



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 3

COURTS AND TRIBUNALS

Trial by single justice on the papers

46 Instituting proceedings by written charge

- (1) Section 29 of the Criminal Justice Act 2003 (public prosecutor to institute proceedings by written charge) is amended as follows.
- (2) In subsection (1), for “public prosecutor” substitute “relevant prosecutor”.
- (3) For subsection (2) substitute—
 - “(2) Where a relevant prosecutor issues a written charge, it must at the same time issue—
 - (a) a requisition, or
 - (b) a single justice procedure notice.
 - (2A) A requisition is a document which requires the person on whom it is served to appear before a magistrates’ court to answer the written charge.
 - (2B) A single justice procedure notice is a document which requires the person on whom it is served to serve on the designated officer for a magistrates’ court specified in the notice a written notification stating—
 - (a) whether the person desires to plead guilty or not guilty, and
 - (b) if the person desires to plead guilty, whether or not the person desires to be tried in accordance with section 16A of the Magistrates’ Courts Act 1980.”
- (4) In subsection (3), for “The” substitute “Where a relevant prosecutor issues a written charge and a requisition, the”.

(5) After subsection (3) insert—

“(3A) Where a relevant prosecutor issues a written charge and a single justice procedure notice, the written charge and notice must be served on the person concerned, and a copy of both must be served on the designated officer specified in the notice.

(3B) If a single justice procedure notice is served on a person, the relevant prosecutor must—

- (a) at the same time serve on the person such documents as may be prescribed by Criminal Procedure Rules, and
- (b) serve copies of those documents on the designated officer specified in the notice.”

(6) After subsection (3B) insert—

“(3C) The written notification required by a single justice procedure notice may be served by the legal representative of the person charged on the person’s behalf.”

(7) In subsection (4), for the words from the beginning to “public prosecutor” substitute “A relevant prosecutor authorised to issue a requisition”.

(8) In subsection (5), for ““public prosecutor”” substitute ““relevant prosecutor””.

(9) After subsection (5) insert—

“(5A) An order under subsection (5)(h) specifying a person for the purposes of this section must also specify whether that person and a person authorised by that person to institute criminal proceedings—

- (a) are authorised to issue written charges, requisitions and single justice procedure notices, or
- (b) are authorised to issue only written charges and single justice procedure notices.”

(10) A person who immediately before the commencement of this section is—

- (a) a person specified in an order under section 29(5)(h) of the Criminal Justice Act 2003, or
- (b) a person authorised by a person so specified to institute criminal proceedings, is to be treated after the commencement of this section as authorised to issue requisitions and single justice procedure notices (subject to the order specifying that person being varied or revoked).

47 Instituting proceedings: further provision

(1) Section 30 of the Criminal Justice Act 2003 (further provision about method of instituting proceedings in section 29) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), for “or requisitions” substitute “, requisitions or single justice procedure notices”, and
- (b) in paragraph (b), for “or requisitions” substitute “, requisitions or single justice procedure notices”.

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- (3) In subsection (2)(b), after “further requisitions” insert “or further single justice procedure notices”.
- (4) In subsection (5)—
- (a) in paragraph (b), for “public prosecutor” substitute “relevant prosecutor”, and
 - (b) after paragraph (b) insert “, and
 - (c) any reference (however expressed) which is or includes a reference to a summons under section 1 of the Magistrates’ Courts Act 1980 (or to a justice of the peace issuing such a summons) is to be read as including a reference to a single justice procedure notice (or to a relevant prosecutor issuing a single justice procedure notice).”
- (5) After subsection (7) insert—
- “(7A) The reference in subsection (5) to an enactment contained in an Act passed before this Act is to be read, in relation to paragraph (c) of subsection (5), as including—
- (a) a reference to an enactment contained in an Act passed before or in the same Session as the Criminal Justice and Courts Act 2015, and
 - (b) a reference to an enactment contained in such an Act as a result of an amendment to that Act made by the Criminal Justice and Courts Act 2015 or by any other Act passed in the same Session as the Criminal Justice and Courts Act 2015.”
- (6) In subsection (8)—
- (a) for ““public prosecutor”,” substitute ““relevant prosecutor”,”, and
 - (b) after ““requisition”” insert “, “single justice procedure notice””.

48 Trial by single justice on the papers

- (1) The Magistrates’ Courts Act 1980 is amended as follows.
- (2) In section 11 (non-appearance of accused: general provisions)—
- (a) in subsection (1), for “and (4)” substitute “, (4) and (8)”, and
 - (b) after subsection (7) insert—
- “(8) This section and sections 12 to 16 do not apply if and for so long as a written charge is to be tried by a magistrates’ court in accordance with section 16A.”
- (3) After section 16 insert—

“Trial by single justice on the papers

16A Trial by single justice on the papers

- (1) A magistrates’ court may try a written charge in accordance with subsections (3) to (10) if—
- (a) the offence charged is a summary offence not punishable with imprisonment,
 - (b) the accused had attained the age of 18 years when charged,

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- (c) the court is satisfied that—
 - (i) the documents specified in subsection (2) have been served on the accused, and
 - (ii) service of all of the documents was effected at the same time, and
 - (d) the accused has not served on the designated officer specified in the single justice procedure notice, within the period prescribed by Criminal Procedure Rules, a written notification stating either—
 - (i) a desire to plead not guilty, or
 - (ii) a desire not to be tried in accordance with this section.
- (2) The documents mentioned in subsection (1)(c) are—
- (a) a written charge and a single justice procedure notice (see section 29 of the Criminal Justice Act 2003), and
 - (b) such other documents as may be prescribed by Criminal Procedure Rules (see section 29(3B) of the Criminal Justice Act 2003).
- (3) The court may not hear any oral evidence and may consider only the contents of the following—
- (a) the documents specified in subsection (2),
 - (b) any document containing information to which subsection (4) applies, and
 - (c) any written submission that the accused makes with a view to mitigation of sentence.
- (4) This subsection applies to information if—
- (a) a notice describing the information was served on the accused at the same time as the documents specified in subsection (2), and
 - (b) a copy of the notice has been served on the designated officer specified in the single justice procedure notice.
- (5) The court may disregard a written submission that is not served on the designated officer specified in the single justice procedure notice within the period prescribed by Criminal Procedure Rules.
- (6) The court is not required to conduct any part of the proceedings in open court.
- (7) The court may try the charge in the absence of the parties and, if a party appears, must proceed as if the party were absent.
- (8) If the accused served on the designated officer specified in the notice a written notification stating a desire to plead guilty and to be tried in accordance with this section, the court may try the charge as if the accused had pleaded guilty.
- (9) The court may not remand the accused.
- (10) If the resumed trial is to be conducted in accordance with subsections (3) to (9), no notice is required of the resumption of the trial after an adjournment.
- (11) A magistrates' court acting under this section may be composed of a single justice.

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- (12) Any magistrates' court may try a written charge in accordance with subsections (3) to (10), whether or not its designated officer is specified in the single justice procedure notice.
- (13) Subsection (1) is subject to sections 16B and 16C.

16B Cases not tried in accordance with section 16A

- (1) If a magistrates' court decides, before the accused is convicted of the offence, that it is not appropriate to convict the accused in proceedings conducted in accordance with section 16A, the court may not try or continue to try the charge in that way.
- (2) A magistrates' court may not try a written charge in accordance with section 16A if, at any time before the trial, the accused or the accused's legal representative on the accused's behalf gives notice to the designated officer specified in the single justice procedure notice that the accused does not desire to be tried in accordance with section 16A.
- (3) If a magistrates' court may not try or continue to try a written charge in accordance with section 16A because the conditions in section 16A(1) are not satisfied or because of subsection (1) or (2), the magistrates' court dealing with the matter must—
 - (a) adjourn the trial, if it has begun, and
 - (b) issue a summons directed to the accused requiring the accused to appear before a magistrates' court for the trial of the written charge.
- (4) A magistrates' court issuing a summons under subsection (3)(b) may be composed of a single justice.

16C Cases that cease to be tried in accordance with section 16A

- (1) If a magistrates' court decides, after the accused is convicted of the offence, that it is not appropriate to try the written charge in accordance with section 16A, the court may not continue to try the charge in that way.
- (2) If a magistrates' court trying a written charge in accordance with section 16A proposes, after the accused is convicted of the offence, to order the accused to be disqualified under section 34 or 35 of the Road Traffic Offenders Act 1988—
 - (a) the court must give the accused the opportunity to make representations or further representations about the proposed disqualification, and
 - (b) if the accused indicates a wish to make such representations, the court may not continue to try the case in accordance with section 16A.
- (3) If a magistrates' court may not continue to try a written charge in accordance with section 16A because of subsection (1) or (2), the magistrates' court must—
 - (a) adjourn the trial, and
 - (b) issue a summons directed to the accused requiring the accused to appear before a magistrates' court to be dealt with in respect of the offence.

