertising content.
- 8C A self-regulatory body should provide non-binding guidance on the interpretation of the public interest that justifies what would otherwise constitute a breach of the standards code. This must be framed in the context of the different provisions of the code relating to the public interest.
- 8D A self-regulatory body should establish a whistleblowing hotline for those who feel that they are being asked to do things which are contrary to the standards code.
- 9 The Board should require, of those who subscribe, appropriate internal governance processes (for dealing with complaints and compliance with the standards code), transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of steps taken to deal with failures in compliance.
- 10 The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.
- 11 The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach, or is simply an attempt to lobby. The Board should have the power (but not necessarily the duty) to hear complaints—
- (a) from anyone personally and directly affected by the alleged breach of the standards code, or
 - (b) where there is an alleged breach of the code and there is public interest in the Board giving consideration to the complaint from a representative group affected by the alleged breach, or
 - (c) from a third party seeking to ensure accuracy of published information.
- In the case of third party complaints the views of the party most closely involved should be taken into account.
- 12 Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.
- 12A The Board should be prepared to allow a complaint to be brought prior to legal proceedings being commenced. Challenges to that approach (and applications to stay) can be decided on the merits.
- 13 Serving editors should not be members of any Committee advising the Board on complaints and should not play any role in determining the outcome of an individual complaint. Any such Committee should have a composition broadly reflecting that of the main Board, with a majority of people who are independent of the press.
- 14 It should continue to be the case that complainants are able to bring complaints free of charge.
- 15 In relation to complaints, where a negotiated outcome between a complainant and a subscriber (pursuant to criterion 10) has failed, the Board should have

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

the power where appropriate to require remedial action for breach of standards and the publication of corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to direct a correction and an apology must apply equally in relation to—

- (a) individual standards breaches; and
- (b) groups of people as defined in criterion 11 where there is no single identifiable individual who has been affected; and
- (c) matters of fact where there is no single identifiable individual who has been affected.

16 In the event of no agreement between a complainant and a subscriber, the power to direct the nature, extent and placement of apologies should lie with the Board.

17 The Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) it should be able to offer a service of advice to editors of subscribing publications relating to code compliance.

18 The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. Those who subscribe must be required to cooperate with any such investigation.

19 The Board should have the power to impose appropriate and proportionate sanctions (including but not limited to financial sanctions up to 1% of turnover attributable to the publication concerned with a maximum of £1,000,000) on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The Board should have sufficient powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code.

19A The Board should establish a ring-fenced enforcement fund, into which receipts from financial sanctions could be paid, for the purpose of funding investigations.

20 The Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.

21 The Board should publish an Annual Report identifying—

- (a) the body's subscribers, identifying any significant changes in subscriber numbers;
- (b) the number of—
 - (i) complaints it has handled, making clear how many of them are multiple complaints,
 - (ii) articles in respect of which it has considered complaints to be without merit, and
 - (iii) articles in respect of which it has considered complaints to be with merit, and the outcomes reached,

in aggregate for all subscribers and individually in relation to each subscriber;

- (c) a summary of any investigations carried out and the result of them;

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

- (d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and
 - (e) information about the extent to which the arbitration service has been used.
- 22 The Board should provide an arbitral process for civil legal claims against subscribers which—
- (a) complies with the Arbitration Act 1996 (“the Act”);
 - (b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as possible);
 - (c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds);
 - (d) directs appropriate pre-publication matters to the courts;
 - (e) operates under the principle that arbitration should be free for complainants to use;
 - (f) ensures that the parties should each bear their own costs, subject to a successful complainant’s costs being recoverable (having regard to section 60 of the Act and any applicable caps on recoverable costs); and
 - (g) overall, is inexpensive for all parties.
- 23 The membership of a regulatory body should be open to all publishers on fair, reasonable and non-discriminatory terms.’.
-

Simon Hughes
 Edward Miliband
 Ms Harriet Harman
 Mr Elfyn Llwyd
 Mark Durkan
 Caroline Lucas

Total signatories: 7

Naomi Long

NS7

★ To move the following Schedule:—

‘ROYAL CHARTER OF RECOGNITION BODY

(a) Recognition Criteria

- The following requirements are the recognition criteria for the Scheme of Recognition established under Article 4 of, and Schedule 2 to, any Charter—
- 1 An independent self-regulatory body should be governed by an independent Board. In order to ensure the independence of the body, the Chair and members of the Board must be appointed in a genuinely open, transparent and independent way, without any influence from industry or government. For the avoidance of doubt, the industry’s activities in establishing a self-regulatory body, and its participation in making appointments to the Board in accordance with criteria 2 to 5; or its financing of the self-regulatory body shall not constitute influence by the industry in breach of this criterion.
 - 2 The Chair of the Board (who is subject to the restrictions of criterion 5(d), (e) and (f)) can only be appointed if nominated by an appointment panel. The

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

selection of that panel must itself be conducted in an appropriately independent way and must, itself, be independent of the industry and of government.

