



Deregulation Act 2015

2015 CHAPTER 20

Administration of justice

79 Repeal of Senior President of Tribunals' duty to report on standards

In section 15A of the Social Security Act 1998 (functions of Senior President of Tribunals), omit subsections (2) and (3) (which require the preparation and publication of an annual report on standards of decision-making in the making of certain decisions of the Secretary of State against which an appeal lies to the First-tier Tribunal).

80 Criminal procedure: written witness statements

- (1) Section 9 of the Criminal Justice Act 1967 (proof by written statement) is amended as follows.
- (2) In subsection (2)(d) (objections to the tendering of written statements), for “within seven days from the service of the copy of the statement” substitute “within the relevant period”.
- (3) After subsection (2) insert—
 - “(2A) For the purposes of subsection (2)(d), “the relevant period” is—
 - (a) such number of days, which may not be less than seven, from the service of the copy of the statement as may be prescribed by Criminal Procedure Rules, or
 - (b) if no such number is prescribed, seven days from the service of the copy of the statement.”
- (4) Omit the following—
 - (a) subsections (3) and (3A) (which make provision about the content of written statements etc);
 - (b) subsection (6) (which provides for written statements to be read aloud unless the court otherwise directs);
 - (c) subsection (8) (which deals with the service of documents).

Status: This is the original version (as it was originally enacted).

- (5) In consequence of subsections (2) and (3), paragraph 10 of Schedule 4 to the Wireless Telegraphy Act 2006 is amended as follows—
- (a) after sub-paragraph (2) insert—
 - “(2A) The statement is to be treated as properly served for the purposes of section 9 of the Criminal Justice Act 1967 (proof by written statement), even though the manner of service is not authorised by Criminal Procedure Rules.”;
 - (b) in sub-paragraph (3)—
 - (i) omit paragraph (a) and the “and” following it;
 - (ii) in the closing words, for “either of those sections” substitute “that section”;
 - (c) after sub-paragraph (5) insert—
 - “(5A) If the alleged offender makes a request to be tried, section 9(2A) of the Criminal Justice Act 1967 (time for objection) is to apply—
 - (a) with the substitution for the reference in paragraph (a) to such number of days, which may not be less than seven, from the service of the copy of the statement of a reference to such number of days, which may not be less than seven, beginning with the day after the one on which the request to be tried was made, and
 - (b) with the substitution for the reference in paragraph (b) to seven days from the service of the copy of the statement of a reference to seven days beginning with the day after the one on which the request to be tried was made.”;
 - (d) in sub-paragraph (6)—
 - (i) omit paragraph (a) and the “and” following it;
 - (ii) in the closing words, for “are to apply” substitute “is to apply”.
- (6) In consequence of subsection (4)—
- (a) in the Magistrates’ Courts Act 1980, in section 12(3)(b)(ii), for “subsections (2)(a) and (b) and (3)” substitute “subsection (2)(a) and (b)”;
 - (b) in the Road Traffic Offenders Act 1988, in section 79(4), for “subsection (8) of that section” substitute “Criminal Procedure Rules”;
 - (c) in the Criminal Justice and Public Order Act 1994, in Schedule 9, omit paragraph 6(1);
 - (d) in the Criminal Procedure and Investigations Act 1996, omit section 69.

81 Criminal procedure: written guilty pleas

- (1) Section 12 of the Magistrates’ Courts Act 1980 (non-appearance of accused: plea of guilty) is amended as follows.
- (2) In subsection (7), after “shall” insert “, subject to rules of court made under subsection (7ZA),”.
- (3) After subsection (7) insert—
 - “(7ZA) Rules of court may—

- (a) specify which of paragraphs (a) to (d) of subsection (7) (if any) are to apply;
- (b) provide that any such paragraph is to apply only in circumstances specified in the rules.

(7ZB) Where rules of court are made under subsection (7ZA), subsection (7) applies only to the extent provided for by the rules.”

