

EXPLANATORY NOTES

CRIMINAL JUSTICE AND COURTS ACT 2015

INTRODUCTION

SUMMARY AND BACKGROUND

PART 1 – CRIMINAL JUSTICE

PART 2 – YOUNG OFFENDERS

PART 3 - COURTS AND TRIBUNALS

PART 4 – JUDICIAL REVIEW

Territorial extent and application

Provisions in the Act that extend to Northern Ireland

Provisions in the Act that extend to Scotland

Provisions in the Act that apply in Wales

COMMENTARY ON SECTIONS

PART 1 – CRIMINAL JUSTICE

Dangerous offenders

Section 1: Maximum sentence for certain offences to be life imprisonment

Section 2: Specified offences

Section 3: Schedule 15B offences

Section 4: Parole Board release when serving extended sentences

Section 5: Minor amendments

Other offenders of particular concern

Section 6: Sentence and Parole Board release for offenders of particular concern

Schedule 1: Sentence and Parole Board release for offenders of particular concern

Offences of particular concern

Terrorism

Sexual offences

Attempts etc to commit preceding offences or murder

Abolished offences

Release on licence to be directed by the Parole Board

Release and recall of prisoners

Section 7: Electronic monitoring following release on licence etc

Schedule 2: Electronic monitoring and licences etc: consequential provision

Section 8: Recall adjudicators

Section 9: Test for release after recall: determinate sentences

Section 10: Power to change test for release after recall: determinate sentences

Section 11: Initial release and release after recall: life sentences

Section 12: Offence of remaining unlawfully at large after recall

Section 13: Offence of remaining unlawfully at large after temporary release

Section 14: Definition of "requisite custodial period"

Section 15: Minor amendments and transitional cases

Prisons

Section 16: Drugs for which prisoners etc may be tested

Cautions

Section 17: Restrictions on use of cautions

Section 18: Restrictions on use of cautions: supplementary

Section 19: Alternatives to prosecution: rehabilitation of offenders in Scotland

Offences involving ill-treatment or wilful neglect

Section 20: Ill-treatment or wilful neglect: care worker offence

Schedule 4: Ill-treatment or wilful neglect by care worker: excluded health care

Section 21: Ill-treatment or wilful neglect: care provider offence

Section 22: Care provider offence: excluded care providers

These notes refer to the Criminal Justice and Courts Act 2015 (c.2)

Section 23: Care provider offence: penalties

Section 24: Care provider offence: application to unincorporated associations

Section 25: Care provider: liability for ancillary and other offences

Offences involving police or prison officers

Section 26: Corrupt or other improper exercise of police powers and privileges

Section 27: Term of imprisonment for murder of police or prison officer

Repeat offences involving offensive weapons

Section 28: Minimum sentence for repeat offences involving offensive weapons

Schedule 5: Minimum sentence for repeat offences involving offensive weapons: consequential amendments

Driving offences

Section 29: Offences committed by disqualified drivers

Schedule 6: Offences committed by disqualified drivers: further amendments

Section 30: Extension of disqualification from driving where custodial sentence also imposed

Section 31: Mutual recognition of driving disqualification in UK and Republic of Ireland

Schedule 7: Mutual recognition of driving disqualification in UK and Republic of Ireland

Section 32: Sending letters etc with intent to cause distress or anxiety

Offences involving intent to cause distress etc

Section 33: Disclosing private sexual photographs and films with intent to cause distress

Schedule 8: Disclosing private sexual photographs or films: providers of information society services

Section 34: Meaning of “disclose” and “photograph or film”

Section 35: Meaning of “private” and “sexual”

Offences involving sexual grooming or pornographic images

Section 36: Meeting a child following sexual grooming etc

Section 37: Possession of pornographic images of rape and assault by penetration

PART 2 – YOUNG OFFENDERS

Detention of Young Offenders

Section 38: Secure colleges and other places for detention of young offenders etc

Schedule 9: Secure colleges etc: further amendments

Section 39: Contracting out secure colleges

Schedule 10: Contracting out secure colleges

PART 1 CONTRACTING OUT PROVISION AND RUNNING OF SECURE COLLEGES

PART 2 CERTIFICATION OF SECURE COLLEGE CUSTODY OFFICERS

PART 3 CONTRACTING OUT FUNCTIONS AT DIRECTLY MANAGED SECURE COLLEGES

Section 40: Powers of Youth Justice Board in relation to provision of accommodation