16D Sections 16B and 16C: further provision

- (1) If a summons is issued under section 16B(3)(b) or 16C(3)(b), a reference in sections 11 to 13 to a summons issued under section 1 is to be read, for the purposes of subsequent proceedings as regards the matter, as if it included a reference to a summons issued under section 16B(3)(b) or 16C(3)(b) (as the case may be).
- (2) If a summons has been issued under section 16B(3)(b) or 16C(3)(b), a justice of the peace may issue a summons directed to the accused requiring the accused to appear before a magistrates' court for the purpose specified in the earlier summons; and subsection (1) applies in relation to a summons under this section as it applies in relation to a summons under section 16B(3)(b) or 16C(3)(b).
- (3) Where a summons has been issued under section 16B(3)(b) or 16C(3)(b), a magistrates' court that afterwards tries the written charge or deals with the accused for the offence must be—
 - (a) composed as described in section 121(1), or
 - (b) composed of a District Judge (Magistrates' Courts) sitting alone by virtue of section 26 of the Courts Act 2003.
- (4) Where—
 - (a) the accused is convicted of an offence before a matter is adjourned under section 16C(3)(a), and
 - (b) the matter is tried after the adjournment by another magistrates' court, that other magistrates' court is to be treated as if it were the court that convicted the accused for the purposes of section 142(2).

16E Accused not aware of single justice procedure notice

- (1) This section applies if—
 - (a) a single justice procedure notice has been issued, and
 - (b) the written charge is being tried, or has been tried, in accordance with section 16A.
- (2) This section does not apply if the trial of the written charge has been adjourned under section 16B(3)(a) or 16C(3)(a).
- (3) The proceedings subsequent to the single justice procedure notice are void if—
 - (a) the accused makes a statutory declaration that the accused did not know of the single justice procedure notice or the proceedings until a date that the accused specifies in the statutory declaration,
 - (b) that date is a date after a magistrates' court began to try the written charge,
 - (c) the declaration is served on the designated officer specified in the single justice procedure notice within 21 days of that date in such manner as Criminal Procedure Rules may prescribe, and

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- (d) at the same time as serving the declaration, the accused responds to the single justice procedure notice by serving a written notification on that designated officer.
- (4) Subsection (3) does not affect the validity of a written charge or a single justice procedure notice.
- (5) A magistrates' court may accept service of a statutory declaration required by subsection (3) after the period described in subsection (3)(c) if, on application by the accused, it appears to the court that it was not reasonable to expect the accused to serve that statutory declaration within that period.
- (6) A magistrates' court that accepts a statutory declaration under subsection (5) is to be treated as accepting service of a written notification that is served at the same time.
- (7) A statutory declaration accepted under subsection (5) and a written notification treated as accepted under subsection (6) are to be treated as having been served as required by subsection (3).
- (8) If proceedings have become void under subsection (3), the reference in section 16A to the period within which a written notification must be served is to be read as referring to a period that ends on—
 - (a) the date on which a written notification is served under subsection (3) (d), or
 - (b) if a magistrates' court is treated as accepting service of a written notification by virtue of subsection (6), the date on which the written notification is so treated as accepted.
- (9) If proceedings have become void under subsection (3), the written charge may not be tried again by any of the same justices.
- (10) A magistrates' court carrying out functions under subsection (5) may be composed of a single justice.

16F Admissibility of statements

- (1) A statement contained in a document is admissible in proceedings conducted in accordance with section 16A as evidence of a matter stated if, in the particular case—
 - (a) the document is one in relation to which section 16A(1)(c) is satisfied, or
 - (b) section 16A(4) applies to the information in that document (as the case may be).
- (2) Subsection (1) does not prevent a court taking into consideration the nature of the evidence placed before it when deciding whether it is appropriate to try the written charge in accordance with section 16A.
- (3) In this section “statement” means any representation of fact or opinion.”

49 Trial by single justice on the papers: sentencing etc

In section 121 of the Magistrates' Courts Act 1980 (constitution etc of a magistrates' court), after subsection (5) insert—

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“(5A) A magistrates’ court that is trying a summary offence in accordance with section 16A is restricted to the following in dealing with the accused for the offence—

- (a) imposing a fine;
- (b) imposing a penalty under section 102(3)(aa) of the Customs and Excise Management Act 1979 or section 29, 35A or 37 of the Vehicle Excise and Registration Act 1994 (penalties imposed for certain offences in relation to vehicle excise licences);
- (c) ordering an amount to be paid under section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994 (liability to additional duty);
- (d) making an order under section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders);
- (e) ordering payment of a surcharge under section 161A of the Criminal Justice Act 2003 (victim surcharge);
- (f) making an order as to costs to be paid by the accused to the prosecutor under section 18 of the Prosecution of Offences Act 1985;
- (g) making an order as to costs to be paid by the accused by virtue of section 19 of the Prosecution of Offences Act 1985;
- (h) ordering payment of a charge under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge);
- (i) making an order under section 30A of the Road Traffic Offenders Act 1988 (order to disregard penalty points if approved course attended);
- (j) making an order under section 34 or 35 of the Road Traffic Offenders Act 1988 (disqualification from driving);
- (k) making an order under section 44 of the Road Traffic Offenders Act 1988 (endorsement of a driving record);
- (l) making an application to the Secretary of State by virtue of section 24(1)(a) of the Criminal Justice Act 1991 (benefit deductions);
- (m) making an attachment of earnings order under Part 3 of Schedule 5 to the Courts Act 2003;
- (n) making an application for benefits deductions to the Secretary of State under Part 3 of Schedule 5 to the Courts Act 2003;
- (o) making a collection order under Part 4 of Schedule 5 to the Courts Act 2003;
- (p) discharging the accused absolutely or conditionally.

(5B) The limit in subsection (5) does not apply to fines imposed as described in subsection (5A).”

50 Further amendments

Schedule 11 contains further amendments relating to the provision made by sections 46 to 49.

Time limit for bringing certain criminal proceedings

51 Offence of improper use of public electronic communications network

- (1) In section 127 of the Communications Act 2003 (improper use of public electronic communications network), at the end insert—
- “(5) An information or complaint relating to an offence under this section may be tried by a magistrates’ court in England and Wales or Northern Ireland if it is laid or made—
- (a) before the end of the period of 3 years beginning with the day on which the offence was committed, and
 - (b) before the end of the period of 6 months beginning with the day on which evidence comes to the knowledge of the prosecutor which the prosecutor considers sufficient to justify proceedings.
- (6) Summary proceedings for an offence under this section may be commenced in Scotland—
- (a) before the end of the period of 3 years beginning with the day on which the offence was committed, and
 - (b) before the end of the period of 6 months beginning with the day on which evidence comes to the knowledge of the prosecutor which the prosecutor considers sufficient to justify proceedings,
- and section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of this subsection as it applies for the purposes of that section.
- (7) A certificate of a prosecutor as to the date on which evidence described in subsection (5)(b) or (6)(b) came to his or her knowledge is conclusive evidence of that fact.”
- (2) The amendment made by this section applies only in relation to an offence committed on or after the day on which it comes into force.

Committal to Crown Court

52 Low-value shoplifting: mode of trial

- (1) In section 22A of the Magistrates’ Courts Act 1980 (low-value shoplifting), in subsection (2) (right to elect trial by Crown Court), for paragraph (b) substitute—
- “(b) the court must proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”
- (2) In section 51 of the Crime and Disorder Act 1998 (sending cases to Crown Court: adults), in subsection (2)(b), after “21,” insert “22A(2)(b),”.

53 Committal of young offenders convicted of certain serious offences

- (1) In section 3B of the Powers of Criminal Courts (Sentencing) Act 2000 (committal for sentence on indication of guilty plea by child or young person), for subsection (1) substitute—

- “(1) This section applies where on the summary trial of an offence mentioned in section 91(1) of this Act a person aged under 18 is convicted of the offence.”
- (2) For the heading of that section substitute “Committal for sentence of young offenders on summary trial of certain serious offences”.
- (3) The amendment made by subsection (1) applies only if the person convicted of the offence first appeared in respect of the offence after the day on which the amendment comes into force.
- (4) For the purposes of subsection (3), a person first appears in respect of an offence when the person first appears or is brought before a magistrates’ court in the proceedings in which the person is charged with the offence.

Costs of criminal courts

54 Criminal courts charge

- (1) In the Prosecution of Offences Act 1985, after Part 2 insert—

“PART 2A

COURT COSTS IN CRIMINAL CASES

21A Criminal courts charge

- (1) A court mentioned in section 21B must, at the times listed there, order a person convicted of an offence to pay a charge in respect of relevant court costs, subject to—
- (a) subsections (2) and (3), and
 - (b) section 21C.
- (2) An order must not be made if the person was under 18 when the offence was committed.
- (3) An order must not be made in a case or class of case prescribed by the Lord Chancellor by regulations.
- (4) A court must not take into account the duty under subsection (1) or any order under this section when dealing with a person (other than under this section) for an offence or for a failure to comply with a requirement mentioned in section 21B.
- (5) In this section—

“court costs” means costs of providing the judiciary and the rest of the system of courts, but does not include defence or prosecution costs;

“relevant court costs” means court costs incurred in connection with criminal proceedings or proceedings for a failure to comply with a requirement mentioned in section 21B, but does not include costs of providing the Supreme Court or judges of that Court.