- 3 The appointment panel—
- (a) should be appointed in an independent, fair and open way;
 - (b) should contain a substantial majority of members who are demonstrably independent of the press;
 - (c) should include at least one person with a current understanding and experience of the press;
 - (d) should include no more than one current editor of a publication that could be a member of the body.
- 4 The nomination process for the appointment of the Board should also be an independent process, and the composition of the Board should include people with relevant expertise. The appointment panel may only nominate as many people as there are vacancies on the Board (including the Chair), and the Board shall accept all nominations. The requirement for independence means that there should be no serving editors on the Board.
- 5 The members of the Board should be appointed only following nomination by the same appointment panel that nominates the Chair, together with the Chair (once appointed), and should—
- (a) be nominated by a process which is fair and open;
 - (b) comprise a majority of people who are independent of the press;
 - (c) include a sufficient number of people with experience of the industry who may include former editors and senior or academic journalists;
 - (d) not include any serving editor;
 - (e) not include any serving member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous five years an official affiliation with a political party) or a Minister of the Crown, a Scottish Minister, a Northern Ireland Executive Minister or a Welsh Government Minister; and
 - (f) in the view of the appointment panel, be a person who can act fairly and impartially in the decision-making of the Board.
- 6 Funding for the system should be settled in agreement between the industry and the Board, taking into account the cost of fulfilling the obligations of the regulator and the commercial pressures on the industry. There should be an indicative budget which the Board certifies is adequate for the purpose. Funding settlements should cover a four or five year period and should be negotiated well in advance.
- 7 The standards code, which is the responsibility of the Code Committee, must be approved by the Board or remitted to the Code Committee with reasons. The Code Committee will be appointed by the Board, in accordance with best practices for public appointments, and comprised of equal proportions of independent members, journalists and serving editors. There will be a biennial public consultation by the Code Committee, the results of which must be considered openly with the Board.
- 8 The code must take into account the importance of freedom of speech, the interests of the public (including but not limited to the public interest in detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being seriously misled), the need for journalists to protect confidential sources of information, and the rights of individuals. Specifically, it must cover standards of—

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

- (a) conduct, especially in relation to the treatment of other people in the process of obtaining material;
 - (b) appropriate respect for privacy where there is no sufficient public interest justification for breach; and
 - (c) accuracy, and the need to avoid misrepresentation.
- 8A A self-regulatory body should provide advice to the public in relation to issues concerning the press and the standards code, along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion.
- 8B A self-regulatory body should make it clear that subscribers will be held strictly accountable under the standards code for any material that they publish, including photographs, however sourced. This criterion does not include advertising content.
- 8C A self-regulatory body should provide non-binding guidance on the interpretation of the public interest that justifies what would otherwise constitute a breach of the standards code. This must be framed in the context of the different provisions of the code relating to the public interest.
- 8D A self-regulatory body should establish a whistleblowing hot-line for those who feel that they are being asked to do things which are contrary to the standards code.
- 9 The Board should require, of those who subscribe, appropriate internal governance processes (for dealing with complaints and compliance with the standards code), transparency on what governance processes they have in place, and notice of any failures in compliance, together with details of steps taken to deal with failures in compliance.
- 10 The Board should require all those who subscribe to have an adequate and speedy complaint handling mechanism; it should encourage those who wish to complain to do so through that mechanism and should not receive complaints directly unless or until the internal complaints system has been engaged without the complaint being resolved in an appropriate time.
- 11 The Board should have the power to hear and decide on complaints about breach of the standards code by those who subscribe. The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach, or is simply an attempt to lobby. The Board should have the power (but not necessarily the duty) to hear complaints—
- (a) from anyone personally and directly affected by the alleged breach of the standards code; or
 - (b) where there is an alleged breach of the code and there is public interest in the Board giving consideration to the complaint from a representative group affected by the alleged breach; or
 - (c) from a third party seeking to ensure accuracy of published information.
- In the case of third party complaints the views of the party most closely involved should be taken into account.
- 12 Decisions on complaints should be the ultimate responsibility of the Board, advised by complaints handling officials to whom appropriate delegations may be made.
- 12A The Board should be prepared to allow a complaint to be brought prior to legal proceedings being commenced. Challenges to that approach (and applications to stay) can be decided on the merits.
- 13 Serving editors should not be members of any Committee advising the Board on complaints and should not play any role in determining the outcome of an individual complaint. Any such Committee should have a composition broadly