Other matters

Section 41: Youth cautions and conditional cautions: involvement of appropriate adults

Section 42: Duties of custody officer after charge: arrested juveniles

Section 43: Referral orders: alternatives to revocation for breach of youth offender contract

Section 44: Referral orders: extension on further conviction

Section 45: Referral orders: revocation on further conviction

PART 3 – COURTS AND TRIBUNALS

Trial by single justice on the papers

Section 46: Instituting proceedings by written charge

Section 47: Instituting proceedings: further provision

Section 48: Trial by single justice on the papers

Section 49: Trial by single justice on the papers: sentencing etc

Section 50: Further amendments

Schedule 11: Trial by single justice following a written charge: further amendments

Time limit for bringing certain criminal proceedings

Section 51: Offence of improper use of public electronic communications network

Committal to Crown Court

Section 52: Low-value shoplifting: mode of trial

Section 53: Committal of young offenders convicted of certain serious offences

Costs of criminal courts

Section 54: Criminal courts charge

Schedule 12: Further provisions about criminal courts charge

Section 55: Duty to review criminal courts charge

Collection of fines etc

Section 56: Variation of collection orders etc

Civil proceedings relating to personal injury

Section 57: Personal injury claims: cases of fundamental dishonesty

Section 58: Rules against inducements to make personal injury claims

Section 59: Effect of rules against inducements

Section 60: Inducements: interpretation

Section 61: Inducements: regulations

Appeals in civil proceedings

Section 62: Appeals from the Court of Protection

Section 63: Appeals from the High Court to the Supreme Court

Section 64: Appeals from the Upper Tribunal to the Supreme Court

Section 65: Appeals from the Employment Appeal Tribunal to the Supreme Court

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

Costs in civil proceedings

Section 67: Wasted costs in certain civil courts

Juries and members of the Court Martial

Section 68: Upper age limit for jury service to be 75

Section 69: Jurors and electronic communications devices

Section 70: Jurors and electronic communications devices: powers of search etc

These notes refer to the Criminal Justice and Courts Act 2015 (c.2)

Section 71: Research by jurors

Section 72: Sharing research with other jurors

Section 73: Jurors engaging in other prohibited conduct

Section 74: Disclosing jury's deliberations

Section 75: Juries at inquests and Schedule 13: Juries at inquests

Section 76: Members of the Court Martial

Schedule 14: Members of the Court Martial

New Schedule 2A to the Armed Forces Act 2006: Offences relating to members of the Court Martial

Paragraph 2 of new Schedule 2A: Research by lay members

Paragraph 3 of new Schedule 2A: Sharing research with other lay members

Paragraph 4 of new Schedule 2A: Engaging in other prohibited conduct

Paragraph 5 of new Schedule 2A: Disclosing information about members' deliberations

Paragraphs 6 to 8 of new Schedule 2A: exceptions to paragraph 5

Paragraph 9 of new Schedule 2A: Saving for contempt of court

Part 2 of Schedule 13: Further amendments

Section 77: Supplementary provision

Reporting restrictions

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

Section 79: Reporting restrictions in proceedings other than criminal proceedings

Section 80 and Schedule 15: Reporting restrictions: providers of information society services

Other matters

Section 81: Representations to Parliament by the President of the Supreme Court

Section 82: The supplementary panel of the Supreme Court

Section 83: Minor amendments

PART 4 – JUDICIAL REVIEW

Judicial review in the High Court and Upper Tribunal

Section 84: Likelihood of substantially different outcome for applicant

Section 85: Provision of information about financial resources

Section 86: Use of information about financial resources

Section 87: Interveners and costs

Section 88: Capping of costs

Section 89: Capping of costs: orders and their terms

Section 90: Capping of costs: environmental cases

Planning proceedings

Section 91: Procedure for certain planning challenges

Schedule 16: Procedure for certain planning challenges

Section 92: Periods of time for certain legal challenges

PART 5 – FINAL PROVISIONS

Section 93: Power to make consequential and supplementary provision etc

Section 94: Financial provision

Section 95: Commencement

Section 96: Extent

Section 97: Channel Islands, Isle of Man and British overseas territories

Section 98: Short title

COMMENCEMENT

HANSARD REFERENCES