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21B Criminal courts charge: courts and times

- (1) A magistrates' court must make an order under section 21A at the following times—
 - (a) when dealing with the person for the offence;
 - (b) when dealing with the person under Schedule 8 to the Criminal Justice Act 2003 for failure to comply with any of the requirements of a community order;
 - (c) when dealing with the person under Schedule 12 to the Criminal Justice Act 2003 for failure to comply with any of the community requirements of a suspended sentence order;
 - (d) when dealing with the person under section 256AC of the Criminal Justice Act 2003 for failure to comply with a supervision requirement imposed under section 256AA of that Act.
- (2) The Crown Court must make an order under section 21A at the following times—
 - (a) when dealing with the person for the offence;
 - (b) when dealing with the person under Schedule 8 to the Criminal Justice Act 2003 for failure to comply with any of the requirements of a community order;
 - (c) when dealing with the person under Schedule 12 to the Criminal Justice Act 2003 for failure to comply with any of the community requirements of a suspended sentence order;
 - (d) when dismissing an appeal by the person against conviction or sentence for the offence.
- (3) The Court of Appeal must make an order under section 21A at the following times—
 - (a) when dismissing an appeal under Part 1 of the Criminal Appeal Act 1968 against the person's conviction or sentence for the offence;
 - (b) when dismissing an application for leave to bring such an appeal.

21C Amount of criminal courts charge

- (1) A charge ordered to be paid under section 21A must be of an amount specified by the Lord Chancellor by regulations.
- (2) When specifying amounts under this section, the Lord Chancellor must seek to secure that an amount specified in respect of a class of case does not exceed the relevant court costs reasonably attributable to a case of that class.
- (3) In this section "relevant court costs" has the same meaning as in section 21A.

21D Interest on criminal courts charge

- (1) The Lord Chancellor may by regulations provide that a person who is ordered to pay a charge under section 21A must pay interest on the charge if or to the extent that it remains unpaid.
- (2) The regulations may, in particular—

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- (a) make provision about the rate of interest,
 - (b) make provision about periods when interest is or is not payable, and
 - (c) make provision by reference to a measure or document as amended from time to time.
- (3) The regulations may not make provision for a rate of interest that is higher than the rate that the Lord Chancellor considers would maintain the value in real terms of amounts that remain unpaid.
- (4) An amount of interest payable under the regulations is to be treated as part of the charge ordered to be paid under section 21A.

21E Power to remit criminal courts charge

- (1) A magistrates' court may remit the whole or part of a charge ordered to be paid by a person under section 21A, subject to the restrictions in subsections (2) to (4).
- (2) It may remit the charge only if—
- (a) it is satisfied that the person has taken all reasonable steps to pay it, having regard to the person's personal circumstances, or
 - (b) it is satisfied that collection and enforcement of the charge is impracticable.
- (3) It may not remit the charge at a time when the person is detained in prison.
- (4) It may not remit the charge unless each of following has expired—
- (a) a specified period beginning with the day on which an order under section 21A was last made in respect of the person;
 - (b) a specified period beginning with the day on which the person was last convicted of an offence;
 - (c) where relevant, a specified period beginning with the day on which the person was last released from prison.
- (5) Where a court remits a charge under section 21A after an order has been made under section 300(2) of the Criminal Justice Act 2003 (power to impose unpaid work requirement etc on fine defaulter) for default in paying the charge (or the charge and other amounts), the court must—
- (a) reduce the total number of hours or days to which the order relates by the same proportion as the amount remitted bears to the total amount in respect of which the order was made, or
 - (b) if the total number of hours or days would be reduced to nil under paragraph (a), revoke the order.
- (6) In calculating a reduction required by subsection (5), any fraction of an hour or day is to be rounded down to the nearest hour or day.
- (7) In this section—
- “prison” includes any place where a person serving a sentence of detention for an offence is liable to be detained;
 - “specified period” means a period of a length specified by the Lord Chancellor by regulations.

21F Regulations under this Part

Regulations under this Part may include transitional, transitory and saving provision.”

- (2) In Part 1 of Schedule 9 to the Administration of Justice Act 1970 (cases where payment enforceable as on summary conviction)—
 - (a) after paragraph 9 insert—

“9A Where a court orders the payment of a charge in respect of relevant court costs under section 21A of the Prosecution of Offences Act 1985.”,
 - (b) re-number paragraph 13 as paragraph 12A, and
 - (c) re-number paragraph 13A as paragraph 12B.
- (3) Schedule 12 to this Act makes further provision about the criminal courts charge.
- (4) Section 21A of the Prosecution of Offences Act 1985 applies only in relation to a person convicted of an offence committed after that section comes into force.

55 Duty to review criminal courts charge

- (1) After the end of the initial period, the Lord Chancellor must carry out a review of the operation of Part 2A of the Prosecution of Offences Act 1985 (inserted by section 54 of this Act).
- (2) “The initial period” is the period of 3 years beginning with the day on which section 54(1) comes into force.
- (3) If the Lord Chancellor considers it appropriate, having regard to the conclusions reached on the review, the Lord Chancellor must by regulations repeal Part 2A of the Prosecution of Offences Act 1985.
- (4) Regulations under this section may include consequential, transitional, transitory and saving provision, including provision amending an Act (whenever passed or made).
- (5) Regulations under this section are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Collection of fines etc

56 Variation of collection orders etc

- (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.
- (2) For paragraph 21 (application of Part 6: variation of collection orders containing payment terms) substitute—

“21 This Part applies if—

 - (a) the court has made a collection order, and

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- (b) the order contains payment terms but does not contain reserve terms.”
- (3) In paragraph 22 (variation of collection order)—
- (a) omit sub-paragraph (1),
 - (b) in sub-paragraph (2), for “P may apply for” substitute “P may at any time apply to the fines officer under this paragraph for”,
 - (c) in sub-paragraph (4)(a), omit “in P’s favour”,
 - (d) after sub-paragraph (4) insert—
“(4A) The fines officer may not vary the payment terms under sub-paragraph (4)(a) so that they are less favourable to P without P’s consent.”, and
 - (e) for sub-paragraph (7) substitute—
“(7) The fines officer may not vary the order so that it states reserve terms which are less favourable to P than the payment terms without P’s consent.”
- (4) In paragraph 25 (application of Part 7: effect of first default on collection order containing payment terms), for paragraphs (a) and (b) substitute—
- “(a) an application to a fines officer under paragraph 22 (application for variation of order or for attachment of earnings order etc) that was made at a time when P was not in default on the collection order;
 - (b) an appeal under paragraph 23 against a decision of a fines officer on an application described in paragraph (a);”.
- (5) In paragraph 31 (variation of reserve terms)—
- (a) for sub-paragraph (1) substitute—
“(1) P may, at any time after the date of a payment notice under paragraph 30, apply to the fines officer for the reserve terms to be varied.”,
 - (b) in sub-paragraph (3)(a), omit “in P’s favour”, and
 - (c) after sub-paragraph (3) insert—
“(3A) The fines officer may not vary the reserve terms under sub-paragraph (3)(a) so that they are less favourable to P without P’s consent.”
- (6) In paragraph 37 (functions of fines officer in relation to defaulters: referral or further steps notice), in sub-paragraph (1)(c), for sub-paragraphs (i) and (ii) substitute—
- “(i) an application to a fines officer under paragraph 31 (application for variation of reserve terms) that was made at a time when P was not in default on the collection order;
 - (ii) an appeal under paragraph 32 against a decision of a fines officer on an application described in sub-paragraph (i);”.

