

CRIME AND COURTS BILL [LORDS]**CONSIDERATION OF BILL: MONDAY 18 MARCH 2013****SPEAKER'S PROVISIONAL SELECTION AND GROUPING OF AMENDMENTS****Press conduct**

Govt NC21A + Govt NC22 + Govt NC23 + Govt NC24 + Govt NC25 + Govt NC26 + Govt NC27A + Govt NC28 + Govt NC29 + Govt NC30 + Govt NS5 + *NC19 + NC20 + NC32 + NS3 + NS4 + NS7 + 125* + Govt 121A + Govt 122 + 126

New clauses and amendments designated 'A' are manuscript amendments available on the further amendment paper

Selection of new clauses and amendments in italics is subject to agreement to motion 1 on the Order of Business (Crime and Courts Bill [Lords] (Amendments on Report))

Three hours after commencement of proceedings on the programme motion*

Court procedures and enforcement etc

Govt NC15 + Govt NC16 + 1 + 103 + 96 to 98 + NC12 + NC14 + Govt 119

Extradition, deportation and border control

NC1 + NC10 + NC13 + 94 + 91 + Govt 111 to Govt 114 + 92 + Govt 115 to Govt 118 + 93

11pm*

* subject to agreement of programme motion

18 March 2013

By order of the Speaker



House of Commons

Monday 18 March 2013

CONSIDERATION OF BILL

New Amendments handed in are marked thus ★

CRIME AND COURTS BILL [LORDS], AS AMENDED

MANUSCRIPT AMENDMENTS

Awards of exemplary damages

The Prime Minister
Secretary Theresa May
The Deputy Prime Minister
Edward Miliband

NC21A

★ To move the following Clause:—

- (1) This section applies where—
 - (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time,
 - (c) the claim is related to the publication of news-related material, and
 - (d) the defendant is found liable in respect of the claim.
- (2) Exemplary damages may not be awarded against the defendant in respect of the claim if the defendant was a member of an approved regulator at the material time.
- (3) But the court may disregard subsection (2) if—
 - (a) the approved regulator imposed a penalty on the defendant in respect of the defendant’s conduct or decided not to do so,
 - (b) the court considers, in light of the information available to the approved regulator when imposing the penalty or deciding not to impose one, that the regulator was manifestly irrational in imposing the penalty or deciding not to impose one, and
 - (c) the court is satisfied that, but for subsection (2), it would have made an award of exemplary damages under this section against the defendant.
- (4) Where the court is not prevented from making an award of exemplary damages by subsection (2) (whether because that subsection does not apply or the court is permitted to disregard that subsection as a result of subsection (3)), the court—
 - (a) may make an award of exemplary damages if it considers it appropriate to do so in all the circumstances of the case, but
 - (b) may do so only under this section.
- (5) Exemplary damages may be awarded under this section only if they are claimed.

Crime and Courts Bill [Lords], continued

- (6) Exemplary damages may be awarded under this section only if the court is satisfied that—
- (a) the defendant's conduct has shown a deliberate or reckless disregard of an outrageous nature for the claimant's rights,
 - (b) the conduct is such that the court should punish the defendant for it, and
 - (c) other remedies would not be adequate to punish that conduct.
- (7) Exemplary damages may be awarded under this section whether or not another remedy is granted.
- (8) The decision on the question of—
- (a) whether exemplary damages are to be awarded under this section, or
 - (b) the amount of such damages,
- must not be left to a jury.'.

Awards of costs

The Prime Minister
Secretary Theresa May
The Deputy Prime Minister
Edward Miliband

NC27A

★ To move the following Clause:—

- (1) This section applies where—
- (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time, and
 - (c) the claim is related to the publication of news-related material.
- (2) If the defendant was a member of an approved regulator at the time when the claim was commenced (or was unable to be a member at that time for reasons beyond the defendant's control or it would have been unreasonable in the circumstances for the defendant to have been a member at that time), the court must not award costs against the defendant unless satisfied that—
- (a) the issues raised by the claim could have been resolved by using an arbitration scheme of the approved regulator, or
 - (b) it is just and equitable in all the circumstances of the case to award costs against the defendant.
- (3) If the defendant was not a member of an approved regulator at the time when the claim was commenced (but would have been able to be a member at that time and it would have been reasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the defendant unless satisfied that—
- (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator (had the defendant been a member), or
 - (b) it is just and equitable in all the circumstances of the case to make a different award of costs or make no award of costs.
- (4) For the purposes of subsections (2) and (3), a claim could have been resolved by using an arbitration scheme of an approved regulator if, at the time when the claim was commenced, the approved regulator had arrangements in place for an

Crime and Courts Bill [*Lords*], *continued*

arbitration scheme under which the claim could have been referred for determination by an arbitrator appointed under the scheme.

- (5) The Secretary of State must take steps to put in place arrangements for protecting the position in costs of parties to relevant claims who have entered into agreements under section 58 of the Courts and Legal Services Act 1990.
- (6) This section is not to be read as limiting any power to make rules of court.
- (7) This section does not apply until such time as a body is first recognised as an approved regulator.’.

The Prime Minister
 Secretary Theresa May
 The Deputy Prime Minister
 Edward Miliband

121A

★ Page 49, line 17 [*Clause 46*], at end insert—

- ‘() Sections [*Awards of exemplary damages*] to [*Awards of aggravated damages*] come into force at the end of the period of one year beginning with the day on which a body is established by Royal Charter with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers (as defined by section [*Meaning of “relevant publisher”*]).’.

Conscience clause

John McDonnell

NC33

★ To move the following Clause:—

‘No publisher shall be considered eligible for recognition by an approved regulatory body constituted under the terms of a Royal Charter unless a ‘conscience clause’ has been incorporated into the employment contracts of all journalistic staff.’.