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

- reflecting that of the main Board, with a majority of people who are independent of the press.
- 14 It should continue to be the case that complainants are able to bring complaints free of charge.
- 15 In relation to complaints, where a negotiated outcome between a complainant and a subscriber (pursuant to criterion 10) has failed, the Board should have the power to direct appropriate remedial action for breach of standards and the publication of corrections and apologies. Although remedies are essentially about correcting the record for individuals, the power to require a correction and an apology must apply equally in relation to—
- (a) individual standards breaches; and
 - (b) groups of people as defined in criterion 11 where there is no single identifiable individual who has been affected; and
 - (c) matters of fact where there is no single identifiable individual who has been affected.
- 16 In the event of no agreement between a complainant and a subscriber (pursuant to criterion 10), the power to direct the nature, extent and placement of corrections and apologies should lie with the Board.
- 17 The Board should not have the power to prevent publication of any material, by anyone, at any time although (in its discretion) it should be able to offer a service of advice to editors of subscribing publications relating to code compliance.
- 18 The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have sufficient powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board. The investigations process must be simple and credible, and those who subscribe must be required to cooperate with any such investigation.
- 19 The Board should have the power to impose appropriate and proportionate sanctions (including but not limited to financial sanctions up to 1 per cent of turnover attributable to the publication concerned with a maximum of £1,000,000) on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body. The Board should have sufficient powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code.
- 19A The Board should establish a ring-fenced enforcement fund, into which receipts from financial sanctions could be paid, for the purpose of funding investigations.
- 20 The Board should have both the power and a duty to ensure that all breaches of the standards code that it considers are recorded as such and that proper data is kept that records the extent to which complaints have been made and their outcome; this information should be made available to the public in a way that allows understanding of the compliance record of each title.
- 21 The Board should publish an Annual Report identifying—
- (a) the body’s subscribers, identifying any significant changes in subscriber numbers;
 - (b) the number of—
 - (i) complaints it has handled, making clear how many of them are multiple complaints;

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

- (ii) articles in respect of which it has considered complaints to be without merit; and
 - (iii) articles in respect of which it has considered complaints to be with merit, and the outcomes reached, in aggregate for all subscribers and individually in relation to each subscriber;
 - (c) a summary of any investigations carried out and the result of them;
 - (d) a report on the adequacy and effectiveness of compliance processes and procedures adopted by subscribers; and
 - (e) information about the extent to which the arbitration service has been used.
- 22 The Board should provide an arbitral process for civil legal claims against subscribers which—
- (a) complies with the Arbitration Act 1996 (“the Act”);
 - (b) provides suitable powers for the arbitrator to ensure the process operates fairly and quickly, and on an inquisitorial basis (so far as possible);
 - (c) contains transparent arrangements for claims to be struck out, for legitimate reasons (including on frivolous or vexatious grounds);
 - (d) directs appropriate pre-publication matters to the courts;
 - (e) operates under the principle that arbitration should be free for complainants to use;
 - (f) ensures that the parties should each bear their own costs, subject to a successful complainant’s costs being recoverable (having regard to section 60 of the Act and any applicable caps on recoverable costs); and
 - (g) overall, is inexpensive for all parties.
- 23 The membership of a regulatory body should be open to all publishers on fair, reasonable and non-discriminatory terms, including making membership potentially available on different terms for different types of publisher.

(b) In addition to the matters set out above, the Board of the Recognition Panel shall grant recognition to a Regulator if the Board is satisfied that the Regulator meets the recognition criteria and that the Regulator meets the criteria of effectiveness, fairness and objectivity of standards, independence and transparency of enforcement and compliance, credible powers and remedies, reliable funding and effective accountability.’.

NEW CLAUSES STANDING IN THE NAME OF A MINISTER OF THE CROWN AND RELATING TO LEGAL AID

Restraint orders and legal aid

Secretary Theresa May

NC15

To move the following Clause:—

- ‘(1) Section 41 of the Proceeds of Crime Act 2002 (confiscation in England and Wales: restraint orders) is amended in accordance with subsections (2) to (6).
- (2) After subsection (2) insert—

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

- “(2A) A restraint order must be made subject to an exception enabling relevant legal aid payments to be made (a legal aid exception).
- (2B) A relevant legal aid payment is a payment that the specified person is obliged to make—
- (a) by regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and
 - (b) in connection with services provided in relation to an offence which falls within subsection (5),
- whether the obligation to make the payment arises before or after the restraint order is made.”
- (3) In subsection (3)—
- (a) after “subject to” insert “other”, and
 - (b) omit paragraph (c).
- (4) In subsection (4), for “But an exception to a restraint order” substitute “But where an exception to a restraint order is made under subsection (3), it”.
- (5) After subsection (5) insert—
- “(5A) A legal aid exception—
- (a) must be made subject to prescribed restrictions (if any) on—
 - (i) the circumstances in which payments may be made in reliance on the exception, or
 - (ii) the amount of the payments that may be made in reliance on the exception,
 - (b) must be made subject to other prescribed conditions (if any), and
 - (c) may be made subject to other conditions.
- (5B) Any other exception to a restraint order may be made subject to conditions.”
- (6) After subsection (9) insert—
- “(10) In this section “prescribed” means prescribed by regulations made by the Secretary of State.”
- (7) In section 459 of that Act (orders and regulations)—
- (a) in subsection (4)(a), after “section” insert “41(5A),”, and
 - (b) in subsection (6)(a), after “section” insert “41(5A),”.