Civil proceedings relating to personal injury

57 Personal injury claims: cases of fundamental dishonesty

- (1) This section applies where, in proceedings on a claim for damages in respect of personal injury (“the primary claim”)—
 - (a) the court finds that the claimant is entitled to damages in respect of the claim, but
 - (b) on an application by the defendant for the dismissal of the claim under this section, the court is satisfied on the balance of probabilities that the claimant has been fundamentally dishonest in relation to the primary claim or a related claim.
- (2) The court must dismiss the primary claim, unless it is satisfied that the claimant would suffer substantial injustice if the claim were dismissed.
- (3) The duty under subsection (2) includes the dismissal of any element of the primary claim in respect of which the claimant has not been dishonest.
- (4) The court’s order dismissing the claim must record the amount of damages that the court would have awarded to the claimant in respect of the primary claim but for the dismissal of the claim.
- (5) When assessing costs in the proceedings, a court which dismisses a claim under this section must deduct the amount recorded in accordance with subsection (4) from the amount which it would otherwise order the claimant to pay in respect of costs incurred by the defendant.
- (6) If a claim is dismissed under this section, subsection (7) applies to—
 - (a) any subsequent criminal proceedings against the claimant in respect of the fundamental dishonesty mentioned in subsection (1)(b), and
 - (b) any subsequent proceedings for contempt of court against the claimant in respect of that dishonesty.
- (7) If the court in those proceedings finds the claimant guilty of an offence or of contempt of court, it must have regard to the dismissal of the primary claim under this section when sentencing the claimant or otherwise disposing of the proceedings.
- (8) In this section—

“claim” includes a counter-claim and, accordingly, “claimant” includes a counter-claimant and “defendant” includes a defendant to a counter-claim;

“personal injury” includes any disease and any other impairment of a person’s physical or mental condition;

“related claim” means a claim for damages in respect of personal injury which is made—

 - (a) in connection with the same incident or series of incidents in connection with which the primary claim is made, and
 - (b) by a person other than the person who made the primary claim.
- (9) This section does not apply to proceedings started by the issue of a claim form before the day on which this section comes into force.

58 Rules against inducements to make personal injury claims

- (1) A regulated person is in breach of this section if—
 - (a) the regulated person offers another person a benefit or is treated as doing so under subsection (4),
 - (b) the offer of the benefit is an inducement to make a claim in civil proceedings for—
 - (i) damages for personal injury or death, or
 - (ii) damages arising out of circumstances involving personal injury or death, and
 - (c) the benefit is not related to the provision of legal services in connection with the claim.
- (2) An offer of a benefit to another person is an inducement to make a claim if the offer of the benefit—
 - (a) is intended to encourage the person to make a claim or to seek advice from a regulated person with a view to making a claim, or
 - (b) is likely to have the effect of encouraging the person to do so.
- (3) An offer of a benefit may be an inducement to make a claim regardless of—
 - (a) when or by what means the offer is made,
 - (b) whether the receipt of the benefit pursuant to the offer is subject to conditions,
 - (c) when the benefit may be received pursuant to the offer, or
 - (d) whether the benefit may be received by the person to whom the offer is made or by a third party.
- (4) If a person other than a regulated person offers a benefit in accordance with arrangements made by or on behalf of a regulated person—
 - (a) the regulated person is to be treated as offering the benefit, and
 - (b) the offer of the benefit is to be treated as satisfying subsection (2)(a) if the arrangements were intended to encourage people to make claims or seek advice from a regulated person with a view to making a claim.
- (5) The Lord Chancellor may by regulations make provision as to the circumstances in which a benefit is related to the provision of legal services in connection with a claim, including provision about benefits relating to—
 - (a) fees to be charged in respect of the legal services,
 - (b) expenses which are or would be necessarily incurred in connection with the claim, or
 - (c) insurance to cover legal costs and expenses in connection with the claim.

59 Effect of rules against inducements

- (1) The relevant regulator must ensure that it has appropriate arrangements for monitoring and enforcing the restriction imposed on regulated persons by section 58.
- (2) A regulator may make rules for the purposes of subsection (1).
- (3) The rules may in particular provide that, in relation to anything done in breach of that section, the relevant regulator may exercise any powers that the regulator would have in relation to anything done by the regulated person in breach of another restriction (subject to subsection (4)).

- (4) A breach of section 58—
 - (a) does not make a person guilty of an offence, and
 - (b) does not give rise to a right of action for breach of statutory duty.
- (5) Subsection (6) applies in a case where—
 - (a) a regulated person has offered a benefit to a person or is treated as having done so under section 58(4), and
 - (b) it appears to the regulator that the offer of the benefit is an inducement to make a claim as mentioned in section 58(1)(b).
- (6) Rules under subsection (2) may provide for the offer of the benefit to the person to be treated as an inducement to make a claim as mentioned in section 58(1)(b) unless the regulated person shows—
 - (a) that the benefit was offered for a reason other than encouraging the person to make a claim or to seek advice from a regulated person with a view to making a claim, or
 - (b) that the benefit is related to the provision of legal services in connection with the claim (see regulations under section 58(5)).

60 Inducements: interpretation

- (1) In relation to an offer of a benefit which is an inducement to make a claim in civil proceedings for damages for personal injury or death or arising out of circumstances involving personal injury or death—
 - (a) a regulator is any person listed in column 1 below;
 - (b) a regulated person is any person listed in column 2;
 - (c) a regulator in column 1 is the relevant regulator in relation to the corresponding person in column 2.

<i>Regulator</i>	<i>Regulated person</i>
The General Council of the Bar	A person authorised by the Council to carry on a reserved legal activity within the meaning of the Legal Services Act 2007
The Chartered Institute of Legal Executives	A person authorised by the Institute to carry on a reserved legal activity within the meaning of the Legal Services Act 2007
The Law Society	A person authorised by the Society to carry on a reserved legal activity within the meaning of the Legal Services Act 2007
A licensing authority for the purposes of Part 5 of the Legal Services Act 2007 (alternative business structures)	A person who is licensed by the authority to carry on a reserved legal activity
A regulatory body specified for the purposes of this section in regulations made by the Lord Chancellor	A person of a description specified for the purposes of this section in regulations

<i>Regulator</i>	<i>Regulated person</i>
	made by the Lord Chancellor in relation to the body specified under column 1

- (2) For the purposes of this section and sections 58 and 59—
- “benefit” means—
- (a) any benefit, whether or not in money or other property and whether temporary or permanent, and
 - (b) any opportunity to obtain a benefit;
- “claim” includes a counter-claim;
- “legal services” means services provided by a person which consist of or include legal activities (within the meaning of the Legal Services Act 2007) carried on by or on behalf of that person;
- “personal injury” includes any disease and any other impairment of a person’s physical or mental condition.
- (3) For the purposes of this section and section 59 whether an offer of a benefit is an inducement to make a claim is to be determined in accordance with section 58.

61 Inducements: regulations

- (1) This section applies to regulations under section 58 or 60.
- (2) The regulations are to be made by statutory instrument.
- (3) The regulations may include consequential, supplementary, incidental, transitional, transitory or saving provision.
- (4) Regulations under section 58 may not be made unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (5) A statutory instrument containing regulations under section 60 is subject to annulment in pursuance of a resolution of either House of Parliament.

Appeals in civil proceedings

62 Appeals from the Court of Protection

- (1) Section 53 of the Mental Capacity Act 2005 (rights of appeal from the Court of Protection) is amended as follows.
- (2) For subsection (2) substitute—
 - “(2) Court of Protection Rules may provide that, where a decision of the court is made by a specified description of person, an appeal from the decision lies to a specified description of judge of the court and not to the Court of Appeal.”
- (3) Omit subsection (3).
- (4) In subsection (4)(d), omit “higher”.

63 Appeals from the High Court to the Supreme Court

(1) Part 2 of the Administration of Justice Act 1969 (appeal from High Court to Supreme Court) is amended as follows.

(2) In section 12 (grant of a certificate by the trial judge enabling an appeal to the Supreme Court), in subsection (1)—

- (a) in paragraph (a), after “those proceedings” insert “or that the conditions in subsection (3A) (“the alternative conditions”) are satisfied in relation to those proceedings”, and
- (b) omit paragraph (c) (requirement that all parties consent to the grant of the certificate) and the “and” before it.

(3) After subsection (3) insert—

“(3A) The alternative conditions, in relation to a decision of the judge in any proceedings, are that a point of law of general public importance is involved in the decision and that—

- (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
- (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the judge, a hearing by the Supreme Court is justified, or
- (c) the judge is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.”

(4) In section 16 (application of Part 2 to Northern Ireland), after subsection (1) insert—

“(1A) In the application of this Part of this Act to Northern Ireland, section 12 has effect as if—

- (a) in subsection (1)(a) there were omitted “or that the conditions in subsection (3A) (“the alternative conditions”) are satisfied in relation to those proceedings”;
- (b) after subsection (1)(b) there were inserted “, and
 - (c) that all the parties to the proceedings consent to the grant of a certificate under this section,”;
- (c) subsection (3A) were omitted.”

64 Appeals from the Upper Tribunal to the Supreme Court

In the Tribunals, Courts and Enforcement Act 2007, after section 14 insert—

“14A Appeal to Supreme Court: grant of certificate by Upper Tribunal

(1) If the Upper Tribunal is satisfied that—

- (a) the conditions in subsection (4) or (5) are fulfilled in relation to the Upper Tribunal’s decision in any proceedings, and
 - (b) as regards that decision, a sufficient case for an appeal to the Supreme Court has been made out to justify an application under section 14B,
- the Upper Tribunal may grant a certificate to that effect.