82 Criminal procedure: powers to make Criminal Procedure Rules

- (1) In the Administration of Justice (Miscellaneous Provisions) Act 1933, in section 2 (procedure for indictment of offenders)—
 - (a) in subsection (6), for “Rules” substitute “Criminal Procedure Rules”;
 - (b) omit subsection (6A).
- (2) In that section, in subsection (2), in paragraph (i) of the proviso, for “section 57D(1)” substitute “section 51D(1)”.
- (3) In the Police and Criminal Evidence Act 1984, in Schedule 1 (making of orders and issue of warrants in respect of excluded or special procedure material)—
 - (a) in paragraph 7, after “paragraph 4 above” insert “that relates to material that consists of or includes journalistic material”;
 - (b) in paragraph 8, for “such an order” substitute “an order under paragraph 4 above that relates to material that consists of or includes journalistic material”;
 - (c) in paragraph 9, for “Such a notice” substitute “Notice of an application for an order under paragraph 4 above that relates to material that consists of or includes journalistic material”;
 - (d) in paragraph 10, for “this Schedule” (in each place where it occurs) substitute “paragraph 8”;
 - (e) after paragraph 15 insert—

“Procedural rules

15A Criminal Procedure Rules may make provision about proceedings under this Schedule, other than proceedings for an order under paragraph 4 above that relates to material that consists of or includes journalistic material.”

- (4) In the Terrorism Act 2000, in Part 1 of Schedule 5 (making of orders and issue of warrants in respect of obtaining information in terrorist investigations: England and Wales and Northern Ireland), in paragraph 11 (which deals with the issue of warrants in respect of excluded or special procedure material), after sub-paragraph (4) insert—

“(5) Criminal Procedure Rules may make provision about proceedings relating to a warrant under this paragraph.”
- (5) In the Criminal Justice and Police Act 2001, in section 59 (applications for the return of seized property etc), after subsection (12) insert—

“(13) Criminal Procedure Rules may make provision about proceedings under this section on an application to a judge of the Crown Court in England and Wales.”

(6) In the Proceeds of Crime Act 2002, in section 352 (applications for search and seizure warrants), after subsection (7) insert—

“(8) Criminal Procedure Rules may make provision about proceedings under this section on an application to a judge entitled to exercise the jurisdiction of the Crown Court in England and Wales.”

83 “MAPPA arrangements” to cease to apply to certain offenders

(1) Section 327 of the Criminal Justice Act 2003 (which makes provision about the offenders in respect of whom multi-agency public protection arrangements - sometimes referred to as “MAPPA arrangements” - must be made) is amended as follows.

(2) In subsection (1), for “subsections (2) to (5)” substitute “subsections (2) to (4)”.

(3) In subsection (3), in paragraph (a), after “Schedule 15” insert “or in subsection (4A) below”.

(4) In subsection (4), in paragraph (a), after “Schedule 15” insert “or in subsection (4A) below”.

(5) After subsection (4) insert—

“(4A) The offences specified in this subsection are—

- (a) an offence under section 1 of the Child Abduction Act 1984 (abduction of child by parent);
- (b) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation), where the offence is committed against a child;
- (c) an offence under section 4(3) of the Misuse of Drugs Act 1971 where the offence is committed by—
 - (i) supplying or offering to supply a Class A drug to a child,
 - (ii) being concerned in the supplying of such a drug to a child, or
 - (iii) being concerned in the making to a child of an offer to supply such a drug;
- (d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this subsection;
- (e) an offence of conspiring to commit an offence so specified;
- (f) an offence of attempting to commit an offence so specified.”

(6) Omit subsection (5).

(7) In subsection (6), after “In this section” insert “—
child” means a person under 18;”.

84 Removal of requirement that prison closures be made by order

(1) The Prison Act 1952 is amended as follows.

(2) In section 37 (closing of prisons)—

- (a) in subsection (1)—
 - (i) omit “Subject to the next following subsection;”;

- (ii) omit “by order”;
 - (b) omit subsections (2) and (3).
- (3) In section 43 (remand centres and young offender institutions), as it has effect on and after the day on which section 38 of the Criminal Justice and Courts Act 2015 comes into force, in the Table in subsection (4)—
 - (a) in the entry for “Young offender institutions”, in the second column, for “Sections 28 and 37(2)” substitute “Section 28”;
 - (b) in the entry for “Secure training centres or secure colleges”, in the second column, for “, 28 and 37(2)” substitute “and 28”.
- (4) Until section 38 of the Criminal Justice and Courts Act 2015 comes into force, in section 43 (remand centres and young offender institutions)—
 - (a) in subsection (5), for “sections 28 and 37(2)” substitute “section 28”;
 - (b) in subsection (5A), for “28 and 37(2) and (3)” substitute “and 28”.
- (5) In section 52 (exercise of power to make orders, rules and regulations)—
 - (a) in subsection (1), omit “, 37”;
 - (b) in subsection (2), omit “or an order made under section thirty-seven of this Act”.

