

Committee:	Date:	Item no.
Police	8 th December 2014	
Subject: Criminal Justice and Courts Bill	Public	
Report of: Remembrancer	For Information	
<p><u>Summary</u></p> <p>This Report outlines the provisions of the Criminal Justice and Courts Bill likely to be of most interest to the Committee. These include restrictions on the use of police cautions, a new offence of improper conduct by police officers, and the introduction of a new, paper-based procedure for dealing with uncontested cases in the magistrates' courts.</p> <p>Recommendation:</p> <p>The Committee is invited to receive this Report.</p>		

Report

1. The soon-to-be-enacted Criminal Justice and Courts Bill covers a wide range of subject-matter. Most of the provisions are operational and have no notable effect on the City Corporation as police authority. These include increased sentences for a number of crimes (such as repeat weapons offences, terrorist training and sending malicious communications), the introduction of new "secure colleges" for young offenders, codifying the duties of those serving on juries (while raising the age limit to 75), and various reforms to civil procedure, including restrictions on judicial review and stronger sanctions against fraudulent claimants. The most contentious topic during the passage of the legislation proved to be judicial review, on which the Government suffered defeats in the House of Lords instigated by prominent lawyers.
2. The Bill includes measures to restrict the use of police cautions. These arise from long-running political concern that cautions are being used to deal with inappropriately serious matters. The restrictions will operate on three levels. For indictable-only offences, a caution will not be given unless there are exceptional circumstances and the Director of Public Prosecutions consents. For certain "either-way" offences to be specified by the Secretary of State, a caution will not be given unless there are exceptional circumstances. For all remaining offences a caution will still be available as at present, unless the

offender has committed a similar offence within the past two years, in which case a caution will again only be given in exceptional circumstances. The presence or otherwise of exceptional circumstances is to be determined by a senior police officer (of a rank to be specified).

3. A further police-related measure will see the creation of a new statutory offence of “exercising the powers and privileges of a constable in a way which is corrupt or otherwise improper.” This measure, which stems from the latest inquiry into the Stephen Lawrence investigation, is described as “supplementing” the existing common-law offence of misconduct in public office. The maximum sentence will be 14 years’ imprisonment.
4. Sentences for those found guilty of murdering a police officer or prison officer in the course of duty will be toughened. The starting point will now be a “whole life” tariff rather than the current 30 years.
5. Also of interest, particularly for those Members who serve as justices of the peace, will be the introduction of a new, paper-based procedure for dealing with uncontested low-level cases. This is intended to reduce the number of unnecessary court hearings. The new procedure will apply to summary offences for which no imprisonment can be imposed, and where the defendant has not indicated a wish to plead not guilty. The procedure will only be used in cases where the magistrate thinks it appropriate and the defendant has not objected to it. Where it is used, the case will be dealt with by a single magistrate in the absence of the parties and on the basis of written evidence alone.
6. Mention should be made of one further measure, which will see unsuccessful defendants in criminal cases made to pay a “criminal courts charge” as a contribution to the costs of running the criminal courts system. Officials have indicated that only those costs directly incurred by the Government will be considered for the purposes of the charge. Discussions are, however, taking place in order to clarify how (if at all) the charge might have the effect of reducing the City Corporation’s contribution to the running costs of the Central Criminal Court.

Recommendation:

7. The Committee is invited to receive this Report.

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