Restraint orders and legal aid: supplementary

Secretary Theresa May

NC16

To move the following Clause:—

- “(1) The Secretary of State may by regulations—
- (a) make provision about the making of relevant legal aid payments out of property that is the subject of a restraint order under Part 2 of the Proceeds of Crime Act 2002 (“the 2002 Act”), and
 - (b) make provision in connection with cases in which such payments are or may be made out of such property,

Crime and Courts Bill [Lords], continued

whether by modifying the operation of Part 2 of the 2002 Act or Chapter 1, 2 or 4 of Part 8 of that Act or otherwise.

- (2) The provision that may be made by regulations under this section includes—
- (a) provision about how much property may be subject to a restraint order, including provision made by reference to the amount or estimated amount of relevant legal aid payments;
 - (b) provision for a restraint order or other order under Part 2 of the 2002 Act to remain in force, where a relevant legal aid payment remains unpaid, in circumstances in which the order would otherwise have to be discharged;
 - (c) provision about powers of investigation for the purpose of identifying property that may be used to make relevant legal aid payments, including powers exercisable where an order continues in force in accordance with provision described in paragraph (b);
 - (d) provision about the use of property in cases in which there is or has been a restraint order, including provision about the order in which different obligations to make payments may or must be satisfied in such cases;
 - (e) provision about powers of entry, search and seizure;
 - (f) provision about the payment of compensation by the Lord Chancellor;
 - (g) provision about the disclosure and use of documents, information and other evidence.
- (3) The provision that may be made by regulations under this section (whether by virtue of this section or section 43(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function;
 - (b) provision amending, repealing, revoking or otherwise modifying provision made by or under any enactment (including provision inserted or amended by this Act).
- (4) In this section—
- “function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise);
- “property” has the same meaning as in Part 2 of the 2002 Act;
- “relevant legal aid payment” means—
- (a) a payment that is a relevant legal aid payment for the purposes of section 41 of the 2002 Act, and
 - (b) a payment that would be such a payment if a restraint order were made.
- (5) In subsection (2)(a) and (c) the references to relevant legal aid payments include any payment that is likely to be a relevant legal aid payment when the obligation to make the payment arises.’.

AMENDMENTS TO CLAUSE 22, CLAUSES 24 TO 30, CLAUSE 32 AND SCHEDULE 16

Paul Murphy
Paul Goggins
Jenny Chapman
Mark Durkan

1

Page 21, line 22 [*Clause 24*], at end insert—

- ‘(6A) In fixing such an amount, and subsequent additions, account must be taken of the person’s relevant weekly income, excluding housing benefit and child related

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

benefits, and allowance must be made for the protection of a reasonable financial subsistence level, in the manner used to determine the initial fine.’

John McDonnell
Mr Elfyn Llwyd
Mark Durkan

103

Page 21, line 25 [*Clause 24*], leave out subsection (2).

John McDonnell
Mr Elfyn Llwyd
Mark Durkan

96

Page 22, line 3 [*Clause 24*], at end insert—

‘(5A) The Lord Chancellor must, by regulation, in statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament, provide the amount of any costs for services carried out for the purposes of collecting sums.’

John McDonnell
Mr Elfyn Llwyd
Mark Durkan

97

Page 23, line 11 [*Clause 25*], leave out ‘person’ and insert ‘civil servant’.

John McDonnell
Mr Elfyn Llwyd
Mark Durkan

98

Page 24, line 1 [*Clause 25*], leave out paragraph (3).

Secretary Theresa May

60

Page 31, line 39 [*Clause 28*], at end insert—

‘(5A) The preceding provisions of this section do not apply in relation to Supreme Court proceedings.’

Crime and Courts Bill [*Lords*], *continued*
**NEW CLAUSES AND NEW SCHEDULES RELATING TO PROTECTION OF CHILDREN OR TO
VULNERABLE WITNESSES**
New offence of child maltreatment

Mr Robert Buckland
Meg Munn
Mr George Howarth
Paul Goggins
Paul Maynard
Geraint Davies

Total signatories: 28

NC9

To move the following Clause:—

‘Section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16) is hereby repealed and replaced as follows—