85 Power of HMRC to disclose information for purposes of certain litigation

- (1) The Commissioners for Her Majesty’s Revenue and Customs may disclose information held by them—
 - (a) to a person who is entitled to bring proceedings under the fatal accidents legislation or for whose benefit such proceedings may be brought, for use in connection with the proceedings or in reaching a settlement without the need to bring proceedings;
 - (b) to a person who is entitled to bring proceedings for damages for personal injury for the benefit of the estate of a deceased person, for use in connection with the proceedings or in reaching a settlement without the need to bring proceedings;
 - (c) to a person who has made or who wishes to make an application for a payment under the Diffuse Mesothelioma Payment Scheme on the basis that he or she is eligible for such a payment under section 3 of the Mesothelioma Act 2014 (eligibility of dependants for payments under the Scheme), for use in connection with the application.
- (2) “The fatal accidents legislation” means—
 - (a) the Fatal Accidents Act 1976;
 - (b) the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18));
 - (c) section 4 of the Damages (Scotland) Act 2011.

86 CLC practitioner services bodies

- (1) Section 32 of the Administration of Justice Act 1985 (provision of conveyancing services by recognised bodies) is amended as follows.
- (2) In the heading, after “conveyancing” insert “or other”.
- (3) In subsection (1)—

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

- (a) in paragraph (a), after “bodies” insert “or CLC practitioner services bodies”;
 - (b) in paragraph (b), for “such bodies” substitute “conveyancing services bodies”;
 - (c) in paragraph (b), for the words from “undertake” to the end substitute “undertake—
 - (i) the provision of conveyancing services,
 - (ii) the exercise of a right of audience,
 - (iii) the conduct of litigation,
 - (iv) probate activities,
 - (v) the administration of oaths, or
 - (vi) the provision of relevant legal services not covered by sub-paragraphs (i) to (v);”;
 - (d) after paragraph (b) insert—
 - “(bza) prescribing the circumstances in which CLC practitioner services bodies may be recognised by the Council as being suitable bodies to undertake—
 - (i) the exercise of a right of audience,
 - (ii) the conduct of litigation,
 - (iii) probate activities,
 - (iv) the administration of oaths, or
 - (v) the provision of relevant legal services not covered by sub-paragraphs (i) to (iv);”;
 - (e) in paragraph (ba), for the words from “bodies” to the end substitute “bodies to carry on—
 - (i) the exercise of a right of audience,
 - (ii) the conduct of litigation,
 - (iii) reserved instrument activities, where the recognised body is a conveyancing services body,
 - (iv) probate activities, or
 - (v) the administration of oaths;”;
 - (f) in paragraph (c), after “requirements” insert “, including requirements about the carrying on of activities which are not reserved legal activities,”.
- (4) In subsection (3)(e), after “those bodies” insert “(including information about disciplinary measures taken)”.
- (5) In subsection (3C), after paragraph (a) insert—
- “(aa) conditions restricting the kinds of CLC practitioner services that may be provided by the body;”.
- (6) For subsection (8) substitute—
- “(8) In this section—
 - “administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “CLC practitioner services” has the meaning given by section 32B;
 - “CLC practitioner services body” has the meaning given by section 32B;
 - “conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“conveyancing services body” has the meaning given by section 32A;

“probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“relevant legal services”—

(a) in relation to a conveyancing services body, has the meaning given by section 32A; and

(b) in relation to a CLC practitioner services body, has the meaning given by section 32B;

“reserved instrument activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”

(7) After subsection (8) insert—

“(8A) Nothing in this section affects section 13 of the Legal Services Act 2007 (entitlement to carry on a reserved legal activity).”

(8) After section 32A (definition of “conveyancing services body”) insert—

“32B CLC practitioner services bodies

(1) For the purposes of section 32 a “CLC practitioner services body” means a body (corporate or unincorporate) in respect of which—

(a) the management and control condition,

(b) the services condition, and

(c) the authorised person condition,

are satisfied.