- (2) The Upper Tribunal may grant a certificate under this section only on an application made by a party to the proceedings.
- (3) The Upper Tribunal may grant a certificate under this section only if the relevant appellate court as regards the proceedings is—
 - (a) the Court of Appeal in England and Wales, or
 - (b) the Court of Appeal in Northern Ireland.
- (4) The conditions in this subsection are that a point of law of general public importance is involved in the decision of the Upper Tribunal and that point of law is—
 - (a) a point of law that—
 - (i) relates wholly or mainly to the construction of an enactment or statutory instrument, and
 - (ii) has been fully argued in the proceedings and fully considered in the judgment of the Upper Tribunal in the proceedings, or
 - (b) a point of law—
 - (i) in respect of which the Upper Tribunal is bound by a decision of the relevant appellate court or the Supreme Court in previous proceedings, and
 - (ii) that was fully considered in the judgments given by the relevant appellate court or, as the case may be, the Supreme Court in those previous proceedings.
- (5) The conditions in this subsection are that a point of law of general public importance is involved in the decision of the Upper Tribunal and that—
 - (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
 - (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the Upper Tribunal, a hearing by the Supreme Court is justified, or
 - (c) the Upper Tribunal is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.
- (6) Before the Upper Tribunal decides an application made to it under this section, the Upper Tribunal must specify the court that would be the relevant appellate court if the application were an application for permission (or leave) under section 13.
- (7) In this section except subsection (6) and in sections 14B and 14C, “the relevant appellate court”, as respects an application, means the court specified as respects that application by the Upper Tribunal under subsection (6).
- (8) No appeal lies against the grant or refusal of a certificate under subsection (1).

14B Appeal to Supreme Court: permission to appeal

- (1) If the Upper Tribunal grants a certificate under section 14A in relation to any proceedings, a party to those proceedings may apply to the Supreme Court for permission to appeal directly to the Supreme Court.

- (2) An application under subsection (1) must be made—
 - (a) within one month from the date on which that certificate is granted, or
 - (b) within such time as the Supreme Court may allow in a particular case.
- (3) If on such an application it appears to the Supreme Court to be expedient to do so, the Supreme Court may grant permission for such an appeal.
- (4) If permission is granted under this section—
 - (a) no appeal from the decision to which the certificate relates lies to the relevant appellate court, but
 - (b) an appeal lies from that decision to the Supreme Court.
- (5) An application under subsection (1) is to be determined without a hearing.
- (6) Subject to subsection (4), no appeal lies to the relevant appellate court from a decision of the Upper Tribunal in respect of which a certificate is granted under section 14A until—
 - (a) the time within which an application can be made under subsection (1) has expired, and
 - (b) where such an application is made, that application has been determined in accordance with this section.

14C Appeal to Supreme Court: exclusions

- (1) No certificate may be granted under section 14A in respect of a decision of the Upper Tribunal in any proceedings where, by virtue of any enactment (other than sections 14A and 14B), no appeal would lie from that decision of the Upper Tribunal to the relevant appellate court, with or without the permission (or leave) of the Upper Tribunal or the relevant appellate court.
- (2) No certificate may be granted under section 14A in respect of a decision of the Upper Tribunal in any proceedings where, by virtue of any enactment, no appeal would lie from a decision of the relevant appellate court on that decision of the Upper Tribunal to the Supreme Court, with or without the permission (or leave) of the relevant appellate court or the Supreme Court.
- (3) Where no appeal would lie to the relevant appellate court from the decision of the Upper Tribunal except with the permission (or leave) of the Upper Tribunal or the relevant appellate court, no certificate may be granted under section 14A in respect of a decision of the Upper Tribunal unless it appears to the Upper Tribunal that it would be a proper case for giving permission (or leave) to appeal to the relevant appellate court.
- (4) No certificate may be granted under section 14A in respect of a decision or order of the Upper Tribunal made by it in the exercise of its jurisdiction to punish for contempt.”

65 Appeals from the Employment Appeal Tribunal to the Supreme Court

In the Employment Tribunals Act 1996, after section 37 insert—

“37ZA Appeals to Supreme Court: grant of certificate by Appeal Tribunal

- (1) If the Appeal Tribunal is satisfied that—
 - (a) the conditions in subsection (4) or (5) are fulfilled in relation to the Appeal Tribunal’s decision or order in any proceedings, and
 - (b) as regards that decision or order, a sufficient case for an appeal to the Supreme Court has been made out to justify an application under section 37ZB,the Appeal Tribunal may grant a certificate to that effect.
- (2) The Appeal Tribunal may grant a certificate under this section only on an application made by a party to the proceedings.
- (3) The Appeal Tribunal may not grant a certificate under this section in the case of proceedings in Scotland.
- (4) The conditions in this subsection are that a point of law of general public importance is involved in the decision or order of the Appeal Tribunal and that point of law is—
 - (a) a point of law that—
 - (i) relates wholly or mainly to the construction of an enactment or statutory instrument, and
 - (ii) has been fully argued in the proceedings and fully considered in the judgment of the Appeal Tribunal in the proceedings, or
 - (b) a point of law—
 - (i) in respect of which the Appeal Tribunal is bound by a decision of the Court of Appeal or the Supreme Court in previous proceedings, and
 - (ii) that was fully considered in the judgments given by the Court of Appeal or, as the case may be, the Supreme Court in those previous proceedings.
- (5) The conditions in this subsection are that a point of law of general public importance is involved in the decision or order of the Appeal Tribunal and that—
 - (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
 - (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the Appeal Tribunal, a hearing by the Supreme Court is justified, or
 - (c) the Appeal Tribunal is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.
- (6) No appeal lies against the grant or refusal of a certificate under subsection (1).

37ZB Appeals to Supreme Court: permission to appeal

- (1) If the Appeal Tribunal grants a certificate under section 37ZA in relation to any proceedings, a party to those proceedings may apply to the Supreme Court for permission to appeal directly to the Supreme Court.
- (2) An application under subsection (1) must be made—
 - (a) within one month from the date on which the certificate is granted, or
 - (b) within such time as the Supreme Court may allow in a particular case.
- (3) If on such an application it appears to the Supreme Court to be expedient to do so, the Supreme Court may grant permission for such an appeal.
- (4) If permission is granted under this section—
 - (a) no appeal from the decision or order to which the certificate relates lies to the Court of Appeal, but
 - (b) an appeal lies from that decision or order to the Supreme Court.
- (5) An application under subsection (1) is to be determined without a hearing.
- (6) Subject to subsection (4), no appeal lies to the Court of Appeal from a decision or order of the Appeal Tribunal in respect of which a certificate is granted under section 37ZA until—
 - (a) the time within which an application can be made under subsection (1) has expired, and
 - (b) where such an application is made, that application has been determined in accordance with this section.

37ZC Appeals to Supreme Court: exclusions

- (1) No certificate may be granted under section 37ZA in respect of a decision or order of the Appeal Tribunal in any proceedings where, by virtue of any enactment (other than sections 3Z7A and 37ZB), no appeal would lie from that decision or order of the Appeal Tribunal to the Court of Appeal, with or without the leave or permission of the Appeal Tribunal or the Court of Appeal.
- (2) No certificate may be granted under section 37ZA in respect of a decision or order of the Appeal Tribunal in any proceedings where, by virtue of any enactment, no appeal would lie from a decision of the Court of Appeal on that decision or order of the Appeal Tribunal to the Supreme Court, with or without the leave or permission of the Court of Appeal or the Supreme Court.
- (3) Where no appeal would lie to the Court of Appeal from the decision or order of the Appeal Tribunal except with the leave or permission of the Appeal Tribunal or the Court of Appeal, no certificate may be granted under section 37ZA in respect of a decision or order of the Appeal Tribunal unless it appears to the Appeal Tribunal that it would be a proper case for granting leave or permission to appeal to the Court of Appeal.
- (4) No certificate may be granted under section 37ZA where the decision or order of the Appeal Tribunal is made in the exercise of its jurisdiction to punish for contempt.”

66 Appeals from the Special Immigration Appeals Commission to the Supreme Court

- (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.
- (2) Before section 8 insert—

“7B Appeals to Supreme Court: grant of certificate by Commission

- (1) If the Special Immigration Appeals Commission is satisfied that—
 - (a) the conditions in subsection (4) or (5) are fulfilled in relation to a final determination to which section 7(1) or (1A) applies, and
 - (b) in respect of that final determination, a sufficient case for an appeal to the Supreme Court has been made out to justify an application under section 7C,the Commission may grant a certificate to that effect.
- (2) The Commission may grant a certificate under this section only on an application made by a party to the appeal or review to which the final determination relates.
- (3) The Commission may not grant a certificate under this section if the final determination is made by the Commission in Scotland.
- (4) The conditions in this subsection are that a point of law of general public importance is involved in the final determination and that point of law is—
 - (a) a point of law that—
 - (i) relates wholly or mainly to the construction of an enactment or statutory instrument, and
 - (ii) has been fully argued in the proceedings on the appeal or review to which the final determination relates and fully considered in the judgment of the Commission, or
 - (b) a point of law—
 - (i) in respect of which the Commission is bound by a decision of the appropriate appeal court or the Supreme Court in previous proceedings, and
 - (ii) that was fully considered in the judgments given by the appropriate appeal court or, as the case may be, the Supreme Court in those previous proceedings.
- (5) The conditions in this subsection are that a point of law of general public importance is involved in the final determination and that—
 - (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
 - (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the Commission, a hearing by the Supreme Court is justified, or
 - (c) the Commission is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.
- (6) No appeal lies against the grant or refusal of a certificate under subsection (1).