“1 Child maltreatment

- (1) It is an offence for a person who has attained the age of 16 years with responsibility for a child intentionally or recklessly to subject that child or allow that child to be subjected to maltreatment, whether by act or omission, such that the child suffers, or is likely to suffer, significant harm.
 - (2) For the purposes of this section—
 - (a) “recklessly” shall mean that a person with responsibility for a child foresaw a risk that an act or omission regarding that child would be likely to result in significant harm, but nonetheless unreasonably took that risk;
 - (b) “responsibility” shall be as defined in section 17;
 - (c) “maltreatment” includes—
 - (i) neglect (including abandonment);
 - (ii) physical abuse;
 - (iii) sexual abuse;
 - (iv) exploitation; and
 - (v) emotional abuse;
 - (d) “harm” means the impairment of—
 - (i) physical or mental health; or
 - (ii) physical, intellectual, emotional, social or behavioural development.
 - (3) Where the question of whether harm suffered by a child is significant turns on the child’s health or development, that child’s health or development shall be compared with that which could reasonably be expected of a similar child.”.’
-

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

Provision of intermediaries for very vulnerable witnesses

Ann Coffey
 Nicola Blackwood
 Fiona Mactaggart
 Meg Munn
 Paul Goggins
 Mr Robert Buckland

Total signatories: 57

Mr Gordon Marsden
 Bill Esterson
 Gavin Shuker
 Mr Russell Brown
 Lillian Greenwood
 Shabana Mahmood

Grahame M. Morris
 Jim Dowd
 Joan Walley
 Mr Bob Ainsworth
 Stephen Pound

Andrew Miller
 Kate Green
 Stephen Williams
 Mr David Crausby
 Mr Andrew Smith

NC12

To move the following Clause:—

- ‘(1) The Secretary of State must provide for intermediaries to be assigned to very vulnerable witnesses in all court cases.
- (2) In the Youth Justice and Criminal Evidence Act 1999, after section 29 there is inserted:

“29A Intermediaries for very vulnerable witnesses

- (1) A special measures direction must be made to provide for any examination of a very vulnerable witness (however and wherever conducted to be conducted through an interpreter or other person approved by the court for the purposes of this section (“an intermediary”).
- (2) In addition to the functions set out in subsection 29(2), an intermediary must be assigned to very a vulnerable witness through their whole experience before, during and after court.
- (3) For the purposes of this section, “very vulnerable witness” has the same meaning as defined in section [*Court arrangements for very vulnerable witnesses*] (5) of the Crime and Courts Act 2013.”’.

Crime and Courts Bill [Lords], continued
Court arrangements for very vulnerable witnesses

Nicola Blackwood
Ann Coffey
Mr Robert Buckland
Kris Hopkins
Steve Baker
Jane Ellison

Total signatories: 110

Bill Esterson
Gavin Shuker
Mr Russell Brown
Lillian Greenwood
Shabana Mahmood
Andrew Miller
James Duddridge
Glyn Davies

Jim Dowd
Joan Walley
Mr Bob Ainsworth
Stephen Pound
Mr Gordon Marsden
Mary MacLeod
Bill Wiggin

Kate Green
Mr Stephen Williams
Mr David Crausby
Mr Andrew Smith
Grahame M. Morris
Dame Angela Watkinson
Charlotte Leslie

NC14

To move the following Clause:—

- ‘(1) The Secretary of State must make arrangements for specialist courts for very vulnerable witnesses.
- (2) A specialist court for very vulnerable witnesses will consist of a partnership programme within the criminal court structure.
- (3) In establishing the specialist court, the Secretary of State must involve the following partners—
- (a) the judiciary;
 - (b) court officials;
 - (c) the Crown Prosecution Service;
 - (d) police forces;
 - (e) witness support services;
 - (f) victim support services; and
 - (g) any other specialist services that the Secretary of State deems appropriate.
- (4) In cases where there is a very vulnerable witness—
- (a) no judge can sit on the case unless he has taken part in appropriate training provided by the Judicial College;
 - (b) a single court usher, who has taken part in appropriate training provided by Her Majesty’s Courts and Tribunal Service, must be assigned to the witness throughout their time at court;
 - (c) the case will be assigned to a court with all necessary facilities to offer the full range of special measures set out in sections (23) to (30) of the Youth Justice and Criminal Evidence Act 1999;
 - (d) before allocating time for trials the court must take into account the impact of delays on very vulnerable witnesses; and
 - (e) the services of independent sexual violence advisors must be offered to very vulnerable witnesses in cases involving sexual offences.
- (5) The Secretary of State must issue a code of practice giving guidance about court arrangements for very vulnerable witnesses, which must be published, and may be revised from time to time.
- (6) Before issuing or revising a code under subsection (3), the Secretary of State must lay a copy before each House of Parliament for approval within a 40 day period.

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

- (7) For the purposes of this section—
- “very vulnerable witness” includes the victim in a case of child sexual abuse.
- “independent sexual violence advisers” are victims-focused advocates who work with victims of recent and historic serious sexual crimes to enable them to access the services they need in the aftermath of the abuse they have experienced.’

