

Item 8

Crime and Courts Bill

Purpose of report

For information.

Summary

This report provides a summary of the main provisions in the Crime and Courts Bill which is now being considered by the House of Commons, having started in the Lords.

Recommendation

Members are asked to note the report.

Action

Officers to action as appropriate.

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Background

1. The Crime and Courts Bill was one of the bills included in the Queen's Speech in May 2012. In the speech the government set out two key aims for the bill: to better protect the public by enhancing the national response to serious, organised, and complex crime as well as strengthening border security; and to reform the courts and tribunal service so they are more open and effective, while also reforming the judicial appointments process.

The main elements of the bill

2. The main purpose of the bill is to establish the National Crime Agency (NCA) which will replace the existing Serious and Organised Crime Agency (SOCA). The NCA will have four objectives: preventing and investigating serious and organised crime; improving border security; tackling sexual abuse and exploitation of children; and tackling cyber crime.
3. Work is already well progressed in establishing the NCA, which is looking to establish a much more visible presence than SOCA and will be looking to engage with local authorities once the bill has received Royal Assent.
4. The bill will also establish a single county court and single family court system for England and Wales, to provide greater flexibility in the handling of cases, thereby increasing the efficiency of the court system. At the same time it makes provision for the introduction in limited circumstances of broadcasts of court hearings to demystify the court system.
5. Greater judicial flexibility in terms of which courts and tribunals judges can sit in is also part of the proposals in the bill, as is reforming the judicial appointments process to improve the diversity of the judiciary. This includes placing a new duty on the Lord Chancellor and the Lord Chief Justice for England and Wales to take such steps as they consider appropriate to encourage judicial diversity.
6. The bill also strengthens the powers of immigration officers to tackle serious and organised immigration related crime, and changes the rights of appeal in some immigration cases. At the same time it also seeks to make fines imposed as part of a criminal sentence more effective by ensuring they are paid more often and earlier, while reducing the cost of enforcement action. The bill allows the costs of collecting fines to be passed on to the offender, and for information to be shared between the Department of Work and Pensions and Her Majesty's Revenue and Customs to share benefits and financial information with the court service to help enforce fines. The bill additionally provides for complaints about enforcement by bailiffs to be considered by Ombudsman scheme created by the Office for Legal Complaints.

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7. There are a number of crime related measures in the bill. It provides for youth courts to be able to issue gang injunctions against children aged between 14 and 17, amends the test around what reasonable force a householder may use in self-defence in their own home so only grossly disproportionate force cannot be used, introduces a new offence of driving a motor vehicle while under the influence of drugs, amends the Public Order Act 1986 so that the use of insulting words or behaviour in the hearing or sight of someone likely to be caused harassment is no longer a criminal offence, introduces changes to community orders so they must include a punitive element and make greater use of restorative justice.