Status: This is the original version (as it was originally enacted).

7C Appeals to Supreme Court: permission to appeal

- (1) If the Special Immigration Appeals Commission grants a certificate under section 7B in relation to a final determination, a party to the appeal or review to which the final determination relates may apply to the Supreme Court for permission to appeal directly to the Supreme Court.
- (2) An application under subsection (1) must be made—
 - (a) within one month from the date on which that certificate is granted, or
 - (b) within such time as the Supreme Court may allow in a particular case.
- (3) If on such an application it appears to the Supreme Court to be expedient to do so, the Supreme Court may grant permission for such an appeal.
- (4) If permission is granted under this section—
 - (a) no appeal from the final determination to which the certificate relates lies to the appropriate appeal court, but
 - (b) an appeal lies from that determination to the Supreme Court.
- (5) An application under subsection (1) is to be determined without a hearing.
- (6) Subject to subsection (4), no appeal lies to the appropriate appeal court from a final determination of the Commission in respect of which a certificate is granted under section 7B until—
 - (a) the time within which an application can be made under subsection (1) has expired, and
 - (b) where such an application is made, that application has been determined in accordance with this section.

7D Appeals to Supreme Court: exclusions

- (1) No certificate may be granted under section 7B in respect of a final determination of the Special Immigration Appeals Commission where, by virtue of any enactment (other than sections 7B and 7C), no appeal would lie from that decision of the Commission to the appropriate appeal court, with or without the leave or permission of the Commission or the appropriate appeal court.
- (2) No certificate may be granted under section 7B in respect of a final determination of the Commission where, by virtue of any enactment, no appeal would lie from a decision of the appropriate appeal court on that determination of the Commission to the Supreme Court, with or without the permission or leave of the appropriate appeal court or the Supreme Court.
- (3) Where no appeal would lie to the appropriate appeal court from a final determination of the Commission except with the leave or permission of the Commission or the appropriate appeal court, no certificate may be granted under section 7B in respect of a final determination unless it appears to the Commission that it would be a proper case for granting leave to appeal to the appropriate appeal court.

Status: This is the original version (as it was originally enacted).

- (4) No certificate may be granted under section 7B in respect of a decision or order of the Commission made by it in the exercise of its jurisdiction to punish for contempt.”
- (3) In section 1(4) (challenges to decisions of the Commission), after “section 7” insert “and sections 7B to 7D”.
- (4) In section 7(3) (appeals from the Commission: definition of “the appropriate appeal court”), after “In this section” insert “and sections 7B to 7D”.
- (5) In section 8 (procedure on applications for leave to appeal)—
 - (a) in subsection (1), at the end insert “or for the grant of a certificate under section 7B”, and
 - (b) in subsection (2), omit “for leave to appeal”.
- (6) In the heading of section 8, after “leave to appeal” insert “etc”.

Costs in civil proceedings

67 Wasted costs in certain civil proceedings

- (1) Section 51 of the Senior Courts Act 1981 (costs in civil division of Court of Appeal, High Court, family court and county court) is amended as follows.
- (2) After subsection (7) (wasted costs) insert—
 - “(7A) Where the court exercises a power under subsection (6) in relation to costs incurred by a party, it must inform such of the following as it considers appropriate—
 - (a) an approved regulator;
 - (b) the Director of Legal Aid Casework.”
- (3) After subsection (12) insert—
 - “(12A) In subsection (7A)—
 - “approved regulator” has the meaning given by section 20 of the Legal Services Act 2007;
 - “the Director of Legal Aid Casework” means the civil servant designated under section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”

Juries and members of the Court Martial

68 Upper age limit for jury service to be 75

- (1) The Juries Act 1974 is amended as follows.
- (2) In section 1(1)(a) (qualification for jury service), for the words from “and” to the end substitute “and aged eighteen or over but under seventy six”.
- (3) In section 3(1) (electoral register as basis of jury selection), for “less than eighteen or more than seventy years of age” substitute “—
 - (a) aged under eighteen, or

- (b) aged seventy six or over”.

69 Jurors and electronic communications devices

In the Juries Act 1974, after section 15 insert—

“15A Surrender of electronic communications devices

- (1) A judge dealing with an issue may order the members of a jury trying the issue to surrender any electronic communications devices for a period.
- (2) An order may be made only if the judge considers that—
 - (a) the order is necessary or expedient in the interests of justice, and
 - (b) the terms of the order are a proportionate means of safeguarding those interests.
- (3) An order may only specify a period during which the members of the jury are—
 - (a) in the building in which the trial is being heard,
 - (b) in other accommodation provided at the judge’s request,
 - (c) visiting a place in accordance with arrangements made by the court, or
 - (d) travelling to or from a place mentioned in paragraph (b) or (c).
- (4) An order may be made subject to exceptions.
- (5) It is a contempt of court for a member of a jury to fail to surrender an electronic communications device in accordance with an order under this section.
- (6) Proceedings for a contempt of court under this section may only be instituted on the motion of a court having jurisdiction to deal with it.
- (7) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).”

70 Jurors and electronic communications devices: powers of search etc

- (1) Part 4 of the Courts Act 2003 (court security officers) is amended as follows.
- (2) After section 54 insert—

“54A Powers in relation to jurors’ electronic communications devices

- (1) This section applies where an order has been made under section 15A of the Juries Act 1974 (surrender of electronic communications devices by jurors) in respect of the members of a jury.
- (2) A court security officer acting in the execution of the officer’s duty must, if ordered to do so by a judge, search a member of the jury in order to determine whether the juror has failed to surrender an electronic communications device in accordance with the order.

Status: This is the original version (as it was originally enacted).

- (3) Subsection (2) does not authorise the officer to require a person to remove clothing other than a coat, jacket, headgear, gloves or footwear.
 - (4) If the search reveals a device which is required by the order to be surrendered—
 - (a) the officer must ask the juror to surrender the device, and
 - (b) if the juror refuses to do so, the officer may seize it.
 - (5) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).”
- (3) In section 55 (powers to retain articles surrendered or seized)—
 - (a) after subsection (1) insert—
 - “(1A) Subject to subsection (2), a court security officer may retain an article which was—
 - (a) surrendered in response to a request under section 54A(4)(a),
 - or
 - (b) seized under section 54A(4)(b),
 until the end of the period specified in the relevant order under section 15A of the Juries Act 1974.”, and
 - (b) in subsection (2), for paragraph (a) substitute—
 - “(a) the time specified in subsection (1) or (1A) (as appropriate), or”.
 - (4) In section 56(1)(a) (regulations about retention of articles)—
 - (a) in sub-paragraph (i), after “54(1)” insert “or 54A(4)(a)”, and
 - (b) in sub-paragraph (ii), after “54(2)” insert “or 54A(4)(b)”.

71 Research by jurors

- (1) The Juries Act 1974 is amended as follows.
- (2) For the heading of section 20 substitute “Offences: failure to attend, serving while disqualified etc”.
- (3) After section 20 insert—

“20A Offence: research by jurors

- (1) It is an offence for a member of a jury that tries an issue in a case before a court to research the case during the trial period, subject to the exceptions in subsections (6) and (7).
- (2) A person researches a case if (and only if) the person—
 - (a) intentionally seeks information, and
 - (b) when doing so, knows or ought reasonably to know that the information is or may be relevant to the case.
- (3) The ways in which a person may seek information include—

Status: This is the original version (as it was originally enacted).

- (a) asking a question,
 - (b) searching an electronic database, including by means of the internet,
 - (c) visiting or inspecting a place or object,
 - (d) conducting an experiment, and
 - (e) asking another person to seek the information.
- (4) Information relevant to the case includes information about—
- (a) a person involved in events relevant to the case,
 - (b) the judge dealing with the issue,
 - (c) any other person involved in the trial, whether as a lawyer, a witness or otherwise,
 - (d) the law relating to the case,
 - (e) the law of evidence, and
 - (f) court procedure.
- (5) “The trial period”, in relation to a member of a jury that tries an issue, is the period—
- (a) beginning when the person is sworn to try the issue, and
 - (b) ending when the judge discharges the jury or, if earlier, when the judge discharges the person.
- (6) It is not an offence under this section for a person to seek information if the person needs the information for a reason which is not connected with the case.
- (7) It is not an offence under this section for a person—
- (a) to attend proceedings before the court on the issue;
 - (b) to seek information from the judge dealing with the issue;
 - (c) to do anything which the judge dealing with the issue directs or authorises the person to do;
 - (d) to seek information from another member of the jury, unless the person knows or ought reasonably to know that the other member of the jury contravened this section in the process of obtaining the information;
 - (e) to do anything else which is reasonably necessary in order for the jury to try the issue.
- (8) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (9) Proceedings for an offence under this section may only be instituted by or with the consent of the Attorney General.”