(2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer or a licensed CLC practitioner.

(3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer or a licensed CLC practitioner.

(4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer or a licensed CLC practitioner.

(5) The services condition is satisfied in respect of a body if—

(a) the body is carrying on a business consisting of the provision of—

(i) CLC practitioner services; or

(ii) CLC practitioner services and other relevant legal services;
and

(b) the body does not provide conveyancing services.

(6) The authorised person condition is satisfied if the licensed conveyancer or licensed CLC practitioner by reference to whom the management and control

condition is satisfied, or one of the persons by reference to whom that condition is satisfied, is an authorised person in relation to any reserved legal activity involved in the CLC practitioner services that are provided by the body.

(7) For the purposes of this section—

- (a) a reference to CLC practitioner services is a reference to services involving the carrying on of such of the following as are reserved legal activities in relation to which the Council is designated as an approved regulator—
 - (i) the exercise of a right of audience;
 - (ii) the conduct of litigation;
 - (iii) probate activities;
 - (iv) the administration of oaths;
- (b) a reference to designation as an approved regulator is a reference to designation as an approved regulator—
 - (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, or
 - (ii) under Part 2 of Schedule 4 to that Act;
- (c) a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).

(8) In this section—

“administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);

“conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“relevant legal services”, in relation to a body, means—

- (a) CLC practitioner services, and
- (b) where authorised persons are managers or employees of, or have an interest in, the body, services such as are provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities), except for conveyancing services;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”

87 Licensed CLC practitioners

- (1) Section 53 of the Courts and Legal Services Act 1990 (the Council for Licensed Conveyancers: authorisation of individuals to carry on reserved legal activities) is amended as follows.
- (2) In subsection (2), omit “only if the person is a licensed conveyancer”.

- (3) In subsection (3)—
- (a) for “a licensed conveyancer” substitute “a person”;
 - (b) for “the licensed conveyancer” substitute “the person in respect of that activity”.
- (4) In subsection (4), for “Any such” substitute “If the person granted a licence under this section is a licensed conveyancer, the”.
- (5) After subsection (4) insert—
- “(4A) If the person granted a licence under this section is not a licensed conveyancer, the licence may be granted as a separate licence or as part of a composite licence comprising that and any other licence under this section which the Council may grant to the person.
- (4B) A licence under this section granted to a person who is not a licensed conveyancer ceases to have effect if the person becomes a licensed conveyancer.”
- (6) In subsection (9)—
- (a) in the opening words, after “respect to” insert “persons who apply for, or hold, an advocacy, litigation or probate licence and”;
 - (b) in paragraph (c), for “licensed conveyancer” substitute “person”;
 - (c) after paragraph (d) insert—
 - “(da) any case of an individual who describes himself or herself, or holds himself or herself out, as a licensed CLC practitioner without holding a licence in force under this section;”;
 - (d) in the words following paragraph (f), after “respect to” insert “persons who apply for, or hold, a licence under Part 2 of the Act of 1985 and”.
- (7) After subsection (9) insert—
- “(9A) The modifications mentioned in subsection (9) may differ depending on whether the person applying for, or holding, an advocacy, litigation or probate licence is or is not a licensed conveyancer.
- (9B) Subsection (9) does not apply to section 34 of the Act of 1985 (modification of existing enactments relating to conveyancing etc).”
- (8) After subsection (10) insert—
- “(11) In this section—
- “advocacy licence” means a licence issued under this section by which the Council authorises the person concerned to exercise a right of audience;
- “CLC practitioner services” has the same meaning as in section 32B of the Act of 1985;
- “licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under this section;
- “litigation licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities which constitute the conduct of litigation;

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

“the practice of a licensed CLC practitioner” means the provision by a person, as the holder of a licence under this section, of CLC practitioner services in accordance with the licence; and

“probate licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities that constitute probate activities.”

- (9) In the italic heading preceding section 53, after “*conveyancers*” insert “*and licensed CLC practitioners*”.

88 CLC practitioner services: consequential amendments

Schedule 19 contains consequential amendments relating to sections 86 and 87.

89 The Council for Licensed Conveyancers: other amendments

Schedule 20 contains other amendments relating to the Council for Licensed Conveyancers.