REMAINING NEW CLAUSES AND NEW SCHEDULES

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

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

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.
- (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.’.
-

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

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—
 - “(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

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

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).”.

European arrest warrant

Mr David Hanson
Stella Creasy
Yvette Cooper
Phil Wilson

NC1

To move the following Clause:—

- ‘(1) The NCA shall be the lead agency for the efficient and effective use of the European arrest warrant as it relates to serious organised crime affecting the UK.
- (2) The Director General of the NCA must be consulted by the Secretary of State on any decision by Her Majesty’s Government regarding policy changes with regard to the European arrest warrant.
- (3) An impact assessment on opt-out from the European arrest warrant must be made and published prior to any decision on opt-out being taken with particular regard to—
- (a) national security,
 - (b) public safety, and
 - (c) Britain’s international reputation for leadership on cross-border security matters.’.

Power of arrest for immigration compliance officers

Stella Creasy
Mr David Hanson
Jenny Chapman
Phil Wilson

NC10

To move the following Clause:—

- ‘(1) In the course of their duties, a compliance officer may arrest without warrant a person—
- (a) in breach of the conditions of their leave to enter;
 - (b) in breach of the conditions of their leave to remain;
 - (c) found to have entered the United Kingdom illegally.
- (2) In this section—

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

“compliance officer” means an officer of the UK Border Agency tasked with the approval and compliance of institutions, companies or individuals that sponsor applications to enter in the United Kingdom as defined by UK Border Agency guidance.’

Exceptions to automatic deportation

Mr Dominic Raab
Mr David Blunkett
Nick de Bois
Mr Frank Field
Nick Herbert
Hazel Blears

Total signatories: 104

Mr David Amess Angie Bray

NC13

To move the following Clause:—

‘In section 33(2)(a) of the UK Borders Act 2007, for “Convention rights”, substitute “rights under Articles 2 or 3 of the Convention”.’

AMENDMENTS TO CLAUSES 20 AND 21, CLAUSES 35 TO 40

Stella Creasy
Mr David Hanson
Jenny Chapman
Phil Wilson

94

Page **38**, line **11** [*Clause 37*], at end insert—

(6A) In section 50(2) (Procedure) of the Immigration, Asylum and Nationality Act 2006, after paragraph (c) the following shall be inserted—

“(d) may require an immigration officer to take reasonable action to obtain from the applicant additional relevant information or documents they they consider not to be included in the original application before a decision is taken.

(e) must make provision for an immigration officer to contact the applicant with regard to the form, documents, information or fee specified in paragraphs (a), (b), (c) and (d).”

(6B) The Government will report annually to Parliament on the number of times an immigration officer has been required to obtain additional relevant information not included in the original application.

Crime and Courts Bill [Lords], continued

- (6C) The Government will report annually to Parliament on the number of appeals against refusal entry clearance to visit the UK that are refused due to the non-submission of relevant information or documents.’.

AMENDMENTS TO SCHEDULES 19 AND 20 AND CLAUSES 43 TO 46

Mr Dominic Raab
 Keith Vaz
 Sir Edward Garnier
 Caroline Lucas
 Nick de Bois
 Ms Gisela Stuart

Total signatories: 23

91

Page **303**, line **25** [*Schedule 19*], leave out from ‘judge’ to end of line 9 on page 307 and insert ‘decides that a substantial measure of D’s relevant activity was performed in the United Kingdom unless, having regard to the interests of justice, the judge decides that the extradition should take place.

(3) Matters relevant to the interests of justice include but are not limited to—

- (a) the extent and place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;
- (b) the interests of any victims of the extradition offence;
- (c) the availability of evidence necessary for a fair trial in the United Kingdom and in jurisdictions outside the United Kingdom;
- (d) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction; and
- (e) D’s nationality, place of habitual residence and other connections with the United Kingdom.

(4) In this section “D’s relevant activity” means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.’.

Secretary Theresa May

111

Page **303**, line **36** [*Schedule 19*], leave out ‘an’ and insert ‘the most’.

Secretary Theresa May

112

Page **303**, line **42** [*Schedule 19*], at end insert—
 ‘(da) any delay that might result from proceeding in one jurisdiction rather than another;’.

Secretary Theresa May

113

Page **306**, line **1** [*Schedule 19*], at beginning insert ‘In England and Wales, and Northern Ireland,’.

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

Secretary Theresa May

114

Page 306, line 6 [*Schedule 19*], at end insert—

- ‘() In Scotland, for the purpose of determining any questioning of a relevant certification decision, the High Court must apply the procedures and principles that would be applied by it on an application for judicial review.’

Mr Dominic Raab
 Keith Vaz
 Sir Edward Garnier
 Caroline Lucas
 Nick de Bois
 Ms Gisela Stuart

Total signatories: 23

92

Page 307, line 30 [*Schedule 19*], leave out from ‘judge’ to end of line 9 on page 311 and insert ‘decides that a substantial measure of D’s relevant activity was performed in the United Kingdom unless, having regard to the interests of justice, the judge decides that the extradition should take place.