72 **Sharing research with other jurors**

In the Juries Act 1974, after section 20A insert—

“20B Offence: sharing research with other jurors

- (1) It is an offence for a member of a jury that tries an issue in a case before a court intentionally to disclose information to another member of the jury during the trial period if—
 - (a) the member contravened section 20A in the process of obtaining the information, and
 - (b) the information has not been provided by the court.
- (2) Information has been provided by the court if (and only if) it has been provided as part of—
 - (a) evidence presented in the proceedings on the issue, or
 - (b) other information provided to the jury or a juror during the trial period by, or with the permission of, the judge dealing with the issue.
- (3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (4) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.
- (5) In this section, “the trial period” has the same meaning as in section 20A.”

73 Jurors engaging in other prohibited conduct

In the Juries Act 1974, after section 20B insert—

“20C Offence: jurors engaging in other prohibited conduct

- (1) It is an offence for a member of a jury that tries an issue in a case before a court intentionally to engage in prohibited conduct during the trial period, subject to the exceptions in subsections (4) and (5).
- (2) “Prohibited conduct” means conduct from which it may reasonably be concluded that the person intends to try the issue otherwise than on the basis of the evidence presented in the proceedings on the issue.
- (3) An offence under this section is committed whether or not the person knows that the conduct is prohibited conduct.
- (4) It is not an offence under this section for a member of the jury to research the case (as defined in section 20A(2) to (4)).
- (5) It is not an offence under this section for a member of the jury to disclose information to another member of the jury.
- (6) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (7) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.
- (8) In this section, “the trial period” has the same meaning as in section 20A.”

74 Disclosing jury's deliberations

(1) In the Juries Act 1974, after section 20C insert—

“20D Offence: disclosing jury's deliberations

- (1) It is an offence for a person intentionally—
 - (a) to disclose information about statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in proceedings before a court, or
 - (b) to solicit or obtain such information,
subject to the exceptions in sections 20E to 20G.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (3) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.

20E Offence of disclosing jury's deliberations: initial exceptions

- (1) It is not an offence under section 20D for a person to disclose information in the proceedings mentioned in section 20D(1) for the purposes of enabling the jury to arrive at their verdict or in connection with the delivery of that verdict.
- (2) It is not an offence under section 20D for the judge dealing with those proceedings to disclose information—
 - (a) for the purposes of dealing with the case, or
 - (b) for the purposes of an investigation by a relevant investigator into whether an offence or contempt of court has been committed by or in relation to a juror in the proceedings mentioned in section 20D(1).
- (3) It is not an offence under section 20D for a person who reasonably believes that a disclosure described in subsection (2)(b) has been made to disclose information for the purposes of the investigation.
- (4) It is not an offence under section 20D to publish information disclosed as described in subsection (1) or (2)(a) in the proceedings mentioned in section 20D(1).
- (5) In this section—
 - “publish” means make available to the public or a section of the public;
 - “relevant investigator” means—
 - (a) a police force;
 - (b) the Attorney General;
 - (c) any other person or class of person specified by the Lord Chancellor for the purposes of this section by regulations made by statutory instrument.
- (6) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this section.

- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

20F Offence of disclosing jury’s deliberations: further exceptions

- (1) It is not an offence under section 20D for a person to disclose information to a person listed in subsection (2) if—
- (a) the disclosure is made after the jury in the proceedings mentioned in section 20D(1) has been discharged, and
 - (b) the person making the disclosure reasonably believes that—
 - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with those proceedings, or
 - (ii) conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (2) Those persons are—
- (a) a member of a police force;
 - (b) a judge of the Court of Appeal;
 - (c) the registrar of criminal appeals;
 - (d) a judge of the court where the proceedings mentioned in section 20D(1) took place;
 - (e) a member of staff of that court who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (d).
- (3) It is not an offence under section 20D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a judge of the Court of Appeal or the registrar of criminal appeals, provided that the disclosure does not involve publishing the information.
- (4) It is not an offence under section 20D for a judge of the Court of Appeal or the registrar of criminal appeals to disclose information for the purposes of an investigation by a relevant investigator into—
- (a) whether an offence or contempt of court has been committed by or in relation to a juror in connection with the proceedings mentioned in section 20D(1), or
 - (b) whether conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (5) It is not an offence under section 20D for a judge of the Court of Appeal or the registrar of criminal appeals to disclose information for the purposes of enabling or assisting—
- (a) a person who was the defendant in the proceedings mentioned in section 20D(1), or
 - (b) a legal representative of such a person,
- to consider whether conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.

Status: This is the original version (as it was originally enacted).

- (6) It is not an offence under section 20D for a person who reasonably believes that a disclosure described in subsection (4) or (5) has been made to disclose information for the purposes of the investigation or consideration in question.
- (7) It is not an offence under section 20D for a person to disclose information in evidence in—
- (a) proceedings for an offence or contempt of court alleged to have been committed by or in relation to a juror in connection with the proceedings mentioned in section 20D(1),
 - (b) proceedings on an appeal, or an application for leave to appeal, against a decision in the proceedings mentioned in section 20D(1) where an allegation relating to conduct of or in relation to a juror forms part of the grounds of appeal, or
 - (c) proceedings on any further appeal or reference arising out of proceedings mentioned in paragraph (a) or (b).
- (8) It is not an offence under section 20D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in subsection (7)(a) to (c).
- (9) It is not an offence under section 20D to publish information disclosed as described in subsection (7).
- (10) In this section—
- “publish” means make available to the public or a section of the public;
 - “relevant investigator” means—
- (a) a police force;
 - (b) the Attorney General;
 - (c) the Criminal Cases Review Commission;
 - (d) the Crown Prosecution Service;
 - (e) any other person or class of person specified by the Lord Chancellor for the purposes of this section by regulations made by statutory instrument.
- (11) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this section.
- (12) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

20G Offence of disclosing jury’s deliberations: exceptions for soliciting disclosures or obtaining information

- (1) It is not an offence under section 20D to solicit a disclosure described in section 20E(1) to (4) or section 20F(1) to (9).
- (2) It is not an offence under section 20D to obtain information—
- (a) by means of a disclosure described in section 20E(1) to (4) or section 20F(1) to (9), or
 - (b) from a document that is available to the public or a section of the public.”

- (2) In the Contempt of Court Act 1981, as it extends to England and Wales, section 8 (confidentiality of jury’s deliberations) is repealed.
- (3) In section 8(1) of that Act, as it extends to Scotland and Northern Ireland, at the beginning insert “In Scotland and Northern Ireland,”.
- (4) In the heading of that section, at the end insert “: Scotland and Northern Ireland”.

75 Juries at inquests

Schedule 13 makes provision about juries at inquests and their deliberations.

76 Members of the Court Martial

Schedule 14 makes provision about members of the Court Martial and their deliberations.

77 Supplementary provision

- (1) In Schedule 1 to the Juries Act 1974 (persons disqualified for jury service), after paragraph 6 insert—
 - “6A A person who at any time in the last ten years has been convicted of—
 - (a) an offence under section 20A, 20B, 20C or 20D of this Act,
 - (b) an offence under paragraph 5A, 5B, 5C or 5D of Schedule 6 to the Coroners and Justice Act 2009 (equivalent offences relating to jurors at inquests), or
 - (c) an offence under paragraph 2, 3, 4 or 5 of Schedule 2A to the Armed Forces Act 2006 (equivalent offences relating to members of the Court Martial).”
- (2) In section 22 of the Juries Act 1974 (consequential amendments, savings and repeals), at the beginning insert—
 - “(A1) Nothing in section 20A, 20B or 20C affects what constitutes contempt of court at common law.”

Reporting restrictions

78 Lifetime reporting restrictions in criminal proceedings for witnesses and victims under 18

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) After section 45 (power to restrict reporting of criminal proceedings involving persons under 18) insert—

“45A Power to restrict reporting of criminal proceedings for lifetime of witnesses and victims under 18

- (1) This section applies in relation to—

Status: This is the original version (as it was originally enacted).

- (a) any criminal proceedings in any court (other than a service court) in England and Wales, and
 - (b) any proceedings (whether in the United Kingdom or elsewhere) in any service court.
- (2) The court may make a direction (“a reporting direction”) that no matter relating to a person mentioned in subsection (3) shall during that person’s lifetime be included in any publication if it is likely to lead members of the public to identify that person as being concerned in the proceedings.
- (3) A reporting direction may be made only in respect of a person who is under the age of 18 when the proceedings commence and who is—
 - (a) a witness, other than an accused, in the proceedings;
 - (b) a person against whom the offence, which is the subject of the proceedings, is alleged to have been committed.
- (4) For the purposes of subsection (2), matters relating to a person in respect of whom the reporting direction is made include—
 - (a) the person’s name,
 - (b) the person’s address,
 - (c) the identity of any school or other educational establishment attended by the person,
 - (d) the identity of any place of work of the person, and
 - (e) any still or moving picture of the person.
- (5) The court may make a reporting direction in respect of a person only if it is satisfied that—
 - (a) the quality of any evidence given by the person, or
 - (b) the level of co-operation given by the person to any party to the proceedings in connection with that party’s preparation of its case,is likely to be diminished by reason of fear or distress on the part of the person in connection with being identified by members of the public as a person concerned in the proceedings.
- (6) In determining whether subsection (5) is satisfied, the court must in particular take into account—
 - (a) the nature and alleged circumstances of the offence to which the proceedings relate;
 - (b) the age of the person;
 - (c) such of the following as appear to the court to be relevant—
 - (i) the social and cultural background and ethnic origins of the person,
 - (ii) the domestic, educational and employment circumstances of the person, and
 - (iii) any religious beliefs or political opinions of the person;
 - (d) any behaviour towards the person on the part of—
 - (i) an accused,
 - (ii) members of the family or associates of an accused, or
 - (iii) any other person who is likely to be an accused or a witness in the proceedings.

- (7) In determining that question the court must in addition consider any views expressed—
- (a) by the person in respect of whom the reporting restriction may be made, and
 - (b) where that person is under the age of 16, by an appropriate person other than an accused.
- (8) In determining whether to make a reporting direction in respect of a person, the court must have regard to—
- (a) the welfare of that person,
 - (b) whether it would be in the interests of justice to make the direction, and
 - (c) the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of the proceedings.
- (9) A reporting direction may be revoked by the court or an appellate court.
- (10) The court or an appellate court may by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a reporting direction.
- (11) The court or an appellate court may only make an excepting direction if—
- (a) it is satisfied that it is necessary in the interests of justice to do so, or
 - (b) it is satisfied that—
 - (i) the effect of the reporting direction is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
 - (ii) it is in the public interest to remove or relax that restriction.
- (12) No excepting direction shall be given under subsection (11)(b) by reason only of the fact that the proceedings have been determined in any way or have been abandoned.
- (13) In determining whether to make an excepting direction in respect of a person, the court or the appellate court must have regard to the welfare of that person.
- (14) An excepting direction—
- (a) may be given at the time the reporting direction is given or subsequently, and
 - (b) may be varied or revoked by the court or an appellate court.
- (15) For the purposes of this section—
- (a) criminal proceedings in a court other than a service court commence when proceedings are instituted for the purposes of Part 1 of the Prosecution of Offences Act 1985, in accordance with section 15(2) of that Act;
 - (b) proceedings in a service court commence when the charge is brought under section 122 of the Armed Forces Act 2006.
- (16) In this section—
- (a) “appellate court”, in relation to any proceedings in a court, means a court dealing with an appeal (including an appeal by way of case stated) arising out of the proceedings or with any further appeal;

Status: This is the original version (as it was originally enacted).

- (b) “appropriate person” has the same meaning as in section 50;
 - (c) references to the quality of evidence given by a person are to its quality in terms of completeness, coherence and accuracy (and for this purpose “coherence” refers to a person’s ability in giving evidence to give answers which address the questions put to the person and can be understood both individually and collectively);
 - (d) references to the preparation of the case of a party to any proceedings include, where the party is the prosecution, the carrying out of investigations into any offence at any time charged in the proceedings.”
- (3) In section 49 (offences under Chapter 4)—
- (a) after subsection (1) insert—
 - “(1A) This section also applies—
 - (a) in England and Wales, Scotland and Northern Ireland, if a publication includes any matter in contravention of a direction under section 45A(2) made by a service court;
 - (b) in England and Wales, if a publication includes any matter in contravention of a direction under section 45A(2) made by a court other than a service court.”, and
 - (b) at the end insert—
 - “(7) Schedule 2A makes special provision in connection with the operation of this section, so far as it relates to a publication that includes matter in contravention of a direction under section 45A(2), in relation to persons providing information society services.”
- (4) In section 50 (defences)—
- (a) after subsection (6) insert—
 - “(6A) Where—
 - (a) a person is charged with an offence under section 49, and
 - (b) the offence relates to the inclusion of any matter in a publication in contravention of a direction under section 45A(2),it shall be a defence, unless subsection (6B) or (8) applies, to prove that the person in relation to whom the direction was given had given written consent to the inclusion of that matter in the publication.
 - (6B) Written consent is not a defence by virtue of subsection (6A) if the person was under the age of 18 at the time the consent was given.”, and
 - (b) in subsection (8), after “defence” insert “by virtue of subsections (5) to (7)”.

79 Reporting restrictions in proceedings other than criminal proceedings

- (1) Section 39 of the Children and Young Persons Act 1933 (power to prohibit publication of certain matter in newspapers) is amended as follows.
- (2) In subsection (1)—
- (a) after “any proceedings” insert “, other than criminal proceedings,”, and
 - (b) after “direct that” insert “the following may not be included in a publication”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (1)(a)—
- (a) omit “no newspaper report of the proceedings shall reveal”, and
 - (b) omit “, or include any particulars calculated to lead to the identification,”.
- (4) In subsection (1), after paragraph (a) insert—
- “(aa) any particulars calculated to lead to the identification of a child or young person so concerned in the proceedings;”.
- (5) In subsection (1)(b)—
- (a) for “no picture shall be published in any newspaper as being or including” substitute “a picture that is or includes”, and
 - (b) omit “as aforesaid”.
- (6) In subsection (2), for “publishes any matter” substitute “includes matter in a publication”.
- (7) After subsection (2) insert—
- “(3) In this section—
- “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include a document prepared for use in particular legal proceedings;
- “relevant programme” means a programme included in a programme service within the meaning of the Broadcasting Act 1990.”
- (8) In the heading of that section, omit “in newspapers”.
- (9) After that section insert—

“39A Prohibition on publication of certain matters: providers of information society services

Schedule 1A makes special provision in connection with the operation of section 39 in relation to persons providing information society services.”

- (10) In section 57(3) of the Children and Young Persons Act 1963 (extending section 39 of the Children and Young Persons Act 1933 to Scotland) after paragraph (a) (but before “and”) insert—
- “(aa) as it extends to Scotland, the said section 39 has effect as if the references to a publication were references to a newspaper;”.
- (11) In consequence of the amendment made by subsection (2)(a), omit paragraph 2 of Schedule 2 to the Youth Justice and Criminal Evidence Act 1999.
- (12) Subsection (2)(a) does not affect the operation of section 39 of the Children and Young Persons Act 1933 in relation to criminal proceedings instituted before the day on which it comes into force.
- (13) For the purposes of subsection (12)—

- (a) proceedings other than proceedings on appeal are instituted when proceedings are instituted for the purposes of Part 1 of the Prosecution of Offences Act 1985, in accordance with section 15(2) of that Act;
- (b) proceedings on appeal are instituted when the notice of appeal is given or the reference under section 9 or 11 of the Criminal Appeal Act 1995 is made.

80 Reporting restrictions: information society services

Schedule 15 makes special provision in connection with the operation of the following in relation to persons providing information society services—

- (a) section 39 of the Children and Young Persons Act 1933;
- (b) section 49 of the Youth Justice and Criminal Evidence Act 1999 as it applies to a publication that includes matter in contravention of a direction under section 45A(2) of that Act.

Other matters

81 Representations to Parliament by the President of the Supreme Court

- (1) Section 5 of the Constitutional Reform Act 2005 (representations to Parliament) is amended as follows.
- (2) At the beginning insert—

“(A1) The President of the Supreme Court may lay before Parliament written representations on matters that appear to the President to be matters of importance relating to the Supreme Court or to the jurisdiction it exercises.”
- (3) In subsections (2) and (3), for “those matters” substitute “the matters mentioned in subsections (A1) and (1)”.

82 The supplementary panel of the Supreme Court

In section 39(4) of the Constitutional Reform Act 2005 (circumstances in which a judge of the Supreme Court or a senior territorial judge becomes a member of the supplementary panel), after “while he holds such office” insert “or within 2 years of ceasing to hold such office”.

83 Minor amendments

- (1) In section 132(4A) of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders: appeals etc), for “House of Lords” substitute “the Supreme Court”.
- (2) In section 13(6A)(a) of the Tribunals, Courts and Enforcement Act 2007 (rules of court about when the Court of Session may grant permission to appeal against a decision of the Upper Tribunal), after “principle” insert “or practice”.