- (3) Matters relevant to the interests of justice include but are not limited to—
- (a) the extent and place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;
 - (b) the interests of any victims of the extradition offence;
 - (c) the availability of evidence necessary for a fair trial in the United Kingdom and in jurisdictions outside the United Kingdom;
 - (d) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction; and
 - (e) D’s nationality, place of habitual residence and other connections with the United Kingdom.
- (4) In this section “D’s relevant activity” means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.’

Secretary Theresa May

115

Page 307, line 41 [*Schedule 19*], leave out ‘an’ and insert ‘the most’.

Secretary Theresa May

116

Page 308, line 2 [*Schedule 19*], at end insert—

- ‘(da) any delay that might result from proceeding in one jurisdiction rather than another.’
-

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

Secretary Theresa May

117

Page 310, line 1 [*Schedule 19*], at beginning insert ‘In England and Wales, and Northern Ireland,’.

Secretary Theresa May

118

Page 310, line 6 [*Schedule 19*], at end insert—
 ‘() In Scotland, for the purpose of determining any questioning of a relevant certification decision, the High Court must apply the procedures and principles that would be applied by it on an application for judicial review.’.

Mr Dominic Raab
 Keith Vaz
 Sir Edward Garnier
 Caroline Lucas
 Nick de Bois
 Ms Gisela Stuart

Total signatories: 24

Valerie Vaz

93

Page 311, line 32 [*Schedule 19*], leave out from ‘Part 2’ to end of line 46 on page 312, and insert—

‘PART 2

EUROPEAN ARREST WARRANT SAFEGUARDS

- 10 Part 1 of the Extradition Act 2003 (extradition to category 1 territories) is amended as follows.
- 11 In section 7 (Identity of person arrested) after subsection (4) insert—
- “(4A) If the judge decides the question in the affirmative he must decide whether the person in respect of whom the warrant was issued is the person who is alleged to have committed, or to have been convicted for, the offence on which the warrant is based.
- (4B) The judge must decide the question in subsection (4A) on the balance of probabilities, but if he considers there is reasonable doubt as to that question, he may not decide it in the affirmative unless he has first requested the issuing authority to provide further information within the time specified in the request (which must not be less than a reasonable time in all the circumstances) and the issuing authority has provided him with all the information requested within that time.
- (4C) If the judge decides the question in subsection (4A) in the negative he must order the person’s discharge.”.
- 12 In section 11 (Bars to extradition), in subsection (1), after paragraph (c) insert—
- “(ca) prematurity;”.
- 13 After section 14 insert—

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

“14A Prematurity in accusation cases

- (1) A person’s extradition to a category 1 territory is barred by prematurity if (and only if)—
 - (a) he is accused of committing an extradition offence; and
 - (b) it appears that the proceedings against him in respect of that offence are not yet ready for trial.
 - (2) A decision by the judge that a person’s extradition is barred by reason of prematurity does not prevent the subsequent execution of a Part 1 warrant against that person in respect of the same extradition offence.”.
- 14 (1) Section 26 (Appeal against extradition order) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) Notice of an appeal under this section must be given in accordance with rules of court before the end of the permitted period, which is—
- (a) 14 days starting with the day on which the order is made; or
 - (b) such longer period as the court considers is in the interests of justice.”.

Secretary Theresa May

Page 47, line 5 [*Clause 43*], leave out ‘2’ and insert ‘[*Modification of NCA functions*]’.

72

Secretary Theresa May

Page 47, line 21 [*Clause 43*], at end insert—
 ‘() regulations under section [*Restraint orders and legal aid: supplementary*]’.

119

Secretary Theresa May

Page 47, line 27 [*Clause 43*], at end insert—
 ‘(k) an order under paragraph 5 of Schedule [*The NCA: Northern Ireland*]’.

73

Secretary Theresa May

Page 47, line 37 [*Clause 43*], at end insert—
 ‘() an order under paragraph 1, 2, 3 or 4 of Schedule [*The NCA: Northern Ireland*]’.

74

Secretary Theresa May

Page 47, line 37 [*Clause 43*], at end insert—

75

Crime and Courts Bill [Lords], continued

- () an order under Schedule [*Proceeds of crime provisions: Northern Ireland*].’.
-

Secretary Theresa May

- Page 49, line 13 [*Clause 46*], after first ‘to’ insert ‘26 and [*Supreme Court chief executive, officers and staff*] and’.

77

Secretary Theresa May

- Page 49, line 13 [*Clause 46*], before ‘28’ insert ‘27 and’.

78

Secretary Theresa May

- Page 49, line 13 [*Clause 46*], leave out ‘(except section 24(2))’.

79

Secretary Theresa May

- 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).’.

80

Secretary Theresa May

- 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.’.

81

Secretary Theresa May

- Page 49, line 16 [*Clause 46*], after ‘24(2)’ insert ‘, [*Making and use of recordings of Supreme Court proceedings*]’.

82

Simon Hughes
 Ian Paisley
 Mr Ben Bradshaw
 Mr Elfyn Llwyd

- ★ Page 49, line 16 [*Clause 46*], leave out ‘and 29’ and insert ‘, 29, [*Exemplary damages*] and [*Costs of legal proceedings: publishers*]’.

125

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

- Page 49, line 17 [*Clause 46*], at end insert—

121

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

- ‘() An order under subsection (2) may not be made so as to bring into force any of sections [*Awards of exemplary damages*] to [*Awards of costs*] before the coming into force of section [*Application of sections [Awards of exemplary damages] to [Awards of costs]*].’

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.’

The Prime Minister
 Secretary Theresa May
 Secretary William Hague
 Mr Chancellor of the Exchequer
 Secretary Chris Grayling
 Secretary Maria Miller

122

Page 49, line 37 [*Clause 46*], at end insert—

- ‘() sections [*Awards of exemplary damages*] to [*Other interpretative provisions*].’

Simon Hughes
 Ian Paisley
 Mr Ben Bradshaw
 Mr Elfyn Llwyd

126

★ Page 49, line 37 [*Clause 46*], at end insert—

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

‘(ca) sections [Exemplary damages] and [Costs of legal proceedings: publishers];’.

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).’.

ORDER OF THE HOUSE [14 JANUARY 2013]

That the following provisions shall apply to the Crime and Courts Bill [*Lords*] Bill—

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 14 February 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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Crime and Courts Bill [*Lords*], *continued*

ORDER OF THE HOUSE [13 MARCH 2013]

That the Order of 14 January 2013 (Crime and Courts Bill [*Lords*] (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be concluded in two days.
3. Proceedings on Consideration shall be taken on each of those days as shown in the following Table and in the order so shown.
4. Each part of the proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>First day</i>	
New Clauses and new Schedules relating to the National Crime Agency (except any relating also to extradition, including European arrest warrants); new Clauses and new Schedules relating to proceeds of crime, except any relating also to legal aid; amendments to Part 1, Schedule 22, Clauses 33 and 34 and Schedules 17 and 18.	Three and a half hours after commencement of proceedings on the Motion for this Order.
New Clauses and new Schedules relating to drugs and driving or to public order offences; amendments to Clauses 41 and 42, Schedule 21, Clauses 16 to 19 and Schedules 9 to 14; new Clauses and new Schedules relating to bailiffs; amendments to Clause 23, Clause 31 and Schedule 15.	The moment of interruption.
<i>Second day</i>	
Remaining new Clauses and new Schedules standing in the name of a Minister of the Crown; remaining new Clauses relating to extradition (including European arrest warrants); amendments to Clause 35, Schedule 19, Clauses 20 to 22, Clauses 24 to 30, Clause 32 and Schedule 16.	Three hours before the moment of interruption.

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

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Remaining new Clauses and new Schedules relating to protection of children or to vulnerable witnesses; remaining new Clauses and new Schedules relating to border control or deportation; amendments to Clauses 36 to 40 and Schedule 20; remaining new Clauses and new Schedules (including any new Clauses and new Schedules standing otherwise than in the name of a Minister of the Crown and relating to press conduct (regardless of anything else they relate to)); amendments to Clauses 43 to 46; remaining proceedings on Consideration.	One hour before the moment of interruption.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

CRIME AND COURTS BILL [*LORDS*] (PROGRAMME) (NO. 3)

The Prime Minister
Secretary Theresa May

That the Order of 13 March 2013 (Crime and Courts Bill [*Lords*] (Programme) (No. 2)) be varied as follows:

1. Paragraphs 2 to 5 of the order shall be omitted.
2. Remaining proceedings on Consideration and Third Reading shall be taken at today's sitting.
3. Remaining proceedings on Consideration shall be taken in the order shown in the following Table.
4. Each part of the remaining proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules standing in the name of the Prime Minister and relating to press conduct; remaining new Clauses and new Schedules relating to press conduct.	Three hours after commencement of proceedings on the Motion for this Order.
New Clauses standing in the name of a Minister of the Crown and relating to Legal Aid; amendments to Clause 22, Clauses 24 to 30, Clause 32 and Schedule 16; new Clauses and new Schedules relating to protection of children or to vulnerable witnesses; remaining new Clauses and new Schedules; amendments to Clauses 20 and 21, Clauses 35 to 40; Schedules 19 and 20 and Clauses 43 to 46; remaining proceedings on Consideration.	11 pm

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

5. Proceedings on Third Reading shall (so far as not previously disposed of) be brought to a conclusion at midnight.
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